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II

DONALD J. ALLAN

Individual and State in the *Ethics* and *Politics*

INDIVIDUAL AND STATE IN THE *ETHICS* AND *POLITICS*

THOUGH Aristotle in the *Politics* criticizes Plato and the constitution of Sparta, he has not been commonly regarded as an effective defender of the individual's right to shape his own life with a minimum of positive direction from the law, and to pursue happiness in a form which he judges suitable to himself. And in explanation of this it is pointed out that no less than Plato he takes for granted the *polis*, a form of society which frankly aimed at the moral perfection of its members through the laws and system of education. Sir Ernest Barker in a section of his Introduction to the *Politics* headed «The dominance of the Polis» writes: «The limit of state-interference never suggested itself to the Greek philosophers as a problem for their consideration... even Aristotle can define the age for marriage and the number of permissible children... neither Plato nor Aristotle allows weight to the fundamental consideration that moral action which is done *ad verba magistri* ceases to be moral. The state should indeed promote morality; but the direct promotion of morality by an act of state-command is the destruction of moral autonomy». And again: «The grown man must see and choose his way. Plato and Aristotle perhaps treated their contemporaries too much as if they were «always children». No doubt a comparable statement could be found in authoritative modern works in other languages. There is, then, if this is correct, a deep division not between Aristotle and his master but between both and the theory and practice of modern democracy.

This account, though I understand what gives rise to it, leaves me with a sense that something of importance has been missed. Is it possible that the author of the *Nicomachean Ethics*, which includes an elaborate dissection of «choice»,

can have so deprived the individual man of initiative and made it impossible for him to exercise the right (or duty) of personal decision? Is the dispute about the ownership of property and the family a minor feud between Plato and Aristotle which pales into insignificance when both are contrasted with modern liberal theorists? Over against Barker's judgment one may set some sentences of Newman's: « Aristotle... holds that Plato had starved the life of his guardians in the *Republic* and robbed it of happiness... he probably thought Plato would not have made this mistake if he had studied the nature of happiness more closely. Aristotle's own idea of a happy state, which is a sound and noble one, is conceived in direct and designed contrast to that of Plato's *Republic* and also to the model of the Lacedaemonian State. This ideal State consists of a body of citizens fully supplied with absolute goods and living a life... in which work is crowned with leisure, yet unspoilt by their good fortune and enabled by a wisely ordered education to use their leisure aright » (*Politics of Aristotle*, vol. III, note on 1331 b 24). Indeed, it is amusing to note that when a vigorously hostile critic — Dr. Tarn — says something closely similar, namely that Demetrius of Phalerum under the influence of Theophrastus and Aristotle sought to establish a « pedantocracy » during his years of power at Athens, Barker does not let it pass unnoticed, but says (p. xxv, note 1) « At the same time it is not clear that Aristotle himself was a « pedantocrat » even if Demetrius was ».

Is it true of Aristotle that in his political system he « treats his contemporaries as if they were always children »? Does his unfinished sketch of a good state expose him to the opprobrium of being a « pedantocrat »? Are there in his system features which we must *excuse* and *explain* to ourselves by saying that the Greek polis resembled a Church rather than a State? Is the individual in Aristotle's ideal State to be

left undisturbed in his pursuit of happiness in activities of a purely personal nature during the time of leisure, and if here also his freedom is circumscribed by the law, on what principle is the intervention based?

These are the questions which I want to consider. One might attempt to answer by bringing together instances of legislation which Aristotle recommends, e.g. that he praises the Dorian *syssitia* and, with little or no apology, proposes in his ideal State to regulate the ages for marriage, and wants some form of censorship of literature in order to protect the young. But discussion in these terms will hardly induce persuasion. One can reply with contrary instances — that he seems to permit complete freedom of speculative thought, that though he defines the permitted ages for marriage, he does not penalize anyone who does not marry, still less imperatively order anyone to do so; and so forth. The game may be drawn. Instances will only serve to confirm what has been otherwise established.

Instead of this one might ask, before coming down to the scrutiny of informative passages, what *is* an individual or person according to Aristotelian physical science? The question is a thorny one, since it happens that interpreters are not at present in agreement regarding the type of psychology adopted in the ethical treatises. Let me therefore offer a statement of belief, as a mere preliminary to less controversial matter. It is clear that, when occasion arises in the *Ethics* to mention the relation between body and soul, or between higher and lower psychical faculties, Aristotle normally in the *Ethics* thinks of the soul as using the body like an instrument, and of the higher faculty as issuing commands to the lower; and for this purpose sometimes makes an appeal to the distinction between types of *arché* which he had elsewhere propounded. The view that soul is the form of the body is absent. The view of *Nous* in the *Ethics* also seems to be noticeably different from that main-

tained in the *De anima*; and I return to this in a moment. Upon this some inferences about the time of composition of the *Ethics* have been based, and it has been claimed that the anthropology laid down as a foundation for the *Ethics* is not that which the *De anima* would have provided.

However, against this it is argued with much force that there is no inconsistency between the « instrumentalist » and the « hylemorphic » account (to use convenient adjectives) of the relation between soul and body. They represent alternative ways of speaking, rather than divergent opinions held in succession. Now many subjects of Aristotle's *Ethics* — his division of the virtues, the problems concerned with $\alpha\kappa\rho\alpha\sigma\iota\alpha$ — are far more naturally expressed in terms of user and instrument than in terms of form and matter. His preference for this mode of speech need not therefore be taken as a sign that he has not yet decided to treat the relation between soul and body as a case of that between form and matter.

Plainly this point is controversial, but besides this there is a good ground for passing it over lightly here. Will it make much difference to the individuality of Socrates, Plato and Demosthenes and to their enjoyment of rights as citizens whether we treat each of them as a soul governing a body, or as a « hylemorphic » complex ? I am inclined to doubt it. In deciding what individuality is in the anthropology of Aristotle it is rather to the relation between Nous and soul that we ought to attend.

So far as the *E.E.* is concerned, this relation is entirely obscure. In the *E.N.* Nous is essential to discussions in both book IX and book X; but much is deliberately left uncertain through the use of such expressions as εἴτε θεῖον ὅν καὶ αὐτό, εἴτε τῶν ἐν ἡμῖν τὸ θειότατον. We learn that Nous (*alias* τὸ διανοητικόν) is by nature the leading and governing power within us and that it ἔννοιαν ἔχει περὶ καλῶν καὶ θείων. Its position is further to some extent explained by

an antithesis between the divine and the human, and also between Nous itself and « the composite ». Further, we learn that this divine or godlike power « *might seem to be* » the real self. $\delta\delta\xi\epsilon\iota\epsilon\nu$ $\delta\delta\iota\epsilon\nu$ implies that Aristotle inclines to this opinion; but he does not make it clear whether this means loss of individual nature in a true self which is the same for all.

In one passage (1178 α 6) he asserts not that Nous is $\mu\acute{a}\lambda\iota\sigma\tau\alpha$ $\acute{\epsilon}\kappa\alpha\sigma\tau\omega\zeta$, but that it is $\mu\acute{a}\lambda\iota\sigma\tau\alpha$ $\acute{\alpha}\eta\theta\omega\pi\zeta$. This is exceptional. Normally Nous, as divine, is set over in opposition against something else called human or composite. I would not interpret this exactly as an opposition between the *rational* and *irrational* side of human nature. The expressions used point rather to a contrast between reason, taken as separate, and the bundle of human capacities with the inclusion of reason as a dominant part. The functions and $\alpha\rho\epsilon\tau\alpha\iota$ of reason in the latter case will be complex. The best ms., K^b, has at 1178 α 19 a reading which says that *phronesis* is attached to the moral virtues and the emotions, and will therefore belong to « the composite ».

These views concerning Nous seem, (to speak dogmatically), to be orientated towards the *Protrepticus*, and beyond this to the *Phaedo* and Platonic doctrine of Forms, rather than to the *De anima*; here I am glad to subscribe to the exposition of Gauthier, though I am not sure that he would agree in what I have said of « the composite ».

The consequence of all this is that it is the $\psi\chi\eta$ regarded as inclusive of reason, rather than reason alone, which corresponds to a *person* in Aristotle's philosophy, if he can be said to possess the notion of personality. A man is a complex of powers, some subordinate by nature to others. How these powers will operate in the initiation of movement, we learn both in the *Ethics* and in the *De anima*. The good and the pleasant are the desired objects which have to present themselves as desirable to the individual through his imagination. It will be an object of statesmanship, according to

E.E. 1237a 1-3, to make the $\alpha\gamma\alpha\theta\delta\nu$ $\tau\iota\nu\iota$ coincide with the $\alpha\gamma\alpha\theta\delta\nu$ $\dot{\alpha}\pi\lambda\tilde{\omega}\varsigma$.

The explanation of human conduct given on the basis of these views will be a *self-centred* one. The motive for all action, including that done because the law requires it, must be some imagined state of the agent himself. This seems to be confirmed if one looks at another department of Aristotelian ethics, the treatment of friendship. As you will recall, he enlarges in *E.N.* IX ch. 4 on the proposition that Τὰ φιλικὰ πρὸς τοὺς πέλας, καὶ οἵς τὴν φιλίαν δρίζονται, ἔοικεν ἐκ τῶν πρὸς ἑαυτὸν ἐληγλυθέναι. Shortly afterwards (ch. 8) he argues that those who approve of self-love and those who condemn it have both grasped a part of the truth. A good man is, and should be, a lover of himself. The voluntary sacrifice for the sake of others of money and public honour, and even of life, secures for the doer himself — for the *limited* self, exclusive of the friend — the benefit of noble action. He does these things περιποιούμενος ἑαυτῷ τὸ καλόν. It is indeed said that in the highest form of φιλία the friend becomes a second self. But one may note that it is not the entire *polis* which is so regarded. The second self must be a person who can reciprocate one's good will, and in whom one can recognize one's own aspirations and actions. Aristotle had reason to be cautious here because he had disparaged the « diluted » friendship which will exist between the guardians in the *Republic*.

Even the attempt, then, to find room in the scheme for apparently altruistic action proves that for Aristotle the fundamental motive is self-assertion in one form or another. This is as true for him as it is for Spinoza, though he may develop it in a way of his own.

And (to bring in here another philosopher) Kant evidently saw in Aristotle a maintainer of a heteronomous system of ethics, because he derived everything from the wish for moral perfection. From the Kantian standpoint it

makes little difference whether the end is described as moral perfection or as happiness. In either case no action from pure respect for the moral law can result.

In some quarters Aristotle loses credit on the ground of his frank recognition of the fact of self-assertion. But it seems fair to pay compensation to his account elsewhere, by admitting that one who thinks in this way will be less likely to reduce the individual within the state to a mere cypher. And one must endeavour to understand in the light of these views the various statements in the *Politics* to the effect that the *polis* is naturally prior to the individual, and is a whole to which he belongs as a part. To bring to an end this preliminary phase, which is already long, it looks *a priori* as if the analysis of choice given in the *Ethics*, and the considered rejection of altruism, would tend to make Aristotle accord freedom of movement to the individual; and as a counterpart to this, to express the rôle of the laws and of the politician in a more negative and reserved manner than Plato had usually done, in spite of his dependence upon Plato for his general theory of the origin or function of the state.

Our next step must be to extract what we can from passages, if there are any, in which Aristotle considers the position of the individual in the State in the light of his general ethical doctrine. I make no pretence to have collected and examined them all. Let me say in passing that the discussion in *Politics* book III on the theme whether the good man is identical with the good citizen is in my opinion disappointing: the point seems to be debated making abstraction from any qualities of the human $\psi\chi\nu$ which are of non-social nature. I shall, instead, direct your attention to a passage from the common book on Justice and subsequently to one from *E.N.* book X, following a division which I believe to be adumbrated by Aristotle himself in V 1130 b 18-26.

Aristotle begins his account of justice with an attempt to discover from the common usage of the word « just » what types of justice there are. As you know, a distinction comes to light between universal justice, which is equivalent to entire virtue considered as affecting the lives of other men, and the particular moral excellence of equality or fairness. In considering the former, Aristotle speaks of the demands made by the law upon the citizen. The three disputed books of the *Ethics* evidently contain, in some confusion, material belonging to both versions. But this need not disturb us. Anyhow moral virtue has been previously defined as $\epsilon\xi\iota\varsigma$ προαιρετικὴ ἐν μεσότητι οὖσα, and the προαιρετόν has been marked off from other voluntary action. These discussions are still fresh in the writer's mind and in that of his hearers.

There is no passage which, if rightly treated, can be more helpful than this for our present purpose, yet none which has been, with respect, more completely misapprehended by commentators. Here it is in Ross's translation: « For the acts laid down by the legislative art are lawful, and each of these, we say, is just. Now the laws in their enactments on all subjects aim at the common advantage either of all or of the best or of those who hold power (omitting the words $\kappa\alpha\tau'$ ἀρετῆν), or something of that sort; so that in one sense we call those acts just that tend to produce and preserve happiness and its components for the political society. And the law bids us do both the acts of a brave man, e.g. not to desert our post nor take to flight nor throw away our arms, and those of a temperate man, e.g. not to commit adultery nor to gratify one's lust, and those of a good-tempered man, e.g. not to strike another nor to speak evil, and similarly with regard to the other virtues and forms of wickedness, commanding some acts and forbidding others; and the rightly framed law does this rightly, and the hastily conceived one less well » (book V, 1129 b 25).

The commentators seem to agree in thinking that the passage stresses the wide range of the provisions of the law, which under ancient society left no corner of private life untouched. They therefore think it appropriate to remind the reader of the difference between the modern State and the *polis*. Here are some sentences which illustrate this. Sir Alexander Grant *ad loc.* (vol. II, p. 101): « Law is here represented as a positive system (though the instances quoted of its formulae are all negative, μὴ λείπειν τὴν τάξιν etc.) aiming at the regulation of the whole of life ... This educational and dogmatic character of the law was really exemplified to the greatest extent in the Spartan institutions. Athens rather prided herself on leaving greater liberty to the individual. [He quotes the claim attributed to Pericles by Thucydides in book II.] But Plato and Aristotle both made the mistake of wishing for an entire state-control over individual life ». Grant thinks that the three central books are by Eudemus, but does not give prominence to this point here. J. A. Stewart *ad loc* (vol. I, pp. 374 and 390) gives both a précis of the argument and a commentary. His précis includes the words: « Since, then, the laws cover the whole field of conduct, inculcating all the virtues and forbidding all the vices, justice in this sense is complete virtue ». [Though it is an anticipation, may I say before you have time to forget these words that this is an admirable expression of what Aristotle has been particularly careful *not* to say ? The law is concerned with the outer manifestation of virtue and vice.] In his commentary, Stewart quotes Grant, but goes even further in his emphasis on the positive character of the ancient law. He reminds us of the claim made at the end of the *Nicomachean Ethics* that not only the pursuits of children, but those of grown men and women, ought to be regulated by wisely imposed laws. On the statement οἱ νόμοι ἀγορεύουσι περὶ ἀπάντων he has this comment: « νόμος has a much wider meaning than law, and includes also all

that we understand by custom, as sanctioned by public opinion. However desirable Aristotle may have considered the extension of the sphere of law in the strict sense of the term, he could not have affirmed with any show of truth that « the law » as a matter of fact have something to say about all that we do, although it would be true to say that custom has ».

Gauthier, in much the same spirit, introduces as an illustration of common Athenian sentiment about these matters a passage from the speech of Demosthenes Against Aristogiton (15-28) in which it is said that there is no part of life which is not governed either by nature or by the human law, and that the laws aim at the good, the just, and the useful. If so, there is no occasion to contrast Athenian and Spartan practice.

What I wish to suggest is that, though Aristotle says here that the laws pronounce concerning everything, he only uses that phrase incidentally, in the process of explaining that the law requires not virtuous action in the full and proper sense, but the external actions of virtue irrespective of the motive which may lead particular men to do them. And he says that this is required in the *general interest*. Here surely the difference between Greek and modern law is at a minimum; we can, as it were, join hands with the citizen of the *polis*; we need make no exceptional effort of imagination. I think also that this is the point of view from which a good deal of book V is written.

I wish first to mention a syntactical point in the opening sentence; then discuss *στοχαζόμενοι τοῦ κοινῆ συμφέροντος* — next, the words *τὰ ποιητικὰ καὶ φυλακτικὰ εὐδαιμονίας*, *κ.τ.λ.* and *τὰ τοῦ ἀνδρείου ἔργα*; and finally; *καὶ τὰ κατὰ τὰς ἄλλας ἀρετάς*.

The texts of Susemihl and Bywater have in 29 b 15 a comma after *ἀπάντων*, and one is then obliged to regard « the laws make pronouncements about everything » as the

principal affirmation; however, the translation of Ross, which I have read and which I believe to be correct, implies the omission of this comma. There is an instance of the common idiom whereby an assertion made in the main clause is really subordinate to that made in the participial phrase. If so, the emphasis here falls not on the fact that the law covers every aspect of life, though indeed it remains stated that it does so, but on the apologetic explanation given by the participle. « If the law speaks of all kinds of things, this is because it is indispensable for the common interest or that of the dominant party ».

I turn next to *στοχαζόμενοι τοῦ κοινῆ συμφέροντος πᾶσιν ἢ τοῖς πλείστοις*. It seems to me that *συμφέρον* is chosen as a conveniently vague word. It is not employed with any sense of antithesis between *συμφέρον* and *ἀγαθόν*, but rather as *including* all that men, at different degrees in their moral development, might regard as *ἀγαθόν*. It would not, then, be *untrue* of the laws of an ideal State projected by philosophers that they aim at common advantage. But Aristotle, interested as he is at this point in the prevailing usage of *τὸ δίκαιον*, is obliged to speak realistically. And *τὸ κοινῆ συμφέρον* is, of course, part of his regular vocabulary. There is evidently some allusion here to the scheme of classification in the *Politics*, where it is said that the sound constitutions aim at the interest of the whole community in contrast to the deviations, which aim at sectional interest (1279 *a* 17-20). In order to satisfy ourselves how exact the anticipation of the *Politics* is, we should need first to decide whether the omission of *κατ' ἀρετήν* in *K^b* is an accident or not, and if these words are included, what their meaning is. Obviously I must excuse myself from entering into this subject here.

I pass to the words *τὰ ποιητικὰ καὶ φυλακτικὰ εὐδαιμονίας καὶ τῶν μορίων αὐτῆς*. A similar expression is used during a classification of *goods* in *E.N. I,6 1096 b 10*,

and in *Rhetoric* I,6 1362 a 27. That which produces or preserves goodness is ranked below that which is intrinsically good, *καθ' αὐτὸν ἀγαθόν*. And Aristotle does not here credit the politician, in his capacity as lawgiver, with the power of manufacturing happiness or virtue, but represents him as establishing a framework within which happiness can be attained. Now legislation is not the whole business of the politician, though it is a great part of it, and different terms might have to be adopted in speaking of him as one who is responsible for moral *education* or who can influence the tone of society through unwritten traditions. Here, I suggest, Aristotle is taking special care *not* to fuse together with legislation these other aspects of the statesman's activity. It is the reverse of helpful to say that *νόμος* here may have the force of *custom*. The verb *ἀγορεύουσι* and the expression *ώρισμένα* *ὑπὸ τῆς νομοθετικῆς* are against this, and the things which appear in the list beginning *οἶνος μή λείπειν τὴν τάξιν* were forbidden by the actual law, not the custom, of the Greek states. More of this presently.

So much for the form of expression *ποιητικὰ καὶ φυλακτικὰ εὐδαιμονίας*. Perhaps these remarks have also gone some way to answer the question what are the things that are so described. Although the *erga* of the moral virtues which Aristotle goes on to mention are an outstanding instance of «things productive of happiness and its constituent parts», one need not understand him to mean that nothing but these *erga* comes under that description. The statesman, for instance, must with the general happiness in view make laws relating to the economic life of the state. The observance of these laws, which will affect citizens and the trading classes alike, will not be virtuous, unless, as is no doubt possible, we bring it under the head of distributive or commercial justice.

The next phrase which demands our attention is *τὰ τοῦ ἀνδρείου ἔργα — καὶ τὰ τοῦ σώφρονος — ὅμοίως δὲ καὶ τὰ*

κατὰ τὰς ἄλλας ἀρετὰς καὶ μοχθηρίας. The force of the original noun *ἔργα* is carried on to the end of the sentence, and the omission of *τὰ* before *κατά* by K^b is, I feel sure, a mistake.

It is significant that the commentators mentioned above pass over in silence the word *ἔργα*; their remarks seem to be based on the assumption that *πράξεις* had been used. But a *πρᾶξις* is an action (right or wrong, of course) inclusive of its *intention*, and Aristotle is now purposely avoiding that noun because he is well aware that what the law requires is the performance or avoidance of a *deed*, for instance not throwing away one's arms, *irrespective* of the intention. It would not be quite satisfactory to say that the *ἔργον* is the outer and physical movement; but at least it is the act irrespective of the motive from which it proceeds. Thus a man who *οὐ δίπτει τὰ δύλα* because he fears the reproaches of his girl friend and his family, or because a reputation for cowardice will be bad for his success in trade, has done *τὸ τοῦ ἀνδρείου ἔργον*. He has also acted «voluntarily», so long as he was not physically restrained and understood the circumstances, for example that the thing he was carrying is a shield, and that the men confronting him are the enemy. But he has only done *κατὰ συμβεβηκός* the same action as the brave man would do, to employ another description of a situation like this (V ch. 9, 1137 *a* 12 and 22). In another reference to universal justice in V ch. 2, 1130 *b* 18-26, we meet with a subdivision of the following kind: there are two classes of *νόμιμα*, on the one hand *τὰ ἀπὸ τῆς ὅλης ἀρετῆς πραττόμενα* and on the other hand *τὰ τῆς ὅλης ἀρετῆς ποιητικά*. Aristotle explains that the latter are character-forming actions required as a part of a scheme of education laid down by the state. Evidently in this division of the work of legislation in V, 2 *ἀπὸ τῆς ἀρετῆς πραττόμενα* corresponds to the *ἔργα τοῦ ἀνδρείου καὶ τοῦ σώφρονος* in V, 1 with which we are at present concerned.

The opposition between doing the just « deed », and doing it in the frame of mind of the just man, runs right through book V and it is hardly necessary to multiply quotations. Aristotle either insists upon the sheer contrast, or, as in chapter 8 ὅντων δὲ τῶν δικαίων etc., constructs a chain of degrees of responsibility rising from the mere unfortunate accident to the deliberate act. One who is πρακτικὸς κατὰ προαίρεσιν τοῦ δικαίου, i.e. who not merely does what law requires but does it from enlightened habitual conviction of its goodness, is a just man, and, if we break this state down into the particular moral virtues, a courageous and temperate man. One who from selfish principle disobeys the law whenever he can evade its penalties is an unjust man. That the state concerns itself with the moral character of the citizens is, of course, axiomatic for Aristotle. There can be no doubt that according to him the legislator in every *polis* worthy of the name wants as many of the citizens as possible to be « just men »; desires, if one may so express it, that they shall graduate in justice and in virtue; and he would probably say that the politician of the ἀρίστη πολιτεία desires this more ardently than the rest.

However, two things must be said. First, precisely because he desires that men shall perform καλαὶ πράξεις, which entails action from προαίρεσις, the legislator is likely to restrict his improving activity by self-imposed limitations.

I have no time to enlarge on this statement, though discussion is desirable. To make an action compulsory may stifle προαίρεσις. If so, something which might be done ὅτι καλόν and thus contribute to εὐδαιμονία will be done from a lower motive instead. But Aristotle has nowhere told us what he thinks about this. Compulsion will certainly also make it more difficult for a spectator to judge when actions are a genuine exhibition of character, and when they are not. Finally, to command a thing may provoke men of

independent spirit to do the opposite, even when the thing commanded is reasonable.

Every schoolmaster knows this, and I do not think it escaped Aristotle. He says in *Politics* book VII, 1332 b 3: *τὰ μὲν οὖν ἄλλα τῶν ζώων μάλιστα μὲν τῇ φύσει ζῆ... ἀνθρωπος δὲ καὶ λόγω... πολλὰ γάρ παρὰ τοῦς ἐθισμούς καὶ τὴν φύσιν πράττουσι διὰ τὸν λόγον, ἐὰν πεισθῶσιν ἄλλως ἔχειν βέλτιον.* All this leads to the conclusion that the requirements, positive and negative, of the law should be kept to a minimum, and restricted to things unmistakably in the public interest.

Secondly, and this is what now concerns us, one must not confuse what is *desired* by the law, i.e. the *τέλος* of the political system, with what is *required* by the law, *τὸ ὑπὸ τοῦ νόμου προστεταγμένον*. And the various provisions of the law do not *require* men to be courageous, temperate and so forth, but only to display the behaviour of courageous and temperate men, whether they really are so or not, on pain of unpleasant consequences.

We must not, it is true, ascribe to Aristotle the view that the law or the judge is in no sense concerned with the probable motives of actions. *After a culpable action has been done*, it does become necessary for the sake of legal redress to decide whether it was done voluntarily; and it may be necessary to determine how far it was deliberate, though Aristotle's own discussion of *προαίρεσις* is concerned with the moral, not the legal, estimation of actions.

The next step must be to look at the instances of virtuous actions commanded, or rather of wrong actions forbidden, by the law; and one fact, I would think, immediately stands out. We need not go to the ancient world, or to Geneva under Calvin, to discover a law which prohibits the actions that appear in Aristotle's list. Desertion and cowardice, insulting behaviour, physical assault and abusive language were prohibited not only at Sparta, but in Scotland at the time when Grant was composing his commentary on the *Ethics*

(and still are). There is an exception in so far as adultery is included here as a crime. Grant honestly admits this, so far as cowardice is concerned, in the next note following the one I have quoted.

But at this point an objection will perhaps be raised. I think it may be said that the Greek *polis* encouraged virtuous action *eo nomine*, whereas no free modern state would do this, even if it does prohibit, and as far as possible encourage, precisely the same modes of action.

But is not this what Aristotle also has in view, when he says that a rightly imposed law does these things « for the sake of the general *advantage* »? The statement that the law κελεύει πράττειν τὰ τοῦ ἀνδρείου καὶ τοῦ σώφρονος ἔργα is the philosopher's description of what the law does, rather than an echo of words appearing in the formulation of the law. If so, there is not even a verbal difference between this account of καθόλου δικαιοσύνη and the scope of the operations of law with which we are all too familiar in our own daily life.

As for δύοιως δὲ καὶ τὰ κατὰ τὰς ἄλλας ἀρετὰς καὶ μοχθηρίας, book V 1129 b 23, this expression can, I think, only refer to the recent exposition of the virtues as mean states. But it will make some difference whether this section of book V is assigned to the Eudemian or Nicomachean version. That the book as a whole is composite, and that it is simply meaningless to speak of assigning it *en bloc* to either version, seems to me certain.

In the third book of *Eudemian Ethics* six moral virtues are recognized, to give them their Greek names, ἀνδρεία, σωφροσύνη, πραότης, ἐλευθεριότης, μεγαλοψυχία, μεγαλοπρέπεια. In addition, Aristotle names six states which conform to the theory of the mean but are not virtues, being παθητικά μεσότητες. The present passage, which names the first three virtues in the same order, is probably Eudemian. In the Nicomachean version, the order of exposition is ἀνδρεία,

σωφροσύνη, ἐλευθεριότης, μεγαλοπρέπεια, μεγαλοψυχία, φιλοτιμία, πραότης. — *seven* virtues, followed by the *παθητικαὶ μεσότητες*.

If the passage from book V is Eudemian, Aristotle will be saying that the law prescribes in addition to the virtuous acts named, those of *ἐλευθερία*, *μεγαλοψυχία* and *μεγαλοπρέπεια*; and personnaly I do not find this hard to swallow, without extending *νόμος* to include custom.

Unless, then, I am seriously mistaken, a passage in which some have supposed Aristotle, subscribing to the practice of his day, to claim very wide powers of direction for the law, proves when one probes beneath the surface to state the function of the law very reservedly in carefully chosen words, and quotes in illustration some legal prohibitions which you and I today accept without flinching, with one exception. Namely, adultery, which the Athenian law punished as a crime. He is saying nothing for which we must apologize by calling to mind positive functions assumed by the ancient *polis*. The real interest of the passage is that it shows us how Aristotle's careful study of *προαιρεσίς* holds him back from « paternalism » when the time comes to define the rôle of the state in regard to the mature individual.

Another word of explanation. The requirements of the law in respect of moral action are a *minimum*. It will rest with the individual to display, for instance, courage and temperance in circumstances, perhaps, where the law does not insist upon it; or in a higher degree than other men, where it does so. Where does Aristotle say this? Surely when he declares that the moral mean is relative to persons, and not absolute or objective — *πρὸς ἡμᾶς*, not *κατ' αὐτὸν τὸ πρᾶγμα*. in *E.N.* II 5 (the Eudemian terminology differs). As an illustration of this antithesis, he mentions that the gymnastic trainer will have regard to the capacity of individual men in prescribing diet or exercize; and from this it seems to follow that by *ἡμεῖς* individuals are meant. I admit that elsewhere,

e.g. in the antithesis *πρότερον φύσει* and *πρότερον ἡμῖν, ἡμεῖς* may mean « mankind ».

Does this mean that you and I, having regard to our own capacity, have full freedom to decide how far the prevailing moral demands of the community apply to us? Evidently not. Few of our actions are entirely self-regarding; and as soon as what we do concerns other men it comes into the province of « universal justice ». The mean is not *πρὸς ἡμᾶς* in the sense that we can debate whether or not to conform to this. The position is that the floor is laid down by the community, but the height of the ceiling is left to the discretion of the individual. In book V ch. 5, 1133 b 32, Aristotle says of *particular* justice that it is « not a mean in the same way as the other virtues, ἀλλ' ὅτι μέσου ἔστιν ». But he does not, I think, mean to suggest that this is not true of « universal justice » as well.

* * *

Not much will have been achieved by the foregoing exposition if Aristotle elsewhere in the same treatise speaks in a less reserved manner about the function of the law, and, as we saw, Stewart, illustrating what he believes to be the meaning of V ch. 1, refers to the concluding passage of the tenth Nicomachean book, in which Aristotle seems to admit no distinction of quality between the discipline of the child and the legal control of the adult, but appears to call for both as desirable in the light of the same arguments; especially in the words οὐχ ἵκανὸν δ' ἵσως νέους ὄντας τροφῆς καὶ ἐπιμελείας τυχεῖν ὀρθῆς, ἀλλ' ἐπειδή καὶ ἀνδρωθέντας δεῖ ἐπιτηδεύειν αὐτὰ καὶ ἐθίζεσθαι, καὶ περὶ ταῦτα δεοίμεθ' ἀν νόμων καὶ ὅλως δή περὶ πάντα τὸν βίον οἱ γὰρ πολλοὶ ἀνάγκη μᾶλλον ἡ λόγω πειθαρχοῦσι καὶ ζημίαις ἡ τῷ καλῷ. It is interesting to see how often scholars come back to this remark when imputing « paternalism » to Aristotle, either in

order to excuse him or more commonly in order to blame him.

Well, I am not at ease with this Nicomachean passage, and am disposed to think either that it is of early date, or that Aristotle owing to literary reminiscence (to be more precise, because he is here following Plato's *Protagoras*) has allowed himself to be shifted from his proper ground. He has lost sight, apparently, of the clear distinction between two aspects of καθόλου δικαιοσύνη which he proposes, as has been mentioned, in V ch. 2, namely its issue of commands to the grown man and its work in *paving the way* for virtuous action (δίκαια... ποιητικὰ τῆς ὅλης ἀρετῆς) by the indispensable moral discipline of the young and adolescent; reinforced by teaching as soon as they are able to apprehend it. But I suggest that there are mitigating features which deserve to be noted.

I begin with a distinction. The principal object of the last chapter of book X is to insist once more upon the supreme importance of early moral discipline. This has already been emphasized, in language borrowed from Plato's *Laws*, in the second book, but Aristotle is now adding that such education is so important for the life of society that, on the whole, it had better not be left to the caprice of parents; and, if it is agreed that it must be regulated by law, the procedure of legislation must in turn be studied. He adds a qualification. Even if someone disagrees with this, and points to the advantages of parental care of the individual, still the parent will want to educate his child or children according to general principles, since all science is of the universal. To know about these principles is to study legislation, so that this task can still not be escaped. While saying all this, Aristotle delivers an *orbiter dictum* (1180 a 1-14 οὐχ ἵκανόν... ἡδοναῖς) to the effect that laws are necessary not only in order to guide children (or guide those who have to guide them) but to control adults, because of πολλοί will always be no better

than children, so far as ability to follow reason is concerned. It is of importance to be clear whether it is the *ethismos* doctrine, in its proper application to children or adolescents, or the *obiter dictum* that is in need of apology from the special point of view of my paper. I think rather the second, but will lead up to this by some remarks on the *ethismos* doctrine in its proper sphere.

We have just seen that Aristotle does not represent the law as requiring that grown men shall act in a specific frame of mind. If made, this requirement could never be enforced. But perhaps Aristotle concedes this because his legislator will after all control the motives of citizens by moulding their characters during the impressionable years of childhood? In both the *Politics* and *Nicomachean Ethics* he does lean strongly towards the control of education by the State, while allowing some force to the argument that the parent can provide better for the needs of the individual child.

But in the first place let us remember that the important concept of φυσικὴ ἀρετή is a way of allowing for individual differences. Men, being variously qualified or disqualified for the different virtues, will not emerge identical from the process of habituation. This concept is, as has often been noted, intentionally held in reserve when Aristotle first treats the subject of habituation in *E.N.* book II, and I think also in *E.E.*. The time for its elaboration comes in the central books, especially VI ch. 13 1144 b1: σκεπτέον δὴ πάλιν καὶ περὶ ἀρετῆς etc. The movement within the Nicomachean treatise at least is one of dialectical progress. φυσικὴ ἀρετή then, is a factor in the total account of character-formation which was omitted for the sake of simplicity in the first treatment of the subject. The legislator's power of determining character is less absolute, the result he can expect less uniform than a reading of book II in isolation might lead one to suppose.

Moreover, Aristotle surely does not think that the legislator, even when armed with massive powers of control — even when his agents, the *παιδονόμοι*, are permitted to enter private households and give unasked advice about the amusements and diet of infants (*Pol.* VII 1336 *a* 21 sqq) — is able simply to implant dispositions of character. If he thought this he could not consistently argue, as he does in *E.N.* III 5, 1114 *a* 3 ἀλλ' ἵσως το γο ἐφ' ἡμῖν ἀν εἰεν that virtue and vice are alike «in our power», because each man by repeated choice binds himself to a certain disposition, for which he remains responsible even when he is unable to shake it off.

I am not raising the question whether he should, or should not, be said to possess the idea of free will (which would involve a study of his vocabulary and his views concerning physical causation), but whether his account of character-formation is consistent with itself. Surely he maintains that an early discipline in the right perception of pleasure and pain is not alone sufficient to *convey* goodness, but is a *sine qua non* of its attainment. Seen in this light, such discipline will not be so much a hindrance to the exercise of choice or to the formation of a personal ideal, as a benefit which each of us has some right to expect from a well-ordered society. But the attainment of a good or bad disposition is due to a personal effort of the child — strictly perhaps the adolescent — to which no one can, in the end, incite him. I have already had occasion to quote from the *Politics* πολλὰ γὰρ παρὰ τοὺς ἐθισμούς καὶ τὴν φύσιν πράττουσιν διὰ τὸν λόγον, ἐὰν πεισθῶσιν ἄλλως ἔχειν βέλτιον.

Now it is vital to such a view as this that when men do attain to the age of reason they shall be left free to take their own decisions undisturbed by vexations and positive direction from law. This is why Aristotle's *obiter dictum* in *E.N.* book X in the passage beginning οὐχ ἵκανὸν δ' ἵσως νέους δῆτας is rather alarming. Here above all he seems to

show a regrettable want of belief in the rationality of human nature, and to expose himself to the charge of « pedantocracy » and paternalism.

For my part, I wish that Aristotle had kept to the excellent distinction which he advances in book V ch. 2 between the provisions of the law which are *ἀπὸ τῆς δλῆς ἀρετῆς πραττόμενα* and those which are *ποιητικὰ τῆς δλῆς ἀρετῆς..* But I will offer two reasons for thinking that, even here in book X, Aristotle does not *commit himself entirely* to this opinion that the majority of men will never learn to control themselves and that the law must watch over them like children. One of these reasons is syntactical, the other literary.

The passage begins *οὐχ ἵκανὸν δ' ἵσως.* Aristotle commonly introduces an opinion of his own by *ἵσως*, so that it is impossible to build much upon this word alone. But here we have also the optative *καὶ περὶ ταῦτα δεοίμεθ'* *ἀν νόμων* followed by two references to opinions expressed by others: *διόπερ οἴονται τινες 1180 α 5, διὸ καὶ φασι* line 12. With *εἰ δ' οὖν, καθάπερ εἴρηται* in line 14 Aristotle resumes his own proper train of thought; and it is of some interest that we have the *aorist* infinitives *τραφῆναι καὶ ἔθισθῆναι* in contrast to the *present* infinitives in 80 α 2, followed by *εἴθ' οὔτως... ζῆν.*

« Perhaps it is not sufficient that young persons should be well brought up. Since they have to continue the same pursuits, and be drilled in them, after they have grown up, it *may be* that laws covering an entire life are required. For this reason *some think...* But, be this as it may, if as was said earlier anyone who is to achieve goodness must have been well brought up and drilled, and *subsequently* occupy himself with honourable pursuits and abstain from wrong action.» Is this not the language of someone resuming his own deliberation after an excursion into the opinions of others?

Now it has been noted by the commentators that the phrase *τοὺς δ' ἀνιάτους δλῶς ἔξορίζειν* is an echo of Plato's

Protagoras (325 a). Let us dwell on this for a moment. The famous sophist, in answer to the question whether moral goodness is teachable, replies that men evidently believe it is so, since they punish those who do not possess it, and would not inflict this punishment for a fault plainly due to chance or nature. They do so, he maintains, not looking to the past in a spirit of retribution, but in order to prevent future acts of wrong.

Turning to the somewhat different problem why leading statesmen have not taken the trouble to find teachers of general excellence for their sons, Protagoras answers that, precisely because temperance and justice are the foundation of social life and are more essential than any special skill, men are engaged in a perpetual effort to communicate these qualities to their children or neighbours ($\pi\alpha\tilde{\iota}\delta\alpha$ καὶ ἀνδραὶ καὶ γυναικαὶ), admonishing them, using punishment in order to improve them, — and banishing those who seem incurable. Parents send their children to school to learn writing and music, but expect that the masters will also train them in good behaviour and self-control. When childhood is finished, the city takes over the function of the schoolmaster and like a writing-master tracing the outline of letters for his pupil, traces patterns of action from which men are not allowed to depart, namely, the laws discovered by the best ancient legislators (326 c-e).

In playing the part assigned to him in the dialogue of Plato, Protagoras has to maintain that the discipline imposed on grown men by the law is merely a prolongation of that imposed upon children by their elders. He minimizes the factor of spontaneous choice, and seems to require no understanding of the principle in accordance with which one acts ($\eta\pi\acute{o}l\acute{e}i\zeta\ldots\tau\acute{o}\nu\zeta\,\nu\acute{o}mu\zeta\,\acute{a}n\acute{a}g\acute{a}z\acute{e}i\,\mu\acute{a}n\acute{a}\theta\acute{a}n\acute{e}i\,\kappa\acute{a}\iota\,\kappa\acute{a}\tau\acute{a}\,\tau\acute{o}\u03b9\acute{t}\acute{o}\zeta\,\zeta\eta\acute{n}\acute{,}\,\acute{e}n\acute{a}\,\mu\eta\,\alpha\acute{u}t\acute{o}\,\acute{e}\acute{p}\acute{,}\,\alpha\acute{u}t\acute{a}\nu\,\acute{e}\acute{i}\acute{x}\acute{h}\,\pi\acute{r}\acute{a}\ttau\acute{t}\acute{a}\omega\acute{s}\acute{u}\acute{v}$). And unfortunately Aristotle, making an allusion to this well-known argument, and — one might guess — writing with

the Platonic dialogue in front of him, has allowed himself here to be deflected from his proper position; for a moment only, since with $\epsilon\iota\delta'$ $\sigma\ddot{\nu}$ he gets back on to his own path. The allusion seems to me to be to the dialogue, and not to a writing of Protagoras. So we need not raise the question whether the sophist is ultimately responsible for this.

* * *

I have so far been concerned in this paper with the state's requirements in regard to actions of an indisputably *social* nature. But for Aristotle the primary form of human happiness, which paradoxically is also divine rather than human, is activity of reason in the higher of its two main functions, that of $\theta\epsilon\omega\rho\iota\alpha$. This activity is *non-social* in the sense that it produces neither good order nor material benefits, and so has no essential relation to the life of the community. It does however clearly presuppose the lower activity of the community, and the virtues of character therein displayed; moreover the virtues of temperance and justice are still more urgently necessary to those in the enjoyment of leisure than to those who live under the pressure of necessity — a point developed in the *Politics* at some length. Again, it is more suitable to human nature to seek the truth in company with friends: $\beta\acute{e}\lambda\tau\iota\omega$ δ' $\iota\sigma\omega\varsigma$ $\sigma\upsilon\nu\epsilon\rho\gamma\omega\varsigma$ $\check{\epsilon}\chi\omega\varsigma$, he says in *E.N.* 1177a 34; in the same spirit he says in *E.E.* that man would be ill-advised to apply to himself the isolation and self-sufficiency of God.

So far we may perhaps state his opinions with confidence, but he has said comparatively little about the administrative process by which, in the $\alpha\acute{r}\iota\sigma\tau\iota\gamma$ $\pi\omega\lambda\iota\tau\epsilon\iota\alpha$ or in any other state, leisure is to be combined with intervals of public duty. Much is left to us to supply by inference, including inference from what he has not prescribed; though this is

hazardous since the last book of the *Politics* may be incomplete.

Within the frame-work of the laws which require the observance of the virtues, individuals will pursue such higher activities as they deem best suited to their own composition; more strictly, such a *blend* of activities since «our nature is not simple» (*E.N.* VII. 1154 *b* 21). A possibility seems to arise of combining leisure activity, in varying degrees, with a more intense degree of social activity than that demanded by the law from everyone alike. That this demand is a minimum I have already said. And this possibility is not a mere theoretical one: some men are so constituted that they can achieve more happiness in voluntary social activity than in religious contemplation or scientific study which is not their *forte*, and the state can be glad of their services.

There is nothing in the *Politics* about a direction of labour, based upon modern intelligence tests. K. von Fritz, *Polybius and the Mixed Constitution* (Introduction), is, I think, perfectly right when, touching on this point, he brings into the discussion the observation made in *E.N.* X that pleasures are qualitatively different from one another, and that the pleasure proper to an activity intensifies the activity itself and can distract one from a rival activity. «One man's meat is another man's poison». And here one may once more remember the concept of φυσικὴ ἀρετή. Aristotle relies on hereditary difference between individuals to ensure that the state will normally get the politicians and scientists it requires.

Since public duty must take precedence over private happiness, leisure will have to be meted out to individuals according to some system; and here the statesman, at least in the ἀριστη πολιτεία, will come into the foreground. (I do not think the system can depend *simply on age*, so that men enjoy *no* leisure before the age of retirement, and

unlimited leisure afterwards. Indeed this is excluded by the fact that leisure is essential for relaxation after duty as well as for the positive higher activities, so that those in the prime of life cannot be deprived of it. Aristotle only says concerning this that it is a mistake to treat relaxation as the end).

But the statesman, in terms of Aristotle's scale of virtues, is the exponent of φρόνησις, his relation to leisure is an external one, and it would not come within his competence to prescribe what beliefs must be held and proclaimed, within the sphere of theoretical science. This can fairly be said on the strength of the statement made in book VI (end) that practical wisdom is not κυρία τῆς σοφίας ... οὐ γὰρ χρῆται αὐτῇ, ἀλλ' ὁρᾶς δπως γένηται· ἐκείνης οὖν ἔνεκα ἐπιτάττει, ἀλλ' οὐκ ἐκεινῇ.

Aristotle's own idea of a worthy occupation for leisure seems, from a modern point of view, to suffer from an intellectualist bias, and he seems to admit poetry and music only on rather utilitarian terms. The question has been raised in Gauthier-Jolif's commentary on the *Ethics* whether the *sole object* of θεωρία is the supreme being or whether (as Ross for instance assumes without hesitation) it extends to all theoretical science.

Assuming the latter to be the right interpretation it is remarkable that Aristotle says nothing whatever about the desirability of certain beliefs concerning the soul, the cosmic system and so forth, from a political point of view. Here it goes without saying that there is a contrast with Plato. I end this section with a few words on this theme. Stenzel has some interesting pages in his *Platon der Erzieher* (pp. 117-119) at a point where he is about to discuss the musical education of the *Republic*. He says that in some passages which look to us like commendation of the Spartan military aristocracy, Plato is really directing his gaze to a different ideal, the *altgriechische Polis*, which was no more Dorian than Ionian.

Moreover, he showed here a true historical sense. The city-state really did arise in a similar fashion all over the Hellenic world, namely through a union, for the sake of protection, of the older $\gammaένη$ with one another and with native agricultural peoples. The *polis* preserved the religious observances of the $\gammaένη$, adding as occasion arose others in order to foster loyalty towards the new unit. All this meant that art, knowledge and religion were firmly bound in with the life of the community. In later times, says Stenzel, war and political tension emphasized rather than loosened this link, men did not retire into art and religion in an «escapist» manner: these activities became «caught up in the rhythm of political life».

Two comments suggest themselves: (1) Plato's aristocratic descent would pre-dispose him to admiration and nostalgia for the ancient state; Aristotle had no doubt, the pride of a Hellene, but would be less strongly moved in this direction. (2) His epistemological analysis led him to distinguish, not only $\varphi\acute{o}\nu\eta\sigma\acute{c}$ from $\tau\acute{e}\chi\eta\eta$, but $\varphi\acute{o}\nu\eta\sigma\acute{c}$ from $\sigma\acute{o}\phi\acute{f}\alpha$. Not everyone perhaps would agree in treating this step as an improvement. But Aristotle took it and it could hardly fail to have the effect of loosening the mutual connection between art, science and religion with *one another*, and also the degree of their connection with the politician's $\tau\acute{e}\chi\eta\eta$ and with the life of the community. The fact that according to Aristotle theoretical science surveys $\tau\grave{a} \mu\grave{h} \acute{e}n\deltae\chi\acute{o}m\acute{e}n\acute{a} \acute{a}ll\acute{a}w\acute{a} \acute{e}x\acute{e}i\acute{n}$ is important here. And we know that the propositions about God and the soul and (to some extent) the planetary movements, upon which Plato insists for practical reasons in the *Laws*, were in Aristotle's opinion false. He could subscribe to them in spirit, but not in detail.

Now the detachment of the forms of culture from one another and from political life, of which I have just spoken, is certainly not the *same thing* as a higher degree of freedom

of thought for the individual, and *may* have no *essential* connection with it; but I would think it has a *de facto* one. Why? Simply because of our natural tendency to leave the specialist alone. This will operate in the instance of the statesman as a promoter of leisure activities.

* * *

I may have used some new arguments in this paper, and have detained you under false pretences if I have not done so. But I do not think my central position is unorthodox, — some commentators on the *Ethics* have been criticized, on the ground that a passage found there points in an opposite direction from what they suppose; but some expressions are used e.g. by Oncken which encourage me to think that he would not have rejected the thesis of this paper. He tells us that Aristotle does not call in question the omnipotence of the State over the entire life of the citizens. But he does not sacrifice to it, like Plato, all personal and individual life (vol. I, p. 191). Aristotle, Oncken says, mediates between the unity of the State and the freedom of the citizens, and this is an important contribution to the *Vergeistigung der hellenischen Staatsansicht*. He is the first thinker of the ancient world to make the attempt to determine the limits of State activity (*Grenzen der Wirksamkeit des Staates* p. 193). Now this is the problem which Sir Ernest Barker says that, in common with Plato, he simply did not pose. It is true that Oncken does elsewhere criticize Aristotle for expecting *too much* from the action of the State.

In an eloquent passage (vol. II, p. 22), Oncken says that, over against those who regarded the State as a necessary evil, Aristotle preserved its positive function *als Schule jeder höchsten Tugend, als Pflanzenstatt edelsten Menschenthums, und damit als die Heimath der irdischen Glückseligkeit*. He can be said to have returned to a traditional

ideal, while eliminating mythological elements out of date in the IV century.

If I may trust my own understanding of German words this comes close to the point of view I have defended in the paper. The enlightened « *politikos* » is one, whose paramount aim is to make the citizens happy. This mean giving them a chance to perform *καλαὶ πράξεις*, some of which are essentially social and others not. With this aim in view he will *firstly* ensure that they obtain the indispensable discipline of the emotions from infancy to the commencement of manhood, a discipline which *might* also be given by parents. *Secondly*, his laws will be such as to ensure that men (in the general interest) abstain from the chief types of morally wrong action, whether they do so from moral motives or not. Some wrong-doers will after all exist; and among those who obey the law, not all will obey it from highest motives: « no state can consist wholly of good men » — the reason is not logical, but simply the fact that man is not a wholly rational being. *Thirdly* the « *politikos* » will recognize that in addition to the moral activity, which he can *encourage* by his enactments and his supervision of children, though he cannot *manufacture* it, there are human activities which, judged metaphysically, are higher. They are pursued, together with relaxation, during the time of leisure. The duration of leisure depends on him, but he does not presume to lay his finger on the activities themselves by « direction of labour » and by specifying what is fit to be published when it has been discovered. I did not note above that he is making the (optimistic) assumption that the sciences pursued with proper depth of view *could* not discover anything which might unsettle men's social loyalty.

In the *Politics*, in a context perfectly well known to my audience, it is of course claimed that the *polis* is « by nature prior » to the household and the individual man, that the

State is a *whole* of which every man is a *part*, and that too and only so long as he remains within it, and that one who is ἀπολις διὰ φύσιν καὶ μὴ διὰ τύχην is either above, or below human nature. In book Θ, in connection with education, the claim that the individual is a part of the State and does not belong to himself is repeated. And the general meaning of this is not in any doubt. « The *polis* exists by nature in the sense that it is the whole to which man naturally moves in order to develop his innate capacity, and in which he is thus included as a part » (Barker).

Regarding these statements, I would say that they at once exclude any naive form of political liberalism, and to that extent they define Aristotle's position. But do they commit him to a severe form of totalitarianism? Ought they to commit him to it (he may not have followed his own principles to the end)? I think not. They are statements of an elastic kind, it remains to see what the person who propounds them understands by moral action, and in Aristotle's case it is wrong to think that the *Ethics* is presupposed only where it is explicitly cited. But, not to insist on this, even in the *Politics* one can find qualifying factors. Men have capacities which can only be developed to the full within the *polis*; but there is a reverse side to this, namely that the State is only real as a community of individual men whose capacities have been thus developed. Man is a social animal (*πολιτικὸν ζῶν*) in an even higher degree than the bee. But then he is also not a social animal in the same way as the bee: he possesses the power of speech, which permits, and is naturally designed for, consultation about mutual advantage. The State arises by nature — but the man who first formed it deserves our gratitude.

That the State exists, and that a good State knows that it exists, for a moral purpose, appear to me to be valuable truths in spite of all that I have read against them. I do not regard Aristotle's political theory as faultless. But its

defects, which are serious enough, *do not lie in the direction indicated by the criticism from which I started.*

The world owes to later developments, in which a predominant part falls to Christianity, a view adequate to our deepest experience of the dignity of the individual human being as such. I know of no ancient thinkers who arrived at it; there is some self-deception, surely, when it is said that Antisthenes or Antiphon or the Epicureans are the true « liberals » of the ancient world. Aristotle's careful analysis of *proairesis* would have put him on the path towards political liberalism if he could have discarded certain social prejudices.

DISCUSSION

M. Hostens: J'apprécie beaucoup la thèse de M. Allan selon laquelle les lois ne commandent que l'aspect extérieur des actions humaines, les *ἔργα*, et non les *πράξεις* (qui sont des actes justes).

On ne peut toutefois séparer cet aspect extérieur de l'intentionnalité (*προαίρεσις*), qui, seule, rend les actions humaines vertueuse. Le *δίκαιον* (aspect extérieur, objectif) doit être considéré comme l'objet de la loi et aussi de la vertu, qui est la justice (*δικαιοσύνη, ἀρετὴ τελεία*).

La *προαίρεσις* n'est-elle pas la loi devenue intérieure à l'homme ? Le *σπουδαῖος ἀνήρ* possède, selon Aristote, sa propre loi (*κανὼν καὶ μέτρον*), mais cela non sans avoir subi une éducation très poussée dans le cadre de la cité. Ainsi il s'est approprié les traditions, les coutumes de la cité, dans lesquelles Aristote voit la réalisation de la nature humaine (*τέλος = φύσις = πρᾶξις*). *Δικαιοσύνη = ἀρετὴ τελεία*, n'est-ce pas la vertu complète dans le cadre de la cité (*πρὸς ἔτερον*) ?

M. Allan: Yes, I am aware that I may seem to have concentrated on the first half of the passage in V chapter 1 without taking account of its continuation. If one may consider the two adjectives separately, I think it is quite natural to understand *ὅλη* (*ἀρετὴ*) in an extensive rather than a qualitative sense. For *τελεία* this answer to your question, M. Hostens, will not suffice; and yet it can not be intended as a verbal equivalent of *ὅλη*. However, at the point to which your quotation refers, *δικαιοσύνη* has come on to the scene in place of *τὸ δίκαιον*, and this is surely an important change. The subject of this book of the *Ethics* was announced as *δικαιοσύνη* and Aristotle aimed at getting at this through *τὸ δίκαιον*. *Δικαιοσύνη* like the other virtues is a disposition, to act *μετὰ δικαιοσύνης* is to be *πρακτικὸς κατὰ προαίρεσιν τοῦ δικαίου*, and — taking the word justice in the broader of Aristotle's two senses — these is no difficulty in identifying *this* with «perfect virtue considered in relation to others».

M. Stark: Könnten Sie vielleicht Ihre anregenden Bemerkungen über ἔργον noch etwas ergänzen ?

M. Allan: I should suppose ἔργον is employed in two rather different senses in the *Ethics*. First, there is the sense « function ». This appears principally (so far as *E.N.* is concerned) in the argument of Book I chapter 7 about the function of man. Both the concept, and the use of the word ἔργον, come from Plato's *Republic*. Secondly, there is the meaning « product », which comes to the front when Aristotle is elaborating the distinction between ποίησις or τέχνη and πρᾶξις. This in *E.E.* II, 1, I am not sure that I can give so good an instance from the Nicomachean version. In the latter sense, then, the shoe is the product of the shoemaker's art, his activity is directed to its production and is incomplete without it, and so on. Now in special circumstances the mode of speaking proper to ποίησις may be extended to πρᾶξις: this is something which Aristotle seldom has occasion to do, but in V ch. 1 he seems to be doing it. The virtuous act shorn of its motive can then be described as an ἔργον.

M. Aubenque: Je voudrais exprimer quelques doutes au sujet du « libéralisme » d'Aristote. Certes, Aristote ne prétend pas que la législation puisse régenter tous les aspects de la vie privée. Mais n'est-ce pas là une insuffisance de la loi, qui est générale, alors que les actions humaines sont toujours particulières et ont rapport au particulier (II, 8, 1269 a 11, etc...) ? Aristote n'a-t-il pas rêvé d'un ordre qui s'étendrait à tous les aspects de la vie humaine ? On pourrait citer en ce sens un texte de la *Métaphysique*, A, 10, 1075 a 18-22: le monde y est comparé à une maison, où seuls les êtres supérieurs, les hommes « libres », sont parfaitement déterminés, alors que les esclaves et les bêtes agissent à l'aventure (ὅ τι ἔτυχε ποιεῖν). Sans doute ne s'agit-il ici que d'une comparaison; elle montre à tout le moins que, chez les philosophes (cf., dans le même sens, *Epinomis*, 982 d), la « liberté » d'agir à sa guise n'était guère prise. Dans un contexte politique, à la fin de l'*E.N.*, Aristote paraît déplorer que la plupart des constitutions, à l'exception de celle de Sparte, se désintéressent de la vie

privée et laissent chacun vivre comme il l'entend ($\zeta\eta\gamma\epsilon\kappa\alpha\sigma\tau\omega$ ἔκαστον ὡς βούλεται); Aristote semble bien pencher dans ce passage pour une éducation dirigée par l'Etat (1180 a 26-29).

M. Allan: M. Aubenque raises, I think, two points. Concerning both my impression is that though highly interesting they take us on to rather different ground from that covered in the paper. My interpretation of book V turned on the distinction between the virtuous act properly so called, i.e. the mode of behaviour inclusive of the right motive, and the same act without or at any rate irrespective of the motive. This plainly does not coincide with the distinction between universal and particular, or between a maxim of action and an application of it. And I did not think of myself as calling attention to an imperfection of the law, but to a wise and healthy limitation which makes law achieve its ultimate aim (that of imparting happiness to the citizens) more perfectly. Naturally I admit that the point brought up by M. Aubenque is very much in Aristotle's mind elsewhere. To come to the other subject: the assertion that the free man's life is most regular and predictable is undoubtedly made, and can firmly be extended from the *Metaphysics* to the *Ethics*. It brings Aristotle, one may note in passing, into company not only with Plato but with Kant, Spinoza and probably many others. The last of these well says that freedom is contrary not to necessity, but to compulsion. The citizen's life, then, must be regular, the more so the better. But my paper dealt rather with the question how it is to become regular. I am trying to attribute to Aristotle the view that $\tau\alpha\xi\iota\varsigma$ self-imposed by the agent is worth incomparably more than $\tau\alpha\xi\iota\varsigma$ that is merely given to him. Finally, it is true that Aristotle calls for a public control of education, praises the Spartan system in this respect, and regards coincidence in positive moral ideals as an essential attribute of the State. It is a kind of thermometer by which the health of the State might be measured.

M. Gigon: Es gibt nicht nur die Begrenzung des νόμος durch seinen Charakter als καθόλου. Mindestens ebenso wichtig und

von Herrn Allan mit Recht hervorgehoben ist die Begrenzung durch den Zwangscharakter. Der νόμος kann auf βία nicht verzichten; er muss die Gerechtigkeit objektiv durchsetzen unabhängig von der προαίρεσις des einzelnen. Was sodann *E.N.* 1180 a 27 ff. angeht, so haben wir es hier mit einer stark realpolitisch bedingten Gegenüberstellung von Athen und Sparta zu tun. Zu weitgehende Schlüsse darf man daraus nicht ziehen.

M. Allan: Yes, it does indeed seem to me that Aristotle in the concluding passage of the *Ethics* has allowed himself to be dislodged from his proper position. Rightly or wrongly, I gave as the reason in one case a literary reminiscence. The opportunity to hold up Spartan institutions as a pattern might be another.

M. Weil: M. Aubenque a cité un passage de la *Métaphysique* (1075 a 19 sqq.) où Aristote se souvient peut-être d'un reproche souvent adressé à la démocratie, surtout à la démocratie athénienne, à savoir que l'excès de liberté y altère jusqu'à l'attitude des animaux (v. Plat., *Resp.* VIII, 563 c). Ce pourrait être une idée banale, à laquelle Aristote recourt dans une comparaison, sans y attacher beaucoup d'importance.

En général, la thèse de M. Allan me séduit d'autant plus qu'au IV^e siècle, et même pendant une partie du V^e, la soumission du citoyen à la cité est fortement remise en question. L'influence des sophistes a été décisive avec ces κομψά dont parle Euripide, cité par Aristote et par M. Allan (*Pol.* 1277 a 19). Les auditeurs de Démosthène, en tout cas, se sentent moralement autonomes. Et l'on trouverait des indices concordants chez Xénophon, chez Thucydide. Sparte elle-même a connu une évolution, des crises, après sa victoire de 404, et plus tard.

Il faut donc distinguer l'idéal et la réalité, une réalité qu'Aristote ne méconnaissait évidemment pas; mais quel était son idéal? Il se peut qu'Aristote se soit senti divisé: de même que, pour le problème de l'autonomie de la cité classique ou de sa participation à des ensembles politiques plus larges, l'œuvre d'Aristote présente des idées, des tendances variées et même opposées, de la même façon, en ce qui concerne l'autonomie de

l'individu dans la cité, on aperçoit des tendances, difficiles à concilier, dans la *Politique*, dans les *Ethiques*.

M. Allan: That is certainly my impression of actual fourth century politics and I am much encouraged to have this detailed confirmation from M. Weil. His other suggestion I find novel and deeply interesting, though it is not one on which I can pronounce on the spur of the moment. Certainly the position of the individual within the *polis* is analogous to that of the *polis* in some wider league, or in the whole Hellenic community — analogous perhaps with a difference. But I suppose Aristotle would have less excuse for giving no guidance about the more urgent and personal problem of the status of the individual, and leaving unreconciled contradictory views about this.

M. Moraux: Il y a, dans l'*Ethique à Nicomaque* aussi bien que dans la *Politique*, quelques textes où il est affirmé très clairement que l'homme d'Etat (ou le législateur) doit rendre bons les gens qu'il a sous son autorité. Je songe par exemple à 1102 a 8 sq. et à 1333 a 14 sqq. Personnellement, je ne pense pas que l'activité de l'homme d'Etat visant au perfectionnement moral de ses sujets aboutisse à supprimer chez ceux-ci toute possibilité de choix délibéré ($\pi\rho\alpha\iota\rho\epsilon\sigma\iota\zeta$); on sait, en effet, que d'après Aristote, on doit agir en vertueux pour devenir vertueux, si bien qu'en amenant ses subordonnés, par persuasion ou même par contrainte, à se comporter comme le feraient des vertueux au sens plein du terme, l'homme d'Etat leur fait, en quelque sorte, franchir la première étape vers l'acquisition de la vertu.

J'aimerais néanmoins connaître l'avis de M. Allan sur ces passages que, sauf erreur de ma part, il n'a pas mentionnés.

M. Allan: There is a not unimportant distinction in the wording of the two passages, and moreover is not the formula in both cases of an elastic nature, so that the writer may, or may not, be a paternalist in the culpable sense? From the use of $\delta\pi\omega\zeta$ $\alpha\gamma\alpha\theta\omega\gamma\iota\gamma\gamma\omega\nu\tau\alpha\iota$ in the second of them, I should infer that Aristotle had in mind the provision by the statesman of the indispensable groundwork in early youth. In the other passage

$\tauοὺς πολίτας ἀγαθοὺς ποιεῖν$ could be taken as a wider expression intended to embrace both this, and the obligation imposed on adults by the law. I must admit that $\alpha\gamma\alpha\thetaoύς$, a word denoting character, is contrary to my thesis, but if Aristotle has *both* operations in view, an expression might be used which fits one better than the other. The alternative, would be the pedantic $\tauοὺς νέους ἀγαθούς ποιεῖν καὶ ἀνδρωθέντας ἀναγκάζειν τὰ ἀγαθὰ ποιεῖν$. That he has a clear twofold division of the work of legislation, though he sometimes forgets it, I tried to show in the paper.

M. Schaeerer: Il me semble que les problèmes complexes posés par la théorie politique et, plus généralement, par l'anthropologie d'Aristote s'éclairent un peu quand on les replace à leur niveau, qui est celui d'un humanisme radical. Qu'est-ce que l'homme pour l'auteur de l'*Ethique* et de la *Politique*? C'est un intermédiaire entre l'animal et le dieu, c'est-à-dire entre deux limites au delà desquelles on ne saurait parler, au sens propre, de liberté: l'animal subit extérieurement la contrainte de sa nature et du hasard, le dieu obéit intérieurement aux lois qui régissent le monde supra-lunaire. L'homme, seul, est «en situation de choix» (*E.N.* 1106 *b* 36; 1145 *a* 15-22; 1149 *b*-1150 *a* 8: il vit d'options plus ou moins contrariées. Seul il est capable de vice et de vertu (*E.N.* 1145 *a* 20-22).

Il n'y a donc de vraie liberté que là où il y a consentement à un ordre. Au niveau divin, la loi et l'ordre se confondent et la liberté, au sens humain du terme, s'évanouit. Chez les hommes, il y a discordance relative, la loi ne réglant que les cas généraux; en sorte que, pour Platon comme pour Aristotle, la loi humaine s'affirme en noble servitude: elle situe l'homme au-dessous du dieu; mais elle l'empêche de tomber au niveau de la bête.

Notons ce fait important dans l'histoire de la pensée: avec les stoïciens l'humanisme représenté par Aristotle fera place à une conception beaucoup plus ambitieuse, qui tentera d'élever le sage à la condition du dieu en lui conférant, avec l'inaugurabilité, le pouvoir d'acquiescer, au delà des lois humaines, à l'ordre

universel. On verra tomber alors cette séparation qui, sous réserve d'une exceptionnelle contemplation réservée au pur « théoricien », interdisait à l'homme d'accéder au monde supra-lunaire. M. Allan a prononcé, tout à l'heure, le nom de Spinoza. Le philosophe hollandais concilie à cet égard les deux expériences, l'humanisme aristotélicien et le surhumanisme stoïcien. Comme l'auteur de la *Politique*, il admet que l'homme n'est qu'un homme; mais, comme Epictète et Marc-Aurèle, il attribue à cet homme une liberté vraiment divine, qui est l'acceptation lucide et totale de l'ordre.

M. Gigon: Man darf hier an den Satz erinnern, der meist als Xenokrates (*Fr. 3 Heinze*), zuweilen auch als Aristoteles zitiert wird. « Wenn alle Menschen Philosophen wären, wären keine νόμοι nötig. Denn die Philosophen tun aus freien Stücken das, wozu die anderen durch den νόμος gezwungen werden müssen. »

M. Allan: Man is, indeed, for Aristotle intermediate in some such way as this. It may be doubted whether Aristotle had the full modern idea of freedom of choice — whether, I mean, anything comparable had yet appeared in the vocabulary of the Greeks. With that reservation, I think it extremely helpful to regard human freedom as shading off into the state of God on the one side and that of the animal on the other. I should be inclined to doubt whether ἔκων δουλεύειν τοῖς νόμοις is as valid a principle to Aristotle as it is to Plato in the *Laws* and *Epistles*. Plato seems to have been quite fascinated by the famous dictum in Herodotus, on which this phrase is based, and he seems to me to think that where this custom is established, all other good things will spontaneously follow. For Aristotle the obedience to the law is only a beginning, what comes after depends on personal choice, and, if I am right, he shows some zeal to limit the range of the law. As for Stoicism, thank you for the remark. I think that in the third and second centuries B.C. the Peripatetics following Aristotle studied comparatively the psychology of man and the animals while the Stoics objected to this practice.

M. Bayonas : Thucydide (III, 37) prête à Cléon une vigoureuse défense de la loi écrite. Anytos (*Meno* 92 e) et Méléto (Apol. 24 e) expriment le même sentiment quand ils condamnent l'éducation sophistique et préconisent de lui substituer celle de la loi et des simples citoyens. Ne peut-on pas suggérer que Platon et Aristote réagissent contre cette tendance de la démocratie athénienne quand ils insistent sur les insuffisances de la loi écrite ? D'autre part, lorsque Aristote fait allusion aux cités où « l'on vit à sa guise », ne songe-t-il pas aussi aux Thessaliens ou à d'autres cités qu'Athènes ? (cf. *Crit.* 53 d).

M. Weil : M. Bayonas a raison de parler du Cléon de Thucydide. Il y a aussi Diodote : c'est Diodote qui l'emporte. D'autre part, les démocrates ne sont sûrement pas les seules gens qui prétendent vivre à leur guise : les tyrans par exemple, en font autant ; et Aristote rapproche précisément — il n'est pas le seul à le faire — démocratie et tyrannie.

Remarquons enfin que des expressions comme ὁ βουλόμενος, ὁ τυχών font partie du langage normal de la démocratie.

M. Allan : There may well be an uncritical assumption on my part here. I have, I think, always supposed ζῆν ἔκαστον ὡς βούλεται to be applicable to Athens at least as much as to other cities, and to be in origin a slogan which had a complimentary sense for the extreme democrat as well as a highly unfavourable one for his opponent. The example of Cleon does indeed show that an authoritarian view of politics is not a monopoly of the right wing ; and M. Weil's remark is a reminder that under tyranny there is extreme liberty — for the tyrant. So extremes meet. I am grateful for the help given by these remarks. I do not think that Aristotle and Plato insist upon the insufficiency of written law either for the quite same reason or to the same extent.

M. Dhondt : Sans doute M. Allan a-t-il raison de relever chez Aristote certains traits libéraux. On peut toutefois se demander comment ils se concilient avec la doctrine politique du philosophe, qui considère qu'à l'égard de l'Etat, l'individu est dans la même relation que la partie à l'égard de son tout.

M. Allan: My reference to this in the paper was unavoidably rather brief. Aristotle does indeed say that the individual is related to the State as part to whole, and in elucidating this, and explaining what it would mean to isolate him, introduces a biological comparison, that between the hand and the body. But ought one on the strength of this to impute to him the view that the *polis* is a kind of natural organism to which man belongs as a member? The use of comparison does not imply identity in the things compared, and I think that even in the immediate context here there are qualifying factors, the insistence on man's peculiar gift of speech, for instance: man and bee both belong to communities, but are not attached to them in the same way. Then again, I think it is the relation of household to State rather than of individual to State that is in Aristotle's mind in book I, though he does speak of both. Briefly, this seems to be one of several statements of doctrine which do after all leave some latitude of interpretation.

M. Callahan: Like the recent writers who were mentioned in Mr. Allan's paper, though not precisely for the reason which they give, I am inclined to be critical of theories of the development of Aristotle's psychology. Surely the view maintained in the *De anima* is not *simply* that soul and body are related as form and matter, but that the soul is an efficient and a final cause as well? I would like to know whether Mr. Allan agrees with me in this, and more generally what he would regard as distinctive of the psychology of the *Ethics* in comparison with the *De anima*.

M. Allan: It does seem to me that those who mark off clearly an instrumentalist from a hylemorphic phase have read the definition of soul in the first chapter of book II of the *De anima* too much in isolation from the sequel, and Aristotle does undoubtedly say in the *fourth* chapter (415 b 8 ff.) that the soul is an efficient and final cause. In my opinion this does compensate for any tendency which chapter 1 alone might have to render the soul inert and fuse it into a single entity with the body. I do not find any ground for thinking that the fourth chapter was written

earlier and is characteristic of the so-called transitional stage. However, the fact that Aristotle inserts this in his account of the properties of the θρεπτικὴ ψυχὴ instead of leading straight on to it from his definition of soul, lays him open to some misunderstanding. As regards the general question I would say that at least the account of movement and choice in the *De anima* and in the *Ethics* are consistent with, and complementary to, one another. The view of the *Ethics* is more limited in that Aristotle is there concerned with human movement, and above all with that which results from deliberation and choice.

