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The Politics of Aristotle:
reconstructions
and interpretations

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THE POLITICS OF ARISTOTLE: RECONSTRUCTIONS AND INTERPRETATIONS

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Introduction

Aristotle's political philosophy determines much of the political thinking in the history of Western philosophy and politics. However, precisely how his theory on the nature of politics has mattered over the ages has varied a great deal. Even today, approaches to political theory by means of an Aristotelian perspective can differ from one another enormously. For obvious reasons, then, the present volume cannot pretend to offer an overall view of the whole fortune of Aristotle's political philosophy. Instead, we concentrate on two segments of this rich history of reflections, reconstructions and interpretations: the ancient beginnings and the modern developments.

Again, the essays dealing with the ancient beginnings cannot attempt to cover every aspects of this theory. They pick up certain moments which seem to be important for later interpretations as well. As is well known, on Aristotle's account ethics and politics constitute what is called practical philosophy. Among others, it implies that ethics provides certain basic theses and starting points for political theory.

One of the most important Aristotelian ethical theses is the so-called function argument (*Nicomachean Ethics* I 7). Its aim is to show that human good is tied to the excellent exercise of the proper function of man, and the function of a human being is an activity of the human soul in accordance with reason. Jakub Jirsa shows that the argument can be used to settle an important question about the relation between theoretical and practical life, which intrigued so many interpreters of Aristotle's ethical theory. He thinks that the argument offers a good ground for interpreting human happiness as *theória* and that the argumentation is coherent with the rest of the *Nicomachean Ethics* as well. If we think with Aristotle that excellence is a fine activity of human soul according to reason, then we also have to admit that excellent human praxis also involves the activity of a kind of reason, which Aristotle calls *phronesis*, practical insight.

As a specifically human activity, politics also has to make room for the exercise of practical insight. Is there any difference between ethical and political *phronesis*?

sis? Péter Lautner argues that in the account of *phronesis* in the *Politics* Aristotle is willing to distinguish between the two cognitive states; statesmen possess practical insight in the full sense because they know not only the facts but also the reasons (a distinction taken from *Posterior Analytics*), whereas ordinary citizens are familiar with the facts only. Thus statesmen are endowed with a cognitive element which explains and justifies their leading position in the state.

The aftermath of Aristotle's theory in Hellenistic times has been a subject of highly diverse approaches. To take but one sample, from Petrarch's times onwards it was a kind of common opinion that Cicero deviated from Aristotle's political philosophy a great deal. Walter Nicgorski shows that this claim should not be taken for granted. On careful examination, he shows that the tension between Cicero and Aristotle in matters of politics is much less than has been assumed hitherto. Cicero can be usefully read as an illuminating commentator on and extender of the practical philosophy of Aristotle and his school. Theophrastus offers a nice example of his reading of the practical philosophy of the Peripatetics. In his distinctive way and in the context of the late Roman Republic, Cicero has appropriated and represented the Aristotelian tradition of practical philosophy in a number of respects.

Certainly, ways to make use of the legacy of Aristotelian political theory – itself a mixed package – may vary depending on context, political biases, philosophical presuppositions and many other accidentals. This selection of the reception tries to show the relevance of similarities as well as dissimilarities within the broad Aristotelian tradition, mainly in the context of 20th century philosophy and politics.

But the first author in this section, Iwona Barwicka-Tylek needs a deeper historical excavation when she tries to show the basic elements of a continuous Aristotelian line within the Polish tradition of political thought. Her argument is interesting both methodologically – as she relies on Richard Dawkins's concept of *memes* when describing the nature of receiving Aristotelian ideas by later generations in different political cultures – and substantially, when she claims that the Polish tradition on the whole takes for granted Aristotelian ideas, like *zōon politikon*, *politeia* and virtue.

Next, we have three papers that are closely linked together by common interests of the thinkers discussed in them, concerning themes, authors and traditions. They have returning heroes of a Neo-Aristotelian inclination like Maritain or MacIntyre, religiously minded thinkers who still use Aristotle for their reflections, and secular Aristotelian thinkers, who – sometimes surprisingly – use their reading of Aristotle for their own purposes – including Yves Simon and Martha Nussbaum, respectively.

Kelvin Knight is interested in the differences between his cherished author, Alasdair MacIntyre's Aristotelian vein and Maritain's earlier and rather differently motivated appropriation of Aristotle – as far as their views on human rights are concerned. The approach used by Knight is contextually informed, and most surprisingly compares the early MacIntyre with such analytical thinkers, as the young Rawls and Searle. Knight finishes his paper with considerations of the new phenomenon of the institutionalisation of human rights, as it relates to the Aristotelian legacy.

Balázs Mezei also uses Maritain as his reference point in an introduction of some Aristotelian remnants in Yves Simon's philosophy. While Mezei's analysis is already thought provoking when he gives a revisionist re-evaluation of Simon, it is the more interesting as he shows the relevance of the different layers of reception within the Aristotelian tradition: Simon read his Aristotle both directly and indirectly, through – and in dialogue with – the Aristotle interpretation by Maritain. While Knight focuses on the issue of human rights, Mezei discusses the problem of democracy, as it was laid out by Simon in his philosophy deeply touched by Neo-Aristotelianism.

Another author who takes account of rather diverging interpretations of Aristotle in her paper is Catherine Zuckert, who looks at contemporary political interpreters' views of how to foster Aristotelian virtue politics in a modern liberal democracy. She does not find some of the answers provided by such diverse thinkers, as those of Nussbaum, MacIntyre, den Uyl and Rasmussen satisfactory. She points out that the common mistake of these different authors is a disregard of the educational activity "in which they, like Aristotle, are engaged."

Finally, Ferenc Hörcher aims at rethinking some of the basic components of an Oakeshott-like conservative political theory – while reflecting on the inner tension within the heart of this very effort – through a reliance on some Aristotelian concepts. He recovers a close conceptual connection between *phronesis* (practical wisdom) and *kairos* (the right time for action) in connection with the political agent. He claims that the time constraint inherent in political activity makes virtues (excellences that can be mobilised in crisis situations without a time-consuming process of deliberation) and practices (common practical knowledge within a political community) seem necessary within a conservative political horizon.

Taken together, these essays represent an effort to recapture Aristotelian political thought in a contemporary philosophical context by a group of authors, coming from rather different backgrounds (classical studies, philosophy, political theory), but sharing an interest in Aristotle's ideas; thus, they prove both the wide horizon and continuing relevance of the legacy of Aristotelian political theory.

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Ferenc Hörcher and Péter Lautner
guest editors

JAKUB JIRSA

To *ergon tou anthropou*¹

“Ἐκαστόν ἐστιν, ὧν ἐστιν ἔργον, ἔνεκα τοῦ ἔργου.”

Aristotle, *De caelo* II.3, 286a8–9

ABSTRACT: *The article offers an interpretation of the so-called ergon argument in Aristotle’s Nicomachean Ethics I.7. I argue that the argument offers a good ground for interpreting human happiness as theória and that the argumentation is coherent with the rest of the Nicomachean Ethics as well. The article provides answers to three widespread critiques of the ergon argument. I claim that the ergon argument covers both the moral and intellectual virtues, further I offer a possible interpretation of the difference between theória of human beings and theória belonging to gods. Finally, I try to explain in what sense a good of human being is good for a human being at the same time.*

KEYWORDS: *ergon* argument, Aristotle, ethics, Nicomachean Ethics, gods, happiness, *theória*

1. ARISTOTLE ON THE *ERGON* OF MAN

Aristotle in the *Nicomachean Ethics* introduces a more substantial account of happiness by an argument concerning *to ergon tou anthropou*, i.e., the work or function of man.² Many scholars dislike this argument and consider it either falla-

¹ The research for this paper was supported by GACR P401/11/0568. I am thankful to audiences in Budapest, Vienna and Prague for their comments upon the draft versions of this paper.

² From the numerous literature on this argument I found the following texts relevant to my project: Clark (1972), Wilkes (1980), Korsgaard (1986), Hutchinson (1986), Whiting (1988), Kraut (1989): chap. 6, Broadie (1991): chap. 1, Brüllmann (2011): chap. 3, and Brüllmann (2012).

cious or useless.³ My aim in the following paper is to examine the argument and defend it from three possible objections found in modern commentaries.

After going through the possible *endoxa* concerning *eudaimonia* as the highest good (*NE* I.3–4), Aristotle provides us with several formal characteristics of *eudaimonia*. We do not know yet what *eudaimonia* consists in or what kind of life one ought to live in order to be happy and good, but whatever it could be, *eudaimonia* as the final goal of every doing and deliberation (*praxeî kai proairesei to telos*, 1097a21, cf. a23) will have the following characteristics: it will be complete (*teleion*, 1097a25) in the sense of being a final good that is not demanded for anything else but for itself (*auta kai di' auto airetôn*, 1097a32–4). Further, it will be self-sufficient (*autarkes*, 1097b6–11), so that one does not need anything else but this end. Therefore, “happiness is clearly something complete and self-sufficient, being the end of our practical undertakings” (1097b21–22, transl. Rowe).⁴

According to Aristotle this is a plain truth and he wants to provide a clearer or more distinct (*energesteron*) account of *eudaimonia*. What is *energesteron* is better known and somewhat more easily recognisable for us than its counterpart (cf. *Anal. Prior.* 68b36, *Magna Mor.* 1187a30). Therefore, the following account should make more lucid what *eudaimonia* is and what it consists in. The best way to clarify the concept of *eudaimonia* is to consider the *ergon* of human beings (1098a24–25).

The term *ergon* is usually translated as “function” (Irwin, Rowe, Ross/Brown) or “characteristic activity” (Crisp).⁵ None of these alternatives is completely appealing to me, for – as will be clear from what follows – *ergon* does not have to be an activity and it is not a function in the most common meaning of the term. Another possible translation might be “product,”⁶ however, this term is not fully adequate either since it suggests certain separation between the product and producer (e.g. between us as individual human beings and our own *ergon*). The human *ergon* is much closer or even intimate to us than any product we otherwise produce. The *Greek-English Lexicon* by H. G. Liddell and R. Scott offers translations like “work,” “deed,” or “matter.” On the other hand, Aristotle’s usage of the term corresponds to the third meaning of “function” in *Oxford English Dictionary*: “the special kind of activity proper to anything; the mode of action by which it fulfills its purpose.” This meaning seems so Aristotelian that I will

³ For the list of complaints see Achtenberg (1989. 37).

⁴ See Curzer (1990) on the criteria for happiness.

⁵ Kenny (1992. 144–5) leaves the term untranslated throughout his translation of this chapter. The most common translation as “function” is sometimes unfortunate since it may mislead the reader into thinking that *ergon* is merely a predominant activity (cf. Barney 2008. 314–315); *ergon* can be understood as “task” or “deed” as well, since it sometimes refers to the object done and not the activity of doing, cf. the argument in the *Eudemian Ethics* II.1.

⁶ Suggested to me by Gábor Betegh.

use “function” when it is inappropriate to keep the transliteration of the Greek term.⁷

In the *Nicomachean Ethics*, Aristotle leaves the term without closer specification or definition, but his following reasoning tells us enough to determine what he has in mind. *Ergon* comes complementing *praxis* (doing), and according to Aristotle, *ergon* rather than *praxis* is the seat of the good. Aristotle reasons further:

Is it the case that there are some doings and functions for a carpenter or a shoemaker, but not for a human being, who is born without anything to do (ἀργός)? Or just as an eye, hand and foot or any of the bodily parts seem to have a function, similarly there could be given some function for a human being alongside with these? What would it be? (1097b30–33)

Aristotle does not present the argument that a human being has an *ergon* in a logical form; the above quoted passage is not a case of valid induction nor it is an argument from analogy. The examples are too few to make a valid induction, and they are clearly picked only from two categories (*technai* or occupations, and *merei*, bodily parts), further, there is no clear analogy between the examples and a human being.⁸

The text is quite persuasive despite the lack of rigid argumentation. Its force lies exactly in the nature of the two categories of examples indicated as entities having their products. There are two uncontroversial truths in the text: different occupations have their *erga* and bodily parts have their *erga* as well. Therefore, a human being is composed of parts, each part having its *ergon* in relation to the complex whole, i.e., to the human being.⁹ Moreover, any occupation, or social and family status one holds has its *ergon* as well. I am composed of functional elements, and since I am, for example, a son, a father, and a lecturer, I always partake in family and social positions having their *erga* (cf. 1097b11). Aristotle thus suggests that it would be extremely unlikely if a being that is virtually surrounded by *erga*, products, would not have a product on its own.

⁷ Aristotle, *PA* 639b19–21 might be a place where the term “function” works smoothly.

⁸ Cf. Brodie (1991. 34) for this criticism. Nevertheless, the analogies with bodily parts and crafts might play a certain role. None of them is a perfectly fitting analogy, but each of them has different reasons for not working entirely, which might be important in understanding the concept of *ergon*. An important aspect that would deserve an entire study on its own is the fact that both *technai* and *merei* have their *erga* in relation to a broader, complex entity: the *polis* and the living body. The same seems to hold in the case of human beings as well, namely, *ergon* of a man makes sense in relation to a broader complex entity of the *polis*, cf. Aristotle, *Pol.* I.2, 1253a33–35.

⁹ Clark (1972. 272) points out that according to Aristotle the organs have functions (*erga*) only in relation to a given whole or as parts of this whole, cf. Aristotle, *Metaph.* VII.10, 1035b23.

At this point Aristotle seems to suppose that the case for a human *ergon* has been made sufficiently. The only specification of *ergon* within this passage is that it is something “own” or “peculiar” (*idion*) to the entity whose *ergon* it is (1097b34). We learn more from the *Eudemian Ethics* II.1 where Aristotle discusses *ergon* in the same context,¹⁰ and a brief look into this text might help in understanding why Aristotle thinks it is not necessary to argue for the existence of human *ergon*:

Let this be assumed; and about excellence (ἀρετῆς), that it is the best disposition, state or capacity of anything that has some employment or function (τις χρῆσις ἢ ἔργον). This is evident from induction (ἐπαγωγῆς): in all case this is what we suppose. For example, a cloak has an excellence – and a certain function and employment also; and the best state of the cloak is its excellence. Similarly too with a boat, a house, and other things. So the same is true also of the soul; for there is something which is its function. (EE II.1, 1218b37–1219a5, transl. Woods).¹¹

Ergon is described in two ways (*dichós*). It is either distinct from the employment (*chrēsis*) as a house is a product of house-building, or in some cases the employment itself is the product (*hé chrēsis ergon*) as it is in the case of sight or mathematical knowledge (EE II.1, 1219a13–17).¹² The text of *EE* continues:

For example, a shoe is the product of the art of shoe-making and the activity of shoe-making. So if there is some excellence which is the excellence (ἀρετῆ) of shoe-making and of a good (σπουδαίου) shoe-maker, their product is a good shoe. (EE II.1, 1219a20–23; transl. Woods, slightly adapted)

From the usage of *ergon* in *NE* and *EE* it can be safely assumed that Aristotle employs the same concept of relation between *areté* and *ergon* which Plato introduces in the end of the first book of the *Republic*. There Thrasymachus refuses to participate in the discussion and leaves the reasoning solely to Socrates himself. His first attempt to investigate “whether just people also live better and are happier than unjust ones” (*Resp.* I, 352d2–4, transl. Grube, rev. Reeve) soon turns to the discussion of *ergon*. The *ergon* of an entity is described as “that which one can do only with it or best with it” (352e3) and a bit later in the text as what the given entity “alone can do or what it does better than anything else”

¹⁰ See Hutchinson (1986) for a detailed interpretation of the *ergon* argument in the *Eudemian Ethics* II.1 as well as for the justification of interpreting it together with *NE*.

¹¹ Compare the closing chapter of the *Meteorology* IV.12, 390a10–13: “What a thing is is always determined by its function (*ergon*): a thing really is itself when it can perform its function; an eye, for instance, when it can see.” (transl. Webster)

¹² This is one of the passages which questions the translation of *ergon* as “function” since a house is hardly a function in any sense of the word.

(353a10–11). According to Socrates a virtue (*aretē*) is a quality by which one performs one's *ergon* well (353c6–7).¹³ Aristotle shares the basic scheme that *ergon* is something own or peculiar (*idion*) to an entity and we correctly talk about an excellence or virtue of this entity if it performs its *ergon* well. Therefore, in the *Nicomachean Ethics* I.7 Aristotle can suppose that the listeners (or readers) are familiar with this concept of *ergon* within the ethical discussions and does not need to argue for it in the first place.

When asked about the *ergon* of a human being as such (not a man *qua* shoemaker or father), one could answer that this *ergon* must be one's life. Aristotle proceeds in this way, but narrows the possible answers down to a practical life of an entity possessing reason (*praktikē tis tou logon echontos*, 1098a3–4) since neither vegetative life nor life based on perception is *idion* to a human being, but they are shared with plants and animals (1097b33–1098a3).¹⁴ Possession of reason is expressed in two ways: as obedience to reason (*epipeithes logōi*), and as actually having reason and thinking (*echon kai dianoooumenon*, 1098a4–5). Therefore in defining human *ergon*, one has to consider the activity (*energeia*) since it is more valuable than passive obedience.

This focus on *energeia* manifests itself in the wordings of human *ergon* by Aristotle. The first version is the conclusion of the reflections on different forms of life sketched above: “the product of human being is activity (*energeia*) of the soul according to reason or not without reason.”¹⁵ The soul is the subject since it is what makes one alive (*EE* II.1, 1219a23–25; cf. *DA* II.1, 412a27–29) and it is the *eidos* of a living being (*DA* II.1, 412b10 ff.), therefore it can be said that human *ergon* is an activity of one's soul, since the soul is the *eidos* of man. The second wording of human *ergon* employs the notion of *praxis* which reflects the discussion about the particular doings of a kitharist. The kind of life Aristotle looks for can be summarised as “an activity of soul and doings accompanied with reason.”¹⁶ A virtuous man is the one who does this well, in accordance with the concept of *ergon* sketched above, and thus leads a good life.¹⁷ Aristotle supports this conclusion by an analogy: the *ergon* of a kitharist is to play, the virtuous kitharist plays well, similarly, if the *ergon* of human being is the life described above, the virtuous man lives this life in a good and beautiful manner 1729864278 (*eu*

¹³ For the usage of *ergon* later in the *Republic* see Santas (2006). Several interpreters confirm Aristotle's inspiration in Plato's *Republic* as well, e.g. Barney (2008. 315 ff.), Hutchinson (1986. 46–48).

¹⁴ In the *Politics* I.2 1253a8–1253a18 Aristotle lists further characteristics which are *idion* to man: articulated speech (*logos*) and sense of good and bad which allows him to live in societies or communities. These characteristics do not threaten the coherence of *ergon* argument in *NE* I.7 since they are both derived from the fact that man is endowed with reason.

¹⁵ *NE* I.7, 1098a7–8: ἐστὶν ἔργον ἀνθρώπου ψυχῆς ἐνέργεια κατὰ λόγον ἢ μὴ ἀνευ λόγου.

¹⁶ *NE* I.7, 1098a13–14: ψυχῆς ἐνέργειαν καὶ πράξεις μετὰ λόγου.

¹⁷ Cf. Plato, *Gorgias* 507b–c for a similarly shaped argument in favor of a just life.

kai kalós, 1098a14–15). The description of this human good then uses the term *areté* already: “human good is an activity of soul in accordance with virtue.”¹⁸ This is the case since Aristotle accepts Plato’s concept from the *Republic* I that we do well by the virtue or because of the virtue.¹⁹

Human good was defined (*perigraphó*) but it is still only sketched (*hupotupóō*), so that we have a clearer conception of what Aristotle talks about, and he proceeds to describe it (*anagrafó*) in more details (1098a20–22). This description then fills the rest of the *Nicomachean Ethics* and climaxes in book ten, where Aristotle mentions again that human good, *eudaimonia*, is “an activity in accordance with virtue” (*kat’ aretén energeia*, 1177a12). The best activity we are capable of is contemplation (*theória*, 1177a18). So Aristotle returns to the activity of reason which he mentioned in book one during the argumentation about *ergon* (1098a4–5 compare with 1177a13–17), and declares that *eudaimonia* is *theória* (1178b32). This conclusion should not surprise us since *theória* as the highest form of activity of a wise man (or of a reason of a wise man) satisfies all the conditions Aristotle sets for human good in book one. A wise person is the most self-sufficient one (*autarkestatos*, 1177b1, cf. 1097b6–11), contemplation is demanded for its own sake and does not have any other goal (1177b4 ff, 1177b19–21, cf. 1097a32–4), and therefore can be considered more complete (*teleion*) than life consisting in other doings (1178b1 ff.).²⁰ Finally, it is the activity of reason that satisfies the condition of being peculiar or one’s own at the highest level:

And each of us would seem actually to be this (sc. reason),²¹ given that each is his authoritative and better element; it would be strange thing, then if one chose not one’s own life but that of something else. Again, what was said before will fit with the present case too: what belongs to each kind of creature is best and most pleasant for each;²² for man, then, the life in accordance with intelligence is so too, given that man is this most of all. This life, then, will be happiest. (1178a2–8; transl. Rowe)

The life of contemplation thus satisfies all the conditions of *eudaimonia* which Aristotle mentions earlier in the *Nicomachean Ethics*.²³

¹⁸ *NE* I.7, 1098a16–17: τὸ ἀνθρώπινον ἀγαθὸν ψυχῆς ἐνέργεια γίνεταί κατ’ ἀρετήν.

¹⁹ See the dative ἀρετῇ in Plato, *Resp.* I, 353c6 which suggests that we accomplish something by means of the virtue.

²⁰ Curzer (1990) argues that the criteria for happiness in *NE* I.7 differ from *NE* X.6–8. His text clarifies several important points, but overall it rests on too elaborate and not absolutely convincing interpretations.

²¹ The term *nous* has to be supplied from 1177b30. Meanwhile it is referred to as “the strongest among the things in us” (1177b34).

²² This important part of the argument was mentioned earlier in book nine (1169b33) and it comes from Plato’s *Republic* IX, 585d–e and 586d; Adam (1963), vol. II, p. 358 points out this dependence.

²³ What remains an open question is the relation between the life based on moral (and social) virtues on the one hand, and contemplative life based on intellectual virtues on the

2. OBJECTIONS

I tried to present Aristotle's notion of *to ergon tou anthropou* as convincingly as possible. Now I will turn to three objections against this conception of constructing human *eudaimonia* as a final goal of life based on human *ergon*. The chosen objections occur repeatedly in modern interpretations and their proponents consider them so crucial as to undermine Aristotle's position. According to the first objection, the *ergon* argument is useless within the overall argumentative structure of the *NE* since Aristotle actually depicts not one but two morally satisfying lives: the life of moral virtues described in the central books of *NE* and the contemplative life sketched in book ten. Since in *NE* X.7–8 Aristotle clearly argues for the superiority of contemplative life, the *ergon* argument plays only a minor role in introducing the moral virtues and Aristotle leaves it aside in the crucial and concluding book X.²⁴

The second objection runs as follows: even if one admits that the *ergon* argument is coherent with conclusions in *NE* X.7–8, the *ergon* Aristotle states as fitting for man does not satisfy his own conditions for being *ergon* since (a) it is not unique (*idion*) – not only men, but also and foremost the gods contemplate and enjoy the activity of reason.²⁵ Moreover, (b) there are many other activities or doings peculiar to human beings which Aristotle does not suggest and does not discuss.²⁶

Finally, the third objection claims that the good of a human being does not have to be a good *for* a human being.²⁷ Namely, if justice is an excellence or virtue of human character, it characterises a good life of a human being. However, a just man might suffer because of his own justice. In the same way, sharpness is a good or virtue of a knife, but it is hard to see how it is good for a knife.

3. THE FIRST REPLY

Is it indeed the case that Aristotle uses the *ergon* argument solely in order to arrive at describing moral life based on the so-called moral virtues (*éthiké areté*)²⁸ and leaves it behind in book ten? Or to put it another way, is Aristotle guilty of introducing *theória* as *eudaimonia* in book ten despite and against the methodology and argument in the rest of the *Nicomachean Ethics*? The possible answer

other hand. However, this question demands another substantial investigation, for the current state of debate, see the summary in Dahl (2011).

²⁴ Roche (1988. 183). This objection is entertained in Korsgaard (1986. 260) as well.

²⁵ Kraut (1979).

²⁶ Broadie (1991. 36); Whiting (1988. 36–38); Williams (1972. 59).

²⁷ Wilkes (1980).

²⁸ On *éthiké areté* cf. *NE* II.1 1103a14, II.9 1109a20, VI.2 1139a22; VI.12 1144a7.

has two parts. First, I will show that Aristotle does not leave the *ergon* argument behind and the conclusion within book ten corresponds to the principles laid out within the *ergon* argument in book one. Second, it can be demonstrated that Aristotle reflects on the relation between contemplative and practical life in the middle books of the *Nicomachean Ethics* in a way which helps us in understanding the relation between moral virtues and contemplative virtues.

Indeed, it is the case that the term *ergon* is missing from the crucial chapters on the contemplative life (X.7–8), however, it plays an important role in Aristotle's discussion of pleasure in chapter five of book ten. Aristotle uses an example of different *erga* in order to support his thesis that "activity's own pleasure (*oikeia hedonê*) contributes to increasing the activity" (1175a30–31). Each man takes pleasure doing his own *ergon* rather than the *ergon* of anyone else; each one gets better in his own activity due to pleasure he finds in it, and this pleasure is said to "increase" (*sunauxanô*) this activity as something which is own to it (1175a31–b1). This argument then leads Aristotle to a general conclusion that: "each kind of creature seems to have its own kind of pleasure, just as it has its own *ergon*, for the pleasure corresponding to its activity will be its own" (1176a3–5).

Moreover, Aristotle refers to this thesis that each one gets most pleasure from doing what is his or her own in the conclusion concerning the contemplative life as the happiest life. Once again, let me quote:

Again, what was said before will fit with the present case too: what belongs to each kind of creature is best and most pleasant for each; for man, then, the life in accordance with intelligence is so too, given that man is this most of all. This life, then, will be happiest. (1178a4–8).

The reference is to chapter five interpreted above. The quoted passage suggests that contemplative life is the *ergon* of a human being.²⁹ This is the answer to the question of what sort of life satisfies the description of "an activity of soul in accordance with virtue (and if there are more virtue than one, in accordance with the best and the most complete)" (1098a16–18).

Second, this interpretation is supported by Aristotle's own reflection on the relation between the contemplative life on the one hand, and the so-called life of moral virtues on the other hand. Within the discussion of intellectual virtues in book six, Aristotle compares *phronêsis* (reasonableness) and *sophia* (wisdom) on two occasions (1141a18–22, 1143b33–35). These comparisons have the same results: wisdom is above reasonableness since its objects belong to the greatest and most valuable ones within the cosmos (*tôn timiôtatôn*, 1141a19–20), and wise people (*sophoi*) have knowledge concerning *archai* (1141a18). Moreover, wisdom

²⁹ Of course much depends on the understanding of life (*bios*), see Keyt (1989) for one possible interpretation.

is said to rule over and command reasonableness since it either creates reasonableness itself or supplies it with material to work on.³⁰

Aristotle claims that despite this comparison, both virtues, *phronésis* and *sophia*, are desirable by themselves since they each belong to a different part of the soul (1144a1–3). This means that both satisfy an important condition for making up *eudaimonia* (cf. 1097a32–4), and they cannot be substituted. Aristotle then describes what these virtues do (*poiein*). He proceeds through all four parts of the soul which he distinguished earlier in *NE* I.12 and VI.2,³¹ and lists what they do (except the fourth, vegetative part since it cannot be said doing or not doing anything at all). Aristotle explicitly states that wisdom produces *eudaimonia* in the soul (1144a4–5).³² *Phronésis* and moral virtues contribute to fulfilling the *ergon* of man: virtue is responsible for having the right goal (*skopos*) and reasonableness for the right means leading to it (1144a7–9). Therefore, contemplative life seems unquestionably higher than life of moral virtues; however, these virtues and reasonableness are necessary though not sufficient components of *eudaimonia* since without them one could not fulfil one's own *ergon*.³³

³⁰ The sentence runs as follows: πρὸς δὲ τούτοις ἄτοπον ἂν εἶναι δόξειεν, εἰ χείρων τῆς σοφίας οὐσα κυριωτέρα αὐτῆς ἔσται· ἡ γὰρ ποιούσα ἄρχει καὶ ἐπιτάττει περὶ ἕκαστον (1143b33–35). The explicative *gar* clause is puzzling and translators do not agree on its meaning. Crisp translates it as “In addition, given that a productive science does govern each product and issue commands about it, it will seem odd if practical wisdom, which is inferior to wisdom, is to be put in control of it.” This is the only occurrence of the term “productive science” in Crisp’s translation. He uses “productive” for *poiétiké* (e.g. 1139a28, b1, 1140a4) and “science” for *epistémé* (e.g. 1094a26, b4–5). Therefore the phrase “productive science” should stand for something like *poiétiké epistémé* which does not occur anywhere in *NE* (moreover, none of the terms occurs in proximity to this passage; for *poiétiké epistémé* see *EE* 1216b11ff., *Met.* 1025b25ff., 1064a17ff.). Brown Ross renders it as “Besides this, it would be thought strange if practical wisdom, being inferior to philosophic wisdom, is to be put in authority over it, as seems to be implied by the fact that the art which produces anything rules and issues commands about that thing.” This translation seems much better, yet it is unclear why it includes “the art” in the translation of the second clause. Rowe’s translation: “In addition to these problems, it would be strange if wisdom (*phronésis*) turned out to be inferior to intellectual accomplishment (*sophia*), yet be more authoritative – as it apparently will be, for the one that brings the other about will be in control and prescribe on everything.” Stewart (1892) vol. 2, 97 reads the clause so that *sophia* supplies material for *phronésis*.

³¹ The contextual division of the soul in *NE* seems to be based on three bipartitions; first, two parts are distinguished in the soul: reasonless one (*alogon*) and reason-having one (*logon echon*) at 1102a28. The former one is further divided into the vegetative part and a part that shares in reason or at least it can obey it (1102b11 ff.). The reason-having one is then separated again into two parts; once at I.13, 1103a1 ff. and this division is confirmed and elaborated at VI.2 1139a4 ff. One subsection of the reason-having part deals with necessary objects and connections, the other with all the entities that undergo change, generation and corruption.

³² It is said that *sophia* produces *eudaimonia* not as a physician produces health but as health produces good state in the body; Stewart (1894) vol. 2, p. 98 comments extensively on the analogy with health and its implications.

³³ Compare *NE* X.7 1177a27ff. on *autarkeia* in relation to intellectual and moral virtues.

4. THE SECOND REPLY

The second objection had two parts. According to the latter, Aristotle neglects various specific doings of man. This can be answered with some help from his explicitly stated methodology.³⁴ When Williams criticises Aristotle's interpretation since it arbitrarily chooses one peculiar doing of man without discussing other options, he writes:

If one approached without preconceptions the question of finding characteristics which differentiate men from other animals, one could as well, on these principles, end up with a morality which exhorted men to spend as much time as possible in making fire; or developing peculiarly human physical characteristics; or having sexual intercourse without regard to season; or despoiling the environment and upsetting the balance of nature; or killing things for fun. (Williams 1972. 59)³⁵

Let us accept that these characteristics are peculiar to man and they do not depend upon the fact of our rationality. Nonetheless, Aristotle has a fairly reasonable reply: all these suggestions are absurd and unconvincing as an ethical ideal. This is enough to reject them from a serious inquiry. When Aristotle reflects upon his methodology in the *Nicomachean Ethics*, he makes it clear that he is not obliged to go through all logically possible options. First, the study of ethics does not allow the same degree of precision as, for example, mathematics or metaphysics (1094b19–27). Second, and more importantly, it only takes most of the credible opinions (*endoxa*), and the most important ones (*ta pleista kai kuriótata*, 1145b2–7) into consideration.³⁶ Therefore, Aristotle is not obliged in examining all peculiarities of a human being. Anyone suggesting, for example, making fire as a human *ergon* to ground human *eudaimonia* should first sincerely experience a life based on such an *ergon* before making this claim.

The variety of different peculiarities of a human being does not threaten Aristotle's argument. But what about the fact that on the one hand, he claims that *ergon* must be something *idion* (1097b34) and then identifies *eudaimonia* with *theória* (1178b32) which is rather a life for gods than humans (1178b25 ff.)?³⁷ Aristotle uses the term *idion* in order to reject the plain fact of living (*zén*) as human *ergon* since it is common to everything alive including plants, further, he also excludes the life based on sensation since it is common to all animals (1097b33–1098a3). Therefore, when looking for human *ergon* that is *idion*, he ends up with a complex form of "practical life of an entity that possesses reason" (*praktiké tis*

³⁴ Extremely useful article is Barnes (1980).

³⁵ Broadie (1991. 36) lists different characteristics but her argument is the same one.

³⁶ Compare Aristotle's position in *EE*, I,3 1214b28–1215a3.

³⁷ See Kraut (1979) and (1989), chap. 6.1. On the term *theória* see extremely useful Roochnik (2009).

tou logon echontos, 1098a3–4). This complex form of life is indeed *idion* to a human being since gods relate to contemplation (*theória*) in a different way and their form of life cannot be called practical (*praktikē*) because it is not based on any doing (*praxis*). Aristotle considers contemplation as one possible kind of human doing³⁸ and nothing human can last in its activity without interruption (1175a4–5). On the other hand, gods do not do anything since no doing (*praxis*) can be worthy of them (1178b17–18). The gods are active in the sense of *energeia* not *praxis* and their activity is contemplation.³⁹ Indeed, the god is this *energeia* and therefore he is constantly happy.⁴⁰

Therefore, the *ergon* that is *idion* to human beings demands *phronésis*, reasonableness, in order to be achieved (1144a7–9) since it includes doings (*praxeis*); it is, after all “an activity of soul and doings accompanied with reason”.⁴¹ If we remain satisfied with moral virtues, Aristotle says, we live the second best life (1178a9–14) since *eudaimonia* consists in *theória* (1178b32). But whereas the god’s life is blessed in its entirety, our life only in so far as there is some similarity with the god’s activity (*energeia*). To put it into a nutshell, while for us contemplation is something we do (time to time), for the god it is what it actually is.⁴² Human beings can only be similar to god since in the moments of *theória* they share in the same *energeia* that constitutes the essence of god. Within these (perhaps rare) moments we, humans, are god-like but our life nevertheless essentially differs from god’s mode of existence.

³⁸ Cf. Aristotle, *Politics*, VII.3 1325b16–21: “Yet it is not necessary, as some suppose, for a life of action to involve relations with other people, nor are those thoughts alone active which we engage in for the sake of action’s consequences; the study and thought that are their own ends and are engaged in for their own sake are much more so. For to do or act well is the end, so that action of a sort is the end too” (transl. Reeve).

³⁹ NE X.8 1178b21–22: ὥστε ἡ τοῦ θεοῦ ἐνέργεια, μακαριότητι διαφέρουσα, θεωρητικὴ ἂν εἴη. Aristotle never mentions *praxis* in relation to the god or gods; he consistently uses *energeia*. Cf. Grant (1885), vol. 1, p. 236.

⁴⁰ On god as *energeia* see *Met.* XII.7, 1072b26–28: καὶ ζωὴ δὲ γε ὑπάρχει· ἡ γὰρ νοῦ ἐνέργεια ζωὴ, ἐκεῖνος δὲ ἡ ἐνέργεια· ἐνέργεια δὲ ἡ καθ’ αὐτὴν ἐκείνου ζωὴ ἀρίστη καὶ αἰδιος. Few lines earlier it says that god’s *energeia* is his *hédoné* as well (ἡδονὴ ἢ ἐνέργεια τοῦτου, *Met.* XII.7 1072b16) and in NE IX.4 1166a21–23 Aristotle says that god has the good solely in virtue of what god is (ἔχει γὰρ καὶ νῦν ὁ θεὸς τὰγαθόν ἄλλ’ ὧν ὅ τι ποτ’ ἐστίν).

⁴¹ NE I.7, 1098a13–14: ψυχῆς ἐνέργειαν καὶ πράξεις μετὰ λόγου.

⁴² Wilkes (1980. 345) writes “the gods do nothing else,” this is not correct, the gods do not do anything, they *are* the *energeia* of contemplation.

5. THE THIRD REPLY

I have suggested possible answers to two objections, according to the third one, the good of a human being that is determined by the *ergon* argument does not have to be a good *for* a human being.⁴³ The *ergon* argument established that the good of a human being consists in “human good is an activity of soul in accordance with virtue” (1098a16–17). Now we ask whether it is the case that these virtues are good *for* this human being. It is a crucial question since it exposes Aristotle’s ethical theory to an amoralist challenge.⁴⁴ The question is not only whether a corrupt society can threaten *eudaimonia* of a just and moral person since it is unclear whether one can gain any moral virtues while living in a corrupt society in the first place (1179b31 ff.). This question aims at justification of Aristotle’s morality to someone who does not accept its basic premises. When talking about the human good (*anthrópinos agathos*, NE 1094b7, 1098a7, 1102a14, 1140b5 atd.), Aristotle presupposes that the good of man is at the same time good for man since nothing that is not his own can be good for him. Yet, what can Aristotle answer if someone questions this very assumption?

Aristotle could proceed in two steps. The first attempt might be to appeal to a naturally hedonistic point of view since no one would disprove that pleasure coming from one’s own doing is good for a human being (not the highest good, of course, but simple good since we enjoy it). Aristotle might introduce his basic principle that what is one’s own is enjoyable in itself (1169b33). And pleasure is essentially connected with activity (*energeia*) it makes complete:

For the activity’s own pleasure contributes to increasing the activity. It is those who are active and take pleasure in it that are more discriminating and precise in relation to a given subject, e.g. those who delight in geometry are the ones that become expert in geometry, and are always more able to see things, and similarly the lover of music, or of buildings, or whatever it may be – each gets better at his own task through taking pleasure in it; but what contributes to increasing something belongs to it as its own. (1175a29–36; transl. Rowe)

When applied to a human being that is foremost *nous*, reason (1169a2–3, 1178a2, 1178a7), the result is that human being not only reaches *eudaimonia* when contemplating, but it brings him the highest pleasure as well.⁴⁵

⁴³ This challenge actually mirrors Glaucon’s problem with justice in the second book of Plato’s *Republic*, 360d–361d.

⁴⁴ On the amoralist, see Williams (1972. 3–13); Williams (1985. 22–29) and Raz (2002), chap. 12.

⁴⁵ Cf. NE 1175a19–21: “As for whether we choose living because we want pleasure or pleasure because we want to be alive, this is something that may be set aside for the present;

What if this answer to an amoralist fails since either he rejects the relation between pleasure and activity or he disapproves of Aristotle's principle linking what is one's own with pleasure and *eudaimonia*? Aristotle considers both the relation between pleasure and activity on the one hand, and the principle that what is one's own is highly pleasurable on the other hand, as basic principles derived from experience (cf. his argumentation at 1104b3ff., 1169b30ff., and X.4-5 from which I quoted above). The only possible answer to someone who denies so basic principles seems to be: go and try. That is why in the *Nicomachean Ethics* Aristotle says that sufficient experience in doings of life (*tón kata ton bion praxeón*) is a necessary precondition for a reasonable discourse on moral philosophy (1095a1–13). And he is even more explicit in the *Eudemian Ethics*: “only the opinions of reasonable men should be examined; it would be strange to present argument to those who need not argument, but experience (*pathous*)” (*EE*, 1215a2–3; transl. Woods).⁴⁶

6. CONCLUSION

I offered a defense of Aristotle's *ergon* argument in the first book of *Nicomachean Ethics* from three objections to its coherence and integrity within the overall argumentative structure of the *NE*. In my reading the *ergon* argument plays a crucial role in Aristotle's moral theory since it allows him to model his theory of virtue upon a much broader (and common-sense) notion of excellence as being good within one's own *ergon*. The result might be frustrating for many interpreters since Aristotle argues for a life of contemplation as providing *eudaimonia*. However, I argued that the moral virtues and reasonableness constitute a necessary part of a fully human life; it is this complexity of human life (with contemplation as its climax) that best satisfies human *ergon*. Aristotle's approach is humanistic in the sense that his moral theory rests upon what it means to live a human life. Nevertheless, it is not humanistic in the sense that human beings are not the most (or even the only) valuable entities in the universe. According to Aristotle: “in fact there are other things that have a far diviner nature than a human being” (1141a34–b1). This seems to be the reason why Aristotle cannot be satisfied with a merely mortal, human way of life as an ethical goal.

Further, if we take the *ergon* argument seriously (both in Plato and Aristotle), it shows how different this kind of ethics is compared to its modern counterparts influenced by Hume and Kant. The move from describing human life based on

for the two things appear to be yoked together, and not to allow themselves to be separated” (transl. Rowe).

⁴⁶ Aristotle in the *Politics* uses the same approach towards those who are mistaken concerning the importance of virtue: “We, however, will say to them that it is easy to reach a reliable conclusion on these matters even from the facts themselves.” (*Polit.* VII.1, 1323a38–40).

human *eidos* leads us to the excellence and notion of *good* human life in a way that shows the Humean distinction between descriptive and normative to be completely anachronistic in this respect.⁴⁷ Surely, it is the case that the term *eidos* is “already normative” in certain contexts (especially in ethics). Moreover, one might have problems with accepting that human nature shares in divine or, to put it differently, that there is a bit of divine in us. However, these aspects of Aristotle’s moral theory do not threaten the main aim of the argument that is still interesting and important: to achieve an account of human virtue and good life based on what it means to be a human being.

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⁴⁷ Several examples of anachronistic objections are listed in Lawrence (2006. 54).

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Political φρόνησις

ABSTRACT: *The paper discusses the relation of φρόνησις to excellences of character in matters of politics. The so-called civic excellences play a key role in that connection. The various kinds of practical insight shed light to the different positions occupied by ordinary citizens and rulers in the state. Their difference is established also by the cognitive states they are endowed with; excellent rulers have knowledge, whereas excellent ordinary citizens have right opinion. The distinction will be discussed within the context of Aristotle's treatment of knowledge and opinion in An. Post. II.*

KEYWORDS: φρόνησις, civic excellences, expertise, knowledge and right opinion.

Near the beginning of *Nicomachean Ethics* (I 2, 1094a26–28) Aristotle tells us that it is the task of political expertise to study the ultimate end of human beings, which is happiness, or well-being (εὐδαιμονία). It is the most sovereign, the most ‘architectonic’ expertise for it sets out which of the other expertises there needs to be in cities, and what sort of expertise people should acquire, and up to what point. Other expertise such as generalship, household management and rhetoric falls under its direction. It makes use of the other practical expertises, and legislates about what one should do and what things one must abstain from doing. Hence its end will comprise the particular ends of the rest. To mention but one sample, in a well-governed state, military experts are placed under the control of statesmen who have learnt the proper uses to which war should be put. There is a priority concerning the end since even if the good is the same for the individual and the city, the good of the city is greater and more complete thing both to achieve and to preserve. Excellences (ἀρεταί), both in character and thinking, are necessary for a happy life, which is the final good, and for this reason it is a small surprise that they have manifestations in civic life.

As the intellectual virtue concerned with practical matters, φρόνησις, practical insight, is central for the unity of excellences of character.¹ It is not possible to possess excellence in the primary sense without practical insight, nor is it possible to have practical insight without excellence of character (NE 1144b32–3). Its role is linked to the problem of how to follow the rules in the city. The just person is not a automatic follower of rules. It is fairly easy to follow the rules of a given community, and practically any adult can perform it without much thinking. People believe that to have recognised what is just and what is unjust involves no special accomplishment; they assume that it is not hard to understand the issues the laws address (NE 1137a10 ff.). To show it, he takes the example of medicine. In general, we all know what makes for health; it is a matter of honey, wine, hellebore, cautery and surgery. But we have to be a doctor to know how to administer them with a view to producing health, and to whom, and when. To have excellences of character in full we need φρόνησις and vice versa, to have φρόνησις we need excellences of character (NE 1144b32). The excellence of lawfulness is not just a matter of being law-abiding. As Aristotle puts it, due to his intellectualistic position Socrates might have thought that the excellences were prescriptions, although we can only say that they are accompanied with prescriptions. Practical insight is one, and if it is present, all the excellences will be present with it. It has a certain kind of generality since if every excellence of character had a kind of practical insight of its own, we would not be capable of deciding what to do in each situations. Concrete situations may call for the exercise of several excellences of character, but it is one decision that has to be made. Furthermore, if practical insight is a stable state of the soul, like all the excellences of character (NE 1105a33), it has to have all the excellences of character since the lack of a single one would weaken its performance.² Consequently, strictly speaking excellences of character imply one another indirectly because each requires practical insight, which connects them. The uniting factor is φρόνησις.³ Excellences of character do not involve one another in the way we read it in Plato's *Protagoras*. There is no logical dependency between these excellences because unity is provided by an external factor, the practical insight which is an intellectual virtue. Here we can also see that as an intellectual virtue φρόνησις connects the two definitions of human being. As an intellectual virtue it provides the ground for the definition according to which humans are rational animals, and as a virtue guaranteeing the unity of virtues it justifies the

¹ For an overview of the scholarly discussion of the topic, with a particular emphasis on political issues, see Bodéüs (1993. 27–30).

² See Broadie-Rowe (2002. 383).

³ It is important to have in mind, as has been shown by Engberg-Pedersen (1983. 56 with reference also to *Politics* 1253a7–18), that as a uniting factor φρόνησις plays a crucial role in connecting the “altruistic” reasoning and the so-called prudential reasoning which concerns the agent and his personal long-term good.

definition that humans are political animals. On this account practical insight is the virtue which enables us to recognise what is good and useful for us.⁴ There are two questions to be raised. What is the role of practical insight in action and how to understand the relation between practical insight and excellences of character in politics?

As for the first, I do not argue for a thesis of my own. For present purposes, I simply accept – because I find it persuasive – the claim that the role of practical insight is not only to find the most appropriate means to reach the goal set by emotional dispositions. Its main constituents, deliberation (βούλευσις) and decision (προαίρεσις), are not just about finding the best means towards certain goals. Rather, they concern goals and means alike. Although the final goal, happiness or well-being, is not something to be deliberated since it is encoded in us – we have a certain natural drive towards it – the particular goals can be subject to deliberation and thus fall within the authority of practical insight.⁵

The question to be settled now is whether the scheme we have found in *Nicomachean Ethics* Book 6 applies to politics as well. To see it, first I shall discuss the so-called civic excellences (πολιτική ἀρετή), which might modify the scheme we have learnt in the ethics, and then I suggest a possible way of relating them to practical insight. The second point involves some general claim about the role of practical insight in politics. Among others, one has to clarify the difference between the practical insight of the ruler and the practical insight of the ordinary citizen.

Excellence has a formative role in the life of a city. Aristotle insists in *Politics* that rulers must have complete excellence in character (1260b17–18). Later on (1277a14–15) he adds that the good ruler has not only a fine character but also practical insight. As a matter of fact, φρόνησις is the only excellence peculiar to the ruler (1277b25–26).⁶ At least, the ruler must possess it in the full sense. In Books 3 and 8 Aristotle claims that civic excellence must be taken into account by those who respect the laws (1280b5–6). However, the law does not make us good and lover of justice; it is nothing but a certain contract.⁷ Excellence must

⁴ See Kamp (1985. 86–87).

⁵ See, e.g., Wiggins (1998³) and Ebert (1995). The former also emphasises (235–236) that the decisive property of the man of practical insight is the ability to select those features that are related to the notion of living well – whose accomplishment is his constant aim – from an infinite number of features of a situation. The latter draws attention to the problem of interpreting practical insight as a moral notion. With reference to NE 1141a27–28, he stresses that Aristotle considered certain non-rational animals as possessing practical insight, but that hardly means that they are considered as capable of acting morally.

⁶ It follows that the good citizen who is not a ruler cannot possess excellence in character in the full sense, the point has been developed in Kraut (2002. 370–71). However, that does not mean that the excellences of the rulers could be opposed to the excellences of the subjects, see 1277b18–20 and Kamp (1985. 204–205).

⁷ συνθήκη (1280b10). Aristotle refers to Lycophron the sophist as someone thinking that laws are a result of contract. He criticises Lycophron's theory by saying that laws conceived of

be cared for in a city worthy of its name. If it were not the case, the city would only be a community for reaching certain goals by fight (συμμαχία). It would be nothing but an *ad hoc* gathering. Furthermore, there would be no difference between this city and a loose alliance of settlements located far away from one another. Nature endows us with the latent capacity for civic excellence and an impulse to live in a community (1253a29–30).⁸ It does not mean that civic excellences are of the same kind. Different citizens have different capacities, just as sailors differ in capacity since one is a rower, one a pilot, one a lookout. For this reason, the most accurate account of the excellence of each citizen will be peculiar to each (1276b20–25).⁹ It is clear that justice is an important excellence here for it qualifies interpersonal relations. The main concern in a true city is that citizens should abstain from being unjust to another fellow-citizen (1280b4–5), which contributes to unity. Due to its interpersonal nature, justice is the most important excellence from the point of view of the city. In ideal circumstances, equality in excellence matters more than noble birth, and those who excel in justice have a greater share in the advantages of the city (1281a7). We might expect that just as excellences in general, civic excellences are acquired through habituation. On criticising the craft-model of excellences, Aristotle asserts that they cannot be taught in the way we learn a craft, as a collection of general rules. As he famously claims, excellence is not a matter of rule-following.¹⁰ On describing the acquisition of civic excellence, however, Aristotle offers a modified version of the thesis. Interestingly enough, a way of acquiring civic excellence leads through the learning of rhythm and harmony (1341a1). Music is capable

as contracts lack the power of making the citizens good and just, see 1280a1–b12. For further consequences of the critique, see Bien (1973/1985. 222–223).

⁸ See Keyt (1991. 125). He argues that Aristotle's theory does not imply that humans live in political community by nature. Instead, political community is an artefact of practical insight. On this interpretation Aristotle's theory comes very close to Hobbes's view who famously claims that the *polis* is a product of art. One might say that it does not rule out that the polis as a certain artefact exists for good. There was no such period in the history of mankind in which political community did not exist. By contrast, Hobbes seems to have accepted a pre-political phase in the history of mankind. This is not to say that there is no change in the history of different forms of political community, since deformations of practical reason may lead to bad political communities such as tyranny. On this, see Kullmann (1991. 99–101) who argues that Aristotle did not accept such a phase.

⁹ See Roberts (2009. 557). She also emphasises that civic excellence is connected to particular political circumstances.

¹⁰ As it is clear in the discussion about practical insight in *NE VI* (e.g., 1142a12–16) where Aristotle points to the significance of experience in acquiring it, which has been thoroughly discussed by Hursthouse (2006) who emphasises the skill-like character of φρόνησις. See also Mulgan (1987. 10) and Surprenant (2012. 223–225). Although it is certainly true that practical insight combines intellectual strength with experience in order to facilitate right decisions, one also has to pay attention to *Politics* 1277b28–29 where we are told that the ruler who has practical insight has knowledge as well, and the two properties are tied to one another. Thus the intellectual side of practical insight is contrasted to the cognitive state of ordinary citizens.

of reforming the character of the soul (1340b10–13). The modification recalls Plato's description of the educational process of the youth in the *Republic*. Different kinds of music give rise to different dispositions of the soul. It also makes a big difference as to which instrument the young is supposed to play; flute and cithera are not advised, the former being all too frivolous anyway (οὐκ ἥθικόν ἀλλὰ ὀργιαστικόν, 1341a21–22). The primary aim of musical education is not to produce professionals. Rather, it aims at cultivating taste and establishing proper dispositions in the soul. Despite the divergence from the thesis on habituation in *Nicomachean Ethics* I, Aristotle insists that civic excellence is not something to be taught by way of direct indoctrination, even if the way of its acquisition is somewhat different from what he suggests in the ethical work. It seems, therefore, that civic excellences do not differ in kind from those excellences which Aristotle discusses in the ethics. Hence their internal relations may not differ from those mentioned in the ethical treatises either. We might get a more complex picture, however, if we examine the context in which practical insight is introduced in the *Politics*.

It seems that excellence can be attributed, not only to individuals, but to cities as well. Courage, justice, practical insight and, perhaps, temperance of the city have the same power and form as the one we find in each person having those characteristics (1323b34 ff.).¹¹ Without them the city cannot function properly. I suppose that the moral qualities of a city are derivative of those in the individual. Derivation may take two forms: we say either, for example, that the city is courageous because the citizens are courageous, or courage is a kind of supervenient quality which comes from good arrangement and proper distribution of tasks. Nothing seems to support the second option. It implies, however, that the analysis in the ethical works applies to communal life as well. This may be the reason why Aristotle does not examine them in detail in the *Politics*. Nevertheless, the common root allows for certain variations which are due to the argumentative context. It is a matter of practical insight to recognise the best laws and those which fit the politics (1289a12). It is not just a technical skill which can be used for various purposes, good or bad alike.¹² Here Aristotle maintains the difference he made in the *Nicomachean Ethics* between practical insight and cunningness (ἀγχινοία/δεινότης) which is a neutral strength of thinking on practical matters.¹³ Furthermore, it is linked to age which leads to a distribution of work in the city. Youth is naturally more vigorous and powerful, whereas

¹¹ In line b34 σωφροσύνη was added by the Greek humanist scholar Adamantios Korais.

¹² In 1253a34 he says that men are born with weapons for excellence in character and practical insight but such weapons can be used for evil purposes lacking excellence in character. One might allow the possibility that excellence in character alone may cause such a situation. For an explanation, see Schütrumpf (1) (1991), *ad loc.*

¹³ Or, practical insight can be deformed into cleverness in tyranny (Pol. III 7), as has been emphasised by Kamp (1985. 282).

older people are more likely endowed with practical insight (1329a9–15). According to this division, the citizen body is divided into fighting and counselling part.¹⁴ Rulers emerge from this social ambience of the city for they must possess practical insight. Thus the additional information we gain by reading the *Politics* may be twofold. First, as for its cognitive nature, practical insight must be knowledge, not just right opinion. The difference between the two cognitive states will be discussed later. Furthermore, as a consequence, practical insight enables us to see which law is the best and which fits the polity – for laws must be adjusted to polity, not vice versa. Second, it can contribute to the distribution of social roles as well, since its possession qualifies people to take part in the life of the city in a specific way.

Now it seems that the function of practical insight is very much tied to the exercise of civic (πολιτική) expertise, and as a result, to the exercise of political power.¹⁵ Ruling requires practical insight for excellent performance. The intimate link between them has been described in *Nicomachean Ethics* Book 6. In a typically Aristotelian manner we are told (1141b23–24) that practical insight and civic expertise are the same state (ἐξίς), although their being is different, which may mean that they are different manifestations of the same capacity.¹⁶ At this point, it has not been settled yet whether they are partly or entirely different from one another. In so far as the disposition concerns the city, the architectonic form of practical insight is legislative expertise with the task of discovering and establishing the best laws in the society in question (NE 1141b25), whereas at the level of individuals it has the common name ‘civic expertise’ and is concerned with action and deliberation.¹⁷ Later he adds that it also has a kind called judicial (δικαστική) expertise (1141b34) which must have something to do with practice in the courts.¹⁸ Architectonic and civic forms of practical insight must be connected for the following reason. The decree by which the city is managed, is something to be acted upon, as what comes last in the process which includes both deliberation and legislation. The decree is issued by way of a legislative procedure which involves practical insight. We can observe that Aristotle starts his argument from the observation of common conceptions. In everyday usage,

¹⁴ 1329a31: ὀπλητικόν... βουλευτικόν.

¹⁵ I think πολιτική must be supplemented with τέχνη (expertise), not with ἀρετή (excellence), see Broadie-Rowe (2002. 183, 373).

¹⁶ This is controversial, Ebert thinks (1995. 169) that they are the same state, and their difference is nominal only. Difference in being might involve difference in definition, see Broadie-Rowe (2002. 373–4).

¹⁷ This is related to concrete political action which differs from legislation, as has been emphasized by Bien (1973/1985. 138).

¹⁸ In 1141b30–34 Aristotle enumerates the different kinds of practical insight conceived of as “caring about one’s own interest” (contrasted with the involvement in political matters), which are household management, legislative and civic expertise, the latter being divided into deliberative and legislative expertises. The classification interlocks with the division of architectonic form of practical insight in an interesting way, an issue I cannot discuss here.

practical insight is the ability of the person to take care of himself as an individual (1141b30). By way of expansion, which Aristotle thinks advisable, it relates to household management as well. The relation between the two main forms of practical insight is not quite clear, but so much may be said that civic expertise is not an implementation of rules laid down by the architectonic form.¹⁹ We cannot rule out that even if the architectonic form is superior, it is originated in the person's care for himself.²⁰ The comparison between judicial and deliberative oratory in the *Rhetoric* may also support the claim.²¹ There Aristotle says that speaking in the assembly is prior to legal debates because in political debates it is useless to speak outside the subject. For this reason deliberative oratory leaves less scope for manipulation than judicial speech. On his view, political argumentation is linked to public deliberation in the course of which each member of the audience has to decide about something familiar to him. This is not the case in the courts where the jury decides about issues concerning other people. Thus political debates may provide a better condition for rational persuasion since they concern issues that are important to each citizen as citizen. As a consequence, citizens consider the problems discussed as their own and they try to get as much and thorough information about it as possible.

We have seen that political expertise and practical insight arise from the same state of the soul, although practical insight has manifestations that do not belong to the sphere of polity. Among the political manifestations of practical insight the most important are the recognition of the best law and the one which fits best the ideal polity, and the involvement in the legislative process. It does not mean that some manifestations remain within the confines of private life. We have also seen that it is knowledge which can be contrasted with right opinion; rulers have knowledge. By contrast, the good citizen does not need practical insight, but only right opinion (1277b28–29).²² As he occupies a lower office, his decisions are of a limited range and weight, and can be overseen by the ruler having practical insight. Aristotle does not claim, and we do not have to assume, that φρόνησις amounts to an abstract, theoretical knowledge.²³

¹⁹ See Broadie-Rowe (2002. 373).

²⁰ This is a well-known method of Aristotle, see his discussion of friendship in *NE* Book 9. Famously, he derives friendship from self-love.

²¹ *Rhetoric* 1354b22–1355a1. I owe this point to Miklós Könczöl.

²² Schütrumpf (2) (1991. 433–434) discusses the Platonic origin of the distinction but does not examine the question of the content of these cognitive states within the context of the Aristotelian distinction in *An. Post.* II. I will not deny, of course, that Aristotle was aware of Plato's distinctions. I shall only try to put it into an Aristotelian context. Surprenant (2012. 224) explains the passage by saying that "a citizen is able to display phronesis at the point when he becomes a ruler. If and when he ceases to be a ruler, his judgment, which was formerly considered to be phronesis, is no longer knowledge but opinion." He thus seems to link the possession of practical insight to social status. It is not clear whether difference in status implies difference in content as well.

²³ As has been emphasised convincingly by Bodéüs (1993. 34–37).

There remains to examine the character of the difference between the two cognitive states. How to distinguish between knowledge and true opinion in this context? The thesis sounds almost like a Platonic distinction. It may be clear that, as an excellence of the thinking faculty of the soul, practical insight must not only be a fine exercise of thinking on practical matters, but also has to possess (or has to have access to) a specific content.²⁴ In order to be knowledge, then, practical insight must have propositional content. We have to bear in mind also that practical insight is knowledge about particulars as well (1142a15). It implies that the content may not be made up of universal statements, or, to put it with more reservation, it may not be made up of universal statements exclusively. Thus the distinction between knowledge and true opinion is not to be equated with the distinction between universal and particular statements. What is the rationale for setting apart the two cognitive states? My suggestion is that the difference might not amount to the difference between a true statement of fact and a true statement of fact accompanied with a right causal explanation. It is a much discussed difference between a *hoti*- and a *dia ti*-type of propositions. Aristotle discusses it at length in *Posterior Analytics*.²⁵ There, in Book II, he compares opinion with knowledge. First, knowledge is universal and acquired by necessary premises. Opinion is a consequence from premises that express contingency (88b30–89a2). If the difference mentioned in the *Politics* were of this kind, however, then we run into a serious difficulty. How can the rulers have necessary knowledge about matters concerning the polis? The rulers' knowledge must be practical knowledge which is about contingent things.²⁶ The crucial component of practical insight, deliberation, rests on the very possibility of things' being otherwise. The second option for distinguishing opinion and knowledge is that right opinion is about the fact only (89a22–23). Aristotle claims that if someone thinks that the propositions are true but his thought does not follow from the nature of the subject-matter, he will have opinion and not knowledge.²⁷ In this way, opinion is both of the fact and of the reason. Opinion

²⁴ The distinction between possessing and having access to certain content may suggest that the exact status of the intellectual excellences might be vague. We may say either that practical insight is a sub-faculty on its own, and has its own content, or the thinking faculty works differently in different situations (which fit the threefold division of sciences) and has a unitary content of different kinds propositions. At this point I do not see clear evidence for any of the options.

²⁵ See 78a22, 79a23, 88b30–89b6.

²⁶ The primary example of someone having practical insight is Pericles (NE 1140b10) whose excellence was manifest, not in possessing universal knowledge, but in administering the affairs of the state. Aubenque (1963, 54–56) also draws attention to the fact that Aristotle chose a politician as an example, which may be due to his insistence on the supreme position of political knowledge as well.

²⁷ If opinion rests on the immediate premises, on premises that are not derived by correct reasoning from necessary premises, it can be both about fact and about reason. For an analysis of the passage (89a3–18), see Ross (1949/1965, 607).

can be of fact only if it follows from immediate premises. Thus we have two possibilities to separate the cognitive state of the rulers from that of the subjects. First, unlike good rulers, then, good citizens know the fact but cannot provide causal explanation for that. On the other hand, subjects can opine on reasons but in doing so they do not exploit the nature of the subject-matter.²⁸ The latter option may involve that they do not rely on the necessary, definitional properties of the subject-matter. Thus the knowledge of the rulers can be based on necessary premises but they do not express the necessity of events since events are not necessitated in the practical world. Rather, the premises express the necessary presence of certain properties.²⁹ It is important to realise that such a distinction is missing from the analysis of practical insight in the *Nicomachean Ethics*. The reason for the omission is not quite clear and I cannot pretend to have a persuasive answer at this point.³⁰

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²⁸ If this is the case it seems that the knowledge of the ruler contains elements that are qualitatively new compared to the information of other citizens. It may imply that ordinary citizens cannot compensate for their individual deficiencies by gathering together and combining their faulty skills. Aristotle discusses the matter in III 11, and seems to leave it open. For an analysis of the issue, see Kraut (2002. 402–403, 416) and Miller who also shows the paradox coming from the assumption that kingship can be constitution (1995. 234–237). If in the best constitution civic excellence is the same as excellence of character and polis in which every citizen exercises excellences of character is better than one in which only a single person exercises it and, furthermore, in a kingship only one person exercises civic excellence, then kingship is not the best constitution.

²⁹ Practical insight does involve universal knowledge (NE 1143b2–5: universals are reached from the particulars, and we reach them by means of induction, see Abizadeh (2002)) which led Broadie (1991. 256) to conclude that practical insight mirrors scientific understanding: both conclude by affirming true what was so far assumed as true, and practical insight grasps the principles whereby a given end should be made real. This end is a universal realisable differently in different situations.

³⁰ I owe much to the audience of the workshop for criticism and suggestions, and especially to Miklós Könczöl for his written comments which contained many useful remarks, some of them incorporated in the final version of my paper. All failures are my responsibility, however.

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Cicero on Aristotle and Aristotelians

ABSTRACT: *Set against tendencies in the Renaissance and later political theory to see Cicero in tension with Aristotle, this research essay reports the results of a close study of all of Cicero's texts that bear on his reading, understanding and assessment of Aristotle and the Peripatetic school. The essay necessarily attends to Cicero's sources for his encounter with Aristotle and affirms, with some qualifications, Cicero's overall continuity with the moral and political thought of Aristotle.*

KEYWORDS: Aristotle, Cicero, Socrates, Theophrastus, Peripatetic, New Academy, Rhetoric, Stoic, Dialogues, Virtue, Equality, Petrarch.

[M]y philosophical writings differing very little from Peripatetic teachings, for both I and those men wish to follow in the Socratic and Platonic tradition... (Cicero, *De Officiis* I. 2)

Cicero was Rome's "best Aristotelian". (Dante)¹

The authority of the American Declaration of Independence rests in part on its drawing from "elementary books of public right as Aristotle, Cicero, Locke, Sidney, etc." (Thomas Jefferson, 1824/1973. 12)

This research essay provides the basis, in Cicero's own writings, to see his moral and political thinking as a significant Roman manifestation of political Aristotelianism. It examines closely his assessment of Aristotle's political legacy and the necessary preliminary topic of Cicero's sources for understanding Aristotle

¹ This was Dante's judgement according to A. E. Douglas (1965, 162) and Paul Renucci (1954, 331). A seemingly different claim made by the 20th century scholar Ernest Fortin (1996, 33) was that Cicero and Varro are "Plato's Roman disciples."

and the teachings of the Peripatetic school founded by Aristotle. The essay thus lays important groundwork for more focused comparative examinations of such topics as equality, democracy, mixed government, human rights and natural law. Since Cicero's selective but substantial appropriation of Aristotle's practical philosophy to his thinking entails a commentary on it, his own moral and political philosophy illuminates not only some of the possible features but also some of the difficulties and challenges for a modern Aristotelian public philosophy.

THE TRADITION OF OPPOSING ARISTOTLE AND CICERO

Following Dante and indeed Cicero himself and thus seeing Cicero largely in continuity with Aristotle, requires, at the very least, some notice of those who have thought otherwise. There is a "modern" tradition that emphasizes the opposition and tension between Cicero and Aristotle. Manifestations of this appear at least as far back as the early Renaissance. Here it is possible only to give a sketch and small sampling of the arguments and concerns of this tradition. It is well to have such arguments and concerns in mind as this essay proceeds to examine the texts of Cicero.

The more recent manifestation of this tradition and the form of it that has had a direct impact on the study of political theory in the past century is that most often traced to the Carlyles' opening chapter on Cicero in their six-volume work entitled *A History of Mediaeval Political Theory in the West*.² They argue that "the dividing-line between the ancient and the modern political theory" occurs in the period between Aristotle and Cicero and is signaled by the "change ... startling in its completeness" between Aristotle's "view of the natural inequality of human nature" and Cicero's opposing view. In Cicero's and later Roman thought they see "the beginnings of a theory of human nature and society of which the 'Liberty, Equality, and Fraternity' of the French Revolution is only the present-day expression."³ Cicero is seen as seminal to and largely in accord with the liberal thinking of modernity, and his frequent antithesis in these portrayals, Aristotle, is consigned to a quite alien and justly irrelevant past.⁴

² R.W. Carlyle and A.J. Carlyle (1903). Cicero's position in this larger work dramatizes the Carlyles' view that Cicero's political thought marks an important turn, to be further developed via mediaeval political theory, toward the egalitarian and popular foundations of modern political thinking.

³ Carlyle & Carlyle (1903, I, 8–9). Following in this vein of seeing a fundamental divide between Aristotle and Cicero are McIlwain 1932, 1947, Sabine 1960, Cumming 1969, McCoy 1950, 1963. The latter three are not as focused on equality as are the Carlyles and McIlwain in seeing this as the single fundamental difference.

⁴ All of those writers here associated with the Carlyles' "great divide" thesis do acknowledge various continuities between Cicero's and Aristotle's thought. In the case of the Carlyles' own work, even as they focus on Cicero as a champion of human equality they notice

This embrace of Cicero at the expense of Aristotle runs more deeply in modernity than the formative analysis by the Carlyles at the turn into the last century. In 1706, at the very beginning of what has been not unfittingly called “a Ciceronian century” (Wood 1988, 3), Jean Barbeyrac published *An Historical and Critical Account of the Science of Morality* which initially in French and then later in English translation (1749) appeared as a preface to Pufendorf’s *The Law of Nature and Nations*. Richard Tuck, my source for the account of Barbeyrac’s work, reports his view that among ancient philosophers “only the Stoics had come anywhere near to giving an adequate account of man’s moral life” (1979, 174–75). “[W]ithout Dispute, the best Treatise of Morality, that all Antiquity has produc’d” claimed Barbeyrac, is Cicero’s *De Officiis*. As for Aristotle, Barbeyrac saw his influence as a moral teacher ever ascendant after the fall of Rome and lamented this, for from Aristotle came “Scholastic Philosophy; which ... with its barbarous Cant, became even more prejudicial to Religion and Morality, than to the speculative Sciences” and produced an ethics which “is a Piece of Patchwork; a confus’d Collection, without any Order, or fix’d Principles ...” At the root of what unfolded in Western history was, according to Barbeyrac, Aristotle’s failure to grasp “just Ideas of the natural Equality of Mankind; and, by some of his Expressions, he gives Occasion to believe, that he thought some Men to be, by Nature, design’d for Slaves Thus this vast Genius of Nature, this Philosopher, for whom such Numbers have so great a Veneration, proves to be grosly (sic) ignorant of, and, without any Scruple, treads under Foot, one of the most evident Principles of the Law of Nature”. Barbeyrac’s work shows then not only a modern ancestry for the Carlyle’s thesis of the “great divide” but also an emphasis on the way human equality is treated as the significant point at issue in the divide. The Carlyles’ and Barbeyrac’s understanding of what is at issue in the “divide”, with varying emphases in one or another expression of this position, sees Aristotle as viewing man as never simply equal and in his place in a structured polis which has nourished and educated him; Cicero is found emphasizing man as an individual, substantially if not simply equal to others, with whom he stands in a universal human community under nature and equipped to read nature with reason to provide self-direction. The making of such a division between Aristotle and Cicero obviously involves interpretations of Aristotle as

passages where they find him “speaking under the influence partly at least of the Aristotelian principle of the fundamental distinction in human nature; [they] find him thinking of mankind as capable of being divided into those who are able to govern themselves and those who are not” (12). Adding that these passages do not change their overall view, they see these passages being in contradiction to that view and take refuge in Cicero’s alleged weakness as a philosopher: “It must be remembered that Cicero’s eclecticism is in part the expression of a certain incoherence in his philosophical conceptions, and that it is not a matter for any great surprise that we should find him holding together opinions hardly capable of reconciliation.”

well as of Cicero's texts; in what will follow later, we proceed only from the side of Cicero.

First, however, there is need to look to the second form of the "modern" tradition of opposition and to bring out the nature of the differences between Aristotle and Cicero as found in this approach. This form of opposing Aristotle and Cicero goes more deeply into our past than the strain which we have just found as far back as Barbeyrac at the beginning of the eighteenth century. Though apparently beginning in the Renaissance and humanist enthusiasm for Cicero, the outcome of this way of opposing "the philosopher" and "the orator" works in time to elevate Aristotle in a manner that significantly diminishes the philosophical weight of Cicero. This form of the tradition seems then to be rooted both in the Renaissance enthusiasm for Cicero over Aristotle and in the counterattack of Aristotelians that, later joining with the concern for a comprehensive and scientific knowledge that emerges in the post-Baconian period, appears to have been largely successful.⁵

The conflict between Aristotelians and Ciceronians as the Renaissance dawned is signaled by observations like that of Jerrold Seigel that in the fourteenth and fifteenth centuries Cicero became among humanists, "the object of the kind of enthusiasm" directed earlier at Aristotle (1968, 30). The new enthusiasm for Cicero should not, however, invite generalizations that oversimplify and too sharply differentiate the Renaissance as Ciceronian and the Medieval period as Aristotelian, or that consider Cicero as first really embraced and properly understood in the Renaissance. Earlier in a similar vein in his *Cicero Scepticus*, C. P. Schmitt wrote (1972, 33) that "Cicero's influence during the Middle Ages was enormous ... perhaps as great as Aristotle's". And on the Renaissance side of this divide, there is, of course, a vigorous Aristotelianism that manifests itself, in one way, in what seem to me sound efforts to emphasize the essential harmony between Cicero and Aristotle at least in moral philosophy and specifically with respect to rhetoric's moral status.⁶ Though the concepts of Aristotelianism and Ciceronianism, just as the much attacked concepts of the Renaissance and Middle Ages, do tend to sharpen artificially and thus falsely actual differences (not to speak of how they might contribute to polarizing our conceptions of Aristotle's and Cicero's thought), these concepts and the conflict they are used to describe in this case are hardly mere constructs of intellectual historians. My purpose

⁵ Cicero's philosophical ability and significance first comes under attack in the course of the controversy between Ciceronians and Aristotelians in the Renaissance. Before that, there is pervasive respect, if not acclaim, for him as a philosopher though there is a tradition, to which Augustine chiefly gives birth, of differentiating Cicero's thought from the fullness of truth and genuine wisdom that is possible in the light of Christian Revelation.

⁶ See especially Seigel 1968, Chap. IV, and 1966, 38–39. See also Tuck 1979, 44–45, 176. Tuck emphasizes at several points that the Renaissance Aristotle is not invariably the Aristotle of the scholastics.

here, of course, is not to detail the development of this conflict or describe fully its many varieties and complexities. My knowledge of the conflict is dependent on the work of other scholars supplemented by my study of a substantial portion of Petrarch's writings.⁷ It is Petrarch, that great Ciceronian enthusiast of the early Renaissance, whom I primarily utilize in an effort to state what is at issue in this form of the tradition of opposition.

Petrarch's writings provide considerable material not only on what he thought distinguished Cicero's thought but also on the nature of the Aristotelian attack on his Ciceronianism and his response to it. Petrarch is direct and unqualified in making clear that his initial attraction to Cicero was based on his eloquence, that this dimension of Cicero remains critically important for him, and that the leading edge of the Aristotelian attack echoes an old charge against Cicero, namely "much eloquence but little wisdom". Thus Cicero's rhetorical achievement and notable concern with rhetoric seem for the Aristotelians a badge of his philosophical inferiority. The chief issue in the conflict, as it emerges in Petrarch's writings, is then a Ciceronian esteem for eloquence and rhetoric versus an Aristotelian "despising" of it, or at the least holding it suspect (1948b, 53–54, 61–62, 85, 87, 91).

To state the conflict, however, in terms of Cicero the orator versus Aristotle the philosopher would concede to the Aristotelians the definition of the issue and does not represent the view of Petrarch and no doubt other Ciceronians. Rather, eloquence is related to a certain conception of philosophy in which Cicero is seen to excel.⁸ This is philosophy characterized by a moral focus and having the actual practice of virtue, the living of the good human life, for its end.⁹ For Petrarch, Cicero's eloquence is a part of his wisdom; rhetoric is seen to be, and properly so, in the service of wisdom and philosophy.¹⁰ Petrarch finds the broad and pure learning of the Aristotelians aimless and needlessly contentious

⁷ Schmitt 1972, for example, describes some of the vigorous conflict in the Renaissance between those who proclaimed themselves Aristotelians and those who followed Cicero; see 79 ff. and especially his discussion of Pierre Galland (1510–59), 98 ff.

⁸ A defense of Cicero in this respect, inclusive of a finding that he is essentially consistent with Aristotle, is found in Garsten 2006. Bird 1976 and Kimball 1986 accentuate the difference between the rhetorical (oratorical) strain and the philosophical one in the Western tradition of the humanities.

⁹ Petrarch 1948b, 61–62, 103, 105. Also, Seigel 1968, 34–35 where he cites Petrarch in *On the Remedies of Both Kinds of Fortune* invoking Cicero and writing that the way to eloquence is found in giving "your attention first of all to virtue and wisdom."

¹⁰ Seigel is on the mark when he appreciates Petrarch's reading of Cicero, writing that "Petrarch's intelligence penetrated deeply into the structure of Cicero's mental world" (1968, 33; also 60, 224, 259). However, Seigel's conclusion on Cicero's understanding of the relation of rhetoric and philosophy undermines Cicero's significance as a philosopher: The Ciceronian combination of rhetoric and philosophy was complex and intricate. As a philosophical position it was weak and inconsistent, but it was also humane. It allowed the intellectual to waver between a position based on the standards of thought and one based on those of action (1968, 15, 26, 29).

(1948b, 56, 77; 1948a, 137). Furthermore, he contrasts Cicero's Academic skepticism and its humility with the arrogant assurance and argument from authority manifested by some Aristotelians and sees the latter as a threat to a genuine philosophical spirit.¹¹

Especially on this last point, Petrarch makes clear, as did other critics of the Aristotelians, that his differences are with the Latin-using Aristotelians rather than with Aristotle.¹² He cites (1948b, 53–54, 102) indications in Cicero and other sources that Aristotle was himself eloquent and more favorable to rhetoric than those marching under Aristotle's banner in Petrarch's own time. Although he does find that Aristotle's *Nicomachean Ethics* lacks the sting to virtuous action which he finds in Cicero's writings and in that respect it is inferior, he concedes greater "acumen" to the analysis of Aristotle.¹³ For Petrarch the issue is between a Cicero whose texts he knows well and the practices of the Aristotelians. One might say it is between two differing conceptions of philosophy, but for Petrarch such a portrayal would be too gentle and insufficiently precise; for him Cicero represents genuine philosophy in the Socratic-Platonic tradition, the Aristotelians often manifest a muddled, arrogant and false philosophy that is not a legitimate offspring of Aristotle's own thought and writings.

That distinctive conception of philosophy that Petrarch finds in Cicero seems thereafter to ever lose ground as a way of knowing or science in the Western tradition. The ideal of a comprehensive and assured knowledge that appears in the Aristotelians merges much more readily with the emerging and subsequent Enlightenment aspiration to a comprehensive science. The anomaly with which we are faced regarding comparisons of Cicero and Aristotle comes into focus in that Ciceronian eighteenth century, for then Cicero is heralded (as in Barbeyrac and later in the Carlyles) as a moral thinker and a "modern" even as his stature as a philosopher suffers. One can see in the dual view of Cicero the Kantian problematic at the heart of that century: new and sure foundations

Neither Petrarch nor Cicero would have appreciated a severance of the standards of action from those of thought. Nor is the positivism – rhetoric and law seen as distinct from reason and nature – that Tuck 1979, 33 ff., 44–45 traces in the Renaissance Petrarchan or Ciceronian.

¹¹ 1948b, 124–25; also, 1948c, 34–35. In *On Familiar Matters* 3. 6 (1975, 128–29), Petrarch seems an exemplary Ciceronian Academic skeptic as he adopts a Stoic position on what constitutes happiness and points to Cicero's *De Finibus* for a fuller treatment of the matter. Noting the teachings of various ancient philosophical schools, Petrarch tells his correspondent that "the authority of philosophers does not prevent freedom of judgment" and that he is here providing "not the truth of the matter (for that perhaps is hidden) but how it appeared to me."

¹² 1948b, 74, 107. Schmitt (1972, 91) notes a general tendency among humanists in the fourteenth through sixteenth centuries to find Aristotle's actual writings quite acceptable and to focus their protests against pollutions of his teachings which were seen in "scholastic versions and interpretations of Aristotle."

¹³ See his exchange with Jean de Hesdin, a French *calomniateur* of Cicero, in De Nolhac, 1907, and also, 1948b, 102–03.

of comprehensive science are to be set down, and at the same time in another sphere, where Cicero and the Stoics are given a strong voice, the moral life is to be nourished. The nature of the modern tradition of seeing opposition between Cicero and Aristotle and what is at stake in it has now been sketched. The re-examination of this complex tradition properly begins with a return to the texts of Cicero and Aristotle; in this case, a first step, attended to here, is looking to Cicero on Aristotle.

SOURCES FOR CICERO'S ARISTOTLE

One is required to ask, at the very beginning, whether Cicero knew the same Aristotle whom the Renaissance knew and we can know today.¹⁴ Does he have access to essentially the same corpus of Aristotle's works which later, through the first century B. C. edition of Andronicus of Rhodes, provided the Aristotelian canon for the future? The perhaps surprising answer is that Cicero had more of Aristotle's work available to him than we do and than most people have had both before and after his lifetime. Cicero lived at the very juncture in time and even in place when and where the new Aristotelian corpus of Andronicus was put together and made available and the hitherto known popular or exoteric writings of Aristotle begin their disappearance which has resulted in their all but complete loss.¹⁵ One would expect, given Cicero's sustained interest in phi-

¹⁴ In the larger context in which this paper is set, namely, that just reviewed, that of later comparisons of Cicero and Aristotle and contentions between Ciceronians and Aristotelians, it is also appropriate to ask whether we twenty-first century political theorists know the same Cicero whom the Renaissance did. With the exception of Cicero's *De Re Publica* (*Rep.*), lost it appears sometime shortly after Augustine wrote and recovered with significant *lacunae* early in the nineteenth century, the same texts of Cicero are available at both times. Chiefly through Augustine and Macrobius's fourth century *Commentary on the Dream of Scipio*, the Middle Ages and Renaissance had some knowledge of the nature of *Rep.* The "great divide" thesis of the Carlyles does not seem dependent on the *Rep.* in particular; note above that Barbeyrac's version of the thesis is early eighteenth century. It is not a new and different Cicero revealed in *Rep.* Given Cicero's embrace of the mixed regime in *Rep.* and his related Platonic-inspired critique of democracy, one wonders how the alleged egalitarianism of Cicero could play such a defining role for those who would see him as essentially "modern."

¹⁵ The story of both the puzzle of the disappearance of Aristotle's popular writings after the Andronicus edition of Cicero's lifetime and the development of that edition at Rome, with the hand of Cicero likely involved, is told succinctly in Masters, 1977, 31–33. See also M. Frede 1999, 773–75, 784 who thinks the Andronican edition may have been completed before Cicero's life and that it had considerable impact on other schools of philosophy and the Aristotelian revival Cicero encountered. See also Gottschalk 1987, 1095 for a summary view of the various placements of the Andronican edition. For materials indicating the evidence of various lost works of Aristotle in the texts of Cicero, see MacKendrick, 1989, 9, n. 38 on 319. Since Masters' and other earlier work, there has been a significant but largely reaffirming effort by David Sedley and especially by Jonathan Barnes to examine the presence of Aristotle and Aristotelianism in the period of Hellenistic philosophy and to speculate further on the timing and significance of the edition of Andronicus. Sedley (1989, 118) has observed, "It

losophy throughout his life, his specific concern to introduce Greek philosophy to Rome and his evident interaction with other learned Romans, that he would be aware of, if not in close contact with, the enterprise of assembling the new and true Aristotle that has just occurred or was occurring right in Rome during the very years of his adult life. His writings support this expectation and at the least indicate that he consulted the non-popular works (*commentarios*) of Aristotle then being recovered and assembled.¹⁶ In the reference to these works at *De Finibus* v. 12, Cicero actually uses the Greek cognate (ἐξωτερικόν) for “exoteric” to describe the popular works which are contrasted with those (*limatius*) “more carefully composed” *commentarii*, usually translated as “notebooks”.¹⁷ In this passage, Cicero reveals that the distinction between the exoteric works and

has always been a struggle for modern scholars to accept how extraordinarily little notice the Hellenistic philosophers apparently took of Aristotle, in view of his immense importance to the subsequent history of philosophy.” Sedley sees Aristotelianism being resurrected in and just before Cicero’s time by means of taking Aristotle and his school to be part of the Platonic revival and the synthesis of Antiochus. Lynch (1972, 204) concluded that Cicero’s knowledge of Aristotle came largely through Antiochus. Barnes (1989, 1997) is in essential agreement and believes there was much Aristotle available to Cicero even if it is likely that the Andronic edition was first put together after Cicero’s death.

¹⁶ *De Finibus* (*Fin.*) iii. 10; v. 12. There is nothing in Cicero’s writings to indicate that he did not read what he could of the new Aristotle with care. At present I am not convinced that Cicero has the Aristotle we know wrong in some significant way. As early as 55 B. C. during a time when other letters indicate Cicero is reading Aristotle, Cicero writes Atticus (*Epistulae ad Atticum* [*Ep. Att.*] iv. 10) that he “is being sustained by the library of Faustus” at Cumae, a library thought to contain the esoteric writings of Aristotle and Theophrastus. See D. Frede, 1989, 95, n. 18. Glucker (1978, 223) saw one impact of the rediscovery of Aristotle’s texts being was that those turning to the texts were becoming Aristotelians rather than Peripatetics. Otherwise before and no doubt somewhat into the last generation of the Republic, it would have been unusual to describe oneself as an Aristotelian rather than a Peripatetic. While conceding that Cicero could “have discovered all the Andronic Aristotle”, Earl (1972, 850ff., 853) raises doubts about the presence of the Aristotle manuscripts in the library at Cumae and Cicero’s knowledge of the new Aristotle. A similar conclusion regarding Cicero’s knowledge of “the mature Aristotle” was reached earlier, though without much argument, in How, (1930, 27). Powell (1995, 18) emphasizes the different views on the extent of Cicero’s knowledge of the Andronic Aristotle while claiming that Cicero had a good knowledge of Aristotle’s published writings including, it seems, the esoteric works brought to Rome in 84 by Sulla; Long (1995, 42–43 and n. 11) urges readers to keep an open mind on the question even as he inclines against thinking Cicero knew much of our Aristotle.

Regarding Aristotle’s “scientific work”, Harris (1961, 10) claims their study was abandoned by the Peripatetics of Cicero’s time who were “imbued with the spirit of Stoicism.” It seems, however, in the light of Cicero’s references to Aristotle’s and the Peripatetic teaching in *Fin.* v and *Tusculanae Disputationes* (*Tusc.*) i, that Cicero had some contact with the scientific side of the Peripatetic tradition. Sedley (1980, 5) has taken a different turn on this matter. In writing of the comparative weakness of the Peripatetic school in the Hellenistic period (noting *inter alia* the loss of Aristotle’s library upon the death of Theophrastus), he remarks “However the philosophical writings of Aristotle and Theophrastus were certainly available to any Hellenistic philosopher sufficiently interested to seek them out, and their influence should not be discounted. It is apparent above all in Hellenistic physics and cosmology, and to a lesser extent in ethics, though surprisingly little in logic.”

¹⁷ Cicero also uses the Greek term to describe this set of Aristotle’s writings in *Ep. Att.* iv. 16.

the notebooks is one which the Peripatetics themselves make,¹⁸ that it is a distinction which applies to various works of the school, not simply to Aristotle's writings, and that he is sufficiently familiar with both the exoteric writings and the notebooks to comment on the appearance of inconsistency between them with respect to content.

Cicero did not, it seems, know with assurance that our *Nicomachean Ethics* and *Politics* were works of Aristotle. Cicero cites neither of these works directly, though he mentions the *Nicomachean Ethics* and shows himself aware that this work is attributed to Aristotle; he himself is inclined to think it was authored by Aristotle's son Nicomachus.¹⁹ Though the scholarly consensus is that Cicero did not know our *Politics*, there is a possibility, as the late Elizabeth Rawson suggests, that he knew the *Politics* or much of it as the work of Theophrastus, Aristotle's successor as head of the Peripatetic school.²⁰ Whether or not Cicero did give close attention to the texts of the *Nicomachean Ethics* and *Politics* or encountered their teachings in other sources, his work shows the impact of such teachings and appears largely consistent with them. The teaching of the *Ethics* is quite clearly reflected in *De Finibus*, especially in Book II where Cicero speaks in his own *persona*, and the *De Finibus* is a book that Cicero regards as his most important and that treats the topic which he holds to be foundational to all philosophy.²¹ Quite directly Cicero associates what he does in *De Re Publica* and *De Legibus* with the tradition of political inquiry in which Aristotle and his school are

¹⁸ The use of the term "exoteric" to describe his other works has been found within our Aristotle of Andronicus; see Masters, 1977, 32, 49 & n. 2. Earlier these usages had been discussed by Jaeger 1948, 32ff. who brought a skeptical spirit to all such references. Aulus Gellius (20.5) reported that Aristotle used to give rigorous courses for specialists in the morning and more popular ones in the afternoon, Gottschalk 1987, 1172–73.

¹⁹ *Fin.* v. 12. Cicero's suggestion of authorship is firmly rejected by Jaeger, 1948, 230. Barnes (1997, 58, 64) thinks it likely that Nicomachus was editor of one set of Aristotle's ethical writings, and Eudemus editor of another set.

²⁰ D. Frede (1989, 81) reports this scholarly consensus and makes a set of supportive arguments, which I do not find compelling, based on a comparison of certain teachings of the *Politics* with Cicero's, primarily as found in *De re publica*. The consensus is reflected in the "Introduction" to Laks & Schofield 1995, 2. Ferrary (1995, 54) doubts that Cicero had any direct acquaintance with the *Politics*, and while noting his encounter with Aristotelianism through what Annas calls, later in the same volume, "hybrid" theories like those of Antiochus and Panaetius, he emphasizes, as does this paper in what follows, the significance of Theophrastus as a source for Cicero. In the essay that follows, Annas focuses on Antiochus and Arius Didymus as evident carriers of Aristotelian thinking. In an interesting, related observation, hardly irrelevant to Cicero's thinking, Annas remarks that the modification of Aristotelian ideas to meet Stoic objections is one of the most important developments in Hellenistic philosophical debates (74, n. 3). For Rawson's suggestion, see Rawson, 1985, 290. The reader of the *Politics* will find some support for her suggestion in the way Cicero describes a political writing of Theophrastus at *Fin.* v. 11. Note Masters' hypothesis (1977, 36–41) that Andronicus has combined lectures of Theophrastus and some of Aristotle in our edition of the *Politics*. See recent support for a hypothesis like this and for the likely impact of Theophrastus on the work of Cicero in D. Frede, 1989, 86, 88, 94.

²¹ *Fin.* i. 11; *De Divinatione* (*Div.*) ii. 2.

perceived as distinguishing themselves.²² Could not the *Politics* or some version of it be what Cicero has in mind when he so credits the Peripatetic heritage in political philosophy?

There are no doubts, however, about Cicero's considerable knowledge and use of Aristotle's exoteric works as well as the writings of other Peripatetics. In fact, those exoteric works, which apparently were chiefly in the form of dialogues, are partly known to us through fragments and paraphrases preserved in the writings of Cicero. Among the exoteric works that seem to be particularly influential on Cicero is an exhortation to philosophy known as the *Protrepticus* which seems to have impacted on Cicero's *Hortensius*, limited though our knowledge of that work is.²³ The *Protrepticus* appears to have considered the relationship between rhetoric and philosophy. For his understanding of Aristotle, Cicero cites and apparently relies heavily on a work titled *On Philosophy*, also among the lost exoteric writings. Regarding Aristotle's political teaching in the exoterica, two dialogues – on justice and on the statesman – are thought to have been Cicero's primary sources.²⁴ It seems likely that it is these which he has in mind when in October 54 he writes his brother about his efforts in composing *De Re Publica* and mentions Aristotle's writings "concerning the polity and the statesman" (*de republica et praestante viro*).²⁵ Later as he reviews his philosophical works in his prologue to Book II of *De Divinatione*, Cicero adds but one comment (*Div.* ii. 3) when mentioning his *De Re Publica*, namely, that it concerns "an important topic, appropriate to philosophy, and a topic very fully treated (*tractatus uberrime*) by Plato, Aristotle, Theophrastus, and the entire Peripatetic school".

These indications that Cicero associates his political philosophy with a Peripatetic heritage are supported by his fuller comments in his own *persona* in the *De Finibus* where he reports that "the topic of civic life (which the Greeks call political) was treated authoritatively and fully (*graviter et copiose*)" by the early Peripatetics and Academics who had no important disagreement between them-

²² *De Legibus* (*Leg.*) iii. 13–14, a passage where Cicero indicates that much of his material both in *Rep.* and in *Leg.* comes from the wing of the Academy developed by Aristotle and Theophrastus.

²³ Jaeger, 1948, 55, 65 ff. Anton-Hermann Chroust (1964) is one of the scholars who has sought to reconstruct the *Protrepticus* from fragments and passages found here and there, including some from Cicero's texts.

²⁴ How, 1930, 27. Ferrary (1995, 62, n. 30), here following Moraux, attributes an aspect of Cicero's political theory to the dialogue on justice. Another work of Aristotle's which there is clear evidence Cicero had in hand and read is "Aristotle's books to Alexander"; see *Ep. Att.* xii. 40. This appears to be the work that was alternatively titled *On Colonization*, and Jaeger contends (1948, 24, 259) that if we had the work it would provide considerable insight into Aristotle's later political thought.

²⁵ *Epistulae ad Quintum Fratrem* (*Ep. Q.*) iii. 5–6. 1–2. See Powell's (1994, 23) strong sense that Cicero is looking to Aristotle regarding the concept of a "first citizen" or statesman.

selves.²⁶ When he refers to “the early Peripatetics”, Cicero seems to have in mind the work of Aristotle, presumably his exoteric dialogues on justice and the statesman, and that of Theophrastus. What Cicero has in mind, though, might well include treatises that later came to be part of Andronicus’s version of the *Politics*. However that may be, in what immediately follows in this passage there is an indication that Cicero saw the Peripatetic branch of the Academy as the major voice in political philosophy and a voice that spoke quite directly to his own program of writings. He exclaims, “How much those men have written on the polity (*de republica*), how much on laws (*de legibus*)! How much about the art of rhetoric and how many examples of speaking well have they left for us!”²⁷ A few lines later (*Fin. iv. 6*) he enumerates some of the specific topics they have treated, listing “on justice, on moderation, on courage, on friendship, on the conduct of life, on philosophy and on statesmanship”. Later (*Fin. v. 11*), Cicero has Piso, a Peripatetic of a certain stripe and one with whom he shares much, report that both Aristotle and Theophrastus have taught a model statesmanship and have written even more extensively on the best regime (*qui esset optimus rei publicae status*).²⁸

In the 50s when Cicero wrote his first philosophical works which consist in his *De Re Publica*, *De Legibus*, and his major work on rhetoric, *De Oratore*, Aristotle seems much on his mind as already indicated in the October 54 letter. His works of this period are all dialogues, and his correspondence shows him consciously wrestling with Aristotle’s precedents as a writer of dialogues – following them at times and quite aware of what he is doing when he does not do so.²⁹ These pas-

²⁶ *Fin. iv. 5*. Annas (1995, 81) is so assured that this statement is that of Antiochus that she quotes it and attributes it to him without any mention that Cicero presents himself as making the statement.

²⁷ When Cicero comes to listing his rhetorical writings in the catalogue of his philosophical writings in *Div. (ii. 4)*, he mentions Aristotle and Theophrastus, and no others, as providing precedents for his joining here the precepts of rhetoric with philosophy. Schofield (1999, 744) has listed the evidence we have of the extensive writing on politics in the Peripatetic school.

²⁸ Here Cicero through Piso enters into an apparent difference between Aristotle and Theophrastus with the latter seen to attend more to the dynamics of change related to regimes including the best one; such dynamics appear to be reflected in Cicero’s earlier work, *De Re Publica*.

²⁹ *Ep. Att. iv. 16* (July, 54); *Epistulae ad Familiares (Ep. Fam.) i. 9. 23* (Dec., 54) and the later letter *Ep. Att. xiii. 19* (June, 45). In the July, 54, letter to Atticus, Cicero claims, as he works on *Rep.*, that he is following Aristotle’s model in his exoteric books (apparently Aristotle’s now lost dialogues) by writing a *prooemium* to each book of the work. The letter to Atticus and the variety of dialogue and other forms utilized by Cicero all along make unlikely the conjecture of Rawson (1975, 233) that he lost interest in the dialogue form in his last writings. Rather, Cicero is better seen throughout his writings as a highly conscious adapter of established forms (primarily the Platonic and Aristotelian dialogues) to his specific rhetorical objective in the work at hand.

Aristotle’s dialogues appear to have been a major influence in Cicero’s shaping of his own dialogue form. J. S. Reid (1885, 25) writes of the “later Greek type” of dialogue which is apparently the Aristotelian dialogue and possibly that of a contemporary of Aristotle, Heraclides,

sages provide evidence that at least some of Aristotle's lost dialogues were very much before him as he launched his efforts as a philosophical writer and did it on the topics of the polity, the laws and the orator. Cicero has then turned both to the writings of Aristotle, the old and possibly the new, and the writings of other Peripatetics, most notably Theophrastus. These are not just some sources among many he employs; they are materials of distinctive importance for one concerned with the practical topics at the forefront of Cicero's philosophical agenda. It is possible, of course, that Aristotle and the Peripatetics helped shape that agenda, that practical focus, rather than simply serving as good and ample material at hand and to the point.

CICERO'S ASSESSMENT OF ARISTOTLE AND HIS SCHOOL

Not only have the writings of Aristotle and other Peripatetics loomed large and significant among Cicero's sources, but they were also, as one might expect, very much in harmony with his own thinking. Recall our initial epigraph where Cicero is found writing that his philosophical writings differ "very little from Peripatetic teachings",³⁰ an observation reinforced later in the *De Officiis* where he indicates that his school of philosophy is very close (*finitima*) to the Peripatetics.³¹ Shortly before this comment Cicero has unambiguously identified his own philosophical school as that of the New Academy characterized by a commitment to challenging and testing all positions and by a qualified skepticism, and thus capable of embracing Peripatetic teachings as well as those of other schools on any substantive philosophical questions.³² Cicero in other words understands himself as a Peripatetic follower to the degree that this school seems to teach the truth. As W. W. How (1930, 27) states it, "it remains clear that Cicero, though he makes good use of the Peripatetics, is no slavish disciple of the School".

who is mentioned several times in Cicero's correspondence. In an earlier letter (*Fam.* 1.9.23), written as he completed *De Oratore*, (*De Or.*), Cicero says that he has written this work according to the way of Aristotle (*Aristoteleus mos*) – meaning here, I believe, that he uses longer speeches, for he himself is not cast as a participant in this dialogue. See Jaeger's precise and discerning statement on the three Aristotelian precedents as to dialogue form that surface in Cicero's correspondence; 1948, 29–30, n. 2. How we miss Aristotle's dialogues! It appears that the Aristotle Cicero knew was notably more eloquent than the Aristotle we now have. See Gorman (2005) to consider more fully how Socratic method might be seen to impact on Cicero's dialogues and thus merge with Aristotelian influences.

³⁰ *De Officiis* (*Off.*) i. 2.

³¹ *Off.* ii. 8; he does not actually use the term "Peripatetics" which he often employs but here he writes literally of the school of Cratippus, his son's Peripatetic teacher in Athens; the philosophy or school of Cratippus is called *antiquissima nobilissimaque*.

³² Tarrant (1985) overall and specifically at 107 highlights the high comfort level of Academics and Cicero himself with a Peripatetic epistemology. Long (1981, 98 & *passim*) has brought out how Aristotle grasps the issues that propel Greek skepticism which arises more widely and systematically after him.

That one might even think of Cicero as a disciple of Aristotle and a Peripatetic is made even more credible by the great esteem in which he holds Aristotle. For Cicero, Aristotle is at the peak in any ranking of philosophers. His overall view of Aristotle is captured in his description of Aristotle as “a man marked by the greatest genius, knowledge and fertility of mind and speech” (*vir summo ingenio, scientia, copia*).³³ At another point, *Fin.* i. 7, Plato and Aristotle are described by Cicero as “those divine geniuses” (*divina illa ingenia*). Aristotle may be at the peak among philosophers, but when it comes to a comparison, Cicero’s view is clear: Plato is the peak. Thus, for example, only a little later in *Tusculanae Disputationes* from that point where Cicero has spoken of Aristotle as marked with *summo ingenio*, he returns to describe Aristotle as first among thinkers except for Plato, in brilliance (*ingenio*) and thoroughness (*diligentia*).³⁴ On the one occasion when Cicero speaks of Aristotle as simply beyond compare, he uses the words “fine or sharp” (*acutus*) and “elegant or polished” (*politus*) to describe the ways in which Aristotle is superior.³⁵ In this instance where the context is a discussion of logic, Cicero seems to be pointing toward Aristotle’s achievement in the *Organon* and possibly to his more explicit (compared with Plato) embrace of rhetoric. When we find Cicero recommending an overall philosophical model (*Ac.* i. 10), a task closely related to if not entailed in his major mission to introduce Greek philosophy to Rome, it is to Plato and Aristotle as well as Theophrastus to which he turns.

That recommendation says much about Cicero’s understanding of his own philosophical lineage, specifically with how he locates himself in one line of descent from Plato, the prince of all philosophers. Expanded versions of this philosophical lineage are given at times. The most significant expansions are backward from Plato and forward, in a sense, from Theophrastus. Backward it is expanded to Socrates; recall again our epigraph from the *De Officiis* where Cicero was found saying that his agreement with the Peripatetics was substantial because both he and they were seeking to follow “the Socratic and Platonic tradition”. In a preface to one version of the *Academica* (*Ac.* i. 3), Cicero describes his mission in writing as an effort “to elucidate in Latin letters that old philosophy stemming from Socrates” (*philosophiamque veterem illam a Socrate ortam Latinis litteris illustrare*). Then in *Tusculanae Disputationes* (*Tusc.* iv. 6), also in a

³³ *Tusc.* i. 7; *Orator* (*Orat.*)5, 172; also *Div.* i. 53 where Cicero’s brother Quintus is made to speak comparable praise of Aristotle.

³⁴ *Tusc.* i. 22. At *Fin.* v. 7, Piso is made to describe Aristotle as the chief (*princeps*) of the Peripatetics and the one who is, except for Plato, *princeps philosophorum*. For a fuller discussion of Cicero’s assessment of Plato and specifically with respect to the work and achievement of Socrates, see Nicgorski, 1991b.

³⁵ *Academica* (*Ac.*) ii. 143.

context where he is discussing his mission as writer, Cicero speaks of the need to give Latin expression to “that true and choice philosophy which developed from Socrates and now has come to abide in the Peripatetic school” (*illius verae elegantisque philosophiae, quae ducta a Socrate in Peripateticis adhuc permansit*). Though in Cicero’s view the Socratic torch has passed to the Peripatetics, he adds at once a couple of complicating dimensions to that picture, by noting that the Stoics are saying, in a different manner, essentially the same thing as the Peripatetics and that the Academics are on hand to adjudicate the disputes of these two schools. While Cicero appears in that very sentence to be describing the then current philosophical situation, the larger context for the passage and what Cicero has said elsewhere allow us to see this statement as self-revealing on how he stands with respect to the philosophical schools. Again as to substance, Cicero appears to understand himself as a Peripatetic who from his methodological commitment to the New Academy finds the true legacy of Socrates here, though he is attracted to at least one Stoic formulation and the school’s rigorous consistency regarding this matter. More exploration of this limited attraction to the Stoics and of Cicero’s effort to purify the Socratic legacy through his allegiance to the New Academy will follow shortly when this essay turns to consider in what ways Cicero differentiates himself from or criticizes the Peripatetic school.

There were developments in the Peripatetic school simultaneous with and after the life of Theophrastus that seemed to play a part in Cicero’s attraction to that school. These are developments reflected in the writings and actions of Dicaearchus, a contemporary of Theophrastus with whom he disputed on some matters, and Demetrius of Phalerum, a student of Theophrastus and a highly regarded orator who came to political leadership in Athens in the late fourth century. Dicaearchus and Demetrius give a yet more practical turn to the Peripatetic tradition. That Cicero associates himself with these developments is clear in a couple of other statements of his philosophical lineage. In the *De Legibus* (iii. 13–14) as he is about to take up quite specific constitutional provisions for magistrates, Cicero observes that, over against the Stoic tradition, that part of the Platonic tradition which develops through Aristotle and Theophrastus engages, like himself, in discussions of the polity (*de re publica*) intended to be useful or applicable. He then adds that it is to this strain in the tradition he will turn for much of his material. After naming Theophrastus in this strain he adds Dicaearchus, “also taught by Aristotle and in no way lacking in this science (*huic rationi*) and inquiry (*studio*)”. Then he mentions Demetrius as a follower of Theophrastus and a man distinguished as a philosophical statesman. The words Cicero uses here have suggested to more than one commentator that Demetrius is a model for Cicero himself. Demetrius is described as one who “has done the quite extraordinary thing of drawing learning out from its shaded scholarly retreat, not only into the sunlight and dust but even into the very frontlines of

political contention”.³⁶ Another self-reflection on his philosophical lineage occurs, it appears, when Cicero praises Panaetius (*Fin.* iv. 78–80), a man whose writing was especially formative for his approach to ethics in the *De Officiis* and one whose impact on the *De Re Publica* is strongly suggested in that very text, (*Rep.* i. 34). Panaetius is being praised for criticizing certain harsh Stoic teachings and their complex, thorny discourse, and Cicero approvingly notes that Panaetius had always on his tongue those same philosophers whom Cicero recommends for careful study, namely, Plato, Aristotle, Xenocrates, Theophrastus and Dicaearchus.

Regarding the impact of Dicaearchus and Demetrius on him, Cicero’s correspondence and other writings provide additional evidence, especially significant evidence in the case of Dicaearchus. Demetrius is praised as a very learned man who is also very adept in public affairs and skilled as an orator.³⁷ There is but a whiff of criticism of him, that centering on his overly restrained, too academic style of oratory.³⁸ Regarding Dicaearchus, Cicero’s correspondence reveals his reading works of Dicaearchus as well as of Theophrastus before and during his writing of his major political and rhetorical writings of the 50s. In December of 60, Cicero writes Atticus about his reading of Dicaearchus, calling him a “great” and “extraordinary” man; writing from outside Rome, Cicero claims to have a large pile of the writings of Dicaearchus with him at the time and makes specific mention of possessing, in Rome, Dicaearchian treatises on the constitutions of Corinth and Athens.³⁹ There are indications that Dicaearchus, in opposition to Theophrastus’s more traditional Aristotelian view, developed a position that elevated the life of political action and statesmanship to a higher status than that of inquiry and contemplation, and it appears that in this respect the thought of Dicaearchus was especially formative for Cicero’s *De Re Publica*.⁴⁰ Late in Cicero’s life in 45, well into that intense florescence of philosophical writing that marked the last three years of his life, Cicero is very interested in Dicaearchus, calling for or recalling certain of his works, and reading them as he plans comparable writings of his own.⁴¹ Yet as always, Cicero is no “slavish” follower: he

³⁶ For another notable similarity to Cicero, see *Fin.* v. 54 where Cicero has Piso describe how Demetrius turned his banishment from politics to writing certain notable works that provided cultivation of the soul (*animi*) and nourishment in humanity (*humanitatis*).

³⁷ *Leg.* ii. 66; *Pro Rabirio Postumo* 23; *Off.* ii. 60; *Rep.* ii. 2; *Orat.* 92; *De Oratore* (*De Or.*) ii. 95; *Ep. Fam.* xvi. 22. 2.

³⁸ *Brutus* 37; *Off.* i. 3. At *Orat.*, 62 and 127 this criticism is also directed at the style of Aristotle and Theophrastus and the entire Peripatetic school. This is done in a context of overall praise for their rhetorical and stylistic excellence.

³⁹ *Ep. Att.* ii. 2. See also the strong praise for Dicaearchus in *Ep. Att.* ii. 12.

⁴⁰ *Ep. Att.* ii. 16 is especially significant in revealing Cicero’s own struggle with this question prior to writing *De Re Publica*. See also, *Ep. Att.* vi. 2; vii. 3; Jaeger, 1948, Appendix II.

⁴¹ *Ep. Att.* xiii. 31, 32 & 33. In these letters as well as the *De Off.* (ii. 16), Cicero mentions four different works of Dicaearchus including one concerning the mixed constitution. At least some of the work of Dicaearchus seems to have been in dialogue-form; see *Tusc.* i. 21.

is, most notably, not in accord with Dicaearchus in his arguments against personal immortality, but Cicero does show himself aware of and draws attention to this position of the man he so admires and from whom he seems to be continually learning, at least over the last twenty years of his life.⁴² Cicero locates himself then in the Socratic-Platonic tradition as it develops from Aristotle to that especially practical thinker, Dicaearchus, and to the philosopher-statesman, Demetrius. He is a Peripatetic, if anything, though a critical one in the Socratic sense and a practical one in the Dicaearchan sense.

There are two aspects of Cicero's self-revealed philosophical lineage that merit some additional comment here, for they seem significant to understanding Cicero's thought and classical political philosophy before him. These aspects are first the essential unity he finds (in fact, stresses) between the Platonic Academy and Aristotle/Theophrastus, and second, his interest in certain differences within the Peripatetic school. Regarding the unity between the first Academy and the old Peripatetics, Cicero indicates at *De Legibus* i. 38 that the break from the Academy by Aristotle and Theophrastus entailed no difference in the content (*re*) of their teaching and only a slight difference in their manner of teaching (*genere docendi paulum differentis*). This statement is made in a context of discussing the positions of schools on the ultimate human end or the nature of happiness. Since the question of the ultimate end is the fundamental philosophical question for Cicero, it would constitute the most important way philosophical schools could be compared, and if they do not differ on this, they might be seen to hardly differ at all.⁴³ Earlier, we had occasion to mention another passage where the fundamental agreement of Plato and the early Peripatetics was noted in a specific context referring to treatment of the topic of political life.⁴⁴ It seems justifiable to conclude that all of Cicero's references to this essential unity have in mind politics in an Aristotelian or classical sense, that is political science as a moral science based on a certain understanding of what constitutes the true human end.⁴⁵

⁴² *Tusc.* i. 21, 24, 41, 51–52, 77

⁴³ This statement should also be helpful in understanding what Cicero goes on to say here as well as elsewhere (for instance, at *Tusc.* v. 120 where this view is associated with Carneades) regarding the Stoics, namely they only employ new words but make no essential change in the teaching of the Academy and the old Peripatetics. In Cicero's view, there was no good reason for Zeno, the Stoic founder, breaking with the Peripatetic tradition (*Fin.* iv. 3). The Stoics, as separated, tended in Cicero's view to be drawn to an unreasonable extremism; thus, over against the Stoics, Cicero praises the moderation of Plato and Aristotle (*Ac.* ii. 112–13; *Pro Murena* 63), and he welcomes, of course, the work of Panaetius as a deflection of Stoicism back in the direction of the great tradition represented by Plato and Aristotle.

⁴⁴ Above, pp. 43–44 and n. 26.

⁴⁵ Other passages bearing on the teaching of an essential unity are *Ac.* ii. 15; *Off.* i. 6; iii. 11, 35; *Tusc.* v. 87, 120. Cicero's conviction about this essential unity and his understanding of its nature can be seen to support an interpretation of his *Rep.* based on evidence internal to

Cicero is aware of at least one, and that being often seen by others as the most important, of the differences Aristotle seems to have with his teacher Plato. In the *Academica* (i. 33–34) he portrays Varro, whom he very much respects and whom he intends to honor by giving him this role in the dialogue, commenting upon Aristotle’s “undermining of the forms” which had such an integral part in Plato’s teaching. Immediately after this comment Varro adds that Theophrastus made “in a way a more decisive and penetrating break with the authoritative teaching” of the Academy (*vehementius etiam fregit quodam modo auctoritatem veteris disciplinae*). This more important breach wrought by Theophrastus concerns his coming to understand human happiness as requiring something more than virtue alone. Shortly we will see that this development in the thought of Theophrastus, which Cicero does not take to be involved in the initial Peripatetic break from Plato by Aristotle, concerns Cicero deeply; it is, after all, a matter of the ultimate end. The Platonic theory of forms, hardly attended to by Cicero beyond this passage, does not seem to put so much at stake as does a shift in understanding between Socrates/Plato and Theophrastus on the ingredients of human happiness.

For Cicero, the Socratic/Platonic tradition that comes *via* Aristotle does not turn out to be homogeneous on the very questions central to Cicero’s practical philosophical interests. Two differences within the Peripatetic school are especially reflected in key thematic issues of Cicero’s own philosophical work. These have both already been noted, the first being Dicaearchus’s elevation of the active political life in opposition to Theophrastus’s more traditional Peripatetic defense of the superiority of the philosophical life and of the goodness of knowledge in itself. Cicero’s letter to Atticus of May 59 (*Ep. Att.* ii. 16) coupled with his handling of this issue in *De Re Publica* and in *De Officiis*, his last philosophical work, indicate a profound and continuous struggle with this issue.⁴⁶ Through this struggle he comes down on what is, it seems, the side of Dicaearchus.

The second issue among the Peripatetics has surfaced just above in our coming upon the breach of Theophrastus over the ingredients of the ultimate end or human happiness. Cicero sees this development resulting in a difference between Theophrastus on the one side and Aristotle as well as much of the Peripatetic school on the other. Cicero welcomes Aristotle’s ennobling but realistic position on the ingredients of happiness as virtue plus well-being throughout a

that text (see Nicgorski, 1991a), that it is from Plato that he draws the basis for his criticism of Plato’s *The Republic* or of a certain reading of it.

⁴⁶ Lévy (2012) has recently examined the texts bearing on Cicero’s life-long struggle with this choice. Annas (1995) in her Chap. 3 and the editors in the Introduction to that volume highlight the relevant interaction between Stoicism and Aristotelianism in the lead-up to Cicero. One might conclude that if Stoicism entailed “a dilution of the strong Aristotelian conception of the polis and its treatment of political activity as inherent in the moral idea” (2), Cicero’s siding with Theophrastus was a kind of Aristotelian response to some of the anti or apolitical aspects of Stoicism. See also Annas 1996, Chap. 20.

lifetime.⁴⁷ However, he sees in Theophrastus a slide in the direction of de-emphasizing the primacy of virtue in the understanding of the good and happiness, a slide toward elevating the importance of ordinary expediencies – the goods of body and fortune – in determining the human good.⁴⁸ This issue also is powerfully present in Cicero's philosophical writings, being especially prominent in the *Tusculanae Disputationes* and the *De Finibus*. Ciceronian magnanimity is characterized by its being wedded to the very notion that the sole good is the way of the right and of virtue, an emphasis not so evident in Aristotle.⁴⁹

The fact that these two thematic issues, so important to Cicero, had been or were being argued out within the Peripatetic school may seem to constitute even more reason for seeing Cicero as within that school and taking upon himself a couple of its very important internal divisions. However that latter issue, manifested in the breach and apparent slide of Theophrastus, seems to work to draw Cicero back in the Stoic direction and outside the Peripatetic fold. To note this is to remind ourselves that however much he respects and associates with the Peripatetic tradition and its first citizen Aristotle, he does not call himself a Peripatetic and, as our initial epigraph indicates, he implies that his substantive philosophical positions, though much the same as those of the Peripatetics, are not entirely so. How then does he differentiate himself from Aristotle and/or the Peripatetics?

Reading across the texts of Cicero we are able to find three points of differentiation, and they may help toward understanding the distinctive philosophic voice of Cicero so close to but not identical with that of the Peripatetic tradition. Only a brief indication of these points of self-differentiation can be offered here. Let us take first what has just been before us, the break from the Peripatetic tradition by Theophrastus. Cicero seems to see this as a symptom of a weakness in the Peripatetic position on the human end being virtue plus some of the goods of body and fortune; attracted as he is by the Peripatetic formulation, he is concerned about its sliding to a quite ordinary utilitarian calculus. He wonders how much does a person need, beyond virtue, of the goods of body and fortune for happiness? The ambiguous and different responses to this question within the Peripatetic tradition leave him very uneasy, and he regularly shows himself attracted by the "splendor" of virtue in the Socratic and Stoic formulation that happiness and the good is found in virtue alone.⁵⁰ Yet that formulation is not

⁴⁷ *Fin.* ii. 19; *Ac.* ii. 136, 139; *Tusc.* v. 30, 39.

⁴⁸ *Fin.* v. 12 (Piso speaking), 74 ff.; *Tusc.* v. 23 ff.; 47–48, 85; *Off.* ii. 56; also, Annas, 1996, 385 ff.

⁴⁹ *Off.* i. 66–67. For a fuller comparison of Aristotle and Cicero on magnanimity see Fetter and Nicgorski, 2008.

⁵⁰ *Off.* iii. 20, 106; *Tusc.* i. 35; v. 1, 32–34; *Fin.* v. 22. In the light of such passages as some of the preceding, we must assume that Cicero is not entirely unsympathetic with the Stoic critique of the Peripatetics on the supreme good which he puts in the voice of Balbus in *De Natura Deorum* i. 16.

wholly the truth for Cicero.⁵¹ It is in his *De Officiis*, above all, that he strives to and seems to work out a resolution that preserves that noble and attractive view that virtue alone is sufficient for happiness. He does so by working ordinary expediences like security and property into the very notion of virtue or right (*honestatem*). Here he can be seen working a Peripatetic substance into a Stoic formulation.

A second matter on which Cicero differentiates himself from the Peripatetics concerns the nature of their philosophical conclusions and overall goal. They like the Stoics are seen to suffer, in Cicero's eyes, from an approach to philosophy as a school with a systematic doctrine and from their ambitious explanations in natural philosophy.⁵² In fact, Cicero believes that something of the heritage of Socrates, his inquiring skepticism, was lost already in the passage of his legacy to Plato and Aristotle.⁵³ Thus Cicero associates most explicitly, as already noted, with the New Academy and the effort to reform the philosophical work of the schools of his time by a renewal of Socratic, skeptical inquiry.⁵⁴ Cicero's skepticism is not a practically disabling kind but rather that associated with Carneades which allows and encourages the determination of what appears to be true. It is on this Academic basis that Cicero accepts the substance of the Peripatetic moral and political teaching.

Finally Cicero shows himself aware that his very model in joining together eloquence and wisdom, rhetoric and philosophy, the man who did so much for the art of rhetoric, namely Aristotle, had some hesitancy in giving his attention to rhetoric.⁵⁵ Cicero does not share this hesitancy, and in fact, took explicit issue with Plato, whom he otherwise regarded so highly, because he found in

⁵¹ *Fin.* v. 77; *Ac.* ii. 134.

⁵² For a discussion of the critical role of prudence in Cicero and how it might differ from that role in Aristotle, see Nicgorski, 1984.

⁵³ *Ac.* i. 17 ff. (Cicero has Varro speaking at this point). See also *Tusc.* iii. 69 where Cicero indicates that he finds the understanding of philosophy in Aristotle and Theophrastus to be one of expecting philosophy to progress to complete explanation of all things.

⁵⁴ Above, p. 45; *Div.* ii. 1. At *Tusc.* ii. 4–5 it is clear that Cicero distinguishes the “selectivity” of his Academic approach with the drive for substantial consistency and the obstinacy of the other philosophical schools. One might say that philosophy in the Academic school of Cicero, or in the Socratic sense of philosophy, is paradoxically seen as distinct from the school-approach to philosophy. See also *Tusc.* iv. 7; v. 33–34; *Ac.* ii. 114–15, 119–20; *De Inventione* (*Inven.*) ii. 5. See n. 32 above for a key reason why the school of Aristotle may be comparatively attractive to the skeptical Cicero.

⁵⁵ On the Aristotelian hesitancy: *Off.* i. 4 and, in the voice of Antonius, Aristotle is seen to have “despised” the technicalities of the art of rhetoric (*De Or.* ii. 160). On Aristotle as model for the unification of rhetoric and philosophy and as contributor to the art of rhetoric, see for example *Inven.* i. 7; *De Or.* i. 43; iii. 71–72; *Tusc.* i. 7. Also see above, pp. 43–44, n. 27, n. 28, Buckley 1970, 146–47, and Garsten 2006, 115–41. Long 1995, 52ff. stresses with respect to Aristotle as well as to Plato that Cicero seeks to identify with them by accentuating aspects of their writings that harmonize with his dominant rhetorical interests and the pro and con method of Academic skepticism.

the *Gorgias* an unjustifiable depreciation of rhetoric.⁵⁶ Aristotle in his contention with Isocrates is seen as having pragmatically (in the struggle for students) and somewhat reluctantly turned his attention to the art of the orator,⁵⁷ yet his school then becomes for Cicero a receptive home in which to nurture the philosophical statesman/orator.⁵⁸ In the texts of Cicero the hesitations of Aristotle must be ferreted out of a few places; the support of Aristotle and the Peripatetics for rhetoric and their contributions to the development of the art are frequently in evidence.⁵⁹ If there is an underlying difference with Aristotle here and one that accounts for different degrees of receptivity to rhetoric's importance, it is likely found in Cicero's embrace of the Dicaearchian position of the superiority of the active political life; in that horizon, attention to rhetoric is a duty of a high order, not simply a necessity for the protection of philosophy.

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How then does Cicero stand on Aristotle and Aristotelians? Perhaps one could mount some argument that his few explicit differences with the Peripatetic school do provide the bases for the conflicts between his thought and Aristotle's which come to be emphasized in later periods of the West. Most clearly Cicero's association with the reform of the schools through a renewal of Socratic skepticism could be related to the resistance of later Ciceronians like Petrarch to a comprehensive and arrogant Aristotelianism. Cicero's greater esteem for and receptivity to rhetoric might be taken in one direction to see him as less a philosopher and in another direction to view him as embracing more clearly a politics of liberty and persuasion. Cicero stands, quite explicitly and with respect to his substantive positions in moral and political philosophy, chiefly in the Aristotelian line of Plato's Academy. The traditions of opposition between Aristotle and Cicero that later develop must not be allowed to obscure this self-confessed continuity between Cicero and that Aristotelian line. Though a facile or false harmonization should never be encouraged or tolerated, the study of Cicero's writings benefits immensely from taking seriously the tradition of moral and

⁵⁶ *De Or.*, in the voice of Crassus or, in one case, of another character repeating his position back to him: i. 47, 63; iii. 60, 72, 122, 129.

⁵⁷ *De Or.* iii. 141 as well as *Tusc.* i. 7.

⁵⁸ *De Or.* iii. 3. 67.

⁵⁹ There is an irony in the criticism of Cicero as merely eloquent by the Aristotelians of the Petrarchan period (above) in the light of Aristotle's considerable impact on Cicero as a student of rhetoric. See Long's observations (1995, 52 ff.) with his emphasis on the tie between Aristotle's emphasis on *in utramque partem dicere* and the Carneadean skeptical tradition with which Cicero chiefly identifies. See the introduction to May and Wisse's translation of *De Or.*, (2001, 30 ff. and especially 39 and n. 52) for detail on Aristotle's impact on Cicero's rhetorical writings and a perspective on whether Cicero knew directly Aristotle's *Rhetoric* as we have it today. Wisse, (1989, especially 168, 174, 318), while exploring the similarities and differences of Aristotle's *Rhetoric* and Cicero's *De Or.* further develops the case for Cicero's indebtedness to Aristotle in rhetorical theory. See also Runia 1989.

political inquiry in which he professes to stand. In turn, Cicero can be usefully read as an illuminating commentator on and extender of the practical philosophy of Aristotle and his school. In his distinctive way and in the context of the late Roman Republic, Cicero has appropriated and represented the Aristotelian tradition of practical philosophy in a number of respects: (1) in his understanding of the relation of ethics and politics, (2) in his conception of the nature and end of political life, (3) in his thinking about the relationship among rhetoric, politics and philosophy, (4) in his treatment of the basic virtues and friendship, of the mixed constitution, and of the critical role of leaders or statesmen and, in turn, of their education. Where there are differences from or concerns with the Aristotelian tradition, they help us critically appropriate that tradition better and thus be better prepared for adapting it to circumstances quite different from both those of Aristotle and those of Cicero.⁶⁰

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The Power of Aristotelian Memes – the Polish Example

ABSTRACT: *The article uses the concept of meme (from Greek word mimesis), coined by Richard Dawkins, as a tool to look at the history of political Aristotelianism. It argues that recurrent interest in Aristotle's ideas can be viewed as a manifestation of deeper cultural traits that have been running throughout the veins of European societies for centuries, framing our minds and influencing our practice. Such Aristotelian memes can be observed particularly in Polish political tradition. Thus, this tradition serves here as an example of the historical implementation of some Aristotle's memes, among which the definition of man as zoon politikon, the concept of politeia and the role of virtue are of special interest.*

KEYWORDS: *Aristotelianism, history of ideas, memetics, Polish republicanism, political theory.*

I SHALL START WITH A QUOTE:

The statue, it is sometimes said, was always there inside the block of marble. All the sculptor did was to chip away the surplus marble to reveal the statue within. There is a helpful image here for the historian. [...] He must begin with some fairly clear perception of what he wants to end up with, just as the sculptor must have some vision in his mind of the statue he wants to create. For it is a process of creation, and the writing of good history calls for creative imagination. To deny or to minimize this truth was the basic fault of the positivist or 'scientific' historians. Believing that the statue had always, in a material sense, been 'objectively' there, they failed to see that it was only when the sculptor [...] had envisaged it there that it became at all possible for it to be revealed. (Thomson 1969. 99)

The above words didn't grow stale. Quite the contrary, the simple truth they contain has been spreading within all branches of history. The history of political thought is no exception here. Examining particular political traditions we face a large amount

of different data: names, biographies, books, documents, concepts, ideas; institutions founded upon these ideas or ideas questioning the institutions being established. Some of such data are at hand because they have already been mentioned hundreds of times – but is this a sufficient reason to repeat them again or rather to “chip them away” as trivial? Others are hardly known because they have usually been omitted by many – but is it a sign of their lesser importance or simply more difficult access, and then, maybe it would have some value to expose them in our final work? To sum up, we do not deal with a block of marble, but with a big quarry. And since it is impossible to turn the whole quarry into a sculpture gallery, we are condemned to restrict our passion for creation and confine ourselves to selective pieces we find particularly attractive, leaving the rest for others. Imagination helps a lot in making choices of the historical material that we are to present as our final “statue.”

Though the word “imagination” was not popular in the humanities during the rule of the positivist paradigm, lately this attitude has changed. Consequently, we can observe more diversification in methodological approaches in the field of history of political thought. It is worth underlining that, first of all, imagination is required to see past political experiences (both intellectual and practical) from an interesting, accurate, and trustworthy perspective – which is nothing more than a methodology that provides us with tools, useful to investigate the past. And reversely, once the methodology is constituted, it directs imagination away from weakening the connection between our interpretations and historical facts. In a way, the proportion between imagination and methodological rigour assumed or required by particular disciplines allows to discriminate between science (where methodology rules almost indivisibly) and art (where imagination takes over). The humanities have always been balancing between these two extremes. The challenge of positivism had brought it close to science, but the failure of positivistic promises made it look more and more firmly in the other direction. And so the intellectual pendulum can swing again, reviving debates on the right way of talking about the past.

The history of political thought embraces this change of attitude willingly, in its “sculpturing” looking for inspirations coming from the outside. Among these inspirations there are achievements of social sciences, such as sociology, psychology, economy, and others; but also philosophical standpoints or general, cultural trends. All that can be used by imagination to refresh methodology and to find good methods of presenting old concepts and ideas in the way they could teach us something new and useful. The past is left behind, but history, as such, must be up-to-date. And it is. Historians drew lessons from Wittgensteinian “linguistic turn,” and then from “narrative turn,” like other scholars they thought over problems of objectivity and subjectivity; finally they tried to reconsider and specify once again their objects of interests. To make this new opening more visible, some new subdisciplines have been created, like “history of ideas” (initiated by Arthur O. Lovejoy), “history of concepts” (*Begriffsgeschichte*, initiated by Reinhart Koselleck), or “intellectual history.” Some insist to discriminate between them, while others prefer to expose simi-

larities, arguing that the career of all these “histories” reflects a more general change in our methodological consciousness.

I do not intend to discuss the variety of possible ways of examining political thought. This lengthy introduction is just to show that the door has been opened by others, and inviting some dose of inspiration coming from fields strange to historical research itself can do it no harm, if applied consciously. Only accepting such a possibility, one can postpone, for a while, quite natural reservations towards an article that refers to Aristotle, Polish political tradition and – the most mysterious of them – memetics.

If I was to traditionally discuss Polish contemporary Aristotelianism, then I would have to concentrate upon philosophers who openly admitted that the works of Aristotle had been the source of inspiration to them. It could be an interesting task because we have such philosophers that have been working on Aristotle’s ideas independently of mainstream Western philosophy; and yet in many respects they chose similar directions in interpreting and imbuing Aristotelian concepts into the more modern context. I am talking especially about the so-called Lublin School of Philosophy, that is, a group of scholars centred around the Catholic University of Lublin, and their attempts to combine Aristotelianism with neo-Thomism, existentialism, phenomenology, and Marxism. Their names include: Józef M. Bocheński, Mieczysław A. Krąpiec, Stefan Świeżawski, and definitely the most renowned, Karol Wojtyła. That would summarise the influence of Aristotle upon Polish political thinking. However, for Aristotle, the politics was mainly practical science with a strong normative bias – it should concentrate upon good actions that would lead the given political community towards happiness. So it is dubious whether the Philosopher himself was satisfied with presenting Aristotelianism as a particular way of thinking and political reasoning only. Thus, with due respect to Aristotle, I want to propose a bit more controversial undertaking, trying to reconsider whether in our European or, more precisely Polish history, we have not only been thinking as Aristotelians but also acting like them.

Usually a historian of political thought refers to historic events, institutions or people’s actions to understand concepts and ideas he or she discusses more profoundly, and to examine them in a wider context. That means we invite the “materialised” history to support our intellectual discussions. I intend to do something opposite, that is, to suggest that our history incorporates general ideas and concepts and then translates them into its particular cultural reality. In the case of Aristotelianism it means that to find its traces in Poland for instance, one does not have to be confined to reading several books which deal with it directly, but it is also helpful to inquire into Polish culture and its historical development. Only bidding these two aspects together can we acquire the whole view. To join them, a coherent methodology is required; however, specifying it here would change the character of this essay, leaving little space for Polish Aristotelianism as such. That is why I decided to turn to the concept of “memes.” It is a concept external to the field of history, so I am fully aware of the fact that it is not warmly welcomed by historians. Still, I be-

lieve it suggests ideas (if deprived of a strictly evolutionary background) which can gather some of the quite common epistemological and methodological convictions on interdependencies between our political theories and the world we live in under one label. So let us say that this article just meets memes at the threshold of our discipline, treating the concept as potentially worth adapting to historical studies, but only after serious reconsideration and modification that would make it fit there. Until such reconsideration is done, every attempt to apply memetics (not to be confused with mimetics) will assume a little bit of imagination. Which means that the term “Aristotelian memes” should be treated first of all as a convenient trope here – even if I am convinced it can serve far more analytical purposes without putting a historian’s methodological conscience at stake.

To begin with some facts: as a term, “meme” was coined by Richard Dawkins in his book *The Selfish Gene* (1976). The general idea of Dawkins revealed the concept of self-replicating units that spread in the universe with no respect to goals other than reproduction itself. To avoid any simplistic interpretation that would identify “replicators” with genes only, and thus would reduce our human development to biological evolution, at the end of his book Dawkins introduced the second type of similarly “selfish” entities. As he explains:

We need a name for the new replicator, a noun that conveys the idea of a unit of cultural transmission, or a unit of *imitation*. ‘Mimeme’ comes from a suitable Greek root, but I want a monosyllable that sounds a bit like ‘gene.’ I hope my classicist friends will forgive me if I abbreviate mimeme to *meme*. (Dawkins 1976/1989. 192)

He adds:

Examples of memes are: tunes, ideas, catch-phrases, clothes fashions, ways of making pots or of building arches. Just as genes propagate themselves in the gene pool by leaping from body to body via sperms or eggs, so memes propagate themselves in the meme pool by leaping from brain to brain via a process, which in the broad sense, can be called imitation. If a scientist hears or reads about a good idea, he passes it on to his colleagues and students. He mentions it in his articles and his lectures. If the idea catches on, it can be said to propagate itself, spreading from brain to brain. (Dawkins 1976/1989. 192)

A short digression: if we look at contemporary trends in the history of political thought (or whatever we decide to name the discipline), it is surprisingly easy to argue that “ideas” or “concepts” discussed by followers of Lovejoy or Koselleck are not so far away from Dawkins’s memes. In order not to air groundless opinions, it is enough to mention that in his monumental *The Great Chain of Being* Lovejoy uses several times the word “unit,” sometimes as a unit-idea. In an interesting passage he writes, for example:

Another characteristic of the study of the history of ideas, as I should wish to define it, is that it is especially concerned with the manifestations of specific unit-ideas in the collective thought of large groups of persons, not merely in the doctrines or opinions of a small number of profound thinkers or eminent writers. (Lovejoy 1936/1964. 19)

It seems that the same methodological presumptions and expectations stand behind the attempts like that. Namely, the need to express the development of our intellectual heritage more independently from both the individuals and the natural world. It is not to deny the obvious fact that memes or ideas are produced by humans and their content is to a large extent determined by the material reality, but only to grant them with some kind of autonomy. Thanks to this autonomy, both their history and the relations between them can be grasped from a different angle – the angle that enables the exposure of affinities having been treated as secondary¹ so far. Dawkins has chosen a very provocative way to express it, but it is worth discriminating between the style and the merit.

Originally Dawkins's memes were presented in a rather nonchalant way without any profound examination; however, this primary nonchalance furnishes the given concept with a rough simplicity, sufficient to emphasize its most interesting elements and thus its theoretical potential. To the contrary, during the later history of the term it became a basis for the science of "memetics," and so its meaning has been frozen and it raises reasonable doubts.²

Drawing a veil of ignorance upon memetics, I would like to use the picture of spreading memes as a source of analogies with the history of Aristotelianism in Poland, and its impact upon the ideological foundations of Polish political theory and practice. Several associations seem to be useful here. When expressed in evolutionary terms, these features would be: "variation, selection and retention (or heredity)" (Blackmore 2000. 14).

¹ Because they were usually intermediated. For instance, by putting stress upon individuals – historians adore to give answers to the question who was the first to invent a particular concept, from whom to whom it was being passed. It is an interesting thing to do but it strengthens the role played in the history by "great thinkers" at the expense of ideas as such.

² The biggest objection towards memetics is connected with the "universal Darwinism" of Dawkins, and his assumption of the "selfishness," which is characteristic for every kind of replicators. That means that in their strive for spreading, memes (like genes) do not take into account interests or opinions of their "hosts." To say it simply, we embrace concrete ideas (like ideas drawn from the work of Aristotle) not because they seem to solve some of our existential problems or to improve our human reality. Memes do not serve us but rather we serve them, becoming some springboards with which they can jump from brain to brain. Drawing this conclusion to the extreme would require to deny any thoughtful intellectual activity on our part, and to admit that – like parrots – we just repeat beliefs and behaviours we happen to hear or see too often. However, nothing in the concept itself calls for such a reductionist generalisation, especially if we invite memetics just to support, not to substitute our historical research on political thought.

Variation means that we should not look at memes as some complete “boxes” with a fixed content to be passed from one mind to another, for example, as a thought transmitted from Aristotle to his pupils and then to their followers up to our times. Of course, some Aristotelian ideas (like the concept of *politeia* or the distinction between commutative and distributive justice) have been constantly reverting to Aristotelianism, but it is worth underlining two faces of this transmission. To differentiate between them, the theory of memes discriminates between “copying the product” and “copying the instructions” (Blackmore 2000. 14), and it points out that we should rather pay attention to the latter. That means that while examining Aristotle’s work (and its later career, that is Aristotelianism) it is not enough to concentrate upon deepening our understanding of particular terms, concepts and ideas. It may be equally important to see Aristotle’s philosophy as an “instruction” of dealing with the world around us and its particular elements. There is, so to speak, the Aristotelian “way of thinking” which consists of rules and some general assumptions (axioms) that our mind should adhere to if it wants to operate in an Aristotelian manner. Aristotelianism would mean putting this general instruction into action, and we could observe its outcomes not only in the philosophical literature, but within the culture of a given society subjected to the influence of such Aristotelian memes. Taking into account this cultural background, we could become more sensitive about possible different “products” of Aristotelian ideas functioning under different historical circumstances, that is, separate “mutations” of the original concept. Besides everything else, they denote the retention and durability of Aristotelian memes.

Memes can also be inherited, and so, it does not suggest that Aristotle was an intellectual or spiritual ancestor of Cicero, Thomas Aquinas, or contemporary philosophers. Instead, it is much more interesting to notice how Aristotelian memes have been genetically running throughout history. Sometimes they have been marginalised and hardly visible, yet sometimes they have seemed obvious. My opinion is that their influence has been particularly evident and strong within the Polish tradition of political thinking and political practice. I would even dare to say that Aristotelian memes – quite coincidentally – have embedded in extremely fertile ground in Poland.

To sum up what has been said so far: By the reference to the concept of memes, I would like to say a few words about the Polish mutation of Aristotelianism. I discriminate between elements (concepts, ideas) that can be viewed as universal Aristotelian instructions (prescribing generally the world of political relations), and the resultant historical conclusions drawn from these instructions.

Let us for a moment look at Aristotle’s work as a source of memes to highlight a few of them, which, in my opinion, have been replicating continuously within the Polish political culture. I will choose to discuss the well-known concepts only (to avoid too specific considerations of Aristotle’s ideas as such) and put the stress upon connections between these concepts and some features observed in contemporary Polish political thinking. My main goal is not to present a detailed lecture on the

understanding of Aristotle in the Polish intellectual history; instead, I want to argue that quite general assumptions coming from the acceptance of some of his concepts are stamped indelibly upon Polish culture, and European culture in general. They became a kind of general “schemata” or “scripts” – to borrow terms from cognitive psychology – to be used to interpret the world of political relations, to act within it and also to look for ways of improving it. It may be interesting to trace such memes and to see how they diversified spatially and temporally. Comparing differences and similarities in incorporating Aristotelian thinking by different cultures allows to see the growing interest in Aristotelian studies in a wider cultural perspective. And that can help to understand better what makes Aristotle so attractive to strengthen his memes nowadays, since such a tendency is noticeable, at least in modern political philosophy.

Beginning with Polish history, Aristotle was known in Poland in the middle of the 14th century already, but the explosion of interest in his works took place only several decades later, especially among professors of the Kraków Academy (now the Jagiellonian University). By the 16th century Polish scholars, just as their European colleagues, discussed and commented on all areas of Aristotelian studies. At the same time, foundations of the renewed Polish Kingdom were laid, the kingdom that (partly by coincidence) had to give up the most obvious legitimization of the king’s power – the hereditary right – for another source of legitimisation. The Polish throne was elective³; this was not without significance for choosing a theoretical support for political theory. Aristotle turned out to be a good choice, and the best Polish thinkers of that time referred to him – Andrzej Frycz-Modrzewski, Stanisław Orzechowski, Wawrzyniec Goślicki, and others. In their writings, we can find the core of Polish Aristotelianism and, at the same time, the Polish version of republicanism which was derived from the former.

It is often underlined that the political system which evolved at the turn of the 15th and 16th century in Poland makes up a separate phenomenon in European civilization. At first glance, Polish republicanism of that age seems to follow the example of the Roman Republic with the concept of a mixed government that consists of three elements: monarchy, aristocracy and democracy. However, for many reasons, the democratic element has been slowly gaining an advantage over the other two. Thus, politically the system was changing into a democracy and the main political problem was to preserve it from going to the extreme status – that of anarchy. Aristotle

³ There is a small disagreement among historians about the exact date/event that should be considered as the beginning of Polish elective monarchy but most of them agree that the first elected king was Władysław II Jagiełło. Up to 1572 this fact did not have any serious political significance as the crown remained in the hands of the representatives of the Jagiellonian dynasty. After the death of the last Jagiellonian – Zygmunt August –, political consequences of this (compared to other European countries) quite peculiar Polish elective monarchy became visible because it turned into the institution called „free election” (more properly: *electio viritum*).

tried to solve this problem with his concept of *politeia*, which was meant to give the right measure to freedom⁴ according to the Golden Mean Principle, which combines politics with ethics.

It is worth noticing that the erstwhile Polish republicanism needed to deal with problems generally quite similar to our modern problems with democracy. Just like contemporary philosophers and scholars do now, Polish thinkers had to look for ways to put democracy on the right path, that is, to make sure that equality and individual liberty do not threaten the minimal level of social cohesion and co-operation the commonwealth needs to function as a community which works for the benefit of all (the common good, as opposite to the benefit of some group). The interesting fact is that many of their prescriptions resemble our contemporary ideas of this issue. These prescriptions were used as guidelines for possible reforms of the political system, but also as the basis for the education of our citizens. As such, they became the memes to be passed on and form the culture of Polish society. Given the fact that they had begun to work this way in the 16th century – that is, some three centuries before a concept of political democracy came to fruition in the West – by examining them we might get a better insight into the benefits and limits of Aristotelian “instructions” of where to look, and what concepts to choose upon to improve democracy.

There are at least three important memes of Aristotelian provenience worth reconsidering. These are: definition of man as *zōon politikon* reinforced with the particular concept of liberty, the concept of virtue, and the idea of the common good as a main criterion of discriminating between good and bad political orders.

If to be a human being means to be a part of a political community, then the natural desire of every person – to act and to influence the world around – must be directed towards creating interpersonal relations, which builds a commonwealth worth supporting. Poles took the idea of fulfilling the definition of *zōon politikon* very seriously and, in a very Aristotelian manner, identified humanity with the disposition of citizens’ rights. Thus, as for ancient Greek philosophers, the crucial thing for them was to decide whom to grant full citizenship. The Polish answer was the nobility and nobility only. Of course, we may accuse this choice of being non-democratic but it would be an ahistorical accusation, especially when we realise that the number of Polish nobility (*szlachta*) was impressive – up to 10% of the population –, and they were all enfranchised and took an active part in the legislative process. Thanks to privileges, not only political, but social and economic as well, *szlachta* exercised a great part of the political power over the rest of the inhabitants of the country (Ihnatowicz et al 1999). Because of that, in Polish history there has never been conditions favourable enough to discriminate between the private and the public sphere. Quite the contrary, Polish citizens (*szlachta*) found themselves being representatives of the

⁴ In the ancient notion of the term, Benjamin Constant was so kind to specify. For Aristotle, as for other Greeks, freedom being realized by political participation, was the essence of democracy.

whole commonwealth and their importance was closely connected with their political participation and engagement. So their private interests were in a way expressed, and being taken care of, with the help of a particular political language. It is not an expression only; such convictions were put in action and backed up by a combination of individual liberty and equality – both placed within the political sphere.⁵

The superior concept of Polish *Aurea Libertas* (Golden Liberty) consisted of rights such as election of the king, the right to form an organisation to force through a common political aim (*konfederacja*), religious freedom, and the right of *szlachta* to form a legal rebellion (*rokosz*) against a king who violated guaranteed freedoms. Though generally all these rights can be viewed as creating a “liberal” order, Polish liberty had much more to do with so-called “liberty as non-domination,” as it would be named by modern civic republicans. It was designed as an active freedom that wanted to make a stand within the public sphere, where it could prove (and not only assume) to be free from any “arbitrary power.”⁶ The most visible (and at the same time the most infamous) example of such liberty is known as *liberum veto* – the right of each member of the *Sejm* to oppose a decision made by the majority in a parliamentary session. The voicing of such a veto, “I don’t allow,” could negate all the legislation that had been passed at that session⁷.

Liberum veto was acclaimed to be the most important warrant of equality – the other crucial value incarnated in the Polish political system. It was understood in the Greek way, as a starting point of the right political order. Unlike in Rome, where equality was somehow an effect of balancing the quality of each of the citizens (his material status, prestige) with the political influence the person was granted with, in democratic Athens every citizen enjoyed equality only because the person was a citizen. The same way, every Polish noble was treated as equal to all others. There were many ways to express this basic democratic equality. For instance, the growing superiority of the democratic element (the chamber of envoys) was strengthened by the 1505 act *Nihil novi*. From then on, no king could pass laws without the approval of the lower chamber. Beside the legal order, equality was protected in a more subtle manner as well. In Poland, there were no special aristocratic titles, and the whole

⁵ There is a quite significant, though a bit amusing, detail proving this. Many authors – from Maciej Sarbiewski in the 16th century to Wincenty Lutosławski three hundred years later – regarded this Polish inclination to treat every issue as a political matter as being responsible for one of the most visible features of Poles, namely: verbosity.

⁶ Frankly speaking I do not think that the concept of freedom as “non-domination” can be separated from the liberal concept of the negative liberty in the way their advocates (Ph. Pettit mainly) want to see it. I would rather say that the differences between the two appear because of the much more general background that is taken into account whenever these concepts are discussed; so they do not rest upon definitions. The same concept can work quite differently, if there are other variables to modify its final influence, and this may be the case.

⁷ The first deputy to disrupt the parliamentary session with “veto” was Władysław Siciński (1652). It set up a precedent (though it had no serious consequences then) that turned out to be dangerous, and many historians accuse it of being the main cause of the decline of The Polish-Lithuanian Commonwealth.

szlachta regarded their class as “brothers.” Of course, there were serious differences between the rich part and the poor part of it (the latter growing), but those differences were not taken into account as far as political rights were concerned (which caused major political problems in the 18th century).

Liberty combined with equality can be a dangerous admixture. The political history of the Polish (from 1569 Polish–Lithuanian) Commonwealth is the best example that it does matter how general values as these are conceptualised in the given society. Its failure followed by partitions of Poland should be, however, viewed in a wider context. Polish „noble democracy” was not meant to be a democracy. It was designed as an Aristotelian republic/*politeia* in which excesses of liberty and equality were to be blocked by the socio-political structure favouring those who were able to give priority to common good over their individual interests. The problem was that the Polish republicans were not able to direct accepted Aristotelian memes, exposing the value of a free citizen, for the common good of the society in a way that was superior to democracy. They tried, but to put it succinctly (even if exaggerating a bit), they made a small mistake in turning to Aristotle in their search for a useful tool.

There is a significant difference when we compare works of Polish republicans with works of their colleagues from other Renaissance republics. For example, it is enough to look through the books of Thomas Smith, Gasparo Contarini and Wawrzyniec Goślicki, as a means of perceiving a puzzling split. All three of them, referring to Aristotle, name three things crucial for a good commonwealth to survive: law, institutions, and virtue of the citizens. Yet Smith and Contarini put the onus upon the institutions and legal order, while the work of Goślicki is almost solely devoted to virtue.

The attachment to virtue was to preserve the commonwealth by the reduction of the potentially unlimited and infinite individual liberty. When invited into the political sphere, individual liberty could not be based on the model of self-interest and competition.⁸ It simply had to be supported by a model promoting cooperation, if the state was to remain a commonwealth. The concept of the virtuous citizen, rooted in the normative concept of a state being the *Res publica* and thus defining some common values one should adhere his actions to, seemed to be a good option. The problem with virtue is, nevertheless, that it resides in individuals. Thus, to avoid the risk that citizens would become overburdened with their political responsibilities, it required establishing at least some external guidelines and rules to provide individuals with proper criteria to make it easier for them to judge right from wrong (and so they could attain virtue through habit). For that, the legal and institutional order serves best as it frames all relations and actions that are to be called political in a commonly understandable way. Both Smith and Contarini seem to agree on this,

⁸ Quite natural if we think about freedom as Thomas Hobbes and John Locke taught us.

admiring the individual virtue, but allowing it work only within borders delimited by the established order. However, for Goślicki things looked different.

The Polish political tradition accepted the simple truth that there would be no state without law and institutions. But such impersonal aspects of a commonwealth were perceived as secondary. Most of the Polish political thinkers tended to believe that we first needed to take care of virtue itself and good institutions, or the good law would appear as a natural outcome of virtuous citizens exercising their freedom. It was an expectation far too optimistic; I would call it “immoderation in virtue,” to suggest that the Aristotelian meme was used in a contrarian way to Aristotelian principles in this case. To condemn it, however, would be a premature conclusion.

At the end of the 18th century it turned out that it was not so difficult to erase Poland from the map of Europe. Nevertheless, it became totally impossible to eradicate its culture. The culture in which memes that had been rightly blamed for the growing corruption of the political order had already sufficiently started to work for Poland’s preservation. And, this is not a paradox; rather, it is an argument for assessing different concepts and theories in their relation to the given empirical political reality.⁹

The Polish mutation of Aristotelian memes, specifically the assumption that every individual should act as *zōon politikon* – that individual actions matter politically (so liberty cannot be simply “negative” in liberal terms) – has led to the belief that virtue is indeed a cornerstone of a good commonwealth. This modification gave Polish citizens the responsibility for sustaining the notion of Poland as a political community,¹⁰ even if it had only existed temporarily in their heads and hearts.

External powers could conquer and take over Polish territory, institutions, and create their own legal order; however, they could not annihilate the Polish political community, primarily because it had been cleverly divided into smaller pieces. In a sense, every citizen could simply put one of these political pieces in their pocket and save it for the future. This might seem an idealistic standpoint, and it was often perceived that way. However, a political idealism that grounds and provokes concrete actions does not differ significantly from so-called political realism.

It is not a coincidence that the long struggle for independence, a drive for “materialising” the community by regaining the political sphere, was for better or worse

⁹ A side remark. I think it may be important here to underline that Polish political thinking was at odds with liberalism. The West generally was coming to democracy after having discussed and implemented liberal thinking and values such as individualism, for instance. So now to discuss propositions that could modify our concepts of politics a bit, as a point of reference, one simply must take liberalism into account as such (even if it is to be criticised then). But we in Poland never did elaborate neither a lesson on absolutism (that would encourage liberal demands), nor a lesson on liberalism – so our ideas, and their historical consequences could contribute to contemporary debates with some alternative perspective.

¹⁰ That is worth underlining – even the Polish ‘nation’ was usually described in political, not ethnical terms. That changed to some extent when modern nationalism was born, but even then, to be a Pole meant mainly a devotion and engagement in realising Polish political interests.

the superior goal of every political movement that arose in this part of Europe before WWI. It tainted both liberalism (never so strong and radical in praising self-interest and egoism as in the West) and socialism (rejecting usually the idea of the abolition of the state, as being harmful for the ethical core of the society). It was responsible for two big Polish national uprisings in the 19th century – at least one of them (November insurrection of 1830) having managed to organise its own political structures, exercising real power over Polish society.

Quite similarly, we may look at the Polish Underground State during WWII. It could not have functioned on such a large and massive scale if it was not favoured by cultural traits that evolved in Polish society. I think it is also the key to profoundly comprehend the situation in Poland under the Communist rule, namely, some features of the opposition movement, including “Solidarity” (the independent trade union formed in the 1980’s).

It is usually regarded that “Solidarity” cannot be classified according to typical discrimination between the political Left and the political Right. It has expressed a clear attachment to religious and national values on the one hand, and the strong socialist view of economy on the other hand. To reconcile these two puzzles, we could see them as adapting cultural memes to existing possibilities and conditions of action. “Solidarity” – as other oppositionists before it (like the Workers’ Defence Committee – KOR, or the Polish Independence Movement – NN) concentrated upon representing Polish society and its political interests, including social and economic goals, against the Communist state. The power and the institutions of the latter were perceived as imposed by Moscow so they had to be overtaken or overthrown, if Poland was to be Poland in the sense of a *bona fide* political community. It did not mean overthrowing important democratic values that in our tradition were not planted upon the soil of liberalism with its individualism, but rather incorporating republicanism with its more collectivistic view of the individual. That led to many interesting particularities, I think.

Firstly, until the 1970’s almost all opposition hoped for the possibility to reform socialism to make it a Polish socialism. They criticised the communist government as an institution being a parasite in the Polish body but not necessarily the communist political elite. Rather, they tried to convince the latter (at least a part of it) to “convert” to virtue and then stand at the side of Polish society.¹¹ Secondly, identifying “social” with “political,” it was easier to promote an idea of civil society in which our part of Europe gained much attention and thus discouraged the opposition in Poland from a revolution on behalf of strengthening the social bonds of every kind. The goal was, as it was often summarised, to create a “parallel Poland,” and

¹¹ The assumption that every person in Poland is a Polish citizen first of all (so every Pole can understand and agree on the national interest), and only then one can have other “loyalties” (like being a member of the Church or of the Polish United Workers’ Party, for instance) made it easier to choose the path of negotiations between the Communists and “Solidarity” (the Round Table Talks in 1989).

thus to make the communist system die naturally as being deprived of any individual activity. Thirdly, as all institutions were to be assessed according to their power to support political aspirations of the Polish nation, it is easier to understand the special role of the Catholic Church which was not restricted to religious matters. As Józef Tischner, Catholic priest and philosopher, argued:

The greatest achievement of Polish Christianity cannot be found in theological works, but rather in a religious thinking (referring to values) that are deeply rooted in the entire Polish ethos. (Tischner 1981. 13–14)

It is in a way remarkable that at the end of the 1970's even atheists appreciated the political activity of the Church – some of them denying their earlier views on the subject (for example, Leszek Kołakowski, or Adam Michnik). And conversely, ethical and political issues were incorporated and elaborated by strictly Catholic thinkers as well. I already mentioned the works of the Lublin School of Philosophy in which there is a strong connection between human dignity, spiritual values, and their cultural (also political) background. As John Paul II put it during his first visit to Poland:

Polish culture is a good on which the spiritual life of the Poles rests. It distinguishes us as a nation. It has been decisive for us throughout the course of history, more decisive even than martial power. Indeed, it is more decisive than boundaries. (John Paul II 1979. 73)

To present both sides, Polish communists knew very well the special tenor of Polish political tradition. And, they referred to the same memes to support their power. Indeed, the Polish version of the communist ideology quite soon stopped exploiting the orthodox Marxism-Leninism theory of conflict but – with its rhetoric – tried to fulfil our needs for solidarity, unity, and so on. It was a difficult task and never fully accomplished for there were strong alternative bases for social identity, like the Catholic Church, having referred to quite similar memes. So our Polish version of communism has been usually compared to a radish – red from outside but completely white inside.

The last remark: there is a feature of contemporary Polish society that has gained a lot of attention from cultural anthropologists lately. After the fall of communism many social anthropologists examined post-communist societies with different versions of individualism-collectivism scales.¹² There is an agreement among researchers that individualism and collectivism “together form one of the dimensions of national cultures” (Hofstede 1994. 261). As Geert Hofstede puts it:

¹² The concept was introduced to social anthropology by Harry Triandis.

Individualism stands for a society in which the ties between individuals are loose: everyone is expected to look after himself or herself and his or her immediate family only” while collectivism „stands for a society in which people from birth onwards are integrated into strong cohesive ingroups, which throughout people’s lifetime continue to protect them in exchange for unquestioning loyalty.¹³

The concept turns out to be very useful; however, researchers having referred to it while examining Polish society came to quite different conclusions. Some of them argued that Poles were typical collectivists, while others¹⁴ pointed out our strong individualistic bent. Only now are these contradictory data being reconciled by new observations. Paweł Boski argues, for instance, that this strange combination is exactly the outcome of cultural habits which developed in Polish culture under the influence of ideas from 16th century republicanism (Boski 2010. 378). He tries to examine and name them but it is not easy without the knowledge about European intellectual history as such. Boski, for instance, summarises some of the ideas I mentioned as Aristotelian memes under the term “humanism,” which is not the best choice. In my opinion, it is worth meeting such attempts half way with a reflection coming “from the other side.” Paying attention to cultural differences in putting Aristotle’s ideas in action (as adapted political and ethical “instructions”) can also have some significance for us historians from different countries, being attracted by Aristotle’s heritage. In this way, we get another source of inspiration – besides examining Aristotle’s works and works on Aristotle, we can exchange the “practical Aristotelian wisdom” our cultures have already gathered. And what can give more satisfaction to historians than a visible proof that the past we deal with is perhaps dead, but will never be done with – so it is not a waste of time to talk it over again and again.

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¹³ Ibid. p. 260–261.

¹⁴ Among scholars who deal with the subject, one name is particularly worth mentioning because of its renown also in the fields of history and political science: Emmanuel Todd, and his impressive studies, like *L’origine des systèmes familiaux* (2011).

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An Argument within Aristotelianism: Maritain and MacIntyre on the Theory and Practice of Human Rights

ABSTRACT: *Jacques Maritain and Alasdair MacIntyre are two of the leading Thomistic Aristotelians of the past century. Their most striking difference is on the subject of human rights, and this paper explores their rival approaches. It first attempts to explain Maritain's move from rejection to promotion of human rights, and to demystify his historical role in their political actualization. It then grounds MacIntyre's own rejection of such rights in his concern with social practice, whilst comparing this sustained concern with the similar concerns of the young John Rawls and John Searle. It concludes by enquiring whether the increasing institutional actualization of human rights weakens this ground for their rejection.*

KEYWORDS: *human rights, Jacques Maritain, Alasdair MacIntyre, social practices.*

Alasdair MacIntyre's critique of human rights is informed by a conception of human agency and ethical practice, and of its social and natural conditions, which he identifies as Thomistically Aristotelian. He has always considered human rights to be a "moral fiction", as he famously put it in *After Virtue*. That he has never tired of pressing this critique is due to the incompatibility of human rights with his idea of the social conditions of human agency.

Jacques Maritain was the most famous living Thomist when MacIntyre first encountered the philosophy in the 1940s, and his fame remained when, a decade after Maritain's death, MacIntyre followed him in becoming a philosophical convert to Roman Catholicism. That the Church which MacIntyre joined was very different from that joined by Maritain owed something to Maritain's own influence, and owed much to the history that Maritain both exemplified and theorized. Nothing exemplifies the philosophical difference between them, and between their different kinds of Thomistic Aristotelianism, than their rival approaches to human rights. This paper contrasts those different approaches.¹

¹ I thank Tamás Nyirkos for his comments on the original version of this paper.

1. MARITAIN, AND HISTORY

Maritain's move toward human rights began with his attempt to justify philosophically the Papal condemnation of *Action française*. Previously, he had been one of the intellectual leaders of this movement, which was accused in the first academic treatment of the generic history of fascism of having been its 'first face' (Nolte 1965). Catholics' common longing to return to the institutions of mediaeval Christendom had seemingly been underpinned by Papal endorsement of the mediaeval philosophy of St. Thomas Aquinas. In France, therefore, Catholics had supported *Action française's* reactionary, anti-republican politics of monarchism and so-called "integral nationalism". The Papal condemnation therefore came as a shock, not least to Maritain. Although interested primarily in metaphysics, he had contested the idea of necessary progress in *Theonas*, characterized his own position in and as *Antimoderne*, and attacked the intellectual modernism of Luther, Descartes and Rousseau in his influential *Three Reformers*.

Three Reformers argued that "the modern world confounds two things which ancient wisdom had distinguished. It confounds *individuality* and *personality*" (Maritain 1928, 19, Maritain's emphases.). Whereas individuality is natural, temporal and particular, personality is spiritual, transcendent and universal. This analytic, conceptual distinction between the bodily matter and spiritual form that together constitute human being remained the first metaphysical principle of Maritain's practical philosophy, even as he came to progressively embrace and celebrate modernity. For Maritain, this personalist premiss was theistic and Thomist. Nonetheless, it came to function in his practical philosophy in a similar way to that in which the distinction between natural individuality and free personality functioned in the philosophy of Kant.

Maritain's first move upon accepting the condemnation was to elaborate an "integral *humanism*" in opposition to any racist or "naturalist conception of patriotism" (Maritain 1939. 73) and, increasingly, to what in *Man and the State* he eventually called "the plague of Nationalism" (Maritain 1998. 5). Rather than integral nationalism's prioritization of politics, integral humanism was to give primacy to the personal and spiritual over the individual and temporal, including the political. As natural individuals, human beings are merely dependent "parts" of the analogical body politic. Conversely, as spiritual persons they have the dignity of being "wholes" in themselves, properly independent of any temporal command. The temporal end and good of human beings may be understood as "a progressive conquest of the self by the self accomplished in time", an *integration* of the personal and spiritual with the individual and material that gives primacy to the spiritual as "a center of liberty" (Maritain 1995. 247, 245).

The common, temporal good is what Maritain calls an "infravalent end". This way of characterizing such a good is absent from Maritain's *The Degrees of Knowledge*, which concerned only the metaphysics of being and not of historical time,

but is introduced the following year in *Freedom in the Modern World*. Here he distinguished the concept of a simple “means” to an end from that of an “infravalent” or “intermediate end (which is a true end though it is subordinated to a higher end)”. Understood as a mere means to salvation in mediaeval Christendom, “the common good of the temporal order” has now become both an “autonomous” and an “intermediate end” (Maritain 1996a. 57). Repeated in a more theoretical text, Maritain proposed a “conception of the temporal as an order of means and ends with its own last end *infravalent* and subordinated with regard to the ultimate supernatural end” (Maritain 1940a. 128). This was to remain an important component of his conceptual scheme.

For almost all Catholics, the restoration of social order had meant restoring mediaeval institutions and, as Maritain now put it, “prop[ping] the altar against a worm-eaten throne” (Maritain 1931. 18). What he proposed instead was replacing the mediaeval “ideal of the Holy Roman Empire” with “a new ideal” (Maritain 1931. 27). Following Renaissance and Reformation, Revolution and Republic, changed conditions preclude any universal alliance of temporal and spiritual powers. The mediaeval ideal “of the Emperor on the summit of ... the body politic of Christendom”, “a ‘myth’ strictly appropriate to the cultural conditions of [its] time”, presupposed “a vast ignorance of the universe and an imperious optimism” that “earthly institutions ... are at the service of God” (Maritain 1931. 14–15). For Maritain, this ideal belonged irretrievably to the past. Thomists must not make the idealist error of assuming a single, unchanging form of the political good. God may be unchanging but the world is not. Since human beings are necessarily caught in the flux of historical change and particularity, the universal can and should be approximated to in different ways under the differing conditions of time, place, and culture. “The defenders of tradition” must not “repeat ... the same sort of mistakes in ... practical and social philosophy” that they had once made in condemning Galileo (Maritain 1940b. 164). Indeed, to avoid such mistakes, he proposed “a sort of ‘Copernican revolution’ in the[ir] conception of political activity”. He advised Christians not, as they had, to take their political starting point from any prevailing order but, rather, “to begin with oneself” (Maritain 1996b. 311).

What Maritain advocated was a *new* Christendom, different from but analogous to the old. This emergent society would “reproduce in an analogous fashion certain characteristics of medieval civilization” (Maritain 1996a. 32), being similarly ordered to the common good, but in an entirely new form. This innovative extension of “the philosophy of analogy” (Maritain 1996b. 240; Maritain 1995. 442–45.) from being to time enabled him to claim a Thomistic warrant in correcting what he considered to be errors within Catholic politics.

In not assuming a single, unchanging form of the political good, Maritain was able to pose his new Christendom as a “concrete historical ideal” (e.g. Maritain 1996b, 233–313). From the observed fact that history is the product of persons’ free will and agency, he had inferred that there can be no necessity to progress

(Maritain 1933. 117–28, 149–50). Although change is inevitable, its direction is not. A “*historical ideal*”, he now added, is something singular and unique that *may* be made, in time, by free human agency. Such a metaphysical ideal can *inform* action, in the sense that it can motivate and guide action by providing a target at which to aim. He argued that people *ought* to propound and pursue a “concrete”, materializable ideal, because moral progress really *can* be actualized through such “a definite enterprise in history-making” (Maritain 1940a. 75; 1996a. 78; 1996c. 134).

Politically, Maritain attempted to take sides with good and against evil. Even if this did not side him unequivocally with republicanism in the Spanish civil war, it certainly opposed him to nationalist atrocities and, therefore, to the majority of his fellow Catholics. Soon after the fall of France and the rise of Vichy, he overcame any equivocation and sided straightforwardly with the wartime alliance of United Nations. It was these allies who represented moral and political progress. Once again, politics assumed primacy.

On 18th January 1942 Maritain publicly committed himself to the idea of human rights. Seventeen days earlier the Arcadia Conference, hosted by Franklin Delano Roosevelt and attended by Winston Churchill, had issued the Declaration by United Nations. This committed 18 governments and 8 governments-in-exile “to preserve human rights and justice in their own ... [and] other lands”. Although France was not yet a signatory, Maritain had identified the universal agency of political progress and history-making with which he must now side. His political task was to adopt the political terms and concepts that might be used to secure an alliance of Americans and Free French, whilst his philosophical task was now to theorize and elaborate that agency’s *telos*, its concrete, “noble and difficult historical ideal, capable of raising up and drawing forth ... goodness and progress [as well as] men to work, fight, and die” (Maritain 1942. 123–24). From here onward, human rights were to be focal to the infravalent end that was his concrete historical ideal.

Maritain’s declared his commitment to human rights fifteen years to the month after quitting *Action française*. Until quitting, he had mocked the “religious pomp [with which] the modern world has proclaimed the sacred rights of the individual”, opposing the particular “rights” of the Church and the family *against* the equal rights of human individuals (Maritain 1928. 19). In a remarkable reversal, he now announced that the sacredness of the rights of the person is really proclaimed by the classical tradition of natural law:

The human person possesses rights because of the very fact that he is a person, a whole master of himself and of his acts, and who consequently is not merely a means to [an] end, but [*is*] an end, an end which must be treated as such. The expression, the dignity of the human person, means ... that by virtue of natural law the human person has the right to be respected, is a retainer of rights, possesses rights. (Maritain 1942. 118.)

In *The Rights of Man and Natural Law* he identified human rights with

the ‘myth’ which temporal history needs. If we understand it as applying to states where human existence is progressively established by the structures of common life and civilization, it concerns history itself and represents a ‘concrete historical ideal’, imperfectly but positively realizable. (Maritain 1944. 29.)

He repeated a formulation from *Three Reformers*, that the common good of persons in society is common “*to the whole and to the parts*” (1944. 9, Maritain’s emphasis; 1928. 23, Maritain’s emphasis). It is, that is to say, an attribute of both the community as a whole and of those persons who participate in the community, who are themselves wholes of another kind. His position is therefore “*communal and personalist*”, as he put it elsewhere (1996a. 27, 31, 32, 32n., Maritain’s emphases). For Maritain, whereas human beings are creatures of God, the political community is a human and historical construct. What had changed was not so much his conception of our nature, or even of the nature of the common good, but his appraisal of intellectual, political and moral enlightenment, and, more especially of the idea, politics and ethics of rights.

Having once opposed France’s republic, he now worked to recruit one republic to fight for the restoration of another. Catholics should not resist the rights of man and the citizen. Rather, they should embrace *civil* rights as granting them independence from “the things that are Caesar’s”, and should embrace *human* rights as an aspect of the universality and, indeed, the *naturalness* of natural law, and should identify the enlightened progress of moral conscience as an increasing recognition of that natural law. “A right”, he later reflected, is “a requirement which emanates from a self with regard to something as *its* due, and which other moral agents are bound in conscience not to frustrate” (Maritain 1990. 187).

The familiar claim that Maritain was an author of the Universal Declaration of Human Rights (UDHR) is entirely false. What he did contribute to was a virtual United Nations Educational, Scientific and Cultural Organization “symposium”, at the invitation of his old rival, the independently minded scientific humanist Julian Huxley. Far from contributing to the UDHR, this symposium was politically marginalized and its publication prohibited until after the Declaration. In his introduction to the eventual book, Maritain noted the diversity of approaches to rights and

the paradox ... that ... rational justifications are at once indispensable because each one of us believes instinctively in the truth, and will only assent to what he himself has recognised as true and based on reason [and yet] are powerless to bring about a harmony of minds because [the justifications] are fundamentally different, even antagonistic and the philosophic traditions to which they are related have long been divergent. (Maritain 1949a. 9.)

He referred back to his opening speech to the second annual conference of UNESCO, in which he opposed Huxley's intellectual ambitions by proposing that international intellectual collaboration aim not at philosophical agreement but, rather, at what we might call an overlapping consensus. Huxley was heir to British idealism. In contrast, Maritain sounded almost Wittgensteinian:

However deep we may dig, there is no longer any common foundation for speculative thought. There is no common language for it Agreement ... can be spontaneously achieved, not on common speculative notions, but on ... the affirmation of the same set of convictions concerning action [which] constitute ... a sort of unwritten common law It is sufficient to distinguish properly between the rational justifications ... and the practical conclusions which, separately justified for each, are, for all, analogically common principles of action. (Maritain 1952. 179–80.)

Although he did advertise the point in his more exoteric and consensual addresses and publications, this position was, of course, informed by his theoretical belief in the intuitive “connaturality” of the natural law, as an unwritten common law. Given this belief, he saw no reason why ideological or religious disagreement on the nature of rights should obstruct moral conscience's progressive recognition of their practicality. Indeed, a warrant existed for this in *The Degrees of Knowledge*. To the degree of knowledge that Maritain called “speculatively practical science”, his metaethics and conception of politics' first principle and final end changed little through the 1940s. What developed was his conception of political means, which he had already differentiated in the early 1930s as the cognitive realm of prudence and of “practically-practical moral science” (Maritain 1940a. 138n.; 1995, 333).

Maritain's position on human rights reflected his broader historical ideal. He now advocated supranational, global government. Although not comprehensively Christian, such a pacific and tolerant union should be the aim, also, of any new Christendom, in which church should be independent of state. This is the end to which politics should order the means, and human rights constitute the kind of morally “pure means” for which Maritain had always sought since breaking from the instrumentalism of *Action française*. These means may be accepted alike by “advocates of a liberal-individualistic, a communistic, or [like himself] a personalist-communal type of society” (Maritain 1949b. 22). Still believing in progress, he left it to the future to determine which of these rival conceptual schemes best suits human beings.

After fully elaborating his account of human rights, Maritain systematized his metaphysics of history. Here, he identified what he calls history's “natural ends”: of “mastery over nature; conquest of autonomy; and the manifestation of all the potentialities of human nature” (Maritain 1959. 96, 108). These are all “intermediate or infravalent ends” (Maritain 1959. 102). Each “is a *relatively* ul-

timate end, an ultimate end in the order of nature” (Maritain 1959. 103). In this way, he sought to overcome Kant’s dichotomy of nature and freedom without, like Hegel, resorting to their identification (see 1996 a, 6). Into this historical teleology he fitted his account of “history-making”. This is the expression of increased human mastery over their own and other natures, of what Maritain consistently called humans’ conquest of their own freedom and autonomy, and of the actualization of the potentialities inherent in created human nature, which is related to divine creation as “the pursuit and conflict of uncreated and created liberty — one in time, the other outside of time” (Maritain 1959. 96). Maritain was thereby able to accommodate a constructivist account of human history alongside a theodicy and within a theological account of being.

2. PRACTICES, AND MACINTYRE

For Maritain, as for Kant, moral practice is a matter of individual action informed by individual reason and, for both, such personal and fully human moral reasoning and action must be differentiated from merely animal and instinctive behaviour. Twentieth-century philosophy generated far more sociological accounts of practice. In *After Virtue*, MacIntyre proposed that “a moral philosophy ... characteristically presupposes a sociology” (MacIntyre 2007. 23) before going on to replace Aristotle’s “metaphysical biology” with teleological accounts of tradition, of narratively understood lives and, most basically, of shared social practices.

Ludwig Wittgenstein’s famous reflections on rule-following were developed by John Rawls. Before arguing for the superiority of contractarianism over utilitarianism (because “utilitarianism does not take seriously the distinction between persons”; MacIntyre 1999. 24) Rawls advanced the case for rule-utilitarianism, as distinct from act-utilitarianism. This case was based in his “practice conception of rules”. On this conception, “rules are pictured as defining a practice”, so “that being taught how to engage in [the practice] involves being instructed in the rules which define it, and that appeal is made to those rules to correct the behavior of those engaged in it” (Rawls 1955. 24). The paradigmatic instances of practices are, of course, such games as Wittgenstein’s “chess, or baseball” (Rawls 1955. 16). Without the constitutive rules of the game, there could be no game. Rawls extends the concept’s scope by drawing analogies between games and such ethically crucial activities as punishing and promising. What is here important for Rawls is “distinguishing between the justification of a rule or practice and the justification of a particular action falling under it” (Rawls 1955. 4). The obligatoriness of keeping a promise, he argues, is justifiable by reference not to the likely effects of any particular act but only to those general rules by which the act is defined. His subsequent account of justice as fairness is premised upon analogical extension from games to political laws and institutions, and

to what he generalized as “the system of practices” (Rawls 1958. 169) and later renamed society’s “basic structure”. From the start, he explicitly limited the scope of his theory of justice to “social institutions, or what I shall call practices”. Having precluded “justice as a virtue of particular actions”, he added omission of justice as a virtue of “persons”, insisting that “justice as applied to practices” is justice in the “basic” sense (Rawls 1958. 164–65). A practice as such is to be defined as

any form of activity specified by a system of rules which defines offices, roles, moves, penalties, defenses, and so on, and which gives the activity its structure. As examples one may think of games and rituals, trials and parliaments, markets and systems of property.

His theory of justice as fairness was to formulate “restrictions as to how practices may define positions and offices, and assign thereto powers and liabilities, rights and duties” (Rawls 1958. 164). This is all carried over into *A Theory of Justice*, where he adds that “an institution” “may be thought of in two ways: first as an abstract object, that is, as a possible form of conduct expressed by a system of rules; and second, as the realization in the thought and conduct of certain persons at a certain time and place of the actions specified by these rules”, and that he intends the latter (Rawls 1999. 48). These refinements were influenced by the way in which John Searle had, in the meantime, redescribed Rawls’ two concepts of rules as “regulative and constitutive rules” and renamed practices “institutions” (Searle 1964. 55). In adopting the language of “institutions” and their “constitutive rules”, Rawls (Rawls 1999. 49, 303) followed Searle.

Searle has built a social ontology upon an account of the linguistic generation of desire-independent reasons for actions, which began with his identification of constitutive rules as the way to derive “ought” from “is”. In playing such a game as Searle’s beloved baseball, one assumes both the institutionally factual obligations and rights of a player.

Similarly, Rawls wrote of “the assignment of rights and duties in ... common practices”, of rights’ relation to “the justice of practices”, and of “the distribution of rights and duties established by a practice” (Rawls 1958. 174, 175, 186), in a line of thought which focussed in *A Theory of Justice* upon “the basic structure of society, or more exactly, the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation” (Searle 1999. 6). For both Searle and Rawls, then, rules constitute institutions (or practices) and institutions constitute rights and duties, as rules, and these rights and duties ought therefore to be acknowledged and enacted by participants in the institution and can be justifiably enforced. In this way, the bedrock in which Rawls’ political “contractarianism” is rooted can be identified as Wittgensteinian.

Others have pursued such a line of thought about normativity so far as to describe rights themselves as “a practice”. For Rawls and Searle, to say this would be to confuse the rules that constitute a practice with those that regulate action within it, once constituted. Nonetheless, Richard Flathman took himself to be following both Searle (Flathman 1973a; 1973b) and Rawls when, in *The Practice of Rights*, he accounted for such a practice, and identified *its* roots in a non-metaphysical, political “tradition that goes back to at least Aristotle” (Flathman 1976. 18). Even so, “the concept of a right as we know it seems not to have become an identifiable part of Western social and political thought and practice until well into the seventeenth century”, and even this modern “concept of rights is being misused” in the UDHR (Flathman 1976. 76). More recently, Charles Beitz has radicalized Rawls’ *The Law of Peoples* to reconceptualize human rights as a practice with roots that go back only so far as the UDHR (Beitz 2009). Duncan Ivison warrants his claim “that rights are best understood as a *social practice*” by reference not to Rawls or Searle but to MacIntyre’s famous account of practice, as “any coherent (and complex) form of socially established cooperative human activity” (Ivison 2008. 18; cf. MacIntyre 2007. 187).

Long before writing *After Virtue*, MacIntyre appreciated the move made by Rawls and Searle in distinguishing two concepts of rules.² He, too, followed Wittgenstein in exploring the sociological and ethical import of rules, most notably in *A Short History of Ethics*. For MacIntyre, what is most important in shared practices the way in which socialization into practices educates our individual desires, so that our internal, subjective reasoning is rendered susceptible to external, objective, shared reasons. *After Virtue* repeats the earlier book’s point about the essential attributiveness of “good” as the opening move in a distinctively Aristotelian case for moving from “is” to “ought”, and for the social constitution of an ethical reality. “We define ... ‘farmer’ in terms of the purpose or function which ... a farmer [is] characteristically expected to serve”, so that if someone is a farmer he ought to do whatever a farmer ought to do. MacIntyre therefore concurs with Searle that it is “a grammatical truth” that “an ‘is’ premise” can entail “an ‘ought’ conclusion”, and that social practices give real ethical content to this truth (MacIntyre 2007. 57–58). MacIntyre broke from Searle in drawing the Aristotelian inference (see *Nicomachean Ethics* 1097^b22–1098^a20) that a functional conception of “good” can be attributed to certain human beings as such, and not just as enactors of particular social roles. Whereas Maritain drew an analogy be-

² In Knight 2013 I compare Searle’s account of practices with that of MacIntyre, and I give fuller accounts of MacIntyre’s account of practices in Knight 2007 and 2008. MacIntyre does not acknowledge Rawls by name but, given that it is elaborated at length as “an attempt to shore up utilitarianism”, his account of “rational, because rule-governed”, practices with shared “criteria of success or failure” clearly refers to Rawls’ “Two Concepts of Rules” (MacIntyre 1967. 243, 241).

tween the function of a human being and a piano in making his Aristotelian case for human rights (Maritain 1998. 86), MacIntyre's analogy is with a watch.

It is the first principle of Aristotelian practical philosophy that actions are undertaken for the sake of goods (NE 1094a), and MacIntyre's account of practices is Aristotelian and teleological. Practices are constituted in part by collectively intended rules but also, on his account, by commonly intended goals and goods, and it is these goods that give point and purpose to the shared rules. Common goods also justify particular duties and rights, insofar as those rules and rights contribute to the achievement of the goods. Even though moral responsiveness to the ethical demands and needs of others is seldom "rule-governed" (a point which would hardly surprise those who, unlike Searle or Rawls, share Wittgenstein's apparent scepticism), trustworthiness in the "rule-following" of "truth-telling and promise-keeping" is a necessary virtue within every role and practice (Blackledge 2010. 9–12), so that practices function as the schools of the virtues.

What most crucially distinguishes MacIntyre's concept of practices from all earlier and all rival accounts is the distinction between what he denotes by the Greek-derived "practices" and the Latinate "institutions".

Chess, physics and medicine are practices; chess clubs, laboratories, universities and hospitals are institutions. Institutions are involved in acquiring money and other material goods; they are structured in terms of power and status, and they distribute money, power and status as rewards. Nor could they do otherwise if they are to sustain not only themselves, but also the practices of which they are the bearers.... Indeed so intimate is the relationship of practices to institutions — and consequently of the goods external to the goods internal to the practices in question — that ... the ideals and the creativity of the practice are always vulnerable to the acquisitiveness of the institution, in which the cooperative care for common goods of the practice is always vulnerable to the competitiveness of the institution.... Without ... justice, courage and truthfulness, practices could not resist the corrupting power of institutions. (MacIntyre 2007. 194).

As MacIntyre "warn[s]" in chapter 14 of *After Virtue*, he uses "the word 'practice' in a specially defined way which does not completely agree with current ordinary usage, including my own previous use of that word" (MacIntyre 2007. 187), and, as Ivison evinces, disregard of his distinction allows his account of practices to be misconstrued as a premise for describing rights as a practice. Of course, *After Virtue's* famous critique of human rights, even though it precedes the book's stipulative definition of "practice", should be sufficient to preclude such misconstrual. Though famous, the critique is too often misunderstood. Its premiss is that "the possession of rights ... presuppose[s] the existence of particular types of social institution or practice" (MacIntyre 2007. 67), and this premiss allows MacIntyre to date the concept's appearance earlier than Flath-

man — to “near the close of the middle ages” (MacIntyre 2007. 69) — and even to warrant description of “human transactions” in terms of rights “in times and places” that lack any such express concept. His crucial point is about the particularity not of language but of rights. It is that any such description must identify “some particular set of institutional arrangements”, in which the rights are “institutionally conferred, institutionally recognized and institutionally enforced” (MacIntyre 1983. 12). In the absence of any appropriate “set of rules”, “the making of a claim to a right would be like presenting a check for payment in a social order that lacked the institution of money”. First one needs the institution to be constituted, and *then* one can engage in the new kind of reasoning about action that it makes possible. The sets of rules that confer rights “are in no way universal features of the human condition” and, MacIntyre continues, “always have a highly specific and socially local character” (MacIntyre 2007. 67). This is what underlies his critique of claims for the universality of human rights, and his provocative observation that in the UDHR “what has since become the normal UN practice of not giving good reasons for any assertions whatsoever is followed with great rigor” (MacIntyre 2007. 69). What we may now add is that rights are amongst those powers “distribute[d]” to individuals by organizational “institutions”, in the sense stipulated by MacIntyre later in the book. In MacIntyre’s terms, successful claims to the possession of rights therefore presuppose the existence of particular types of institution.

Organizational institutions formalize and enforce rules and distribute money, power and status. The question we should ask about the reality of human rights is that of the extent to which modern, western-style, bureaucratic nation states — and the “international” system that they comprise, now globally extended and formally unified by the UN and its “international law” — successfully institute and enforce individual, universally. Insofar as they do, we might regrad them as constituting a historically (but no longer locally) particular set of institutional arrangements capable of institutionally conferring, institutionally recognizing and institutionally enforcing human rights as a set of positive rules.

3. CONCLUSION

As MacIntyre said in *After Virtue*, Maritain is one of a couple philosophers “for whom [he has] the greatest respect and from whom [he] learned most” (MacIntyre 2007. 260). Some of what he learned is already apparent in his own first publication, “Analogy in Metaphysics” (MacIntyre 1950). As he made clear in *Three Rival Versions of Moral Enquiry*, the Thomism to which he turned following *After Virtue* was close to that of Maritain, notwithstanding the “uncharacteristic lapse” of Maritain’s “quixotic attempt to present Thomism as offering a rival and superior account of” human rights (MacIntyre 1990. 76). He has since admitted

both that he “sometimes followed Maritain too closely” (MacIntyre 2008. 262) and that his stance on human rights had been “too negative”, and that there is a “need for an Aristotelian grounding for a proper understanding of rights”. Such a grounding must be located not, as for Kant or Maritain, in the reason or dignity of persons or “individuals as such” but in “the common good” as something social, and in “justice as a virtue, both of individuals and” of institutions, that is directed to the common good. He credited “the institutionalization of” rights by “American and French revolutionaries” with some such good and justice (2008. 272) but also with what he elsewhere calls “a mistake of theory.... embodied in institutionalized social life” (MacIntyre 1998. 229).

MacIntyre’s conception of human nature is that of dependent rational animals (MacIntyre 1999), who need virtuous others if they are to attain those qualities that Kant and Maritain separate from material individuality as personality. Personality is therefore for MacIntyre a social achievement, a consequence of successful participation in social practices. Intellectual and moral virtues exist initially in individuals as no more than potentialities, which require others for their actualization. We attain personality through participation in social practices, which are the schools of the virtues. Therefore it is a mistake of theory to ascribe rights to human beings apart from and prior to their relations with others, and apart from the historically particular practices and institutions into which they are socialized. The problem that MacIntyre persists in attributing to individualist (but not necessarily to social and economic) rights is that they threaten “the bonds” and “authority” of practices and “institutions intermediate between the individual on the one hand and the [state] on the other” (MacIntyre 2008. 272).

MacIntyre’s critique of human rights may have lost some of its force since the time of *After Virtue*. As Samuel Moyn argues, this was the time that the language of human rights was, for the first time, attaining salience in international politics, but when the concept still lacked much purchase on reality. Then, like Huxley before him, MacIntyre identified the concept with the earlier idea of natural rights. Now, he is prepared to follow Moyn in acknowledging that our conception of human rights is a more recent idea. They are the stuff of Maritain’s concrete historical ideal, or, as Moyn puts it, of “the last utopia” (2010) which first presaged and now follows the death of state socialism. Maritain had already told us why, during the Cold War, no theoretical justification could be agreed universally for the UDHR. Now, human rights is a crucial aspect of that international law to the implementation of which all states are committed, formally and institutionally, as a condition both of their legitimacy and of their participation in global capitalism. MacIntyre is more resolute in his resistance to global capitalism than was Maritain, and, whereas Maritain saw global governance as the best guarantor of perpetual peace, MacIntyre is no less resolute in his defence of the goods of practices and the politics of locality. Perhaps, though, MacIntyre’s argument will have to be made in the face of the progressive actualization of Maritain’s institutional hopes.

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Yves Simon's Understanding of Aristotle

Some comments

ABSTRACT: *Yves Simon was among the prominent Catholic political philosophers who worked for many years at the University of Notre Dame in Indiana. In many of his writings, the most important references point to the teaching of Jacques Maritain; however, Aristotle's political philosophy plays a significant role in Simon's view of democracy as well. In my paper I offer an overview of the Aristotelian elements in Simon's works and attempt to identify the kind of scholarly reading of Aristotle Simon consistently applied.*

KEYWORDS: *Yves Simon, Jacques Maritain, Aristotle, democracy, Catholic political philosophy, Natural Law*

1. SIMON AND MARITAIN ON ARISTOTLE

Yves Simon belongs to those important scholars who contributed to the emergence of the University of Notre Dame as a leading Catholic University in the US. Although Simon's activity as a professor of Notre Dame ended in 1948 when he moved to the University of Chicago, his connections to Notre Dame remained alive. He lived in South Bend during the subsequent years and, as Anthony O. Simon told me in one of our personal conversations some years ago, he travelled by train to Chicago once a week for two or three days. Simon continued to co-operate with Notre Dame professors and, among other activities, contributed to *The Review of Politics* until his passing away in 1961.

As James A. McAdams summarily writes of Simon's oeuvre,

Although he was reluctant to allow his personal faith to intermingle with his political writings, Simon became recognized internationally for his adaptation of the teachings of leading Catholic thinkers, such as Aquinas, to contemporary concerns such as opposing fascism and promoting democracy. He was a strong believer that democratic citizenship requires education in basic values. While an interest in practical issues ran through all of his scholarship, he also displayed an ability to

comment on a dazzling array of philosophical issues, including the nature of free choice, the limits of reason, the pursuit of happiness, and mind-body problems. (McAdams 2007. 394)

One of the “leading Catholic thinkers” referred to in the above quotation was Simon’s mentor Jacques Maritain, his professor at the Institut Catholique in Paris during the 1920’s. Maritain’s dynamic Thomism determined that of Simon’s in many ways although not in every aspect, for example, their approaches to Aristotle differ. It is a notable lacuna of Maritain’s works that he rarely deals with Aristotle in his own right; rather, he offers Thomistic interpretations of Aristotle from time to time. To have a balanced view of Maritain’s reading of Aristotle, we need to analyse carefully his works, such as the *Introduction to Philosophy*, in which Aristotle is often mentioned and an entire chapter is dedicated to his thought.

In a general sense, we may say that Maritain lets the reader see Aristotle in a double frame of reference: on the one hand, Aristotle is the most outstanding ancient philosopher by virtue of his genius and works; after Plato’s contributions, he is the real founder of genuine philosophy. On the other hand, Aristotle’s thought was thoroughly transformed by an even more eminent genius, Thomas Aquinas, into the most perfect philosophy ever to be attained by the human mind. Due to this outlook, Maritain does not attempt to give a detailed account of Aristotelian thought in the context of the Stagirite’s age and culture, but considers him in the perspective of Thomas Aquinas, and especially in the perspective of the Thomistic revival of his age.¹

In a general sense, Yves Simon also follows the Scholastic, and especially the Neo-Thomistic interpretation of Aristotle along the lines he found in the works of Maritain. Nevertheless, Simon is not just a faithful follower of Maritain. He exemplifies a different type of thinker, a careful, perhaps less systematic, yet a very accurate kind of researcher who is never satisfied with an abstract view of a philosopher or a period. It is a consequence of Simon’s different character as a philosopher that he shows more caution in interpreting Aristotle in conformity with Neo-Thomism. Simon attempts to look behind the interpretations, so he explores Aristotle’s original texts and the scholarly work on the thought of Aristotle. Thus he does not only use the original Greek texts in understanding Aristotle’s points, but criticises such scholars as for instance W. D. Ross.

It is therefore an interesting task to see Simon’s relationship to Aristotle’s thought. Just as other Thomists, Simon ubiquitously uses Aristotelian notions in his works. But there are some important junctures where Simon carefully

¹ As Maritain writes in the introduction, “My chief aim in composing an *Elements of Philosophy* series, to which this book may serve as an introduction, is to give a faithful presentation of the system of Aristotle and St. Thomas...” (Maritain 1947. 8).

reflects on Aristotle's thought on the basis of the original works and develops an interpretation instrumental to his own understanding of philosophical matters. In what follows, I shall investigate three such fields in Simon's work natural law, government, and moral philosophy.

2. ARISTOTLE IN SIMON'S THEORY OF NATURAL LAW

Simon's understanding of natural law reveals the approach of a scholar at home in more than one philosophical culture. In a long passage of *The Tradition of Natural Law*, his masterpiece on the subject (Simon 1992), Simon demonstrates a historical and linguistic sensitivity so important in mapping out philosophical issues. Simon specifies two important points: On the one hand, he refers to the epoch-making change in the meaning of the expression "right" during the 17–18th centuries, when the meaning of right in the objective sense (right is what satisfies a prescription or a rule) assumed the meaning of right as that which gives sufficient ground to claim something, for instance some material or intellectual good (Simon 1992. 120). On the other hand, Simon realises that what we call "law" in English, such as in "natural law," is expressed by a different word in other languages, such as *Recht*, *droit*, or *diritto*. In Latin, we distinguish between *ius* and *lex*, in Greek between *dikaion* and *nomos*. In English *ius* is uniformly translated as "law." As he observes, "This famous particularity of the English legal language has probably exercised considerable influence on the Anglo-Saxon way of thinking about juridical (or legal) matters." (Simon 1992. 119). Simon does not explore the full scale of the difficulties inherent in this particularity, but he certainly demonstrates a unique sensitivity to how deeply philosophical issues are entangled with linguistic-conceptual developments.²

Thus it comes as no surprise that Simon shows a strong interest in the original meaning of some important Greek terms within the tradition of natural law. One characteristic paragraph dealing with the problem of natural law is proposed by Aristotle. Simon quotes the famous passage from the *Rhetoric* where Aristotle refers to "natural justice and injustice," a law "binding on all men," by citing Antigone's words: "Not of to-day or yesterday it is, But lives eternal: none can date its birth." (Quoted by Simon 1992. 131). Simon gives particular attention to a clause in Aristotle which appears in the sentence mentioned above: "For there is, as every one to some extent divines, a natural justice and injustice that is binding on all men [...]" (*ibid*, 131). Simon goes back to the Greek text

² As a non-native American, here Simon was able to recognise an important feature of the Anglo-American mind, the readiness to view the world as a compound of particulars which can be known by observing and disentangling all the individual issues and their compositions. The negative side of this attitude is a general skepticism about wholes and syntheses.

and points out that Aristotle uses the expression ὁ μαντεύονται πάντες in the above quotation where the verb μαντεύονται is translated as “divines.” Suggesting that the verb has a more concrete sense than “to perceive through sympathy or intuition” (*ibid*, 132), Simon makes the meaning more precise, and concludes that “No doubt, Aristotle in this passage maintains that natural law is known by inclination.” (*ibid*, 132) Whether we agree with Simon’s interpretation of μαντεύονται or not, so much is evident that Simon strives to reach an understanding of Aristotle based on a careful reading of the original text. Μαντεύονται may not factually mean “intuition by inclination,” but may refer to a phenomenon we call conscience today. For Simon, however, the use of the term and the strength of the point raised by Aristotle serve as a springboard to argue for the naturalness of natural law in human beings.

We find a similar procedure with respect to such important terms as God, nature, or free choice. It is especially notable that Simon insists on the teaching of the plurality of natures by Aristotle; in interpreting Aristotle’s notion of nature, he does not only investigate some original loci, but gives a short historical overview of the notion of nature from antiquity to modernity (Simon 1992. 45–46). He points out the tremendous importance of the Aristotelian concept of the plurality of natures since, without viewing things in this way, it would not be possible to speak of natural law as a hierarchy or dynamism with beginnings and ends, with intentions and with distinctions in value (*ibid*, 51–52). Natural law in Simon’s understanding is dynamic, that is to say, progressive, and allows us to build up an ever more appropriate understanding of its functioning by means of the development of science, technology, morality, and philosophy. This is an Aristotelian conclusion, according to Simon, which is made possible by the inherent teleology of things, a natural advancement.

3. ARISTOTLE IN SIMON’S PHILOSOPHY OF DEMOCRACY

The second example of Simon’s keen understanding and use of Aristotle is given in his works on political philosophy. Interestingly, his main work on the subject, *Philosophy of Democratic Government* (Simon 1993) contains only a few, even though substantial, references to Aristotle. His other works, such as *A General Theory of Authority* (Simon 1980), mention Aristotle’s thought more frequently. Simon’s political philosophy attempts to reach a synthesis between authority and democracy, between a traditional conception of politics based on the notion of order and the modern understanding of politics based on the notion of individual freedom.

Here we face a common feature of Simon’s terminology: he uses important terms, which go back to Aristotle, in the sense given to these terms throughout the history of ideas. Such a term is for instance “prudence” or practical wisdom which Simon analyses insightfully. In the *Philosophy of Democratic Government* as well as

in *A General Theory of Authority*, Simon distinguishes individual prudence from prudence in leadership of a community and he points out the latter's connection to the problem of the unity of political action (Simon 1980. 37 sq; Simon 1993. 28 sq.). On the theoretical level, however, Simon offers a perceptive analysis of the peculiar nature of practical knowledge as described by Aristotle. As he opines,

The problem with which we are now concerned is whether what holds for scientific propositions holds also for those practical propositions which rule the action of a multitude [...] If the certainty of science demands that the scientific object should possess the kind and degree of necessity that is found in universal essences alone, it seems that practical knowledge admits of no certainty, for human practice takes place in the universe of the things that can be otherwise than they are. (Simon 1993. 21)

Here Simon refers to the classical passages in Chapter 6 of the *Nicomachean Ethics* which defines practical truth as truth in agreement with right desire. However, this does not give the key to the “mystery of prudence,” as Simon calls it, for in the case of an individual the practical decision is dependent on various factors which are difficult to identify. In the case of a community, however, it is “the common good” which should govern political action.

The notion of “the common good” is again of Aristotelian origin (as so often, with Plato in the background). In *A General Theory of Authority* – a book we published in Hungarian a few years ago (Simon 2004) – Simon refers to the *Nicomachean Ethics* and quotes the famous sentence: “The common good is greater and more divine than the private good.” (Simon 1980. 28–29, *Nicomachean Ethics*, 1094b; “ἀγαπητὸν μὲν γὰρ καὶ ἐνὶ μόνῳ, κάλλιον δὲ καὶ θεϊότερον ἔθνει καὶ πόλεσιν”).³ Simon goes on to comment on the meaning of θεϊότερον and suggests that it refers to the participation in the privilege of imperishability; human communities are the highest attainments of nature and are virtually immortal (Simon 1980. 29).

Simon uses an important passage from the *Politics*, too, where Aristotle repeats his thesis to the effect that human beings are political animals and they form a body politic with respect to their share of the common good they can thereby achieve (Simon 1993. 74; *Politics* 1278b: μέρος ἐκάστω τοῦ ζῆν καλῶς). This common good is the “good life” which belongs to the essence of the body politic. Now Simon analyses the notion of the common good in a rather formal fashion, that is to say, he does not describe the content of the common good but emphasises some of its structural features, such as, most importantly, its shared character:

³ Simon uses the translation by W. D. Ross; in other translations, however, the text is more complicated.

In order that a good be common, it does not suffice that it should concern [...] several persons; it is necessary that it be of such nature as to cause, among those who pursue it and insofar as they pursue it, a common life of desire and action. (Simon 1993. 49)

The other feature Simon picks out is that the pursuing of the common good renders authority necessary. Simon's all examples, such as a football game, a team of workers, and the operations of an army, possess characteristic goods in common, even one common good which defines their common action. Yet in all cases the presence of a certain authority is required, just as in the case of contracts the validity of which calls for a higher authority than the contracting partners. That is to say, as Simon suggests in a Kantian fashion, certain states of affairs in human situations logically and practically *presuppose* the existence of authority as the key function of these states of affairs. Even two-party or multi-party liberal democracies require the existence of authority in a number of forms, such as laws, constitution, political bodies checking and balancing the power of the representatives of the political majority in decision making. It is not my aim here to develop Simon's notion of authority in more detail and argue for a notion of authority higher than its function in a community; suffice it to say that Simon's notion of authority points to an Aristotelian origin again.

In order that a society realises the common good, political unity is required. Unity is needed in action towards the common good (in the order of means), and it is also needed as the most important element of the common good itself (in the order of ends). The unity of the common good, according to Aristotle, cannot be realised by many governing principles; Aristotle quotes the famous line from Homer, and Simon gives a special emphasis to this quotation: "The world, however, refuses to be governed badly. »The rule of the many is not good; one ruler let there be.«" (Simon 1993. 35; *Metaphysics*, 1076 a: "οὐκ ἀγαθὸν πολυκοιρανίη: εἰς κοίρανος ἔστω").⁴ However, this is not the Aristotelian view which Simon wants to put forward in a book on the philosophy of democracy; rather, Simon offers us Aristotle's anti-Platonic view of the best government which should be a *combination* of several political forms, such as monarchy, aristocracy, and democracy. Still, authority is an important functional element of all forms of government. In various aspects of contemporary democratic societies, we need political forms recalling the content of these ancient expressions; and thus Simon agrees with Aristotle's lines in the *Politics*: "Some indeed say that the best constitution is a combination of all existing forms [...]" (Simon 1993. 107; *Politics* 1265b).

The last example of Simon's use of Aristotle leads us to political ethics. According to Simon, Aristotle's ethics is political and his politics is ethical; and this

⁴ This sentence served as one of the most important references in pre-Christian and Christian arguments for the importance of a political and ecclesiastical monarchy, as Erik Peterson pointed out in his essay about monotheism as a political problem (Peterson 1935).

proposition enjoys Simon's full consent (Simon 1980. 139–140). He even adds that “The best way to perceive the ethical character of politics is to realize fully the political character of ethics.” (Simon 1980. 141). Most importantly, he understands authority as the guarantee and, at the same time, the accomplishment of the unity of ethics and politics.

4. ARISTOTLE IN SIMON'S MORAL THOUGHT

Thus if we want to say some words on Simon's understanding of Aristotle in matters of morality, the unity of ethics and politics is an excellent beginning. As I mentioned, Simon's dealing with Aristotle is far from being uncritical; when he wants to understand Aristotle's meaning, he usually goes back to the original Greek texts and offers not only a genuine reading but also a criticism of some translations, such as the received editions of W. D. Ross.

A good example is Simon's correction of Ross's translation of *hexis*, ἕξις as a “state of character.” In the *Philosophy of Democratic Government*, Simon points out that the Greek word ἕξις was unintelligibly translated by W. D. Ross as “state of character.” Simon proposes “habitus” as the right translation and even the Latin *habitus* should be rendered as habitus, and not as “habit” as A. C. Pegis has it in his influential translations of Thomas Aquinas's works (Pegis 1996). It may be worth mentioning here that the debate between Pegis and Simon, as the latter remarks, became less and less polite on this issue, until both sides decided to keep their own version.

On the other hand, Simon accepts W. D. Ross's translation of Aristotle's φρόνησις as “practical wisdom” in *The Definition of Moral Virtue* (Simon 1986. 96). Practical wisdom is an intellectual virtue in Aristotle's understanding since its duty is to utter judgment. On the other hand, φρόνησις is also a moral virtue since it directs human action. Simon's interpretation of φρόνησις is indeed insightful. As he explains, φρόνησις is an “absolute virtue,” for it is a virtue of non-virtue: it is a virtue that contains no general pattern of insight and action, for it is characterised by uniqueness and contingency. Φρόνησις is the capacity to act in a unique situation in accordance with our best insights with the intention to reach a certain good in a way which is not predetermined or prescribed in any sense. No book, no information, no advice or example can help us to make the right decision in a situation when we need to act according to φρόνησις, “prudence.”

Here Simon criticises Ross's translation of some sentences of Book VI of the *Nicomachean Ethics*. Ross, after determining prudence as “a reasoned and true state of capacity to act with regard to human goods,” goes on to translate Aristotle as follows: “But further, while there is such a thing as excellence in art, there is no such thing as excellence in wisdom.” (Simon 1986. 98). Simon is right in pointing out that the clause “there is no such thing as excellence in wisdom” is

embarrassing. Simon censures the translation of ἀρετή as “excellence;” his reason is not that ἀρετή does not have the wider meaning of excellence but a more cogent one which underlines the translation’s incapacity to render the original meaning of Aristotle. According to Simon,

Aristotle’s meaning is this: When you have art, you still need virtue to make a good human use of it; but if you need prudence, you do not need an extra virtue to make good use of it, because prudence, being a moral as well as an intellectual virtue, supplies this good use of itself. (Simon 1986. 98)

Moral virtue is not “a state of character,” as Ross suggests, “concerned with choice, lying in a mean, i. e. the mean relative to us...” Rather, according to F. H. Peters’s translation, which Simon prefers, “Virtue is a trained faculty of choice, the characteristic of which lies in moderation or observance of the mean relative to the persons concerned [...]” (Simon 1986. 118).

These passages clearly show how original Simon’s approach to Aristotle was. Indeed, he did not only follow Maritain in important overall questions, he did not only apply Thomas Aquinas’s teachings on a variety of contemporary problems but was able to go back to the original texts and develop his own understanding of the original authors. This latter point is clearly shown by his *The Definition of Moral Virtue*, a book published 25 years after his passing away by Vukan Kuic. This work demonstrates that Simon was not only an excellent thinker upon the problems of democracy and authority, tradition and modernity; he was an eminent moral thinker as well who, by his original explorations of Aristotle, contributed to the renaissance of virtue ethics in the halls of the University of Notre Dame.

Simon’s understanding of the main virtues – prudence, justice, fortitude, and temperance – influenced the revival of virtue ethics in Anglo-American philosophy. It is especially remarkable that Simon was able to synthesise the position of an accurate classical scholar with his attachment to Thomism. For instance, as opposed to the later position taken by Alasdair MacIntyre, Simon not only emphasises the unity of virtues in Aristotle – focused on the virtue of prudence – but asserts the plurality and interdependence of virtues at the same time. Criticising Etienne Gilson’s view, Simon sees some positions of Aristotle as determining historical Aristotelianism throughout the centuries, beginning with the ancient authors through Aquinas and later Scholasticism to Franz Brentano, whom Simon considers an influential representative of important Aristotelian notions. No doubt, Simon saw himself as an Aristotelian too, for he criticises the Stoic conception of an absolute unity of virtues and proposes the Aristotelian notion of plurality and interdependence. Moreover, Simon was aware of the fact that it is not a turning back to the ancient idea of virtues that may help contemporary human beings to live a better life but rather the realisation of progress

in moral philosophy: a progress without which we are unable to find the right interpretation of moral life, natural law, or democratic government.

As James V. Schall formulated it some years ago,

Simon remains an education in himself as well as someone who critically transmits us Aristotle and St. Thomas in the light of the various ways that they have been received, understood, or too often misunderstood during the past hundred years. (Schall 1998. 1)

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Do “Virtue Ethics” Require “Virtue Politics”?

ABSTRACT: *If, as Aristotle argues, human beings cannot acquire the habits needed to make them virtuous if they do not receive a correct upbringing, and this upbringing needs to be supported and preserved by law, one has to ask how citizens of modern liberal democracies can become virtuous, since their laws do not explicitly identify, reward, and honor virtuous behavior. This article examines the three different answers to this question proposed by the liberal M. Nussbaum, the communitarian A. MacIntyre, and the libertarians D. den Uyl and D. Rasmussen, and finds none entirely satisfying. Ironically, none of these commentators takes account of the educational activity in which they like Aristotle are engaged.*

KEYWORDS: *virtue ethics, liberal democracy, Nussbaum, MacIntyre, Rasmussen, den Uyl, practical reason, human flourishing, neo-Aristotelian*

Virtue ethics now constitutes one of three major approaches to the study of ethics by Anglophone philosophers (Hursthouse 2012). Its proponents almost all recognize the source of their approach in Aristotle, but relatively few of them confront the problem that source poses for contemporary ethicists. According to Aristotle, *ethikē* belongs and is subordinate to *politikē* (Aristotle 2011. 13; NE 1.2.1094b4–11). But in the liberal democracies within which most, if not all Anglophone ethicists write, political authorities are not supposed to dictate or legislate the good of individuals; they are supposed merely to establish the conditions necessary for individuals to choose their own “life paths.” If, as Aristotle argues, the good life for a human being is a virtuous life, and if human beings cannot acquire the habits needed to make them virtuous if they do not receive a correct upbringing, and this upbringing needs to be supported and preserved by correct legislation, one has to ask how citizens of liberal democracies can become virtuous, if the laws of their regime do not explicitly identify, reward, and honor virtuous behavior and punish vice.

Contemporary ethicists who have addressed this question have proposed three very different answers to the question of how “virtue ethics” ought to

be related to politics in modern nation-states. Martha Nussbaum advocates an “Aristotelian social democracy” which seeks to provide all human beings with the capacities – intellectual and moral as well as material – they need to choose the best way of life – whereas Alasdair MacIntyre looks to smaller, tradition-based communities within larger nation states to provide moral education. Because political action is coercive and truly ethical or virtuous action is voluntary, Douglas den Uyl and Douglas Rasmussen argue that ethics and politics should be strictly separated. In this paper I propose to examine each of these attempts to revive an Aristotelian understanding of ethics, bringing out the advantages and problems involved in each as well as the ways in which the three different proposals intersect.

All three of these contemporary attempts to appropriate an Aristotelian understanding of ethics in a liberal democratic political context begin by jettisoning some distinctions that he claims are natural. For example, they deny that there is “natural” slavery and that women should generally be subordinate to men. But, since they all disown Aristotle’s natural hierarchy, we have to ask what they think the basis of the “Aristotelian” understanding of human “perfection” or “flourishing” they adopt is.

NUSSBAUM’S “ARISTOTELIAN SOCIAL DEMOCRACY”

Early in her career Nussbaum argued for an understanding of the human good based on human nature. But she distinguished the understanding of human nature upon which she relied very sharply from “objective” scientific notions of nature based on external observations. Like Aristotle, she contended, many human beings have articulated an “internal” understanding of what it is to be human as neither an immortal god nor a beast (Nussbaum 1986, chapters 8–9). More recently, however, she has argued that the understanding of what it is to be human she is proposing represents an “overlapping consensus” of the beliefs and practices of many cultures that is not grounded “in a specifically Aristotelian conception of human nature” (Nussbaum 2002, 91). This overlapping consensus points to a series of common spheres of experience; and from these “spheres of experience” she derives a corresponding set of “non-relative virtues” (Nussbaum 1988b, 35–36.). But having explicitly jettisoned the Aristotelian notion of a single human good, Nussbaum moves relatively quickly from her list of “non-relative virtues” to a list of the “capabilities” necessary for a human being to function well. As a result, the central focus of her work shifts from the “ethical” question concerning the definition and requirements of a good human life to the “political” question concerning the just distribution of goods necessary to give all human beings the capacity to choose to live as they think best.

Although Nussbaum explicitly jettisons Aristotle's notion of human nature and endorses a more open, free, egalitarian, and pluralistic understanding of the human good, she recurs nevertheless to his famous claim that human beings are by nature political for two reasons. The first is that the claim applies to the whole species; it is not limited to the citizens of any particular regime or state. Nussbaum found such a universal standard useful in formulating her list of the capabilities a human being needs in order to choose a good life with an eye particularly to the "quality of life" for developing countries (Nussbaum 2002. 51–52). The second reason she stresses Aristotle's emphasis on the *political* character of a distinctively human life is that it highlights the importance of developing one's practical reason and affiliation or association with others. In general, Nussbaum argues that the "thin vague conception of the good" articulated by liberal theorists such as John Rawls and Ronald Dworkin is inadequate, because it requires only a minimal distribution to all citizens of the "bare essentials" that are "prerequisites for carrying out their plans of life." These "primary goods" are conceived in terms merely of "wealth, income, and possessions" (Nussbaum 2002. 54–55). But, she objects, human beings need more than money to be able to make informed choices. They need education, nurturing or supportive associations, and protection from demeaning labor. Their specific needs will also vary, moreover, according to their particular circumstances. The "Aristotelian approach" she champions "takes cognizance of every important human function, with respect to each and every citizen. But [. . .] [it] does not aim directly at producing people who function in certain ways. It aims, instead, at producing people who" have both the training and the resources to so function as they choose. The task of government is to enable citizens to choose; "the choice is left to them." Like a liberal, she argues that an Aristotelian holds "that political rule is a rule of free and equal citizens." But she insists that citizens are treated as free and equal only if they live in conditions necessary for the exercise of choice and practical reason (among which are education, political participation, and the absence of degrading forms of labor). (Nussbaum 2002. 62)

In light of the importance Nussbaum attributes to the development of practical reason it may seem surprising that she does not emphasize the importance of political participation more. She insists merely that all citizens (or adults) should be able to hold office, not that they actually do so. In contrast to Aristotle (Pol. 3.2.1277b25–27), she does not think that ruling is a necessary part of a citizen's education, particularly in developing *phronêsis*, the one virtue he says is peculiar to ruling (Nussbaum 1986. 349).

Her emphasis on enabling citizens to choose and not mandating any choice points, moreover, to two very large sets of problems.

The first concerns the division of labor within any political community (or the world as a whole). It is curious that an ethicist who has co-authored with a Nobel prize-winning economist says so little about how the resources to supply

each and every human being with the capabilities she lists are to be found or produced. What happens if a sufficient number of individuals do not choose to perform the functions needed for the survival or flourishing of the community? Clearly some tasks are more attractive than others, and human beings are not so uni-dimensional that we are “programmed” to perform one and only one task by nature (as Socrates imagines in the *Republic*). Marx thought that modern technology would overcome the need for a division of labor, but things have not gone as he predicted. And where the government does not mandate a certain division of labor, the lives individuals choose are shaped not only by their families, cultures, and governments, but also by market forces that give some individuals an incentive to produce more than they need and others an incentive to perform jobs that are not rewarding in themselves.

Nussbaum would respond by observing that Aristotle was no friend of unregulated production and free market exchange; he argues that human beings should not seek to acquire any more property than needed to support a good life. He suggests that governments should make sure that their citizens have good air, water, and other necessities like food, and proposes common use of private as well as of publicly owned property (Nussbaum 2002. 47–49, 54–57, 77–78, 86). But, unfortunately for Nussbaum, Aristotle also recognizes that economic restrictions make it impossible for most of the inhabitants of a city to develop all of their distinctively human capacities by engaging in politics or philosophy. Modern industry and technology have made it possible for us to educate many more citizens and to involve them in making political decisions that shape their lives, but many of the restrictions imposed by the need to earn a living and fill essentially unrewarding jobs remain.

Nussbaum acknowledges that there will be problems implementing her “capabilities” approach and that the acquisition of some goods may interfere with the provision of others, but she does not address the root of the problems associated with the supply and demand for goods directly. As an ethicist, she might say that she is simply outlining what ought to be done. Insofar as she claims to be following Aristotle, however, she admits that her political proposals need to be practical.

The question concerning the incentive or incentives to produce points, moreover, to a larger set of questions about human motivation. What leads individuals or groups not merely to produce more than they need but to share their surplus with others? Nussbaum often quotes Aristotle’s statement that when he equates happiness with self-sufficiency, he does “not mean by *self-sufficient* what suffices for someone by himself, living a solitary life, but what is sufficient also with respect to parents, offspring, a wife, and, in general, one’s friends and fellow citizens, since by nature a human being is political” (NE 1.7.1097b7–11). Because Aristotle also insists that no one would want to live without friends (NE 9.9.1169b10), she interprets his discussion of the “political” character of human

life more in terms of the satisfactions human beings derive from intimate associations like friends or family than from civic participation (Nussbaum 1986. 349–62; Nussbaum 2002. 79; Nussbaum 1988a. 161–62). She rightly associates his praise of friendship in the *Nicomachean Ethics* with his critique of Plato's proposals to eliminate both private families and private property on the grounds that human beings care and take more responsibility for persons and things they consider to be their own than those that are held in common. (Nussbaum 2002. 77–78.) But she does not address the problems the need for close and exclusive relations among the members of a polity raises for the "cosmopolitan" approach to human "capabilities" she advocates. What leads or will lead citizens of one nation to share their goods with the inhabitants of poorer countries? A feeling of moral obligation? Sympathy? As Nussbaum recognizes, both tend to become weaker as they become or are applied more generally.

ALASDAIR MACINTYRE: FROM TRADITION-BASED COMMUNITIES TO RATIONAL DEPENDENT ANIMALS

Like Nussbaum, MacIntyre seeks to persuade his readers to understand both ethics and politics in terms of the good rather than rights. Further like Nussbaum, MacIntyre finds the source of the approach he advocates in Aristotle, but again like Nussbaum he finds it necessary to modify his Aristotelian source in fundamental—though different—respects. Whereas Nussbaum wants to enrich and extend the "thin vague conception of the good" underlying contemporary liberal political theory, MacIntyre seeks to replace that thin liberal conception of the good with an ancient-medieval understanding. Having jettisoned the ancient-medieval conception of a common human telos or goal, he argues, modern moral philosophy became incoherent; with no end in sight; modern ethicists either subordinated reason entirely to the passions (Hume) or sought, ineffectually, to control human passions with abstract reason (Kant). But instead of trying to articulate a common "internal" understanding of the human good, by nature, as Nussbaum initially did, or, as she did later, in a cross-cultural "overlapping consensus" of opinions and practices, MacIntyre finds the core or basis of a common understanding in a "tradition" that develops over time and contains essentially different, even contradictory notions of the good. In *After Virtue* he emphatically rejects Aristotle's "metaphysical biology," grounded as it is in a teleological view of nature, because it has become incredible as a result of modern natural science. (MacIntyre 1984) Like Nussbaum, he thus jettisons the invidious distinctions Aristotle draws between natural slaves and masters, males and females, Greeks and barbarians. Even in *Rational Dependent Animals* when he acknowledges "natural law" as the foundation of the communities necessary to sustain human life, he emphasizes the dependency everyone has on others and the need to

discover ways of enabling those with disabilities, especially those whose mental disabilities prevent them from voicing their own views, to take part in common deliberations-- at least by proxy. Because he retains a fundamentally historical understanding of the "traditions" that unite the communities that form the lives and self-understanding of their members, MacIntyre can and does, like Nussbaum, maintain that the definition of the common good is open-ended. He also emphasizes the different components and hence potentially conflicting understandings of the good within any given tradition that make it possible for both individuals and sub-groups, as well as the tradition as a whole, to develop a variety of changing conceptions over time.

The vitality of a tradition, MacIntyre argues, is demonstrated by the ability of people living within it to devise new understandings or solutions to the conflicts that inevitably arise among its disparate parts, especially when it encounters other traditions. Those of us living in the West have inherited very different, indeed essentially incompatible "tables" or understandings of human virtue presented in the Homeric epics, ancient philosophy, medieval theology, and modern novels like those of Jane Austen. In *After Virtue* MacIntyre suggested that these different notions provide the material from which each individual can construct his or her personal identity in the form of a narrative of his or her own development—in conjunction with supervening community deliberations about the content, character and requirements of the common good. But, as Nussbaum noticed in her review of *Whose Justice? Which Rationality?* for *The New York Review of Books*, MacIntyre later dropped that novel-like option for individuals giving coherence and meaning to their own lives, independent of the community (Nussbaum 1989).

MacIntyre would no doubt see Nussbaum's critique of the reliance on religious authority in the two efforts to integrate classical and Scriptural understandings of virtue he praises, first by the medieval Catholic theologian Aquinas and later by the Calvinist philosophers of the Scottish Enlightenment, as merely another example of the modern liberal rebellion against any form of authority. And, he would remind Nussbaum that, as Aristotle argues, not merely the authority, but the force of law is needed to educate human beings in virtue. Although he too endorses an open-ended and pluralist definition of the human good, her "capabilities" approach is far too individualistic and decisionist for him to accept.

Both of these neo-Aristotelians emphasize the importance not merely of education in general, but more specifically of enabling each and every human being to develop his or her practical reason; and both understand education to involve much more than mental training. But MacIntyre stresses the ways in which family, community, and tradition shape the character and lives of individuals, whereas Nussbaum seeks to specify the conditions that make it possible for an individual truly to choose his or her own "life path." No one chooses the fam-

ily, country, or time in which he or she is born, MacIntyre points out, yet the place, time, and people among whom we are born shape our lives in irrevocable ways. Both Nussbaum's early embrace of an "internal" as opposed to externally observable definition of the human good and her later insistence on providing each and every individual with the capabilities necessary to choose his or her own good are far too "subjective." These "choices" are, in the final analysis, too close to the "preferences" individuals express in voting or buying goods. As Nussbaum herself emphasizes, such preferences can be shaped by education, experience, and external circumstances, but they are not necessarily the products of rational deliberations about what is in the common good. MacIntyre agrees with Nussbaum that choices of ways of life, as well as membership and specialized roles in particular communities are evaluative. But, he argues, such evaluations are not mere expressions of "values" based ultimately on subjective feelings rather than reason or knowledge. Just as the judgment that a clock that does not keep time is a bad clock is evaluative, but factual, so is the judgment that a cobbler who cannot make shoes that fit is a bad cobbler and a man who does not contribute to the common good is a bad man. Human "practices"—both activities and products—are judged in terms of their particular ends; and these particular ends are, in turn, evaluated in terms of their contribution to the common good.

Arguing that all particular goods—activities and individual lives—are and should be evaluated by what they contribute to the common good, MacIntyre follows Aristotle more closely than Nussbaum in emphasizing the importance of individuals actually and actively participating in the political decisions that shape their lives. Both Nussbaum and MacIntyre explicitly follow Aristotle in recognizing that human communities are formed and sustained by the intimate relations we associate with friendship, and that these intimate relations cannot be extended over great distances or among many people without becoming diluted, if not entirely destroyed. But MacIntyre concludes that the spatio-temporal limitations on any real community are a reason not to formulate universal, "cosmopolitan" definitions of the human good.

Following Aristotle, MacIntyre observes that the authoritative decisions that shape the lives of all the members of a given community take the form of laws, and that these laws educate or form the character of all the members of a given community in two different ways. The first is by praising or honoring certain kinds of people or deeds; the second is by not merely blaming, but punishing persons who either neglect to perform their duties or who positively harm rather than help other members of the community. Precisely because some actions and characteristics are deemed better than others, MacIntyre points out, "virtue ethics" are essentially hierarchical; and like Aristotle, he suggests that there is a kind of natural basis for the hierarchy. Whereas Nussbaum cites only the understanding of justice Aristotle attributes to democrats—that equals should receive

equal portions—MacIntyre endorses Aristotle's full, proportional definition of justice as giving equal things to equal persons, and unequal things to unequals.

Both Nussbaum and MacIntyre emphasize Aristotle's argument (Pol. 1256a1–1258a18) that the unlimited accumulation of wealth characteristic of capitalism is bad, because it leads people to confuse the means of living well with the good life itself. Both explicitly agree with Aristotle that people should seek to acquire only what they need to live well—and no more. But, in contrast to Nussbaum, MacIntyre explicitly recognizes the limits such a needs-based restriction on acquisition involves. Not only must a community that seeks to involve everyone in their own government be small. It must also seek to be self-sufficient, so that its members will not become subject to the abuses that flow from the economic inequality inevitably associated with a “free-market” economy (MacIntyre 2001). The members of such a community will be expected to contribute according to their abilities and receive according to their needs—to the extent that is possible.

MacIntyre insists that large modern nation-states cannot provide their citizens with the sort of practical education that enables them to become independent practical reasoners conscious of their dependency upon others. But he acknowledges that it is difficult to imagine their withering away in the foreseeable future. Indeed, he recognizes that these large states perform a necessary function insofar as they protect public security—from external aggression and internal crime. He contends, however, that these large nation-states need to be supplemented, even in the provision of security, by smaller, more participatory associations—both because the nation-states do not provide soldiers or police with a sufficient incentive to perform their duty by assuring them that, if they die or are wounded, they and their dependents will be provided for, and because the state itself can constitute one of the primary threats to public security, especially internally. He looks to forms of association, intermediate between the modern state and the contemporary family, to provide people with the necessary education in practical reason through common deliberations.

Critics have raised three major objections to MacIntyre's tradition-based understanding of “virtue ethics.” The first objection, raised by other “neo-Aristotelians” like Den Uyl and Rasmussen is that by subordinating the individual entirely to the practices and decisions of the community, MacIntyre's approach destroys the individual freedom and responsibility that are essential to virtue, as Aristotle described it (see below). The second objection is that MacIntyre's “redescription” of Aristotle's understanding of virtue or, even more, Thomas Aquinas's argument concerning the natural law as a “tradition” is neither philosophically nor historically accurate (Coleman 1994). Even when he shifts the basis of his understanding of community and the character of virtue ethics from “tradition” simply to “natural law,” MacIntyre treats natural law more as establishing the basis of community in mutual dependency and shared vulnerability

than as pointing to distinctive ends or goals of human action, on the basis of which individual human beings and communities can be judged better or worse. Feminist critics have praised MacIntyre for his emphasis not merely on the mutual "care" our shared vulnerabilities make necessary, but on the need to find a way of including the voices of those least able to speak for themselves. But, stating the third major objection to his position, they criticize MacIntyre for allowing only internally based criticisms of traditions that arise out of conflicts within them. He does not provide a universally applicable standard of the human good on the basis of which women, for example, could protest the secondary status and social roles to which most tradition-based communities have confined them (Frazer – Lace 1994).

RASMUSSEN AND DEN UYL'S PERFECTIONIST ARGUMENT FOR NON-PERFECTIONIST POLITICS (RASMUSSEN – DEN UYL 2005)

Following Aristotle, both Nussbaum and MacIntyre argue that efforts to provide human beings with the habits, dispositions, and rational ability to live good and virtuous lives require political support. Explicitly labeling their own position as "neo-Aristotelian," because in this respect they clearly break with Aristotle, Rasmussen and Den Uyl maintain that ethics and politics are and should be strictly separated. Their central contention can be simply stated: political action is coercive; truly ethical or virtuous action is voluntary. A person is not truly moderate, generous, or witty, if forced to act moderately or generously and to speak with humor. Insofar as virtue consists in certain kinds of activities, moreover, it exists in individual, embodied actors, not in communities. Virtue ethics is and ought to be concerned, therefore, with the happiness or flourishing of individuals, not with common goods (as in MacIntyre) or with the distribution of goods produced by some to others (as in Nussbaum). And political authority or the state ought to be restricted to protecting the liberty of individuals that makes it possible for them to seek to flourish in the way they desire and think best.

Rasmussen and Den Uyl contend that both their Lockean political philosophy, that would restrict the state to protecting the rights of life, liberty and the pursuit of happiness, and their Aristotelian understanding of ethics are founded on nature. The understanding of nature in their political and ethical theories might seem to be different. With regard to politics they follow Locke in maintaining that no one rules anyone else by nature; governments are instituted by human beings (as Aristotle also recognizes); and like Locke they reason that if no one rules anyone else by nature, by nature all human beings are free. They recognize that the teleological view of human nature upon which they base their ethics is more controversial. Echoing some of the worries that MacIntyre voiced in *After Virtue*, they deny that they are relying on a "metaphysical biology." Like

Nussbaum and MacIntyre, they follow Aristotle in beginning “with the established opinions, or *endoxa*, of our society and culture.” They observe that “the point of entry for such reflection most often occurs when we examine our lives as a whole and wonder what they are for.” And they conclude that “our general aim is to make our lives as good as possible and to find unity for them” (116).

Like MacIntyre, they admit that teleology has often been associated with “dubious metaphysical views—for example, that the cosmos has some end, that species are fixed and do not evolve” (118). But they do not think that an account of human life in terms of ends requires them “to hold that the cosmos, history, society, or the human race is directed toward some grand *telos*.” They maintain only that individuals have ends, and that there are individual potentialities that are actualized.

In human beings, they argue, “it is the ability to have a correct conception of what is good for oneself (that children and nonhuman animals do not possess) that creates the causal power necessary for the purposeful production of good outcomes. [. . .] As Aristotle states, ‘Reason is for distinguishing the beneficial and the harmful, and so too the just and the unjust. For this distinguishes a human being from the other animals—that he alone has perception of the good and bad and just and unjust and the rest’ (Pol. 1253a14–18)” (124). As Nussbaum and MacIntyre also emphasize, developing one’s practical reason thus becomes crucial to determining what one ought to do.

On the basis of this understanding of the end of human life, Rasmussen and Den Uyl maintain that the human good is objective, because it is a way of living; it is not a mere feeling or subjective experience. And as a way of living it consists in a kind of activity, not merely in the possession of needed goods or virtues. It includes basic goods, “such as knowledge, health, friendship, creative achievement, beauty, and pleasure; and such virtues as integrity, temperance, courage, and justice. These are valuable,” however, “not as mere means to human flourishing, but as expressions of it, and thus as partial realizations of it as well” (133). But, they emphasize, “this view of human flourishing is open to the possibility that there may *not* be a preset weighting. [. . .] for the basic or generic goods and virtues that constitute it.” And “this possibility creates a basis for a conception of human flourishing that is different in many respects from that usually associated with traditional perfectionist theories” (133). It is individualized and diverse.

Rasmussen and Den Uyl distinguish their position most from the other neo-Aristotelians by insisting that human flourishing or virtue must be “self-directed.” Aristotle observes that the difference between sensation and knowledge is that the first is caused by things external to us whereas we can exercise our knowledge when we choose (*De Anima* 417b18–26). That means, however, that both the acquisition of the requisite knowledge of what is good and acting on the basis of that knowledge require effort on the part of the individual. “Only by initiating and maintaining the effort to gain the knowledge, to cultivate the

proper habits of character, to exercise correct choices, and to perform the right actions can someone achieve moral excellence" (139). Nussbaum and MacIntyre agree that "the functioning of one's reason or intelligence, regardless of one's level of learning or degree of ability, does not occur automatically." But, where they both emphasize the kind of support individuals require from others in order to learn how to reason, Rasmussen and Den Uyl insist that "the use of one's practical reason is something each person must do for him or herself" (140).

In maintaining that an ethical or good life occurs only in individuals through their own efforts, Rasmussen and Den Uyl do not deny that human beings "are naturally social animals" or that their associations with others have profound effects upon their development as individuals. On the contrary, they maintain, "we do not flourish independent and apart from [. . .] others. [. . .] As Aristotle makes clear, *philia* (friendship) is one of the constituents of human flourishing. Like MacIntyre, they observe that "we are born into a society or community, and . . . our upbringings and environments are crucial to the formation of our self-concepts and fundamental values" (141–2). But in opposition to MacIntyre, they point out that "though one must flourish in some community or other, [. . .] one is not morally required simply to accept—indeed, one might be required to reject the status quo. [. . .] One might need to refashion a community's values or find a new community."

Like MacIntyre in *Rational Dependent Animals*, Rasmussen and Den Uyl argue that the development of an individual's practical reason requires him or her to take a perspective other than his or her own. But, they observe, the ability to take another's perspective also gives a person critical distance from his or her current situation "to consider abstractly the best that is possible for human beings" (158). So, where Nussbaum and MacIntyre both consider Aristotle's statements about the supremacy of intellectual to moral virtue to be inconsistent and brush them aside along with his teleological view of nature, Rasmussen and Den Uyl suggest that it is possible, indeed, necessary to obtain a general theoretical knowledge of human nature and its end or virtue. That knowledge can and should be used not merely to criticize, but also to create new and different communities, persons, or policies. But, they emphasize, "we need to know when our concern is with knowing what is true and good and when it is with achieving what is good. We should not confuse speculative with practical reason" (159).

CONCLUSION: HOW VIRTUE ETHICS CAN AND CANNOT BE FOSTERED BY MODERN STATES

Den Uyl and Rasmussen provide important correctives both to Nussbaum's tendency to make ethical or virtuous action a social and political rather than an individual responsibility and to MacIntyre's tendency to subordinate the good of the individual to the good of the community as traditionally defined. But in maintaining that the coercive power of the state should be confined to protecting the lives, liberties, and property of citizens, Rasmussen and Den Uyl do not take sufficient account of the social prerequisites of the individual inventiveness and expression they argue are protected in property rights. They argue that the goods people produce are extensions and expressions of the individuals who created and produced them. So "a person's choices and judgments cannot be said to have been respected if the material expression of those judgments is divested from the individual" (98). In order to invent or produce things, however, human beings have to acquire language in order to become able to think and communicate, and languages are social products. So, in a sense, are human beings, insofar as we are procreated. Granted that it is both just and socially useful to let individuals who invent new modes of production to keep a good part of the profits in order to create an incentive for others to do so, those who helped educate these individuals and the government whose laws make trade possible have a claim to some of the profits as well.

Rasmussen and Den Uyl would no doubt protest that they have not denied that human beings are social by nature and that they flourish only in association with others. They simply maintain that government cannot provide individuals with the education in practical reasoning they need to make good choices about the direction of their own lives. Nor can—or should—government decide which goods ought to be produced or how. (Rasmussen – Den Uyl 2009) Both education and production are better left to the "intermediate" associations of civil society upon which MacIntyre also relies. But they thus ignore, if they do not deny, the authoritative character of the law, which MacIntyre stresses, both in making certain kinds of lives and actions exemplary and in punishing those who either neglect their duties or refuse to obey.

Aristotle would observe that in regimes like the modern nation-state where "the people" have the final say in public decisions, the opinions of the majority will prevail. People did not agree about the definition of the best life for human beings in his time any more than they do in ours; and, he observed, most tried to amass as many of the means of living, i.e., to acquire as much wealth, as they could. That tendency has been furthered by modern political doctrines like the Lockean political philosophy to which Den Uyl and Rasmussen adhere. But that tendency did not prevent Aristotle from trying to persuade his auditors or readers that it was a mistake. His example shows that it is possible to argue per-

suasively (at least to some) that the widespread tendency to accumulate wealth without limit is mistaken. Admitting the necessity of owning a certain amount of "equipment" in order to live a good life, it is still possible to show (as a great many novelists and playwrights do) that wealth does not necessarily bring happiness. Other goods and virtues are more important.

Aristotle was a resident alien who did not have the right to take part in political deliberations in Athens, Nussbaum reminds her readers. But the restrictions on his political activity did not prevent him from founding a school and lecturing or writing on politics and ethics in an attempt to educate citizens and legislators, from Athens and elsewhere. All three of the neo-Aristotelians with whom we have been concerned strangely fail to take account of the character and potential effects of their own work.

What increasing interest in "virtue ethics" reveals, I conclude, is a growing perception that defining morality simply in terms of an opposition between self-interest and the common interest is not sufficient. These conceptions are all too abstract. It does not take an extraordinary education to have a sense of what it means to be a good person or character; and that sense can be expanded and deepened by examples drawn from history, literature, and film. Rigorous investigations of what exactly constitutes a good character or "human flourishing" may be rare, but so, Aristotle would remind us, are prudence and the other virtues. What we need are more educators who seek not to teach their students skills that will enable them to succeed, but who remind them of the importance of practical wisdom and developing a good character. Such educators may not have the authority of the law, but, as Aristotle teaches, virtue is virtue only when it is chosen for its own sake.

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Is a Contemporary Conservative Political Philosophy Based on the Aristotelian Concept of *Phronesis* Possible?

ABSTRACT: *This essay – although aware of the contradiction in terms of the concept of conservative theory – tries to pick out some key notions within the conservative political mindset, and offers an analysis of them by relating them to one another. Beside Aristotelian phronesis or practical wisdom, it focuses on kairos, or the right moment for action. It points out that due to the time constraint inherent in the realm of political action, agents need to acquire a kind of tacit, practical knowledge of how to deal with pressing issues, and phronesis is a term which covers this sort of practical ability. The paper then tries to show that individual action is closely connected to communal interests, differentiates between formal and informal forms of communal knowledge and ends up by referring to Oakeshott's, MacIntyre's and Tocqueville's ideas of communal wisdom and practice.*

KEY WORDS: *phronesis, kairos, virtue, moeurs, practice, institutions, Aristotle, Oakeshott, MacIntyre and Tocqueville*

1. PROLOGUE: *PHRONESIS* AS THE THEORY OF NON-THEORY

Politicians with a conservative inclination are well known for their non-theoretical stance: that is, they dislike political ideologies or theories in general. Perhaps the best example of this kind is Winston Churchill who did not mind leaving the conservative party when other considerations made that decision reasonable – theoretical considerations could not restrain him from this move. Even if self-contradictory, this anti-theoretical attitude is regarded as a first preliminary consideration and, as such, plays a permanent part in conservative theory as well. Aristotle famously claimed in his *Ethics* that political expertise is “concerned with action and deliberation,” and therefore it “is not systematic knowledge, since it has for its object what comes last in the process of deliberation” (NE 1141b28, 1142a24). Edmund Burke, too, points out in his *Reflections* that one of the key problems of the French revolutionaries was that they were men of theory and not of experience:

After I had read over the list of the persons and descriptions elected into the *Tiers Etat*, nothing which they afterwards did could appear astonishing. Among them, indeed, I saw some of known rank, some of shining talents; but of any practical experience in the state, not one man was to be found. The best were only men of theory.¹

And speaking about “old establishments,” for Burke again, it is just their independence from theory that makes them the more reliable: “they are the results of various necessities and expedencies. They are not often constructed after any theory; theories are rather drawn from them.” For indeed experience supersedes theory in politics: „The means taught by experience may be better suited to political ends than those contrived in the original project.”²

If nothing else, these facts about conservative practice and theory should make the present author cautious in trying to “reconstruct” conservative political philosophy along a theoretical proposition, namely, that the concept of *phronesis* should be regarded as central to it. However, this is a tricky problem, logically. For, indeed, here the theoretical concept is exactly to support an anti-theoretical stance. On the other hand, its use would still be theoretical – after all, conservative politicians are not ready to consider theoretical constructs, like the concept of *phronesis*, at all. Therefore I have to admit that to think over the possibilities of a conservative political philosophy with *phronesis* in its centre is still a contradiction in terms. But perhaps if I fail, the very fact of the theoretical failure would save my project in the end. At least this is the hope which I cherish. If the argument of the present paper can bring home my message, i.e., if it works theoretically, then I did my job as a philosopher. If it does not, then it can serve as one more example that theory really cannot help conservative politics. But one can express this logical connection a bit more pessimistically as well: if I succeed to convince the audience that this is a viable theory of conservatism, then it certainly will not be a conservative theory, after all, that is a contradiction in terms. And if I do not succeed, I prove to be a loser, anyway. Not too promising prospects.

2. THE TEMPORAL DIMENSION OF CONSERVATISM

Let me have this starting point: as we saw, both Aristotle and Burke had a basic distrust in the reasonability of organising human and, more particularly, political affairs on theoretical principles. Both held this view with good reason, presum-

¹ I use the following internet link: http://www.constitution.org/cb/rev_fran.htm. Edmund Burke: *Reflections on the Revolution in France* (1790)

² From the same internet source.

ably having drawn the conclusions from first hand experience of the political matters of their political community. Therefore their mistrust of (political) theory was not a simple theoretical construct, but was the summary of experiences collected in their own life as well as by other authors whom they might have consulted. They were experienced men, with the necessary amount of scepticism about political construction.

If we want to characterise the position of authors like Aristotle and Burke, the concept of *phronesis* seems to be useful as a point of departure. We can rely on it to be particularly suitable when dealing with political matters. *Phronesis*, or practical wisdom is opposed to other manifestations of rationality in Aristotle. It is to be distinguished from the primary vehicle of thinking about politics in the modern Western philosophical tradition: instrumental, or even moral reason. Perhaps the main target of Aristotle's criticism is Platonic political constructionism, while for Burke indirectly the Kantian tradition. In 20th century terms, conservatism is opposed to the form of neo-Kantianism as it was reinvigorated by John Rawls in his *Theory of Justice*. Kant tried to reinforce the efficacy of reason in practical matters, reacting to Hume's devastating criticism of rationality claiming that it is, and ought only to be "the slave of the passions" (Hume 1992. 415). However, in his effort to prove its capacity to directly influence human action, and for that special purpose contrasting it with pure Reason, Kant exaggerates his case, and this way – so the conservatives can argue – distorts human nature as it appears in the context of political action. On the other hand, while his enthusiasm for the self-capacitating intellectual powers of the individual is overstated in the neo-Kantian tradition, there can be no doubt that the philosopher from Königsberg was a firm believer in public reason, i.e., in the human ability to discuss (and solve) political matters in a free and open way as part of a deliberative process. Rawls – and Habermas, for that matter – takes over this firm belief in the effectiveness of public debate leading to a more democratic political culture than it would be possible without this sort of open-ended, and theoretically informed cooperation between the citizens.

Conservatism in the Aristotelian tradition is not much less intellectual than the Kantian tradition, even if it is much more sceptical about the potential of human reason in solving human problems on a grand scale. Although the scale of reasonable scepticism in political affairs is debated within the conservative tradition itself, Aristotelian political thought never denied the intellectual capacities of humans, even in their every day affairs. *Phronesis* is both an intellectual and a practical virtue.

But then in what sense is it less optimistic intellectually? It seems to me that in this respect Aristotle is a critic of his master, Plato who was a keen constructor of political ideology in his *Republic*. Aristotle's notion of *phronesis* is there to show that politics should not be taken as a playground for the philosopher king: human affairs do not allow so much licence for rational deliberation as is ordinarily

accepted in the empire of thought. The main reason for this is not simply the nature of political authority, i.e., not the fact that the use of free thought can be politically risky for those in power. Neither is it simply the political responsibility of the political agent that should hinder him from the exercise of free enquiry. It has more to do with another trait of politics: that power has to be operated under very severe time constraint.

Time is necessarily a scarcity in the human realm, not only in politics and not only because of the shortness of human lifespan. It has to do with the dynamism of human affairs: there is a constant flow of ever newly born and reborn situations, and a never relaxing pressure on agents to decide and act. The life story of a human being or community is so much in a constant and dynamic flux that one can only afterwards, looking back on the whole story from some distance, cut it up into distinct entities which could be regarded as episodes or political situations. When experiencing one's life, moments are not really separated from one another but grow organically into one another, making it almost indiscernible when one moment closes and another one opens up. Therefore we carry along huge baskets of unresolved conflicts, tensions, dilemmas, and each and every decision or non-decision of ours will have a direct or indirect, foreseeable or unforeseeable effect or counter-effect on this package.

But there are special moments when decisions have to be made, here and now. These moments of crisis call for immediate judgement. These moments have their own Greek god after whom they are named: they are regarded as being under the rule of *Kairos*. *Kairos* is a rhetorical term, meaning that the moment calls for the decision of the actor, it is the connection between the moment and the agent who is confronting it. Each right action has its naturally assigned time of execution, the actor needs to make good use of those moments in order to be able to act properly.

If we want to make sense of Aristotle's views on *phronesis* for our present concern, what we need to understand is the way *kairos* objectifies time in this ancient concept. Let me refer to Aristotle's earlier idea in moral philosophy, to the so called golden mean, so as to shed light on the meaning of this concept of *kairos*. The golden mean is a teaching about how we should not miss the target in moral decisions: either by over- or undercharging the case, by excess or deficiency in our chosen type of behaviour. Aristotle's point is that the moral target cannot be hit by simply complying with the rules – what is needed is a kind of sense which helps you to find the right proportions, balance, and scaling, in other words to find what is “intermediate” between excess and deficiency (NE 1104a26). But this is not an objective category because it is relative to the particular object and to us as subjects confronting the object. What needs to be found is therefore “the intermediate, that is, not in the object, but relative to us” (NE 1106b5).

Kairos calls our attention to the fact that a right decision is always to be realised in time by a particular agent. It is neither to be done by him too quickly nor too slowly. The first would amount to hasty-mindedness while deliberation should be done slowly, the second might miss the target by arriving at the spot too late. Think about Aristotle's reference to the archer as a metaphor for the agent who deliberates in urgent situations. This time the task of the archer is the more difficult as the target is moving, and as there is a very short time span when he can actually act. *Kairos* is the temporal intermediate found. For deliberation might last too long, or can be finished too quickly, but "deliberative excellence is correctness as to what one should achieve, and the way in which, and when [...]" (NE 1142b29). It is achieved not by trying to force the stream of time to stop but rather by tuning oneself to the right rhythm of the flow. This is the more important because the target is on the move – it can only be hit if subject and object are moving in the same rhythm in this dynamic.

Finally, there is yet another dimension to the importance of the temporal element in human decision-making to be taken into account. It is not simply the objective flow of time that invites subjective response in particular cases or emergency situations. Individuals also need a sense of timing in another way: to accumulate enough experience for a good improvisation by the time the decision is required. This temporal condition of the right amount of accumulated experience lets Aristotle say that "sense and comprehension and intelligence [...] depend on age", adding that "experienced and older people, or wise ones [...] have an eye, formed from experience, they see correctly" (NE 1143b8, 1143b13–14).

Now my claim is that these two axes of what counts as ideal timing in Aristotle, i.e., to find the intermediate between the too early and the too late, and be fortunate and careful enough to accumulate experience in life, will be central to our understanding of the conservative agenda. For it shows that liberals and conservatives definitely have a different perspective on the relevance of time for human decision-making. That conservatism is not simply a superficial admiration of the past in direct contrast to the future-oriented positivism of the leftist ideologies is already made obvious by Titian's famous painting of Prudence which presents the face of a young, of a middle-aged, and of an old man, representing the past, the present, and the future. These faces show the different attitudes of the different generations, one caring about the past, the other facing the present, and the third one trying to make sense of the future. None of them is neglected by the artist, none of them is controlling the others. The three of them together build up prudence (*phronesis*), a virtue playing a pivotal role in conservative political theory as it is related to right timing, *kairos*.

In what follows we would first concentrate on Aristotle's idea that, in order to achieve maximum safety in the temporal dimension, we have to obtain the virtue(s) which will help us to save energy and time in daily life. Then we point

out that the individual agent's virtues themselves are insufficient to lead us with some guarantees in the labyrinth of political life. That is why we need to consider the importance of communal practices for the conservative agenda. The role played by virtue(s) in our individual lives is complemented by the communal practices of our political communities. Finally, we shall have a look at how communal practices are divided then into informal techniques of harmonising individual behaviour (*moeurs*) and formalised techniques of encouraging social cooperation on societal level (institutions).

3. VIRTUE AS THE ACCUMULATED PRACTICAL DELIBERATIONS STORED IN THE INDIVIDUAL'S ATTITUDES

Virtue, or *aretê* plays a key role in Aristotle's moral theory. It is usually translated into English as excellence, and Aristotelian virtues – which were largely based on Plato's example and Socrates's views on it – are identified in the literature as “complex rational, emotional and social skills” (Kraut 2012). However, even if they are social skills, they belong to the individual's personal sphere: virtues (or the lack of them) build up – in the ancients most of the time – his moral behaviour. This is not the place to give a full account of Aristotle's concept of virtue – the division of contemporary moral theory called virtue ethics has already done a lot to update our knowledge of it in accordance with recent philosophical developments. It is more interesting to ask if it can have any relevance in political theory – and especially in a conservative moral theory – today. To answer this question we are in need of a working definition of virtue in the Aristotelian sense in order to be able to show how it can turn out to be useful in a conservative theory.

Now for Aristotle virtues are dispositions (*hexis*). And more exactly: “the excellence of a human being too will be the disposition whereby he becomes a good human being and from which he will perform his own function well” (NE 1106a24). And in a statement which refers back to our earlier discussion he adds:

Excellence has to do with affections and actions, things in which excess, and deficiency, go astray, while what is intermediate is praised and gets it right [...] Excellence, then, is a kind of intermediacy, in so far as it is effective at hitting upon what is intermediate. (NE 1106b27–8)

In other words, virtue is a complex human skill that leads one to the right sort of action. And even among the virtues *phronesis* becomes a very special one: it is regarded by Aristotle as both an intellectual and a practical-moral excellence, and, as such, the virtue of virtues, a kind of meta-virtue. In other words, what Aristotle suggests is that practical wisdom will help us in risky situations to find

the right decision in time. It can help us to do this because virtues are dispositions, or even more radically translated, habits, which means that they do not need the sort of rational deliberation each and every time an action has to be performed. Aristotle's account of virtue in general, and *phronesis* in particular, does not aim at providing a description of the whole decision making procedure. This is because he does not believe that such a procedure can possibly be imparted. And yet he insists on the rationality of our moral choices. His point is that by conditioning ourselves to patterns of behaviour, or acquiring socially acceptable dispositions called virtues, we can ensure that in an unknown situation we shall be able to mobilise these rational potentials without losing time which is the most precious valuable in those very moments. Also, *phronesis* is so handy for him because it can stock all the knowledge one can acquire in one's life in a condensed but easily unwrapped form and activate it in unfamiliar situations at the right time, too. The mechanism of how *phronesis* leads to action is not clearly described by Aristotle but that it is not a simple syllogism or mechanical rule-following is clear from his account, and nothing else is really relevant in this respect.

But what is the real political advantage in all these points? Well, it is, I hope, obvious by now. Aristotle's concept of moral virtue in general, and of *phronesis* in particular can be used to override the sceptical premise of the political epistemology of conservatism. After all, what Aristotle argues for is a kind of rational knowledge in the political sphere which, however, has nothing of the *a priori* in its nature. In this respect Gadamer's account of the Aristotelian analysis of *phronesis* sounds quite convincing for he succeeds to show that although this form of knowledge has no universal validity, it does not sink into mere subjectivism or emotivism, either. On the contrary. It helps the political agent to behave in a rational way in politics without disregarding the requirements of this particular form of craft. It presents the activity of the statesman as based on principles, without becoming clumsy or inadequate. The prudent politician handles each case by mobilising the means of the adequate solution to it from the situation itself and from his own conditioned reservoir of earlier experiences.

4. THE COMMUNAL DIMENSION OF VIRTUE POLITICS: PRACTICES

The Aristotelian doctrine of virtues enables the individual to mobilise his accumulated experience in an emergency situation. It can also be read, however, as a summary of social norms: a manual of what is required from the agent by the Athenian political community. But it can only make sense if we suppose the existence of particular forms of social coordination mechanisms called practices. This concept has been worked out in 20th century philosophy – among others – by Michael Oakshott and Alasdair MacIntyre.

Practice, or activity, for Oakeshott is a kind of social game played by a limited number of people to achieve certain ends. He takes, for example, the activities of the historian, the cook, the scientist, or the politician (Oakeshott 1962/1991. 117). All of them, he claims, are engaged in a certain way of behaviour defined by the particular questions this activity tries to answer. Those people belong to a given group – who think they know where and how to look for the answer to these particular questions. However, Oakeshott also keeps emphasising that their knowledge is not given “to be such in advance of the activity of trying to answer them.” His knowledge is about the practice of that activity in general but the activity itself generates particular questions as well as the modes how they can be answered, and none of them can be foreseen before they are actually born. But the activity itself already exists before any one practitioner of it will actually take part in it, just as language exists before any particular speaker starts to use it. It is in this sense that political action is not individual: it always happens in the context of what we could call political practice. There are other participants, other questions, other efforts to try to answer those questions. And each and every activity needs to have an idiom (as opposed to well-defined rules): a certain “knowledge of how to behave appropriately in the circumstances” (Oakeshott 1962/1991. 121). This knowledge cannot be abstracted from the very practice itself: “it is only in the practice of an activity that we can acquire the knowledge of how to practise it”. It is in the very activity where the knowledge is stocked: “principles, rules and purposes are mere abridgments of the coherence of the activity” (Oakeshott 1962/1991. 122). But there are certain “elements” which can be identified “with a relatively firm outline” within the pattern inherent in a certain activity: “we call these elements, customs, traditions, institutions, laws, etc.” Oakeshott identifies these relatively firm and solid parts of a given pattern of activity as “the substance of our knowledge of how to behave” within that particular form of activity. The pronoun ‘our’ shows that this is not the knowledge of a single person but shared by all those who participate in the activity in an adequate way. We shall turn towards these crystallised forms of social knowledge in the last part of our paper very soon. Before that, however, let us look at an alternative description of practice – this time by Professor MacIntyre.

MacIntyre calls practice in his book *After virtue*

any coherent and complex form of socially established cooperative human activity through which goods internal to that form of activity are realised in the course of trying to achieve those standards of excellence which are appropriate to, and partially definitive of that form of activity, with the result that human powers to achieve excellence, and human conceptions to the ends and goods involved, are systematically extended. (MacIntyre 1985. 187)

He calls leisure activities, and sports like football and chess, useful arts like architecture, and fine arts like painting, farming as well as the work of the historian, and music, too, practice. And he also regards politics as practice in the Aristotelian sense.

What is the novelty of this understanding of the activity of politics? One of the important points of this analysis is to show that the fruits of a practice are not only to be looked for outside of the very practice but also inside. Certain patterned activities are good in themselves – because they help us to fulfil the potentials inherent in human nature. In this sense the activity of doing politics is not simply useful if it leads to political success – as a certain form of activity it might be valuable in itself, independently of the external consequences resulting from it. But what does the internal value of politics consist in? The activity of politics gives us occasion to relate ourselves to our fellows in the *polis* in a way that is characteristic of the potential of being human: by it we can prove that we are just, courageous and temperate. It is a way to become better as human individuals by becoming better participants of the given practice. In this sense the *polis* educates its members in a way that the modern state can hardly do by now.

Yet what is specifically conservative in these two descriptions of political practice? There is no doubt that both Oakeshott and MacIntyre relied on Aristotle heavily. But the question still remains whether this analysis belongs to what is legitimately called conservatism today, or not. I would like to argue that the answer to this question is yes. These descriptions of practice are to be seen as answers to the specific problem of the time constraint which we characterised as the sceptical starting point of conservative politics. According to this insight, a primary problem for a political agent is the lack of adequate time span to process rational deliberation to choose the right type of action in a tight political situation. I showed how virtue, or conditioned *hexis* is an answer to this sort of time constraint: a virtuous agent does not need to think each time before he would choose the right action in a given situation because his disposition contains all the knowledge, in condensed form, he might need even in a brand new situation. If we accept the conclusion that the concept of virtue is a conservative answer to the characteristic preliminary conservative problem of time constraint, we only need to see that the analysis of practice is also directly linked to this set of problems. I propose to understand the concept of practice as the communal side of individual virtue. Virtue as the habituated knowledge of the individual of how to behave in situations for which there are no exact rules of behaviour only makes sense if we realise that individual action in politics is governed by a socially constituted framework called practice which orders the relationships of individual behaviours in a given situation. If virtue is an accumulated and condensed form of that knowledge which the individual requires to be able to make the right decision in a given situation, practice is the reservoir of communal knowledge responsible for the right coordination of individual actions in pos-

sible situations. Practice is also a form of *phronetic* knowledge in the sense that it is not a set of abstract norms, rules, or etiquettes, but a practical way to handle complex social relationships in a way that fits the situation, and the participants who take part in them at the same time.

5. FORMALISED AND INFORMAL PRACTICES: INSTITUTIONS, *MOEURS*, POLITICAL CULTURE

As we have seen, one can separate certain items within the general phenomenon of what is called practice, in our case within political practice. A conventional way to distinguish between different types of this crystallisations is to identify formal and informal ones among them. Formalised solid structures within a given activity are called institutions, while the not less important informal ones, which are, however, much more difficult to explain, are labelled as *moeurs* or conventions. Formal institutions and informal *moeurs* build up what we call political culture.

In his detailed and sensitive description of the unprecedented workings of American democracy, Tocqueville focused on institutions and *moeurs* as part of his effort to describe the characteristics of the political culture of the New World. In this effort of his, he could rely on forerunners like Montesquieu or Rousseau who tried to define the *differentia specifica* of modern republics before him. Certainly the identification of the different forms of government went back even in the 19th century to ancient sources, among whom Aristotle played a pivotal role. But the novelty of Tocqueville's effort was that he was not satisfied with simply identifying the form of rule, or political regime. Rather, he tried to show that democracy is more than a power structure, it is better to be regarded as a certain form of life. He succeeded to show that it was due to certain historical peculiarities of the birth of the United States that some unintended consequences engendered a certain way of practicing politics. And this held true not only of the governing elite, but in an undifferentiated way of all those partaking in political life – and certainly one of the key points was that a lot more people engaged in politics on a regular, but most of the time non-professional basis.

Institutions are legally confirmed forms of social cooperation, fixed practices that help to make the flow of political life smoother. They guarantee procedures, intersubjective relationships, and room for manoeuvring for individual or group participants taking part in it. Institutionalisation is a formalisation of human cooperation that is highly recommended by conservatives because institutions serve to make manifest and available the experience of earlier generations for any member of the present generation of the political community. This way it makes political life less rough and more foreseeable.

But institutions are highly recommended by other ideologies of Western democratic politics as well, even if they do not rely on it, most of the time, as a

solution to the problem of time constraint. Therefore, the informal constructs of political activity, the soft forms of social expectations encoded under the name *moeurs* are perhaps more characteristically conservative means of providing social peace. Here there are no formal agreements, contracts, legal sanctions or any form of government pressure behind the self-controlling mechanisms of society. Rather, requirements are “expressed” in the forms of habits or customs, i.e., in patterns of behaviour that are repeated in wide enough circles within a certain community to be regarded as social expectations. It is based on the Aristotelian insight that the human learning process is based on imitation, and on the mass psychological observation that individuals are keen to adapt the norms of a given society in order to get in on it.

Comparative studies of political culture reveal the fact that the frequency and the elaborateness of the network of institutions and informal behavioural patterns can indicate the level of development of the political culture of a given political community. According to the conservative agenda, these crystallised parts of political activities should be encouraged because they can safeguard public peace and prosperity by transferring the experience of earlier generations to the next one. They all contribute to handle the temporal deficit of political agents in actual political situations – this way they answer the first problem of the conservative politician and the conservative thinker.

6. SUMMARY: *PHRONESIS*, *KAIROS*, VIRTUE, INFORMAL AND FORMAL PRACTICE

In this paper I tried to show that if one wants to understand the perspective of conservatism on time, it should not be interpreted as a simple nostalgia for the past. On the contrary, conservatives care about the present moment: they call attention to the fact that political agents can rarely have enough time to process a whole programme of rational deliberation before they decide in a tight situation. It is in order to handle this time constraint that they rely on the Aristotelian notion of practical wisdom, or *phronesis*: this is a kind of meta-virtue, intellectual and moral excellence at the same time which enables the agent to make the right decision and act on it without the sort of rational enquiry into the nature of the cause that would be required in a theoretically defensible process like in a scientific investigation. *Phronesis* is a kind of conditioned, habituated form of technical knowledge which, however, does not allow any subjective preference to take the lead as a motivational force in one’s decision making. *Phronesis* in the Aristotelian discourse is closely connected with the concept of *kairos* which denotes the ideal moment for an action to be executed. Practical wisdom leads us to find the kairotic moment which is neither too fast nor too slow, and which ensures that the agent be tuned to the rhythm of the dynamic of the object he targets.

Finally, I tried to show that while *phronesis* is an individual virtue, it has a communal counterpart, called practice by Oakeshott and MacIntyre. Practice expresses the accumulated practical wisdom of the community by channelling individual behaviour in a given community's political life, relying on the experience of earlier generations, expressing it in practical knowledge instead of fixed rules. There are two types of practice: while institutions are pretty stable forms of social cooperation, based on formalised human activity, *moeurs* are habits, customs and conventions, unwritten rules, that govern members of a group without reflecting on the very rules individuals are following.³

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³ The author is grateful for the comments of Dr. Szabolcs Pogonyi.

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