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UNIVERSIDAD DE NAVARRA  
INSTITUTO EMPRESA Y HUMANISMO

GEORGE NGETHE NJENGA

“A THEORETICAL ANALYSIS OF SOCIETY AND THE COMMON GOOD IN  
ARISTOTELIAN TRADITION AND MODERN LIBERALISM ETHOS”

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SIGNATURE

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## **ABSTRACT**

This thesis is an attempt at renegotiating and deliberating on the principles of modern liberalism, capitalism and democracy from the perspective of the Aristotelian common good of society. Those who govern, judge and make laws play a fundamental role in ensuring and preserving the common good of society. The philosophies underlying human societies and institutions at the beginning of the 21<sup>st</sup> century largely describe themselves as liberalists, republican, democrat, capitalist or socialist. These form the predominant philosophies since the ‘iron curtain’ fell in 1989. However, strife and conflict still underlie the apparent social cohesion in western society. Capitalism distinguishes itself in difference, conflict, and caprice. Social institutions and ideas are relative but jealously guarded. Each powerful rival interest seeks social cooperation without any metaphysical, philosophical, or religious presuppositions. In the fierce competition for markets, technological advancement and complexity in military warfare, there is a constant fear that capitalism may progress towards the tyranny of the mighty. On the strength of Aristotle’s *Politics*, we renew the call to civic humanism, which questions the predominance of western individualism, capitalism, liberalism and democracy and their predominant philosophies.

Key Words: Common Good, Aristotle, Hobbes, Rawls, MacIntyre, Adam Smith, Social Contract, Polity, Liberalism, Social Institutions, Capitalism, Individualism.



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## ABBREVIATIONS

A.C.	Aristotle’s Athenian Constitution
BC	Before the Christian Empire
COP	Commentary on Aristotle’s Politics
CWA	The Complete Works of Aristotle
E.E.	Aristotle’s Eudemian Ethics
E.W.	The English Works of Thomas Hobbes of Malmesbury
GDP	Gross Domestic Product
ff	Going forward
M.M.	Aristotle’s Magna Moralia
NE	Aristotle’s Nicomachean Ethics
Triple P	People, Planet, and Profit
PA	Aristotle’s Posterior Analytics

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# Chapter I

## 1. Introduction

We observe that most people live in societies and constitute societies. It is also evident that philosophers have attempted to explain in whole or in part, in universal or in particular terms the nature of human society. Aquinas, commenting on Aristotle's *Politics* says, that human wisdom needs the science of Politics or Civil society because it pertains to wisdom or judgement to order that which can be known by reason and is dependent on reason for its ordering<sup>1</sup>. He further elaborates that the most complex operation of a nature seems to be the most perfect state of being given that, in general, operations observed in nature proceed from the simple to the complex. In human society this too seems to be the case for the city is the most complex or the state of optimal growth of a society, at least in Aristotle's time<sup>2</sup>. Later Aquinas was to add that a province or even a complete city street can be considered somewhat self-sufficient. As he says in *De Regno Cyprii*, "there is, to some extent, sufficiency for life in one *family of one household*, namely, insofar as pertains to the natural acts of nourishment and the begetting of offspring and other things of this kind. Self-sufficiency exists, furthermore, in one *street*<sup>3</sup> with regard to those things which belong to the trade of one guild. A *city*, which is the perfect community, exists with regard to all the necessities of life. Still more self-sufficiency is found in a *province*<sup>4</sup> because of

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<sup>1</sup> Aquinas, Commentary on Aristotle's *Politics* (COP), in *Medieval Political Philosophy*, eds. R. Lerner and M. Mahdi (New York: Cornell University Press, 1991), 299

<sup>2</sup> Aquinas, "COP", 299

<sup>3</sup> Aquinas, *De Regno (On Kingship To The King Of Cyprus)*, trans. Gerald B. Phelan, eds. I. T. Eschmann, and J. Kenny (Toronto: The Pontifical Institute of Mediaeval Studies, 1949), chp 1, para. 14. In Aristotle this may refer to clan-village but in Aquinas medieval epoch, the street of the mediaeval town, called vicus (e.g. Vicus Straminis). In each street, St. Thomas says In *Politics* that "one craft is exercised, in one the weaver's, in another the smith's." Modern towns still preserve the memory of this mediaeval arrangement in street names such as Shoemaker Row, Cordwainer Street, Comerslane, Butter Row etc.

<sup>4</sup> Aquinas, *De Regno*, para. 14. Gerald Phelan explains that the word *province* is of Roman imperial origin as shown in St. Isidore, *Etymologiae* XIV, 3, 19; and as used in mediaeval Canon Law, an ecclesiastical province is a territory where there are ten or eleven cities, one king... one metropolitan. For example, Gerald cites St. Albert's

the need of fighting together and of mutual help against enemies”<sup>5</sup>. Nevertheless, the crucial principle is that in society there seems to be a growth from a simple state to a more complex state that is more perfect. Furthermore, in this motion towards the perfect state, man tries to perfect order in moral human action, whereby all the things that can be composed by human reason find their rest or self-sufficient order in human activity. This is one way of understanding that all men are political animals or social beings and by nature desire knowledge of themselves and their society<sup>6</sup>.

All human arts or sciences, practical and speculative knowledge, have the good of the family as their end and therefore, in a sense, political science, according to Aristotle encompasses and orders all of them towards the perfect state of the family household. This is so especially because the method of ‘political science’ is manifesting the perfective state, its parts, its principles and its operations<sup>7</sup>. Among the questions practical<sup>8</sup> political philosophers have tried to answer is how to govern a particular human society well or how to change a corrupt government. The term practical is used here to reinforce the notion that political science as a philosophy tries to understand through reason how to govern the most self-sufficient society and how to put their understanding into practice. Most political philosophers and social scientists consider that ‘society is natural’ and that man is social by nature, a lot of work is still necessary to establish the anthropological nature of these realities. One nevertheless does not doubt their truth and reality for they are evident in the universal human social context.

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cosmography (*De Natura, Locorum* III, 1 ff: IX, 566 ff) saying that Italy “is a province” but it also “contains several provinces”, viz., Calabria, Apulia, Romana, Emilia, Tuscia, Lombardia. Likewise, Spain is a province and “has several provinces and kingdoms.” See St. Thomas’ use of the word in *Summa Theologica*, II-II, 40, 1. If Aquinas uses this word it is because it was characteristic to mediaeval political thinking which would later change to that of ‘nation’ or retain the word ‘empire’ or kingdom, each containing many provinces or counties or similar political structures crystallizing in the modern era.

<sup>5</sup> Aquinas, *De Regno*, *Ibid.*, para. 14

<sup>6</sup> Aristotle, *Metaphysics*, 1.1. 980a25

<sup>7</sup> Aquinas, “COP”, 300

<sup>8</sup> See Appendix 1 of this thesis. The term *practical* means that the science has *rightly ordered action as its intention, reason and appetite and their products as its object, and proceeding from causes to effects as its method.*

However, certain philosophical perspectives have rendered these truths dubious. One such philosophy is the all prevalent liberalism, defined from a Hobbesian philosophical perspective, in modern western societies that places man's social nature in doubt or rather places it on the understanding that the individual human being is by nature autonomous and pre-social. Its manifestations are evident; one, in the loss of family values to the extent that the term family has been redefined from the perspective of individual rights; and secondly in the society of 'rights' with little regard to social 'responsibilities'. Another perspective that has had a serious impact in the societies of the 19<sup>th</sup> and 20<sup>th</sup> century is the posture of Hegel and Husserl. According to them social intersubjectivity, coexistence or sociability is merely existential. That is, social existence is a genuine and original way of human existence not founded on any other truth and that Man, as it were, finds himself in society, full stop. Existentialism is their foundational concept of society and this implies that the social nature of man is merely demonstrated by intersubjectivity<sup>9</sup>.

Aristotle saw the perfect state of governance as etched in a well situated city state in which constitutional governance was well advised to mix the best forms of government like a 'most harmonious piece of music'<sup>10</sup>. Niccolo Machiavelli in his '*discourse on the first decade of Titus Livius*' agreed with Aristotle that there are six forms of governments. Aristocracy, monarchy and democracy being the good ones and often short lived if not properly mixed; oligarchy, tyranny and anarchy are the bad forms of government which a government must always try to avoid. The latter are the vicious and the former the virtuous<sup>11</sup>. The *polis* of Aristotle is an archaic city-state whose structures are only comparable to villages with populations of 5,040 'citizens' or so. Yet, his universal philosophy of society and politics manifested in *Nicomachean Ethics* and *Politics* have been fundamental foundations of our present political dispositions and social perspectives. His works are the models we will use in this thesis to

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<sup>9</sup> Jacinto Choza, *Manual de antropología filosófica*, (Madrid: Ediciones Rialp S.A., 1988), p 450

<sup>10</sup> Aristotle, *Politics*, IV.III.1290a

<sup>11</sup> Niccolo Machiavelli, *Discourse on the First Decade of Titus Livius. I.II*, Transl. Peter Whitehorn (*The Art of War*, 1560) and Edward Dacres (*The Prince*, 1640), London: The Project Gutenberg.



explain the appropriate civil social associations and institutions that foment social integration and good political dispositions on the part of citizens.

It is evident that the ultimate goal of a government is the well being of society or the common good. Man is a social animal who tries to act in such a way as to obtain that which they think good<sup>12</sup> in order to live a good life and be happy in their respective societies. Aristotle thought that this teleological dimension of happiness<sup>13</sup> is absolute in man and is the goal of human life on earth. Leonardo Polo compares and contrasts the concept of friendship in Aristotle and in Christian thought and concludes that Aristotle's friendship has its telos in an absolute perfect society in an earthly context while that of Christian charity is much more magnified and has its telos in an eternal destiny<sup>14</sup>. Robert Spaemann also holds that good and happiness are absolute ends of man because one 'would [still] value the action of Maximilian Kolbe even if the father whose life he saved had been killed the next day'<sup>15</sup> and that a gesture of friendship would be good even if the world were to end the next day. Aristotle states that persons, in order to be happy, need to have a combination of goods relative to their well being. He separated these into three parts, viz, external goods, goods of the body, and goods of the soul<sup>16</sup>. The common good is enjoyed when these three dimensions of the common good are present. To be present means that the end is not a static but an active state. For example, he says that virtue is perfected in action and that all the other goods find meaning when they help the citizens live virtue.

The highest office of a state is that of a governor who governs in a manner as to provide the common good for the citizens of that state. The governor should not usurp the other

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<sup>12</sup> Aristotle, *Politics*, I.I. 1252a1. Good is something desirable and it is desirable because it is perfective as a means or as an end. See also Aquinas, *Summa Theologiae*, 1a2ae, q. 1, a. 1. Human action is distinct from human behavior and Aquinas calls them human acts and acts of man respectively. The former is primarily something moved by a rational activity as good or perfection of mankind and as cause of good human action.

<sup>13</sup> Aquinas, *Summa Theologiae*, 1a2ae, q.1, a.8. All men have happiness as the last end. See also Augustine (De Trin. xiii, 3,4). Happiness is said of the state concomitant with the acquisition of the good thing desired. It is the fulfillment of a rational desire and therefore the same cannot properly be said of the acts of animals.

<sup>14</sup> Leonardo Polo, "La Amistad en Aristóteles", in *Anuario filosófico*, ed. Cruz, J.C., Vol. XXXII, no. 2, 1999, 477-485, Pamplona: Universidad de Navarra.

<sup>15</sup> Robert Spaemann, *Basic Moral Concepts* (London: Routledge, 1989), 5

<sup>16</sup> Aristotle, *Politics*, VII.1.1323a15-20.

institutions of society in order to achieve the common good. It is better that he ensures subsidiarity in civil society and civic humanism (or what some now call communitarianism). Institutions such as the family, church, educational, health, sport, cultural, help educate and develop citizens in virtue and enable them exercise their liberty more excellently. These institutions, so to speak, are the good raw material for any government to achieve its ends.

In modern society political philosophers and sociologists are at great risk of losing the wholesome concept of the common good because of an increasing emphasis on means rather than ends. In this paper we recognize the fundamental role Aristotelian traditions have played in molding western civilization<sup>17</sup>. However, modern western societies risk losing that tradition. They have evolved into what some call technocratic societies. Technocratic societies breed ‘*economism*’ which converts citizens into passive stationary statistical objects devoid of any capacity to govern and to be governed well and unable to call those who govern into account save through the so called ‘popular’ democracy. Moreover, we observe economists playing the primary role of ordering societies everyday more and more. This would not be a problem save that political, social and economic sciences have been alienated from other sciences and from each other. José Pérez Adán is convinced that re-uniting economics and social sciences is necessary<sup>18</sup>. He is not being a Samuelson or Marx in his assertions. Persons are not to be understood as statistical beings (or the so called ‘rational economic beings’); cold blooded and selfishly calculating every action to secure monetary benefit or pleasure. Hence Pérez would appreciate the re-modification of the principle of ‘rational economic action’, a term which is commonly understood as the action of a selfish and calculating economic being. The market economy is a social network intricately intertwined with civil society as a whole and viewing it as a part of a wider society has a good effect on economic institutions and the political disposition. Finally, economists may need to use economic data in such a way as not to reduce

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<sup>17</sup> Alejandro Llano, “El humanismo cívico y sus raíces aristotélicas”, en Cruz, J.C., *Anuario filosófico*, XXXII, no. 2, 1999, 443-468, Pamplona, Universidad de Navarra.

<sup>18</sup> José Pérez Adán, *Socio-Economía* (Madrid, Editorial Trotta, S.A., 1997), 9-13

human beings and human society into statistical numbers as if human beings are mere material extensions. He calls for a radical change in the way economic activity and society interact by showing the real factors affecting economic decisions and preferences. These factors should not be reduced to selfish ‘rational economic decisions’. He offers for example that economics needs to take into account the whole science of ‘gift’<sup>19</sup>.

In Chapter one of this thesis we consider the Aristotelian tradition of the common good and the nature and role of family households in society. Aristotle was convinced that politics, economics and ethics were a united triplet and should not be separated. The three are necessary for the happy life in virtue of each individual and the whole of society. This is not a static state but rather an active state because virtue is perfected in action. Politics and economics should be directed to this as their most perfect goal. He is convinced that happiness is the realization and perfect exercise of virtue, and this not conditional (or relative), but absolute (or simply). He uses the term ‘conditional’ (or relative) to express what is necessary in certain circumstances, and ‘absolute’ to express that which is good in itself simply (absolutely). Human virtue is for Aristotle a real disposition in the human soul and therefore external goods and goods of the body are desirable for the sake of the human soul; and all wise men ought to choose them for the sake of the soul, and not the soul for the sake of them<sup>20</sup>. This orientation of *goods* towards the soul leads to happiness and can only be found in a virtuous state or community.<sup>21</sup> Everyone enjoys as much happiness as he possesses virtue and wisdom, and as much as he acts according to their dictates. What was it in the state that if done well would result in the highest good for the citizens? At the head of a true, natural and noble community is the lawgiver and this lawgiver

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<sup>19</sup> ‘Gift’ is a concept that may be defined as any supply of goods and services without obligation, guarantee or certainty of payment in return, made with the intent to create, maintain or sustain a social relationship. See Alain Caillé, *Anthropologie du don. Le tiers paradigme* (Paris, Desclée de Brouwer, 2000), 124

<sup>20</sup> Aristotle, *Politics*, VII, XIII.1332a10-15

<sup>21</sup> Aristotle, *Politics*, I.I.1252a1-10

moulds the characters of good men<sup>22</sup>. Such a *lawgiver* has the common good in mind; and this is opposed to a tyrant who has his own personal ends in mind rather than the common good.

An endearing sense of social justice is evident in Aristotle's works within the context of his peculiar society. Regarding Aristotelian Greek society's understanding of wealth for instance, Thomas Figueira says that Solon understood wealth and goodness as a dimension of virtue; "for satiety breeds *hybris* (arrogance), whenever much *olbos* (prosperity) attends men, for whom the mind is not straight."<sup>23</sup> Regarding Teognis it is mentioned that "God gives khremata (property) even to a very bad man."<sup>24</sup> While it is clear that property and wealth are necessary for the good life (as external goods), it is also very clear that they are necessary in order to acquire virtue. Aristotle understands that society needs a shared concern and understanding of social justice in order for someone to acquire property, natural wealth and what he refers to as well gotten Chrematistic wealth. The latter has limits which are the tools (money) necessary to get it and virtue and the good life. The medium through which this is made possible in a good society is the instrumentality of good laws within a good political constitution. The law giver moulds the good political community and in it a good citizen is a virtuous person. Man governs himself through good education and instruction to acquire the life of virtue<sup>25</sup> and virtue is brought up in a person through the medium of good laws<sup>26</sup>. A happy state in Aristotle is the analogy of a happy man since both of them have the same object, virtue and happiness of a person and his community. This delightful state is the common good that all in a community seek.

In Chapter one, we also attempt to analyze the philosophical underpinning of modern western civil society and its institutions from a common good perspective. Much of the terminology used here will maintain the Aristotelian dimension, especially with regard to the common good, society and state. The conclusion that there is a nexus between philosophies and

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<sup>22</sup> Bekker, *Aristotle's Politics*, Transl. Bolland W.E. (London: Longmans Green and Co., 1877), 2

<sup>23</sup> M Silver, and K. D. Irani, *Social Justice in the Ancient World* (Westport: Greenwood Publishing Group, 1995), 48.

<sup>24</sup> M Silver, and K. D. Irani, *Social Justice in the Ancient World*, 48

<sup>25</sup> Aristotle, *Politics*, VII, II.1324a15-20

<sup>26</sup> Aristotle, *NE*, X.IX. 1180a

civil society is reasonable given that philosophy is affected by or affects society. The Aristotelian concept of common good of society, developed in his essays on 'Politics' and 'Nicomachean Ethics', is one of the many ways of understanding civil society and political organization. The re-emergence of Civic humanism, (sometimes also considered as communitarianism) is often portrayed as a stance against liberalism and a sign that radical liberalism presents difficulties that have not yet been resolved. This is the case primarily because radical liberalism appears oriented towards individual 'rights' while neglecting social, political and civic responsibilities. However, civic humanism has its own roots, premises and rationale away from liberalism. It also has a long tradition as illustrious as that pre-dating modern liberalism. Alejandro Llano<sup>27</sup> presents the case of civic humanism traditions going back to the European Renaissance and culminating in the renewed sense of social responsibility. He offers the Aristotelian practical philosophy as its roots especially in the concepts of good citizen, good life, common good and teleological praxis.

The term common good has been used in many diverse ways over the centuries. Therefore many authors on this topic find it difficult to capture the concept<sup>28</sup>. As mentioned before, the societal common good is a state of 'flourishing' or 'self-sufficiency' in which human beings as persons and society as a whole are enjoying the fruit of their labor (cultural and material well being) and are living in harmony with one another (peace) as Millán-Puelles (1971)<sup>29</sup> puts it. The state of well being and peace in society is not only manifested by material well-being, but also by cultural well-being which is something that belongs to the spiritual realm and is not quantifiable as such. Nevertheless it is a reality. For instance, one may be enjoying the same life style in a particular society, but in a rather impersonal and disconnected manner (aloof from the others). One may enjoy material well-being (wealth) and tend towards self-alienation or distance himself from others. Matter therefore cannot unite society; only something more

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<sup>27</sup> Alejandro Llano, "El humanismo cívico y sus raíces aristotélicas", 443-468

<sup>28</sup> Rafael Alvira, "Bien común y justicia social en las diferentes esferas de la sociedad", *Revista Empresa Y Humanismo*, Vol. XII, No. 2/09 (2009), 61-79

<sup>29</sup> Antonio Millán-Puelles, "Bien común", en *Gran Enciclopedia Rialp*, Vol. 4, (Madrid: Rialp, 1971), 225

spiritual which we often refer to as love or friendship. It is what Aristotle and Aquinas and the Scholastics refer to as virtue. It is a spiritual phenomenon since it is not quantifiable materially.

One cannot describe the bond of friendship or love between two people in terms of quantifiable matter. In order for human beings to enjoy the commonwealth of society they need to be bound by both material and spiritual aspects. Therefore some have understood that the term common good is ultimately discussed from two perspectives; the ontological and the social perspectives. The ontological common good is the perfect good which every person in the community aspires to; and that is God<sup>30</sup>. This is the object of religion as such. From the social perspective, properly speaking, the common good is that which benefits every person in the society or community of persons<sup>31</sup>. The ontological and practical social perspectives have been difficult to explain; primarily because the ontological demands religion which cannot be the subject of empirical research while the social common good is achieved through good actions or virtues of people and societies and it contains variable means and ends depending on each society. Going back to Aristotle, who is believed to have been the first to coin the term scientifically, *eudaimonia* (happiness)<sup>32</sup> consists in a good life in common, shared with one's family, friends and fellow-citizens in the polis. Not only is this the supreme human good but it is also the common good<sup>33</sup>. Although Aristotle may be construed as seeking an elusive perfect earthly city, he is incisive in observing practically and scientifically what the nature of human societies is. To this day there are few to equal him.

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<sup>30</sup> Rafael Alvira, "Bien Común y Justicia Social en las Diferentes Esferas De la Sociedad", 61-79

<sup>31</sup> Antonio Millán-Puelles, "Bien común", 225

<sup>32</sup> Kelvin Knight, *Aristotelian Philosophy: Ethics and Politics from Aristotle to MacIntyre* (Cambridge: Polity Press, 2007), 14. Knight notes that, although sometimes translated as success rather than happiness in recent usage, Aristotle primarily meant common good to mean living well and doing well (*NE*, 1095a19). This *eudaimonia* is arrived at primarily by exercising well our rational capacities to reach human excellence using the appropriate means.

<sup>33</sup> Alejo Sison and Joan Fontrodona, "The Common Good of the Firm in the Aristotelian-Thomistic Tradition", (paper presented in 1st IESE Conference on *Humanizing the firm and the Management Profession*, Barcelona, IESE Business School, June, 2008)

If the common good is to be found in the state (also understood as Aristotle's polis, community or society) then it is imperative to study the nature of social institutions that would render it possible. It is self evident that civil society develops its institutions (associations of civic life or life in common) because human beings share meaning and material goods and common ethos. The term 'Institutions' is here understood as those particular concrete social organisms (human civil associations); such as a family (household), a business (firm), a club, a school, the judiciary, the state, the economy, a parish or a state among others<sup>34</sup>. For example, the firm is a modern institutional context of work where persons exercise their profession in a bid to develop their personality, family, society and the very ends of the institution in particular. It is generally located in the much wider economic institution of civil society often referred to in our modern experience as the 'economy' or 'market'. The firm is understood as intricately inserted within society<sup>35</sup>. Its nature is that of being a nexus of contracts between principals, contributing capital, and agents, contributing labor, for the purpose of producing goods and services<sup>36</sup>. Much the same could be said of other civil institutions, *mutatis mutandis*. The essential point being that institutions are instruments which society forms for its own good ordering. Their roots are to be found in the very nature of man for they are directed to the good of every person in society and therefore to the flourishing of society as a whole.

In Chapter two we undertake to study three philosophers, Hobbes, Adam Smith and John Rawls within the general context of modern liberalist philosophy. In the analysis that ensues, we lay the foundations of liberalism, individualism, democracy, nominalism, voluntarism and the market society in Smith. Aristotle's philosophy has influenced European history yet these liberalist philosophers have also added their ingredients to modern political society. For example, Aristotle appears in the philosophy of Thomas Aquinas and the Scholastics and precedes modern philosophy. It also appears in the works of Niccolo Machiavelli in the 16<sup>th</sup> century. Any

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<sup>34</sup> Rafael Alvira, "Bien común y justicia social en las diferentes esferas de la sociedad", 73

<sup>35</sup> José Pérez Adán, *Socio-Economía*, 9-13

<sup>36</sup> Sison and Fontrodona, "The Common Good of the Firm in the Aristotelian-Thomistic Tradition"

European society with a history of Roman domination at some point in the past will surely have deposits of Hellenic culture in which Aristotle holds an important place. However, there were deviants from the Aristotelian tradition in the history of modern western societies. The foundations of modern philosophical understanding of society in most of our western societies go all the way back to Duns Scotus (1265-1308 a.d.), William of Ockham (1288-1348 a.d.), and pre-eminently Rene Descartes (1596-1650 a.d.). Duns Scotus laid the philosophical foundations curtailing reason in such a manner as to always remain subjected to the will and in consequence to what we now refer to as freedom. William of Ockham perfected Scotus' by, more than ever, emphasizing man's voluntarism in such a way as to erase any significant reference to reason<sup>37</sup>. But he did more; he provided the philosophy in which every individual person is to be considered a singular species of his own. According to him there are no common essences (genres) and that each creature is the result of a free decision by the creator. Man is now able to accept nominalism.

There being no common essences (universals) and only parts of a species, neither would they be necessary henceforth. Universal ideas are mere fiction which the mind connives for the sake of simplifying reality, but they really do not exist. This was a substantial departure from Aristotle. From then modern philosophy has managed to preach successfully to many in most western societies a general agnosticism. Agnosticism refers to that state of mind in which one does not believe it is possible to know God and even if it were possible, it would not be necessary<sup>38</sup>. Only thirty years ago, Michael Novak pointed out that Capitalism glories in divergence, dissent, and singularity. Institutions in society develop and are jealously guarded by rival interests, each of considerable power, by which social cooperation is achieved without prior agreement on metaphysical, philosophical, or religious presuppositions<sup>39</sup>. It is our supposition in this work that we need to renew civic humanism, which is a posture that has always questioned

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<sup>37</sup> Rafael Corazón González, *Agnosticismo, raices, actitudes, y consecuencias* (Pamplona: Eunsa, 1997), 32

<sup>38</sup> Rafael Corazón González, *Agnosticismo, Raices, Actitudes, y Consecuencias*, 33

<sup>39</sup> Jacques Maritain, *Man and the State* (Chicago: University of Chicago Press, 1951), 65, in Michael Novak, *The Spirit of Democratic Capitalism* (New York: Simon and Schuster, 1982), 66



the effectiveness of mechanical and bureaucratic social structures. We need to renegotiate and deliberate the good of society from the perspective of the common good.

However, complex deviations from the notion above have made it difficult for modern western societies to unravel the core principles of what the common good of society is. From a capitalist perspective the firm or the business institution has over time come to be defined merely from its profit (chrematistic) objective. Sison for example, perceives that most people define the firm from the singular objective of creating profit through efficient production and to distribute this profit among all interested parties; although the capital providers or shareholders have a priority<sup>40</sup>. The businesses objective as profit and only profit is a significant deviation from the Aristotelian objective of wealth for the sake of the good life and directed towards the common good. Although he is very well aware that the unlimited desires for the pleasures of this world make some people, amass wealth or riches inordinately. When man deviates from his true nature it is evident that he either reaches self destruction as we can presume of war or may change in order to go back to the beaten path.

For this reason, many modern western societies have accepted that there is more to profit. One such change is in the business industry concept of the ‘triple bottom line’<sup>41</sup> and stakeholder theory<sup>42</sup>. The three-dimensional approach—economic, social, and environmental—lies at the basis of the sustainable development notion popularized by the Brundtland Report in 1987, of the “Triple Bottom Line” concept, and of the “Triple P” (People, Planet, and Profit) policy adopted by some leading companies<sup>43</sup>. The stakeholder theory on the other hand is one that sees the business as a nexus of various interests, of primarily the shareholders, employees, suppliers,

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<sup>40</sup> Sison and Fontrodona, “The Common Good of the Firm in the Aristotelian-Thomistic Tradition”

<sup>41</sup> Henri C. De Bettignies and François Lepineux, “Can Multinational Corporations Afford to Ignore the Global Common Good?” *Business and Society Review*, Vol. 114, Issue 2, (May, 2009), 153-182.

<sup>42</sup> Freeman, R. Edward, *Strategic Management: A Stakeholder Approach* (Englewood Cliffs: Prentice-Hall, 1984). See also Thomas M. Jones and Andrew C. Wicks, “Convergent Stakeholder Theory”, *Academy of Management Review*, 24, (1999), 206-221

<sup>43</sup> Henri C. De Bettignies and François Lepineux, “Can Multinational Corporations Afford to Ignore the Global Common Good?”, 153-182

customers, government and society. Management responsibility is therefore to ensure the balance of these groups of interested parties. However, the stakeholder theory in the minds of most business managers has succumbed to the capitalist model of profit maximization and maximization of stockholder's wealth<sup>44</sup>. This perception is often captured in such, rather feeble phraseology, as profitability, productivity, efficiency, high return on shareholder wealth and effectiveness; terms having their foundation in economic language.

More terrifying is the growing disconnect between communities and these conglomerates that have taken it upon themselves to influence government, politics and provide solutions to important questions of ordinary human life; for example, the contraceptive and abortion industries and the large business and financial conglomerates that have networks much more powerful than nation states<sup>45</sup>. It seems reasonable that business institutions be sanctioned for the sake of society; to balance their operations according to the good of the society, measured according to the parameters which suppose benefit to stakeholders, optimization of profits, investments in the future through education and research; investment returns for shareholders, reasonable salaries for workers, beneficial goods and services for consumers, taxes for the government and ethical business. In practice, all these groups often have conflicting interests<sup>46</sup>. Yet this conflict is resolved much easier if they desist from their central focus on profit and secure the good of every person and the state as a whole. In the business firm for example, one finds that making money in business serves the functions of providing for the well being of the family, the society directly concerned and the state. In an industrial society, a business firm

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<sup>44</sup> Jeffrey Pfeffer, "How Economic Language And Assumptions Undermine Ethics: Rediscovering Human Values", (paper presented in the *Inaugural Lecture of the Rafael Escola Chair of Ethics at the School of Engineering of the University of Navarre*, Spain, April, 2004).

<sup>45</sup> Henri C. De Bettignies and François Lepineux, "Can Multinational Corporations Afford to Ignore the Global Common Good?", 153-182. Economic statistics of the World Bank compare the sales proceeds of Shell (\$268.9 billion) and the gross domestic product of Niger (\$2.7 billion) in 2003 the former being a hundred times greater than the latter; the net sales of General Motors (\$185.5 billion) and the GDP of Botswana (\$7.4 billion) in 2003—the ratio in that case is 25 to 1. The turnover of Johnson & Johnson (\$41.9 billion) and the gross domestic product of Kazakhstan (\$29.7 billion) that same year or the turnover of Microsoft (\$32.2 billion) and the GDP of Guatemala (\$24.7 billion), still in 2003.

<sup>46</sup> Sison and Fontrodona, "The Common Good of the Firm in the Aristotelian-Thomistic Tradition"

furnishes the means for the good of the families of all concerned because families must either find such things as are necessary to life and useful for the community of the family or state, and can be stored.

Furthermore an institution cannot come into being nor continue operations without the appropriate gifts given to it by its social environment necessary to conduct operations. Such for example refers to the government licensing of institutions, peace and stability in society, infrastructure to ensure accessibility and communication, new information from research; and even most basic human necessities such as health, energy, water, air, flora and fauna that nature provides. Not least of all these is also included, and more so because of the globalization of business, international law and communication and good foreign policy relations. All these help business grow and be useful to society. It is therefore rather odd that this repertoire of congenial goods necessary for a business only serves as hype for the sake of profits. Pfeffer attributes it to a consequentialist attitude<sup>47</sup>. The afore-mentioned goods can be stowed away into oblivion when deliberating over the purpose of a firm as long as man only gives importance to his ‘unlimited’ desire for profits. A desire that is perpetuated by the very fact that man’s desires can be unlimited and tend to be so. But the question here is whether the business firm should orient itself to the good of the society and consequently of the individual, family and state or that it orients itself to the unlimited desire for riches as is its primary end. There is no bound to the riches which spring from this art<sup>48</sup>. Aristotle in the 4<sup>th</sup> century BC concluded that to desire riches just in order to satisfy one’s unlimited desire for them and their consequences, is to desire to live for the sake of ‘existence’, and not upon living well. Our intention in this thesis is therefore, finding how to live well and to improve our lot through civil society institutions.

The same argument applies to any specific art or science of life. For example, medicine is for the health of the individual and general good of society and not medicine for its own excellence or for the money it may bring. The same principle would apply to politics, education,

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<sup>47</sup> Jeffrey Pfeffer, “How Economic Language And Assumptions Undermine Ethics: Rediscovering Human Values”.

<sup>48</sup> Aristotle, *Politics*, I.IX.1257b

military, fitness, music, technology, beauty and so on. It is not right that man converts every skill into a means of merely getting wealth as an end, and to think that all things must contribute to this end<sup>49</sup>. The problem is that the consequentialist rationale is embedded in economics and economics is a science that has increased its influence in management studies without itself being influenced by other sciences as much as Pfeffer's research shows. Not only has economics become an important science in management of business and education but is more and more influential in political science, law and organizational sciences. José Pérez Adán notes that Economics and economic research began its break up with sociology in Victorian England. Among the key protagonists of these divorce was Adam Smith's work on "A study of the Nature and Causes of the Wealth of Nations". In time there followed the works of Mills, Cairnes, Marshall and Keynes which ultimately ensured the two were distinct. Economics has since then acquired more than just an average growth in the last two centuries<sup>50</sup>. This turn of events can help us link much easily the theoretical and philosophical underpinnings of consequentialist rationale as Pfeffer has pointed out.

Besides consequentialist reasoning, and in relation to it, economic models in modern Western societies also assume the principle of individual rational choice; which is *utility*. People are assumed to be rational when they pursue their own individual utility maximization; self-interest is presumed to be powerful; and both normative (people should behave according to the dictates of self-interest) and descriptive (people do behave following self-interest)<sup>51</sup>. In business this is translated into Milton Friedman's famous dictum stating that there seems to be an unwritten principle in capitalistic societies "...There is one and only one responsibility of business... to increase its profits..."<sup>52</sup> Only profits can demonstrate functional utility for the individual investors and those working with the business organization. Any other consideration

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<sup>49</sup> Aristotle, *Politics*, I.X.1258b

<sup>50</sup> José Pérez Adán, *Socio-Economía*, 23

<sup>51</sup> Jeffrey Pfeffer, "How Economic Language And Assumptions Undermine Ethics: Rediscovering Human Values"

<sup>52</sup> Milton Friedman, *Capitalism and Freedom* (Chicago: Chicago University Press, 1962); cited in Thomas Donaldson and Patricia Werhane, *Ethical Business* (New Jersey: Prentice Hall, 1983), 180

beyond that of profit maximization is the responsibility of government; and it is well taken care of by taxes paid by the businesses to the governments.

Thus in 1974, Milton Friedman lauded the achievements of the United States of America saying that; “It’s true that there have been free men who have made free markets. The founders of this country, the fathers of our Constitution, were free men who believed in individual and personal freedom, and they set up a Constitution that was designed to preserve free markets. But many people who regarded themselves as free men have produced totalitarian societies. The intellectual creators of the Soviet Union would have called themselves free men and would have said that they believed in individual and personal freedom. Yet they created not free markets but controlled markets.”<sup>53</sup> Modern western economics as a discipline is virtually value free, apart from the values of individual choice, rationality, and a belief in competitive markets. Communists opposed this philosophy but, the Soviet Union as a communist state is decadent and the ‘dregs’ of communism, in that sense, remain only in China and a few other countries in the world.

Most capitalists seem not to have faith in man’s ability to fashion a ‘good’ society although paradoxically they seem most in favor of unbridled human freedom to elect how to spend ones money, time, where to work, what job to take, where to live; for all these money is the medium. There are nevertheless other important aspects of good society. The most important of this is the person in his entirety and in society which is perfected in the establishment of a flourishing society or state. To reduce all perfections man and society should endeavor towards in money smacks of a self-contradictory ‘totalitarian’ system. We may put it that our societies are asking us; at one and the same time, to be utterly free and at the same time totally subservient to a ‘free market system’ in order to make and use more money as the primary goal; and that

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<sup>53</sup> Friedman, Milton, “Free Markets for Free Men”, *Selected Papers*, No. 45, (October, 1974), Graduate School of Business, University of Chicago, 1

outside of these there is skepticism of any success in modeling a just human society<sup>54</sup>. Seeing it from a different perspective, our modern society wants to mould individual liberty in the furnace of a free market system which has wealth as its primary object.

The question is not that wealth is evil, but whether we can reduce every social good to money or wealth in the sense of storing a lot of money. Secondly, can this be the sole measure of a good society? Thirdly, in what manner can we form a good society; by seeing it as an aggregate of individual essences that have nothing in common or if any just similarities? Fourthly, are there specific social institutions that enhance our freedom and at the same time model a good civil society? Fifth, is the political institution we call the state distinct from civil society and its institutions or is it the highest and governing institution for the sake of the unity of the whole? Sixthly, are there foreseeable consequences of the state being seen as distinct from civil society and therefore substituting civil society institutions? Lastly, how can we foster civil society institutions for the sake of a better society? The obvious answer one finds is that making wealth and building a good society are not incompatible. This seems reasonable although it is not the same as saying that a wealthy society is synonymous to a good society. That there may be a coincidence of the two is good and natural, but that one is the other would be an error on every count. If a person enjoys rest, has food, enjoys good company and friendship, works well, has virtue, lives in a peaceful state, lives in a beautiful environment, worships his God, can all be attained with the help of a certain amount of wealth and also call for personal individual freedom. Yet these goods of society cannot be confounded or merely reduced to wealth and individual freedom.

If past political dispositions in the history of western societies created tyrannies and suffocating totalitarianisms, radical liberalism and money may very well reduce us to the same

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<sup>54</sup> George Stigler and Paul Samuelson explain that totalitarianism, especially boarding on inefficiency and terrible cruelty is wrong but that neither is there a possibility of efficient decisions when we consider the other extreme side of freedom since it is impossible to draw the line where freedom is present or not. Should it be 51% or should there be no action if it is not unanimous? See George J. Stigler and P Samuelson, "A Dialogue on the Proper Economic Role of the State". *Selected Paper*, No. 7, (1963), Graduate School of Business, University of Chicago, 1-40

weaknesses some concede.<sup>55</sup> Nevertheless, the state of radical liberalism, the liberalism of ‘rights’, with little or nothing to restrain the savage in every man save the law, tends to generate a totalitarian rule. Alexis of Tocqueville observed that a certain ‘bent of despotism’ is bound to encroach on persons who over time ‘think of nothing but rejoicing’. They acquiesce to “an immense and tutelary power, which takes upon itself alone to secure their gratifications, and to watch over their fate” so long as it is a democratic government and lives each to his own liberty. This not being very obvious he further explained that when “an innumerable multitude of men all equal and alike, incessantly endeavoring to procure the petty and paltry pleasures with which they glut their lives” they lose the vigorous and profound consciousness the nation at large. In time the government takes over the principle concerns of the society. This process in time “renders the exercise of the free agency of man less useful and less frequent”. Then finally, “The will of man is not shattered, but softened, bent, and guided: men are seldom forced by it to act, but they are constantly restrained from acting: such a power does not destroy, but it prevents existence; it does not tyrannize, but it compresses, enervates, extinguishes, and stupefies a people, till each nation is reduced to be nothing better than a flock of timid and industrious animals, of which the government is the shepherd.”<sup>56</sup>

Such a government as Aristotle observes, can only be useful if it has the coercive force to control and prevent injustice. In a state, where the governor or king has more power than the civil society, tyranny of necessity is the consequence<sup>57</sup>. This consequence would be replicated if the ruler had a lot more wealth than the citizens or a company or any institution for that matter. He who rules as a tyrant has the most wealth because he has the power of acquiring it from

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<sup>55</sup> Fareed Rafiq Zakaria, *The Future of Freedom: Illiberal Democracy at Home and Abroad* (New York, WW Norton, 2003), 55. Fareed Rafiq Zakaria a journalist hailed as the “updated Tocqueville” offers the rationale that democracy should come after liberalizing the nation and the economy. In the mean time before this happens he attributes success of a nation to benevolent dictatorship. “Order plus liberty” produce legitimate government in the long run when a government first controls the governed and then controls itself. This distinction is what differentiates the East Asia dictatorship model from the tyrannies of some of the African countries.

<sup>56</sup> Alexis de Tocqueville, *Democracy in America*. While accepting that there could be despotism in modern democratic nations, de Tocqueville also opines that if there are despots, they will tend to be mild because “this same principle of equality which facilitates despotism, tempers its rigor.”

<sup>57</sup> Aristotle, *Politics*, VI, IV.1319b

everyone, and would not be one if any of the citizens or civil society exceeded him, for they would not allow it. Moreover, it seems reasonable to agree with two of Aristotle's principles, that a good constitution arranges the offices in a state, and determines what is to be the governing body, and what the end of each community is. This includes defending in law the important civic institutions. Secondly, that everywhere inequality is a cause of revolution, but an inequality in which there is no proportion is the cause of rebellion<sup>58</sup>.

George Stigler and Paul Samuelson have pointed out that the principle of 'unanimity' or democracy within free liberal markets is of course completely impractical<sup>59</sup>. The best solution so far preached on the mountain tops is democracy; radical liberal democracy in every sector of society. History has shown that institutions in themselves are not enough to ensure the common good. Personal freedom in solidarity is possibly the alternative. Adam Smith's 1776 enquiry into the wealth of nations construed human society as an economic reality, hence, the concept of *homo economicus*. Human beings and human society were perceived mainly as economic beings within economic institutions. His work became the threshold upon which a new economics in western society emerged. Some modern philosophers in Liberalism have identified Smith as philosopher-sociologist more than a founder of an economic theory. According to Lázaro R (2009) and Rosanvallon (1989) this science of wealth is understood as a science of the administration of modern civil society in the context of a state of law<sup>60</sup>. Smithian economy is a philosophical solution based on the anthropological categories and the society he lived in. It is also the way in which Smith understood properly how best to provide for the distribution of wealth. Rosanvallon insists that the science that Adam Smith produces is a science of "the civil society and from the civil society"<sup>61</sup>. It is therefore reasonable to conclude that modern

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<sup>58</sup> Aristotle, *Politics*, V.I.1301b

<sup>59</sup> George J. Stigler and P Samuelson, "A Dialogue on the Proper Economic Role of the State", 1-40

<sup>60</sup> P Rosanvallon, *Le libéralisme économique: Histoire de l'idée de marché* (Paris : Seuil, 1989), 138, in Raquel Lázaro, "El capitalismo de Adam Smith: Raíces antropológicas de su pensamiento económico y político", *Revista Portuguesa de Filosofía*, vol. 65, 1-4, Braga, (2009), 425-443

<sup>61</sup> Raquel Lázaro, "El capitalismo de Adam Smith: Raíces antropológicas de su pensamiento económico y político", 425-443



economics is squarely imbued with liberalism as a philosophy, capitalism as a practical way of understanding the economy in society and democracy as the primary decision making tool for its governance.

Liberalism is a core philosophy of modern western European culture and is in crisis. Most citizens in this society take for granted individualism, rationalism, social uniformity<sup>62</sup>. The crisis is forcing philosophers to recast their theoretical principles of society, given that socialism, which had tried to recast itself as the re-establishment of civil society, has failed. Nevertheless we already know that its practical application led to totalitarian states such as “Stalinism or Leninism” in Europe. The conception of man as an economic being encrusted in materialism led to the most atrocious of regimes which denied man his freedom. The fall of the Berlin wall in 1989 catalyzed its final demise in Europe. Capitalism is now seen as victor in most of the world. Being based on Liberalism it beckons more and more to individualism, manifested in the desire for more and more freedom, diversity and freedom of imagination and what we may term spontaneous solidarity or social associations with a tendency to hatred for state control. To add to this, the ‘welfare state’ no longer seems feasible in post-modern Europe. Prognostics are becoming more and more certain of the difficulty of sustaining it<sup>63</sup>. This thesis anticipates these conclusions and their effect on institutional management.

In Chapter three we see other solutions proposed to solve the questions liberalism as a philosophy presents. We have considered in this thesis the questions that communism, socialism, Mesocratic regimes and communitarianism propose. Karl Marx presented the poor and trodden upon with the Marxist communist solution which has informed the Chinese, former Russia and Cuban societies among others. It preached a social revolution that would inevitably result in the dictatorship of the proletariat class. Its practical application in communist Russia however has failed. Mesocratic regimes became as totalitarian as Communism. Communitarianism is

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<sup>62</sup> Rafael Alvira, “Lógica y sistemática de la sociedad civil” en *Sociedad Civil. La democracia y su destino*, Ed. Montserrat Herero; (Pamplona: Eunsa, 1999), 63-82

<sup>63</sup> Rafael Alvira, “Lógica y sistemática de la sociedad civil”, 63-82

wobbling along but without much influence yet. Is there an alternative to capitalism and liberalism for civil society? ‘Communitarians’, although some of those postulated as such deny it, such as Michael Sandel, Amitai Etzioni, Michael Walzer, Will Kymlicka, Ronald Beiner, Daniel Bell and civic humanist such as Alasdair MacIntyre, need to have more impact. However, the term communitarianism is of recent usage and many philosophers referred to as communitarians such as Alasdair MacIntyre, Michael Sandel, Charles Taylor and Michael Walzer generally do not accept the term since they had not set out to develop a new theory on communitarianism as such. Rather what appears as a constant among all the communitarians is their defense of the important role of community and civil society associations against radical liberalism as that manifested in John Rawl’s (1993) work on Political Liberalism<sup>64</sup>. However, they do not seem to have presented a successful critic to liberalism as noted by Naval (2000), Amy Gutmann (1985), Daniel Bell (2010), Alfredo Cruz Prados (2006), and Bernd Schilcher (1999). Naval notes they all present a critic of liberalism in defense of a weak civil society and mounting state political power. Their philosophical consistency is lacking<sup>65</sup>.

In Communitarian theory some approach such a defense from an Aristotelian perspective (for example, MacIntyre, Sandel and Walzer) or a Hegelian perspective such as that of Charles Taylor<sup>66</sup>. The key problems could be; that the label communitarianism is a euphemistic label; that the philosophers approach the problem from very distinct perspectives both in their proposals and in their recourse to speculative philosophy and practical science of society. In this chapter we also study the rapture of the feudal state with that of the modernism in order to understand that historical transition and what it portended for Western Europe and globalization.

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<sup>64</sup> Bernd Schilcher, “Etzioni’s new theory: a synthesis of liberal and communitarian views”, *Journal of Socio-Economics* 28 (1999), 429–438. See also Concepción Naval, *Educación ciudadana, La Polémica liberal-comunitarista en educación* (Pamplona: Eunsa, 2000), 29-47

<sup>65</sup> Daniel Bell, “Communitarianism”, *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, 2010 edition, <http://plato.stanford.edu/archives/fall2010/entries/communitarianism/>. See also Daniel Bell, *Communitarianism and its Critics*, (Oxford: Clarendon Press, 1993)

<sup>66</sup> Concepción Naval, *Educación ciudadana, La Polémica liberal-comunitarista en educación* (Pamplona: Eunsa, 2000), 29-47. Concepción Naval, *Educación ciudadana, La Polémica liberal-comunitarista en educación*, 29-47. Professor Concepción (pen name Conchita) Naval is a professor and currently (May, 2011) Vice-rector at the University of Navarra, Pamplona Spain. Her work is a critique of Education in a Liberalist society.

Our conclusions in chapter four re-emphasize the Aristotelian proposition of a natural state and how it can resonate with modern society. This includes restating the truth that human beings are political animals, that the family is central to society and a basis for social associations and institutions, and that the common good is still a relevant principle of political associations despite its complex definition.

The methodology used in this research is fundamentally an interpretative and qualitative analysis of the concept of the common good theory in Aristotelian political theory from the perspective of modern western society. It proposes an interpretation of Aristotle's *Politics* from the perspective of modern liberalist, democratic and individualist theories in modern society. One of the key founders of modern social contract theory is Thomas Hobbes. In order to glimpse at the economic society, which is also a strong dimension of modern western society, we have also considered the ideas of Adam Smith. In addition to this we have taken into account recent liberalist theory from the two works of John Rawls on *The Theory of Justice* and *Political Liberalism*. However, it was also important to take into account other important philosophers from both perspectives of political society. Thomas Aquinas is fundamental to the interpretation of Aristotle and the scholastics, while Locke, Hegel, Nietzsche and Kant among others considered have contributed to the liberalist idea of modern man. We have considered recent attempts at stemming the liberalist and capitalist trend in Karl Marx and Communism and the renewed re-emphasis by the communitarians on the principle of civil humanism and civil associations. We have also considered recent scholarly works those who follow Aristotelian tenets such as Russell Hittinger, Rafael Alvira, Rachel Lázaro, Montserrat Herrero, Antonio Millán-Puelles, Pope John Paul II, Pope Benedict XVI, Alfredo Cruz, Michael Smith and Michael Novak among others. This methodology has aimed at a comprehensive prognosis of the Aristotelian political principles underpinned by his general philosophy of logic, physics, metaphysics and ethics (moral philosophy).

## 2. On Civil Society and the Common Good

Before studying Aristotle's *Politics* it is necessary to show how he defines this science. *Politics* is probably the first really scientific analysis of the origin, the elements, the constitution, and the conditions of human society keeping in mind the entire philosophical wisdom right from the categories of being to the study of morality in *Ethics*. As will be shown in due course *Politics* is the most authoritative art and the master art [NE, I.2]. It deals with the nature of Man, in his highest relations, within the *polis* where alone he attains his most perfect, almost 'divine development, namely, as the free citizen of a free state'<sup>67</sup>. *Politics* as a science aims at the common good which is a type of good and synonymous with Justice understood as all virtue. The Statesman deals with that which is best in the abstract, that which is best relatively to circumstances, how it is originally formed and, when formed (history), how it may be longest preserved, and the form of government which is best suited to states in general and most of all it considers not only what form of government is best, but also what is possible and what is easily attainable by all<sup>68</sup>. It observes man in the sum of his relations; in his institutions and it is to be based on facts. Having understood the nature of man it applies that conception to his institutions in order to generate a harmony in society. It is practically realized and it aims at the best man and the best constitution of society if that can be achieved. Although his science may have significant prejudices it is necessary to extract the good and re-arrange that which may be repugnant to justice given more excellent knowledge. Aristotle is writing at a time when the rhetoricians in Greece and philosophers such as the sophists have made politics a capricious science rather than a science that is concerned with good and just deeds; and he intends to correct this tendency<sup>69</sup>.

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<sup>67</sup> Aristotle, *Politics, Books I. III. IV, (VII.)*, Text of Bekker, Transl., W. E. Bolland, (London: Longmans, Green, and Co., 1877), 6-8.

<sup>68</sup> Aristotle, *Politics*, IV.1, 1288b, transl. B Jowett

<sup>69</sup> Aristotle, *NE*, I.III.1094b13 Now good (*fine*) and just deeds, with which political science is concerned, are differently and mistakenly judged to such a degree that none of them seems to be good and just by nature but merely

Aristotle states that persons, in order to be happy, need to have a combination of goods relative to their well being. He separated these into three parts, viz, external goods, goods of the body, and goods of the soul<sup>70</sup>. The common good is enjoyed when these three dimensions of the common good are present. From the social perspective properly speaking, the common good is that which benefits every person in the society or community of persons<sup>71</sup>. The common good as a concept has its etymology in the works of the Greek philosophers, especially that of Plato and Aristotle. Aristotle used two terms to refer to the same thing: *sumpheron koinon* and *Agathon Koinon*, translated as ‘common advantage’ and ‘common good’ respectively<sup>72</sup>. In order to identify social institutions necessary for the common good of society the key questions will be, what is civil society and what is the common good? A man who is “without society, without law, without family” will naturally be a lover of war and as solitary as the birds. He is a barbarian<sup>73</sup>. It is not the essence of this essay to discuss and distinguish between the sciences of Sociology and Politics. However, for Aristotle, to develop a theory on political governance is to begin from its source and rational starting point which is society *as such*. The perfect object of political governance is the common good of that society. Aristotle’s Politics is a sequel to his Ethics. According to him mankind always acts in order to obtain that which they think good and this is the telos of each individual and the society as whole<sup>74</sup>. If the state (polis or Greek city-state) is a society or community as explained above, one can also call it civil society which is identical in meaning. The civil society is therefore made up of many communities. The definition of the term ‘civil society’ in academic literature will be discussed in the third chapter paragraph 3, subparagraph 3.6 on the civil humanism response to liberalism.

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by disposition of law. Because of bad judgment, many have been harmed even by good things: some men have lost their lives by reason of riches, others by reason of physical courage.

<sup>70</sup> Aristotle, *Politics*, VII.1.1323a15-20.

<sup>71</sup> Antonio Millán-Puelles, “Bien común”, 225

<sup>72</sup> Michael Smith, *Human Dignity and the Common Good in the Aristotelian-Thomistic tradition* (New York: Edwin Mellen Press, 1995), 62-3

<sup>73</sup> Aristotle, *Politics*, 1.II.1252b

<sup>74</sup> Bekker, *Aristotle’s Politics*, 14-15

## 2.1 On the Concepts of 'Common' and 'Good'

2.1.1 There are many definitions in literature of the term common good. Bradley says that the “common good” names the end (or final cause) of political and social life<sup>75</sup>. He stresses that it is an authentic good (*bonum honestum*) and not merely an instrumental one. According to Mary Keys it is “the telos or end of legislation in any properly-run state”<sup>76</sup>. It is also considered “A good proper to, and attainable only by, the community, yet individually shared by its members”<sup>77</sup>. It is also seen as a state when human action is sometimes undertaken for the sake of the good life understood as intrinsically in common. Severine and Townsend, explain that the common good is not the outcome of a collective action which makes everybody better off than if they acted individually, but is the good of that shared enterprise itself. It is the good of the community which comes into being in and through that enterprise.<sup>78</sup> Maritain (1946) says that the common good is constituted by goods that humans share intrinsically in common and that they communicate to each other, such as values, civic virtues and a sense of justice. Cahill defines the common good as “a *solidaristic* association of persons that is more than the good of individuals in the aggregate”<sup>79</sup>. Hollenbach describes the common good as the good of being a community, as “the good realized in the mutual relationships in and through which human beings achieve their well-being”<sup>80</sup>. It is clear therefore that the common good has to do with the good or goods shared in a community.

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<sup>75</sup> Bradley Lewis, “The Common Good In Classical Political Philosophy”, (3 November 2005), 1-21

<sup>76</sup> Mary M. Keys, *Aquinas, Aristotle, and the Promise of the Common Good* (Cambridge: Cambridge University Press, 2006), Pp. xiii, 255

<sup>77</sup> Thomas W. Smith, “Aristotle on the Conditions for and Limits of the Common Good”; *The American Political Science Review*, Vol. 93, No. 31, (1999), 625

<sup>78</sup> Severine Deneulin and Nicholas Townsend, “Public goods, global public goods and the common good”, *International Journal of Social Economics*, Vol. 34 No. 1/2, (2007), 19-36

<sup>79</sup> Lisa Cahill, “Globalisation and the common good”, in J.A. Coleman, and W.F. Ryan, Eds., *Globalization and Catholic Social Thought: Present Crisis, Future Hope*, (Ottawa: St Paul University, 2005), 42-54

<sup>80</sup> D. Hollenbach, *The Common Good and Christian Ethics* (Cambridge: Cambridge University Press, 2002)

2.1.2 Thomas Aquinas, who adhered to a large extent on Aristotelian philosophy, wrote that it is natural for man, more than for any other animal, to be a social and political animal<sup>81</sup>, to live in a group. Where all things are ordered to an end, they may take one or another path towards different ends; much like a ship is directed to a course, and in the course towards a port. A particular technology also directs one towards an artifact; the best artifact of that technology. Now naturally too, man has intelligence to guide him towards an end to “which his whole life and all his actions are ordered; for man is an intelligent agent, and it is clearly the part of an intelligent agent to act in view of an end”<sup>82</sup>. His intelligence directs him towards that end and Aristotle proposed that the most perfect and highest end is happiness; for this is the result of acting to obtain a good; and when that potency is actualized in the good, man is happy. This movement towards the good and happiness is the work of intelligence in man. Hence, in a sense all men having intelligence have the capacity to know all things appropriate for achieving their end. This gives rise to the ‘universal’ in every man. That means, intelligence is the directive principle in every man. Acting intelligently knowing all things necessary for ones good and acting accordingly is being virtuous. This capacity as Aquinas says; “the light of reason is placed by nature in every man, to guide him in his acts towards his end”<sup>83</sup>. This dimension of man is a natural necessity<sup>84</sup>. However, it is evident that one man alone cannot procure all the things that he needs alone, unassisted. “It is therefore natural that man should live in the

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<sup>81</sup> Aristotle, *Historia Animalium*, I, 1: 488a 7; NE, I, 5; 1097b 11; *ibid.* IX, 9: 1169b 18; Pol, I, 2:1253a 3. The Aristotelian formula is always that man is a political animal. Unless special reasons suggested to Aquinas the exact textual reproduction of this Aristotelian principle, he generally prefers to say that man is a social animal (Seneca, *De Beneficiis*, VII, 1, 7). The combination social and political animal is also found in *Summa* I-II, q72, a4; cited in, Aquinas, *De Regno*, chp 1, para. 4

<sup>82</sup> Aquinas, *De Regno*, chp. 1, para. 3

<sup>83</sup> Aquinas, *De Regno*, chp 1, para. 4

<sup>84</sup> Aquinas, *De Regno*, para. 5. St Thomas Aquinas says, animals other than man have their food, hair as a covering, teeth, horns, claws as means of defence or at least speed in flight provided for by nature. Man on the other hand has intelligence or reason to cater for these things. He can dress with leaves from trees or can make clothing, for summer and winter with his intelligence. Using his intelligence he could procure all the necessity for himself by intelligence and the work of his hands. According to the edition and notes made by Kenny J. Aquinas used the principles espoused by Avicenna rather than Aristotle to explain these particular ideas.

society of many”<sup>85</sup>. Animals have a natural inborn instinct of food, enemy and even sometimes medicinal plants. Man on the contrary, has a general knowledge in a general fashion and uses his intelligence to discern and move actively towards an end. Man may therefore “attain knowledge of the particular things necessary for human life by reasoning from natural principles. But it is not possible for one man to arrive at knowledge of all these things by his own individual reason. It is therefore necessary for man to live in a multitude so that each one may assist his fellows, and different men may be occupied in seeking, by their reason, to make different discoveries—one, for example, in medicine, one in this and another in that”<sup>86</sup>.

2.1.3 This conclusion of man ‘as a social being’ equivalent to Aristotle’s man as a ‘political being’ can also be derived from the communicative nature of man. Man communicates using language. Animals use a peculiar language of signs and sounds and other such like capacities naturally linked to their senses. However, mans capacity to use intelligent language well makes himself communicate more perfectly than animals do. Even in comparison, as Aquinas mentions, to the most gregarious animals among which he mentions the bee and the ant. Communication demands more than one in order for the capacity to be developed<sup>87</sup>.

2.1.4 However, if in each man it is natural to use intelligence to arrive at the particular goods he desires, and since it is also evident that man lives in a society of many, “it is necessary that there exist among men some means by which the group may be governed. For where there are many men together and each one is looking after his own interest, the multitude would be broken up and scattered unless there were also an agency to take care of what appertains to the commonweal. In like manner, the body of a man or any other animal would disintegrate unless there was a general ruling force within the body which watches

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<sup>85</sup> Aquinas, *De Regno*, chp. 1, para. 5.

<sup>86</sup> *Ibid.*, chp. 1, para. 6.

<sup>87</sup> chp. 1, para. 7-8.



over the common good of all members”<sup>88</sup>. This is particularly so because the particular good appertaining to a particular man is not identical to the particular goods of all men. They may have in general a certain likes as in food and drink and sex. But generally ones good is not necessary a need for another. Hence, human society needs a particular institution or person to direct all the persons in that society towards what makes them united; or in other words their common good. For as Aquinas says “there must exist something which impels towards the common good of the many, over and above that which impels towards the particular good of each individual. Wherefore also in all things that are ordained towards one end, one thing is found to rule the rest.”<sup>89</sup>

2.1.5 If all communities aim at some good, the state or political community (society), which is the highest of all, and which embraces all the rest, aims at good in a greater degree than any other, and at the highest good. Whichever way we formulate the nature of community or human society, the telos (end) of the natural and true forms of government which have the common good in mind is the same as that of the person. It is essential to take into account that Aristotle is explaining a perfect Greek city state based on the then extant social environment. That perfect city state is one in which the citizens are flourishing, because they are happy or have the ability to arrive at happiness, *eudaimonia*. At the head of such a city-state is a wise man, endowed with a mind capable of reflection and forethought. From the very beginning we can see that there is no distinction between the government which is also called the state and the civil society. From an Aristotelian perspective the society has many parts each with its own telos and the government unites all of them by defining the common good to which all the parts are directed. We now begin by explaining what the common good is and then the nature of civil society institutions.

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<sup>88</sup> Aquinas, *De Regno*, chp. 1, para. 8

<sup>89</sup> Aquinas, *De Regno*, chp. 1, para. 9

2.1.6 In a community or society of freemen and virtuous citizens the virtuous ruler is similar to the good person. One citizen differs from another, but the salvation of the community is the common business of them all. This community is the constitution<sup>90</sup>. Therefore, the good citizens are good men and are ruled and rule in turn<sup>91</sup>. The same person is at once a subject and then a ruler. In a constitutional rule of a true form of government the legislator has to see that citizens become and remain good men for in the end this is the perfect life. The good man is said to have a rational (intellectual) principle and an irrational (the will) principle. He is only good in so far as he has the virtues of these two parts. Of the two the governing principle is the rational part. In other words classical philosophy holds that volition (or the will) follows the act of the intellect, in a concomitant way rather than in a linear way. In order to move to their telos rational creatures first provide the objective reason why that telos is a perfect end. From the rational power one derives the power to act; for both the speculative and the practical capabilities are involved. In Aristotelian philosophy the distinction between intellect and will is based on their distinct objectives or ends. The objective of intellectual acts is truth, which is the formal identity between the object itself and the concept or reason. The true form of the objective reality remains in the intellect. The object of the will on the other hand is 'the other'. Hence, the intellect is directed to truth while the will acts or moves towards 'the good' as understood by the intellect.

2.1.7 When Aristotle considers essences of things as such, predicates transcendental attributes of being as, truth, good, oneness of unity and the beautiful as understood in the same way<sup>92</sup>. The proper good that we are referring to here is the good as a product of human

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<sup>90</sup> Aristotle, *Politics*, III.IV.1277a. See also Aquinas, *De Regno*, chp. 2, para. 10.

<sup>91</sup> Aristotle, *Politics*, III.XVIII.1287a

<sup>92</sup> Charles Coppins, *Logic and Mental Philosophy* (New York: Boucher Press, 2008 1<sup>st</sup> ed. 1891), 21. Unity denies division in a thing. Metaphysically, one is said of something when it is naturally indivisible e.g. spirit; physically, when nature unites real or separable parts into one whole, as in a tree, a man, a stone; artificially, when the parts are united by human skill (or art), as a table, a clock, a book; this unity may be material or mental; morally, when persons are united by a moral bond, as a family, a state; and accidentally, when the union is a mere aggregation without a bond, as a heap of stones. Considering a being extrinsically as knowable we can predicate truth of it.

action flowing from man's deliberate free will. It is presumed from the onset that man is a free deliberative creature and that this distinguishes him from all other animals. In human society there are many human actions and therefore many ends. But all these ends when considered from the perspective one particular society, that is, a unity both arising from the natural needs of man and/or 'artificially' united by human skill or art can be called a particular civil society. It is evident from example, that the family unit is considered one because nature has provided that man and woman naturally join for procreation. When there is cohesion among people one can say that, by the very fact of cohesion, they share something in common.

2.1.8 According to Aquinas the term 'common' refers to something predicated of something else – an effect or some one thing found in many according to one predication (in predicando). It also refers to the mode of a cause (in causando) – that is a final cause which remaining one in number extends to several effects<sup>93</sup>. 'Common' means that which is *prior to* everything and that unites in a whole. The term 'particular' refers to the part in which each person or sub-community participates within the whole. The 'common' is therefore what each one aspires to implicitly and therefore is indispensable although we can deny it as a result of our freedom. One naturally aspires to the common good and it is greater than the individual. If one denies it there is no way of adhering to the good of the whole and by doing so denies the part<sup>94</sup>.

## **2.2 Person and Society in Aristotelian Tradition**

2.2.1 Villages grow from many families growing and coming together. Primary reasons for the formation of villages seem to be new families from mature family members, population growth, economic colonization, settling in favorable environments for water and food

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Viewing a thing as an object of moral desire we may predicate of it as good. Goodness is therefore also an extrinsic positive attribute of a thing as conformable to reason. Beautiful is said of something according to its manifest perfection. Good things delight the possessor, beautiful things the beholder.

<sup>93</sup> Michael Smith, *Human Dignity and the Common Good in the Aristotelian-Thomistic tradition*, 80.

<sup>94</sup> Rafael Alvira, "Bien común y justicia social en las diferentes esferas de la sociedad", 61-79

and security during war and for the sake of war. They are founded by indigenous or strangers; for example, Athens and Venice were formed for purposes of self defense while Alexandria in Egypt was formed by Alexander the Great of Macedonia<sup>95</sup>. In villages and much less in cities consanguineous (family) relationships are no longer very close although they are close enough to continue following a rule of life similar to that of the household manager. Heads of families rule in the village. Properly speaking, in common usage, the term community often refers to the village, although it can also refer to a wider society which we often call a nation or state. When villages are united together then a new unit is formed and this we call a state, nation or a society. According to Aristotle the formation of the family, the village and the state is natural because it arises from natural needs of man. If nature<sup>96</sup> predisposes this unity for the good of man then the society as a political unity is said to be an end to which all human actions in a particular society are to be directed as most desirable.

2.2.2 At the individual level, ones actions are directed towards the most perfect end which is the highest end; and this is so because beyond that end or perfection one desires no other; it is complete. The highest good which every person and every human action is directed towards is perfect happiness. Together, all human actions in the one society are obviously directed towards the happiness of all them as one in a particular society. Since it is the end of all persons in a society then it is the highest good of the persons individually and of the society as one. The society as one is often referred to as the civil society. The adjective 'civil' is added to the term society, because properly speaking the members of that community are not one as a consanguineous family is one. Where consanguinity is the common denominator of relationships within a particular group of people one would

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<sup>95</sup> Niccolo Machiavelli, *Discourse on the First Decade of Titus Livius*, I.II.

<sup>96</sup> Robert Spaemann, *Persons* (New York, Oxford University Press, 2006), 28-29. Boethius explains the meanings of the term 'nature' in four ways; first as any intelligible species (what has an essence or answers the question, 'what is that?' hence, in this sense the term can be used to include everything.); second, as referring to substances, that is, what 'is' whether material or immaterial. Thirdly, as a term referring to non-artificial bodies as Aristotle uses it in this case; and finally as meaning the general form or kind of being to which something belongs in the sense of difference within and between genres and species.

ordinarily refer to it as a family group or a household to use Aristotelian terminology. Nevertheless, if we call it a civil society, that is, a society of persons living together harmoniously and happy, it is not because the persons lack an organic relationship. If we are to understand Aristotle, a particular society is organic in so far as it comes into being from natural needs and is mirrored in an analogical way to the manner in which the single human person develops organically to maturity. In addition, if the mature person, well formed and one who has acquired virtue is more perfect than the person as a child or immature, then it is towards maturity that we move to our perfection. Analogously, the civil society is mature when it is flourishing; when the persons who form it are happy struggling towards their individual perfection and at the same time their common good.

2.2.3 Maturity becomes the particular end of persons. Similarly, if from the perspective of society persons are directed to common life, that is to a particular community, then that community is the perfect end of all the individual actions in that society. Moving towards personal perfection is good and worthwhile. It is therefore, reasonable to say that it is even better and worthy for all to move towards the good of the whole society for the good of many parts in one (whole) is much better than the good of the individual part. Ultimately, one individual even if mature and virtuous is only capable of his individual part whereas in a society the many parts complement one another so that what was lacking in one part is complemented by another. As Aquinas says, “a thing is rightly directed when it is led towards a befitting end; wrongly when it is led towards an unbefitting end... The end which befits a multitude of free men... ordered by the ruler towards the common good of the multitude, that rulership will be right and just, as is suitable to free men”<sup>97</sup>.

2.2.4 The parts are so arranged in a society as to ensure that the whole society is self-sufficing and every part is self-sufficing according to its natural needs. Man without woman alone or both being in a small community may not be self-sufficing in this manner. For

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<sup>97</sup> Aquinas, *De Regno*, chp. 2, para. 10

example, the man provides the seed and the woman provides the fertilization and nurture of the offspring. Both educate and both desire to leave a perfect image of them behind. Therefore, to desire and to make a family, both man and woman are naturally moved towards individual perfection in the family and to complementarity in which they perfect each other. But that is not all. We observe that besides perfecting each other, a good family also provides friendship and love, security, mutual advice, mutual education and mutual health, mutual help, mutual rest in one another and mutual pleasure. Hence, the whole is not merely an aggregate of the parts but rather a 'living, organic' community; an environment that enables individual and mutual perfection. The fruits of that complementarity between man and woman is passed on to the offspring and becomes the fertile ground of personal education; formation in virtue. Consanguinity helps the bond between parent and offspring.

2.2.5 Aristotle avers that the relationship between man and woman in marriage is constitutional, i.e. based on mutual consent. It is a common life between two free citizens who freely desire to unite in order to form a primary society we commonly call family. In a constitution between two free citizens each rules and is ruled in turn. One could summarize this idea by simply saying that spouses share roles at home. Nevertheless, Aristotle says that the government of a father over children is royal and kingly because 'he rules by virtue both of love and of the respect due to age or wisdom. The rule over the children is distinct from that over the wife/husband and that over the 'slave' or servants. But in everything the rule over the household is for the good of the whole, where each part shares in the goodness according to its state. However, although he maintains this 'constitutional dynamic' between man and woman in marriage, he is very clear that the rule of the man over the woman is something of a 'permanent' nature. Man and woman are naturally endowed towards the family and then to society as a whole. It is therefore evident that in order to consider the perfect good of a person, one needs to interpret his

actions from the perspective of the most perfect state. That perfect state is a flourishing society. Therefore, Alvira states that it is more appropriate to state that the person is for the society rather than the society for the person<sup>98</sup>. The term of man's intellectual actions is knowledge and this remains in himself so to speak. Nevertheless, his volition is directed by nature towards another as Leonardo Polo points out<sup>99</sup>. This agrees too with Aristotle's argument about man's deliberation and choice; "It seems, then, as has been said, that man is a moving principle of actions; now deliberation is about the things to be done by the agent himself, and actions are for the sake of things other than themselves. For the end cannot be a subject of deliberation, but only the means; nor indeed can the particular facts be a subject of it, as whether this is bread or has been baked as it should; for these are matters of perception"[NE, III.3.1112b3-11113a1].

2.2.6 To be a 'person' exceeds mere individuality. A man and a woman is 'someone' not 'something'. A person has a name. Boethius defines the word 'person' as 'the individual substance of a rational nature'<sup>100</sup>. Substance here means a unique subsistent 'being'. A particular person is signified by a singular mode of being and hence it is not a state that is interchangeable in such a way as there to be the possibility of another similar substance, as Richard of St. Victor had pointed out<sup>101</sup>. This singularity of personhood making 'this person' distinct from any other and defined singularly by a name, is a created being through the medium of the primordial 'society' referred to as the family, made up of a man and a woman. This primordial society is also often predicated of as paternity from the point of view of its end and object. Therefore, whereas one can say, bearing in mind the concept of personhood, that the society is for the person it would be more appropriate to say that 'this person' is a gift of society and is perfected through the medium of

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<sup>98</sup> Rafael Alvira, "Bien común y justicia social en las diferentes esferas de la sociedad", 65

<sup>99</sup> Leonardo Polo, "La Amistad en Aristóteles", Cruz, J.C. ed., *Anuario filosófico*, XXXII, no. 2, (1999), 477-485

<sup>100</sup> Robert Spaemann, *Persons* (New York: Oxford University Press, 2006), 29. Boethius, *Contra Eutychem et Nestorium*, 3, says that '*personae est definitio naturae rationabilis individua substantia*' – The person is defined as the rational nature of an individual substance.

<sup>101</sup> Robert Spaemann, *Persons*, 30

society. Understanding the person as so distinct and individual as to exclude in him the beneficence of society is a thesis which appears true in intention but very difficult to elucidate. There is no ‘particular’ good without the common good and the common good is necessarily societal, that is in the perfect society. It is evident that although Aristotle starts from the presupposition that there is such a thing as a perfect society, the reality is that practically on earth there is no perfect society and perfect persons. There are more or less good societies, but men individually are imperfect and if so, together they can only mediate that imperfection but cannot eliminate it. “Humanism is above all belonging to society” and therefore to become human is to rise above our individuality<sup>102</sup>. Hence, our actions as individuals either develop the society or destroy it; and in so doing perfect or destroy oneself. Humanity is received from society and engenders society by nature. In the integral whole of society there the intrinsic and extrinsic means and ends of man are found.

2.2.7 Framed in another way, the person upon conception is not aware of his creation or where he comes from. The realization of what the fountain of his life is emerges as an intellectual reality over time. Even then the child belongs more to the parents than the parents belong to the child because the relationship of Paternity to sonship is stronger than that of filiation to paternity. Aristotle explains that the thing produced belongs to the producer more than the producer to the thing. [NE, VIII.XII.1161b20-30]. That realization is first affective and then intellectual<sup>103</sup>. Affective in the sense that the person identifies obedience to ‘mother’ and ‘father’ based on the affective love bestowed as gift upon the new born creature by parenthood. Later on, once the person begins intellectual abstraction, it dawns on him that the rational basis of that love is a consanguineous relationship or one purely based on paternity in the case of an adopted child. That relationship having initially been based on true ‘Love’ existent between the parents and

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<sup>102</sup> Rafael Alvira, “¿Qué es el humanismo empresarial?” en *El humanismo en la Empresa* (Madrid: Rialp, SA, 1992), 33

<sup>103</sup> Aristotle, *NE*, X.IX.1180b5-10 and VIII.XII.1161b25



the child becomes the foundational law of their personal relationship. Not uncommonly this love is also informative of every other relationship and identity and philosophy of life the child will experience throughout his or her life. That true 'Love' of the parents so to speak could be defined as an effort to ensure the ultimate good of the person begotten and generates the relationship of paternity and filiation from which derives the happiness of both depending on how perfect the double relationship is accomplished. The good of the child is not limited to the particular good of the child but of the whole family. For entire good of the home and its material environment are also fundamental components of the providential love of a parent to child. It is from here that the triple dimensions of the content of the common good emerge; that is, the internal, the bodily and the external goods. Thus we see that the parents educate the child to develop his intellectual and virtuous life (education), ensures mutual help, affection, health, food and safety (immaterial human needs) and provides for the material conditions (External needs) necessary for the development of the wholesome person in all his perfections. These three dimensions of family common good are for each and every person in the family and therefore form the ends or object of the enduring family relationship as a family or as a type of society. These three objects together define the concept 'home'. This immaterial or spiritual or intellectual object is manifested materially by the house. If we may add, this also founds the basis of the Christian concept of Matrimony as a sacrament. It has an intrinsic perfection manifested in an extrinsic reality we call the house. In addition, given its various ends it necessarily requires that of the many ends one common end that directs all. That common wisdom is called paternity and is represented by the head of the household. The children then imitate the realities of paternity right from early childhood and continue into posterity after becoming mature responsible citizens. According to Aristotle persons become citizens once they are 'on the register' of citizens [*Politics*, III.I] or the age 'legislator' decides they should "succeed to their parents" [*Politics*, VII.XVI]

2.2.8 The distinction between the term 'person' and 'individual' is an old battle present even in Plato. The core of the argument about the distinction between this two concepts lies on whether one accepts metaphysically that the person has a spiritual soul and therefore is

composed of body and soul. The difficulty lies in the mediation of the spiritual soul in man given that some philosophers are nominalists and empiricists and therefore deny any possibility of knowing the soul and God. Plato in *The Republic*, described the problem using the term “Spirit” in the sense of a “spirited” horse because he would not hold to Homeric’s idea; that man was at the mercy of external forces of nature<sup>104</sup>. There are some who do not distinguish between the two. Kant talked of the phenomenological ‘I’ and noumenological ‘I’. Mounier and Gabriel Marcel denied any distinction between the two. Philosophers like Jacques Maritain confirm that there is a distinction<sup>105</sup>. The point is simply that human beings are not to be classified with other ‘things’ both animate and inanimate. They are not mere material phenomena but have a rational soul which proffers a dignity much elevated from that of other creatures and inanimate objects. Persons fall into a natural species but not in the same way as other creatures or organisms do. Applying the term person to someone is also to acknowledge that he is the subject of rights and obligations given that he is free; he has a rational soul and acts accordingly. Persons, although ‘individuals’ in the sense that they are particular individuations, are Universal; a totality from the point of view of their intellectual soul. Thus, Spaemann offers that in relation to them everything else is only a part<sup>106</sup>. This is because their rational souls have the capacity to know the other and to educe the form of an intelligible reality which becomes part of the soul. And therefore Aristotle said that the soul is in a sense all things. Whereas individuality only arises at the level of the senses; the soul is called the ‘heart’ of a person who judges all things. This capacity to judge and control is the reason Christian anthropology understood the concept of the soul as the ‘heart’ of a person<sup>107</sup>.

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<sup>104</sup> Robert Spaemann, *Persons*, 18

<sup>105</sup> José Todoli, *El Bien Común* (Madrid: Artes Gráficas Ibarra, S.A.,1951), 28

<sup>106</sup> Robert Spaemann, *Persons*, 19

<sup>107</sup> Robert Spaemann, *Persons*, 20

2.2.9 If individual human action is to be directed to that human excellence of a wise person acting well according to right reason, the same principle can be applied to the person governing. We have seen from Aristotle that the freemen who are wise because they have been formed wisely by nature and by human enterprise rule and are ruled in turn. He who rules also does it most wisely and is like the good man and good citizen. Since our philosopher understood the highest human good as contemplation or philosophy so accordingly the best ruler must be a philosopher who contemplates what is unchanging<sup>108</sup>. That is contemplation as *theoria* or theory. Here I quote directly “we said, then, that it is not a disposition; for if it were it might belong to someone who was asleep throughout his life, living the life of a plant, or, again, to someone who was suffering the greatest misfortunes. If these implications are unacceptable, and we must rather class happiness as an activity, as we have said before, and if some activities are necessary, and desirable for the sake of something else, while others are so in themselves evidently happiness must be placed among those desirable in themselves, not among those desirable for the sake of something else; for happiness does not lack anything, but is self-sufficient. Now those activities are desirable in themselves from which nothing is sought beyond the activity. And of this nature virtuous actions are thought to be; for to do noble and good deeds is a thing desirable for its own sake” (NE, X: 6).

2.2.10 The famous dictum ‘the most practical thing is a good theory’ is apposite because only in contemplating the highest good and knowing it can one guide himself towards that which is perfect. It follows that the most perfect end is the first ontologically and therefore although a theory at first it is also the final end of good actions. For example, With regard to the virtue of friendship, unless we think of the best thing we can afford our truly best friend in a particular situation such as a birthday celebration we cannot even start the activity of offering something. In so far as he or she is not merely just a

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<sup>108</sup> Kelvin Knight, *Aristotelian Philosophy: Ethics and Politics from Aristotle to MacIntyre* (Cambridge: Polity Press, 2007), 15

friend, such as the case of Mother, then the more perfect the friendship is the more perfectly we ought to contemplate of the gift of friendship regardless of how it turns out practically. For it is evident that in the worst case we may not even arrive at offering a thing to our friend except our good wishes. If applied in the same way to every human end then it is evident that the highest and best action of an individual is to think of the best end of himself and of others in the community. Theory and praxis are two principles very widely argued in philosophy. Aristotle in *Nicomachean Ethics* explains that there are five states by virtue of which the soul knows; *technê* (craft or art), *episteme* (scientific knowledge), *phronêsis* (practical wisdom), *Sophia* (knowledge of universal truths), and *nous* (understanding or *intuitive* immediate knowledge of first principles)<sup>109</sup>.

2.2.11 W. D. Ross' (1908) translates these five states of the soul's knowledge as art, scientific knowledge, practical wisdom, philosophic wisdom and intuitive reason respectively (*NE*, VI.3.1139b15). Various translations have been offered for each of these terms. Most often, *technê* is translated as craft or art. While *epistêmê* is generally rendered as knowledge, in this context, where it is used in its precise sense, it is sometimes translated as scientific knowledge<sup>110</sup>. The intellectual excellence of those who follow philosophy is the knowledge of universal truths or *Sophia*. It is the knowledge of unchanging forms; perfect forms. Practical wisdom follows the *Sophia* and it is good according to Aristotle because it pursues aims commended by moral virtues first known in their perfect forms. It seems therefore that practical wisdom does not deliberate since it does not belong to practical wisdom to deliberate whether something is good or not. E.g. a doctor does not deliberate whether to cure a sick patient nor a politician whether to produce good order but only about the means to do so. The dexterity in the means to do good are the craft or art (*technê*). Craft causes a type of coming-into-being as Knight

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<sup>109</sup> Thomas Aquinas, *S. Th.* II-II, q49a2. Aquinas explains that *nous* means *understanding* and this is necessary for prudence. Understanding denotes, the right estimate about some final principle which is taken as self-evident. Thus we are said to understand the first principles of demonstrations. The right estimate about a particular end is called both "understanding", in so far as its object is a principle, and "sense", in so far as its object is a particular.

<sup>110</sup> Kelvin Knight, *Aristotelian Philosophy: Ethics and Politics from Aristotle to MacIntyre*, 155

explains and therefore as the coming into being occurs in the product on not in the producer, technical excellence is manifest in the product. Thus for example, the doctor's capacity to elect the best means to cure a patient is practical wisdom, but only in the cured patient is the art of the doctor understood as perfect or not. Thus, the art can be used for doing good or bad.

2.2.12 Scientific knowledge and practical knowledge are necessary and good in themselves [NE, 1112b12-16]<sup>111</sup>. In our philosophers words "Moral virtue is a state of character concerned with choice, and choice is deliberate desire, therefore both the reasoning must be true and the desire right, if the choice is to be good, and the latter must pursue just what the former asserts. Now this kind of intellect and of truth is practical; of the intellect which is contemplative, not practical nor productive, the good and the bad state are truth and falsity respectively (for this is the work of everything intellectual); while of the part which is practical and intellectual the good state is truth in agreement with right desire. (NE VI.2.1139b4)". Taking all theory and praxis into account therefore, one can say that a 'healthy' community is the common business of each citizen. In order that each citizen become a most virtuous person the family, the community and the state need to provide a wholesome education to each child before they undertake citizenship responsibilities. And here we have the blue print of the method which such education should take place. Therefore, so that education is complete in an individual, it is most becoming that it imparts art, scientific knowledge (as understood in Aristotelian tradition); practical knowledge (as capacity to judge wisely; and this always comes after adequate knowledge of true theological, philosophical and empirical sciences); the capacity to study, think and memorize (which prompts *Sophia*); and together with training in practical knowledge it is necessary to help individuals apply their common

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<sup>111</sup> Kelvin Knight, *Aristotelian Philosophy: Ethics and Politics from Aristotle to MacIntyre*, 17-18

senses (*nous*)<sup>112</sup>. Scientific knowledge depends on the *nous* or intuitive knowledge<sup>113</sup>. Anaxagoras (5<sup>th</sup>-6<sup>th</sup> Century B.C.), a pluralist or Atomist and belonging to the Ionian school was the first to observe man's capacity to apprenticeship not as a manual skill, i.e. as having a deft hand, but as one who has an unlimited capacity for knowledge. He is the first to have called this capacity as self conscientiousness, *nous*. However, being an atomist he held that man is the only creature capable of knowing and understanding everything because this capacity is distinct from everything else and he himself does not have his own personal nature or distinctive being (thus the atomism)<sup>114</sup>.

## 2.3 Contemplation as Rest for the Citizens

2.3.1 Aristotle thought every sort of manual labor degrading and not conducing to the best virtue of the best man (Politics, VIII.II) although slaves could be trained in this types of arts because they are not citizens and therefore are only necessary for the happiness of the master. With regard to the children of the citizens therefore, he explained among other things that there are four things usually taught children; reading and writing, gymnastic exercises, music, to which is sometimes added, drawing or painting (Politics, VIII.III). Learning for these children has to be through pain for they would enjoy their leisure later once well formed. Reading and painting are most important in life, and gymnastic exercises, as productive of courage. Music would enable the youth learn abstraction and leisure (rest). He upholds the link between rest and leisure when he says

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<sup>112</sup> Murat Aydede, "Aristotle on Episteme and Nous: The Posterior Analytics". *Southern Journal of Philosophy*, University Of Chicago, Vol. 36, No. 1 (1998), 15–46. Aristotle introduces *nous* in his work *Posterior Analytics*, as an intuitive faculty that grasps the first principles once and for all as true in such a way that it does not leave any room for the skeptic to press his skeptical point any further.

<sup>113</sup> Aristotle, *Posterior Analytics (PA)*, II.19, transl. G. R. G. Mure, The Internet Classics Archive edition. <http://classics.mit.edu/Aristotle/posterior.html>. Aristotle says, "since except intuition nothing can be truer than scientific knowledge, it will be intuition that apprehends the primary premises, a result which also follows from the fact that demonstration cannot be the originative source of demonstration, nor, consequently, scientific knowledge of scientific knowledge. If, therefore, it is the only other kind of true thinking except scientific knowing, intuition will be the originative source of scientific knowledge".

<sup>114</sup> Jacinto Choza, *Manual de antropología filosófica* (Madrid: Ediciones Rialp S.A., 1988), 133

that “life includes rest as well as activity, and in this is included leisure and amusement” [NE, IV.VIII. 112b35]. His intellectual work is amazing for he taught and wrote on logic, physics, astronomy, meteorology, zoology, metaphysics, theology, psychology, politics, economics, ethics, rhetoric, and poetics; and that he wrote down these lectures, expanding them and amending them several times, until they reached the stage in which we read them today. Still more astounding is the fact that the majority of these subjects did not exist as such before him, so that he would have been the first to conceive of and establish them, as systematic disciplines.

2.3.2 The master of the household or ruler in the case of a city state has many responsibilities which arise because he has to ensure the common good. In so far as these responsibilities are not fulfilled he cannot rest in order to contemplate. When one has to ensure that there is enough food for his family and workers, housing is provided for, security is in place, friends are accompanied and the myriad things necessary for the happiness of a family or city that person is not at peace or rest. Least of all will he find time to educate his children to think of greater truths, realities and innovations. In order to have time to contemplate, the head, who rules the household or the city, has to employ hands to ensure that all is provided for in the best possible way. Containing the household or the city in peace and order demands that contemplation. Otherwise things fall into disarray or the head cannot really function as a head uniting the whole. He cannot find the time to be in every part encouraging and therefore fulfilling his role at the same time. Failure to find hands to help him fulfill his role of the common good will result in he himself providing those means and ends; this is a daunting task and obviously one cannot really rest. Without hands serving his ends he cannot have time to think or to rest or to have leisure for that would be a luxury. Besides it is in constantly providing the ‘new things’ or sure virtues necessary for the happiness of the whole that the whole is said to be happy and therefore at peace. In the city this becomes even more evident in the case of the master of the household. The ‘Paternal’ figure not only has to worry about fulfilling all the domestic family needs; he has also to think of the needs of the city in general (the common good) and make it compatible with the household responsibility. Hence, when Aristotle speaks of leisure in contemplation and philosophy, it is imperative that we

delink it from what most people think about leisure or pleasure today. In the first place, Aristotle's 'contemplation' is an intellectual activity identical to human reasoning and in search for wisdom or *Sophia*. It is to be understood as the desire to apprehend the perfect end intellectually. On grasping it that intellectual desire experiences the most perfect happiness for perfect happiness is grasped concomitantly with the perfect end intellectually; happiness means that the last end or perfect good has been acquired. In the second place, while one experiences this rest of contemplation there is, concomitantly *Hesuchia*. A state of peacefulness and pleasantness of spirit permitted to the person who struggles or contests victoriously<sup>115</sup>. Both are necessary ends that man seeks and in them truly is contained the happiness of man on earth. This state, although a goal or end for man on earth, is never perfect since in no particular time are the needs of man perfectly obtained or obtainable on earth. Conversely, man can make haste to seek material means that generate the pleasantness of rest. This is mainly attained in the myriad ways one can amuse oneself and obtain an effect of rest even though, so to speak, it may be undeservedly. The tension of human life and activity in seeking the good lies in the two limits. From one end human beings learn that at no time will goods be perfectly acquired on earth and on the other understanding that rest is a necessity although in getting it one can fall into disorder. But then where and when is the perfect moment for rest and amusement? Aristotle is always advising one to find the just mean in general and in particular for each individual. Since each one has different particular responsibilities, although similar to the others, one has to find the balance between work and rest, between seeking the good and the pleasantness of resting for the sake of contemplation. Here one may also say that amusement or pleasant rest if not for the sake of contemplation and work (or continuous activity) is disorderly.

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<sup>115</sup> Alasdair MacIntyre, *After virtue* (London: Duckworth, 1982, 1<sup>st</sup> 1981), 128. MacIntyre explains that *Hesuchia* is the notion of rest after striving for the good. In the *Pythian odes*, 8.1, the same name belongs to a goddess.



2.3.3 This rest cannot be found in material things since matter can only be understood as just a means. Matter, by signifying the soul, limits its 'eternal' power. For example, quality, quantity, time, place, and motion<sup>116</sup> are acquired in a limited way in the human being because of his soul inheres in matter by nature. Therefore, whatever happiness is to be found in grasping at material means is happiness but not perfect happiness. For example, a miser may look for money as his last end and others may look for sensual pleasure. The crux of the matter however is that although men do not agree about the last end, and although for those who look for the last end in money do acquire a certain happiness on grasping the money, the one who obtains most happiness must be the wisest and the same time the most virtuous; for it is he who best understands the most perfect end<sup>117</sup> in theory and in practice. It is in activity (work) and in contemplation that a master of a household or a ruler finds his greatest happiness. For this 'leisure to contemplate' to be available means that the common good is being taken care of. It means that most of the responsibilities are being looked after and the joy of thinking about the greater end is possible. Anyone who has not taken care of the daily needs of the family and the common goods of city will find it hard to have leisure in contemplation. Hence, only when the responsibilities of providing for the common good of the domestic family or the city have been achieved can a household or city be defined as wealthy. Therefore, happiness is said not of a state of inertia with regard to activity but as the state of continuous activity in providing the common good and in contemplation. If this is said principally of the 'father' and the 'ruler' or of the master of the household and the King, it can also be of each part in so far as the particular part (or role) is well fulfilled within the whole. The parts of the body 'rest' if the head and the other parts are functioning well. The head rests if the parts are functioning well. Most of the responsibility falls obviously on the head since it has to care for all the parts while the parts only care for

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<sup>116</sup> Aristotle, *Metaphysics*, VII.IV.1030a15-25

<sup>117</sup> Aristotle, *NE*, I.VII.1098a7-18. See also Aquinas, *Summa Theologiae*, 1.II, q.1, a7.

their particular parts. The master of the household has servants or ‘slaves’ to help him and functions well if the institutions of the city are working well. The ruler has both servants and institutions to help him care for the common good.

2.3.4 Aristotle distinguishes leisure from amusement and says that music does aid amusement which is noble. Taking the translation of William Ellis, Aristotle wrote the following; “it is evident, that to live a life of rest there are some things which a man must learn and be instructed in”. But the learning and instruction given for the sake of labor has for its object work and not rest. The ancients therefore made music a part of education “to be used by freemen, and to them they allotted it.” (Politics, VIII.III.1338a) It follows that there are means and ways in the art of education that can instill the virtues of contemplation or rest. However, it is not the core of our topic in this thesis; save to emphasize that there are education systems conducing to a virtuous man which Aristotle, albeit controversially, suggests. In short the message is that music is good for creativity and at the same time for amusement and this is to be enjoyed by citizens and not slaves.

2.3.5 Therefore in the Athenian community, life is divided into two parts, business (that is the whole art of living virtue and natural wealth-getting) and rest (sometimes translated as leisure) on the one end, and war and peace on the other. Peace is the end of war, and rest of toil. Antonio Millán-Puelles devoted much attention to the common good of society and he agrees with Aristotle that peace is the first element of the common good of society<sup>118</sup>. Alvira agrees that if there is no peace then people cannot share something in common. The second two important elements of the common good are cultural and then material goods<sup>119</sup>. This brings us to the question as to what actually constitutes the personal good and the common good of society.

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<sup>118</sup> Antonio Millán-Puelles, “Bien común”, 225

<sup>119</sup> Rafael Alvira, “Bien común y justicia social en las diferentes esferas de la sociedad”, 65

## 2.4 On the nature of 'Happiness' - *Eudaimonia*

2.4.1 There is an objective perfect good that moves everyone to act, that acts as the motor for our personal moral actions and those of a harmonious community. Being the perfect end of our actions it is also ontologically first. In so far as one is acting towards this end and in so far as one acquires or obtains the good desired, one is happy. Happiness is the gift received upon reaching the end, as in the athlete who runs well and obtains the prize. It is therefore concomitant with the perfect end; perfect good, and it is absolute. However, there arises the question whether everyone can know this perfect good, perfect end. Aristotle is consistent throughout NE in equating happiness with active contemplation. He is also consistent in recognizing that humans are composite beings who require other goods to live and have a happy life. In the act of contemplation the philosopher seeks to understand the perfect good and is happy in so far as he is searching for the perfect good. The idea of contemplation therefore combines both the speculative and practical dimensions of study. The speculative dimension remaining in the intellect while the practical ends up through action in 'another'. Hence, in *Eudemian Ethics*, intellectual activity belongs to the intellect as a governing principle of the soul while the practical moral excellence belongs to that part of the soul concerned with practical prudence or practical activity (EE, II.I.1220a5-10). The practical mind has nevertheless as a starting point a desire for the good known. It is in reference to this that Aristotle candidly advises men that instead of praying for and pursuing what they desire as good they should rather pray that the things that are good absolutely may also be good for them, and should choose the things that are good for them [NE, V.I.1129b5]. Virtue is a habitual disposition of the rational soul which gives character to a person [NE, II.V.1106a7-14]. The soul is predisposed or has a potency towards receiving this habitual disposition otherwise virtue would not inhere. But the soul can also be the victim of bad dispositions or vices. Aristotle poses that virtue makes a person good and work well and consequently vice makes one unhappy for not being good and not working well. The furthest one can reach with regard to how objective is the objectiveness of the perfect good to which virtue is disposed is that, it is not merely that men do good actions, but that they do them according to the way we observe good men do it. The just and temperate man for

example is so because he does just and temperate actions as we observe ‘just and temperate men do them’ [NE, II.IV.1105b5-10]. Virtue is the disposition that enables them to choose the right means towards what they desire as perfect good and hence their search for happiness attaches thereto. Therefore, the good life is in fact the life of virtue. To this Aristotle dedicates the entire Nicomachean Ethics and Politics. Even with regard to contemplation as an intellectual activity, this too requires virtue.

2.4.2 The perfect good in Aristotelian thought is ‘divine’. It is Godly in the sense that it leads to happiness and is more praised than justice for it is called blessed; something more divine and better to us for it is prized and perfect [NE,1101b30-35 - 1102a1-4]. This godliness is objective in so far as we observe it in ordinary life as something pertaining naturally to human society. However, this very fact manifests the difference between what some call our modern understanding of happiness and that of Aristotle. Richard Kraut holds that for Aristotle, *eudaimonia* is the pursuit of the dominant role of contemplation, or the life of a philosopher: this kind of life subsumes the roles of the virtues and other intrinsic goods such as amenities and friendships. Aristotle is consistent throughout Nicomachean Ethics in equating happiness with active contemplation<sup>120</sup>. He is also consistent in recognizing that humans are composite beings who require other goods in order to be virtuous and to lead a happy life. It is necessary to reiterate here that active life has its highest level in the person contemplating the highest good and accordingly acting virtuously; hence it is a complete life in accordance with virtue. Happiness accordingly is a state and an activity, the best or most excellent state leading to virtuous activity (EE, II.I.1219a28-9). This is one way of interpreting his observation that there is only one final end of our actions and it is the end for all that we do and this is achievable by human action. Further that if there are many good ends to which we act and move towards the most final of these will be the one called ‘eudaimonia’. If one

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<sup>120</sup> Richard Kraut, “Two Conceptions of Happiness”. *The Philosophical Review*, Duke University Press, Vol. 88, No. 2 (Apr. 1979), 167-197

chooses ‘honour, pleasure, reason, and every virtue’ indeed for its own sake, meaning that one would still seek them if nothing resulted thereafter, but solely because they lead to happiness; ‘through them we shall be happy’ [NE, 1.7.1097b1-12]. One must have external means to become and remain virtuous and to do virtuous acts, but these resources are subordinate ends to the final end of happiness. He dismisses the possibility of equating these with pleasure. He stresses that without virtue there is no happiness. [NE, VII.XIII.1153b19-21].

2.4.3 The modern English word happiness usually means merely subjective satisfaction or contentment. It is most understood as a feeling. If you feel happy you are happy. It makes no sense in modern society to tell someone, you think you are happy but you are not. Ancient words for happiness like *Eudaimonia* or *makarios* in Greek or *Beatitudo* in Latin, mean true real blessedness. Peter Kreef understands that the prefix *Eu*, meaning ‘good, well’ –implies that one has to be good, morally good, to be happy. It is also the prefix in many other words such as *Euthanasia*, which means ‘good death’ or happy death. "*Daimōn*", means spirit or sometimes minor deity. In ancient Greece, a *daimōn* (plural *daimones*) was a god, or spirit or spiritual intermediary between a god and humans. It could convey either good or ill into human affairs. They conveyed supernatural abilities to humans giving increased physical or intellectual prowess for special occasions. They could also effect changes in human moods and temperaments, and their accompanying actions<sup>121</sup>. It implies that happiness is a matter of the soul not the body and its external goods of fortune. Happiness by contrast comes from the old English word *hap*, meaning precisely fortune, luck or chance. There is a remnant of this etymology in our modern day ordinary usage of the word happy so much so that it is often used to refer to contentment of having a certain measure of what one desires in life, or one’s situation,

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<sup>121</sup> Steve Thompson, “Daimon Drink: Ancient Greek and Roman Explanations for Drunkenness”. *Christian Spirituality and Science*, Volume 8, Issue 1 Article 2, 2010, The Berkeley Electronic Press, 1-19

state of mind or gladness<sup>122</sup>. There are other meanings but for the sake of this thesis we have chosen the meanings above. Therefore there is something in the Greek understanding of eudaimonia and our understanding of happiness. That is, it is both a state and at the same time there are things that conduce to acquiring happiness. Peter Kreeft points out nine of the ingredients of happiness most Americans would avow. They are wealth, success or power in science and technology, freedom from pain, honour, self-esteem, ability for individual rights to be vindicated in justice, sex, winning anything, and a long healthy life<sup>123</sup>.

2.4.4 To understand Aristotle's happiness as the final and highest goal beyond each virtue; to understand the happiness that is to be desired and that leads to blessedness, it is necessary to simulate Aristotle's mind by presenting a spectacle. The spectacle is an antiquated man in his late 80's seated and contemplating his life and this life. What would make him happy and have peace of mind and most of all be peaceful thinking of his impending twilight? The doctrine of '*makarios*' or '*supreme happiness*'<sup>124</sup> seems to provide the paradox of Aristotelian virtue and happiness against the commonly understood notions of happiness in modern societies. For example, the teaching that one should be 'poor in spirit' and detached from riches, according to Aristotle would be the virtue or mean in the search for Chrematistic wealth. Although the means and the tools limit one's search for wealth, desire for it tends to be unlimited in every person. The mean in this is to obtain

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<sup>122</sup> Edward Craig, "Happiness" in *Routledge Encyclopedia of Philosophy*, Ed. Griffin J.P., Vol. 4, (London: Routledge, 1998), 226-229. Hear also Peter Kreeft, Happiness. Christ's concept of Happiness Versus the World's. Institute for the Psychological sciences (Jan. 2003). [http://www.peterkreeft.com/audio/06\\_happiness.htm](http://www.peterkreeft.com/audio/06_happiness.htm)

<sup>123</sup> Peter Kreeft, "Happiness: Christ's concept of Happiness Versus the World's", *Institute for the Psychological sciences*, (2003). [http://www.peterkreeft.com/audio/06\\_happiness.htm](http://www.peterkreeft.com/audio/06_happiness.htm).

<sup>124</sup> Richard Kraut, "Two Conceptions of Happiness", 167-197. Kraut points to Aristotle's statement that, "All men desire (life), and particularly those who are good and supremely happy (*makarios*), for to such men life is most desirable, and their existence is the most supremely happy (*makariotate*)" [NE, IX.IX.1170a26-29]. Kraut explains that this means that "one who is good and highly *eudaimon* has an especially strong desire for life, and this psychological condition is based on the perception of how very desirable his life is. Now, when Aristotle says that one who is virtuous and *eudaimon* particularly desires life, he cannot mean that he will struggle to stay alive at any cost. Rather, he must mean that such individuals are more glad to be alive than others; the kind of existence they enjoy gives them a heightened love of life."

wealth for the sake of a good life of virtue and nothing more. In fact he lauds poverty and the person who suffers with a noble spirit. Therefore, the mean with regard to wealth is to obtain it from take from the right sources [NE, IV.I.1119b18-35], e.g. from his own possessions, not as something noble but as a necessity, that he may have something to give. Nor will he neglect his own property, since he wishes by means of this to help others. And he will refrain from giving to anybody and everybody that he may have something to give to the right people, at the right time, and where it is noble to do so. It is highly characteristic of a liberal man also to go to excess in giving, so that he leaves too little for himself; for it is the nature of a liberal man not to look to himself [NE, IV.I.1120b1-10].

2.4.5 He is also emphatic that the wise who know the truth should govern. In other words that given wisdom of governing well the subordinates should obey wise counsel much like a slave obeys the master. The law should obtain the appropriate punishment for making wrong decisions pointing away from the perfect good. Regarding the seeking sexual pleasures and other pleasures of our concupiscence, one should seek them with purity of heart and in their right mode. Hence, he points out that with regard to the pleasures, they are concerned with touch and taste... 'the kind of self indulgence and pleasures that the other animals share in. Therefore to desire these pleasures above all things is to be brutish' [NE, III.X.1118b4-5]. The solution he offers is that, we go wrong in the natural appetites when we seek them in excess of what we need; for to eat or drink whatever offers itself till one is surfeited is to exceed the natural amount for one's replenishment; and that to avoid the 'mean' belongs to people of entirely slavish character [NE, III.X.1118a15-25]. Further that although we look for a long and healthy life one should be ready to die for Justice and the noble death. As Aristotle points out 'death is the most terrible of all things, for it is the end. But even this the brave man does not fear. And he is noble who does not fear death in battle... he will be noblest who stands fearless in the face of a noble death...however not like the seamen who have despaired of safety and live in the hope of their experience.' [NE, III.VI.1115a6-26] These forgoing paradoxes are posited as a light of a worthy burden for the good man who is to be happy and who is blessed.

2.4.6 Instead of seeking honour and esteem so that men love us, one instead should be willing to lose all these for the sake of the divine and noble; or instead of conquering, one should be gentle, and seek understanding and be patient until there is a certain harmony and peace among men; or that although we do seek justice, more than presenting it as a right, Aristotle sees it as justice to another, it is concerned with ‘another’s good’, because it is related to our neighbor; for it does what is advantageous to another, either a ruler or a co-partner [NE, V.I.1130a1-4]. Justice is ‘but virtue entire...and the contrary vice entire’ [NE, V.I.1130a10-13]. It is concerned with all the means and ends that ‘the good man is concerned’ [NE, V.II.1130b3]. That even though one should accuse Aristotle of the injustice of slavery he, at least, is concerned with the good treatment of slaves. Justice in the sense of fulfilling the law is to do virtuous acts and avoid vice. And in this sense “it is complete virtue, but not absolutely, but in relation to our neighbor. And therefore “justice is often thought to be the greatest of virtues, and 'neither evening nor morning star' is so wonderful; and proverbially 'in justice is every virtue comprehended'.” [NE, V.I.1129b26-29]. This is done by courageous people. It is this manner of understanding the virtuous life that makes Aristotle opportune for Christian thought.

2.4.7 The very object of Aristotle’s Nicomachean Ethics and Politics and we may also add his Eudemian Ethics, is to teach the practical way to attain happiness. For example, towards the end of Nicomachean Ethics, book ten, chapter nine [1179b], Aristotle says that ‘when there are things to be done the end is not to survey and recognize the various things, but rather to do them’. The success of this we suggest would be how well his students arrive at personal virtue and the success of the master of the household and village and the ruler of a state make laws educating virtue and punishing vice. If this is the case then one of the most apt exhortations to apprentices is to be found in his treatise on Justice. That ‘in justice is every virtue comprehended’... [NE, V.I.1129b26-29] and that ‘the majority of the acts commanded by the law are those which are prescribed from the point of view of virtue taken as a whole; for the law bids us practice every virtue and forbids us to practice any vice’[NE, V.II.1130b 22-23]. Further, that ‘the things that tend to produce virtue (or excellence) taken as a whole are those of the acts prescribed by the law which have been prescribed with a view to education for the common good. But with regard to



the art of education of the individual as such, which makes him without qualification a good man, parents and the government are the key protagonists. Hence, first comes the relationship of love between children and parents and men to Gods in which he says that this friendship is greatest of all since it is the relationship arising from a superior good namely that parents and gods are ‘the source of their being and of their nourishment, and of their education from their birth...and this kind of friendship possesses pleasantness and utility also, more than that of strangers’ [NE, VIII.XII.1162a4-6]. Secondly, that public care and order are, from observation, effected by laws. The government ensures that there is ‘good care by good laws’ whether these are ‘written or unwritten’ or whether they ‘educate individuals or of groups’ [NE, X.IX.1180b1]. He combines the two efficient causes of education in society; placing political government as the primary tool of education, teaching the father and mother how to educate. He says at the end of Nicomachean Ethics that ‘if (as we have said) the man who is to be good must be well trained and habituated, and go on to spend his time in worthy occupations and neither willingly nor unwillingly do bad actions, and if this can be brought about if men live in accordance with a sort of reason and right order, provided this has force, – if this be so –, the paternal command indeed has not the required force or compulsive power (nor in general has the command of one man, unless he be a king or something similar). But the law has compulsive power, while it is at the same time a rule proceeding from a sort of practical wisdom and reason. And while people hate men who oppose their impulses, even if they oppose them rightly, the law in its ordaining of what is good is not burdensome.’ [NE, X.IX.1180a10-24] Those who hold therefore that Aristotle did preach a mildly totalitarianism<sup>125</sup> are right. The individual is a part of the political society and the political society is a whole in Aristotle, otherwise there would be no society as such.

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<sup>125</sup> Rafael Alvira, “Lógica y sistemática de la sociedad civil”, M. Herero ed. (Pamplona: Eunsa, 1999), 63-82

Yet human nature seems to manifest that men tend towards forming flourishing societies<sup>126</sup>.

2.4.8 It is because of this perspective that we have alluded earlier, at the beginning of this thesis, to the fact that Aristotle divines a perfect ‘state’ on earth in the hands of the most wise men. Aristotle believed in the wise directing society to the state of perfection and so did Plato. Others attribute the totalitarianism of Eugenic thought to Plato and Aristotle. For example, Plato in *The Republic*, “You have in your house hunting-dogs and a number of pedigree cocks ... do not some prove better than the rest? Do you then breed from all indiscriminately, or are you careful to breed from the best? [459a] And also that the best men must cohabit with the best women in as many cases as possible and the worst with the worst in the fewest, and that the offspring of the one must be reared and that of the other not, if the flock is to be as perfect as possible [459d-e]. Aristotle on the other hand demanded that the population should be strictly controlled and blames Plato for having been unclear and he reiterates that ‘the legislator (lawgiver) should begin by considering how the bodies of the children whom he is rearing may be as good as possible, his first care will be about marriage – and at what age should his citizens marry, and who are fit to marry. In legislating on this subject he ought to consider the persons and the length of the life and their procreative life’. [Politics, VII.XVI.1334b30-35] And latter ‘that the legislator must mould to his will the bodies of the newly born children’ [Politics, VII.XVI.1335a5]. Hence, it is rather clear that in both Aristotle and Plato the state is somewhat mildly totalitarian in the sense that there is no other efficient authority. In as much as they believe in God or gods, there are religious functions to be organized by the totalitarian state. This angle differs diametrically from the Christian angle; in the sense that men are the handiwork of God and created in his image and that the definitive place of perfect happiness is contemplating God in heaven. Hence, in Christian and most other

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<sup>126</sup> There are those who hold this principle besides Raphael Alvira. See Jonathan Barnes in Robert Mayhew, “Part and Whole in Aristotle’s Political Philosophy”. *The Journal of Ethics*, Volume 1, Number 4, (1997), 325–340, Kluwer Academic Publishers, Netherlands

monotheist religions such as Islam, the definitive heavenly kingdom is the after-life not life on earth. The most Aristotle holds with regard to the life after death is that it is odd for dead men to be affected by what transpires of their offspring after they die but that it would also be odd if this fortunes or misfortunes did not have 'for some time' an effect on the ancestors [NE, 1100a20-25]. We will however see later that Aquinas' interpretation of Aristotle's perfect happiness alludes to a perfect contemplative happiness which is true and real and cannot be experienced on this earth.

2.4.9 One may also conclude, that anyone who has virtue has an object in mind and seeks the means to attain it and is happy in so far as there is happiness of a transient state towards *makarios* (*blessedness or divine happiness*). In this sense there is an agreement between the modern way of understanding happiness and Aristotle. When there is a psychological state of happiness at any particular moment in the life of a person there seems to be no doubt that there is a similarity between what Aristotle says and what is understood of a person's happiness in our modern society. The distinctiveness rather is in the way the psychological state of happiness comes to be. In Aristotle it is an end arrived at when one is perfectly 'enshrouded' with virtuous acts, both moral and intellectual (or contemplative) and therefore primarily concern the soul. In so far as the spiritual soul is the living principle of a human being then that intellectual state of knowledge and attainment of the good informs the whole body and is in every part it. Though one should suffer misfortune if he is a good man he suffers the misfortune nobly. As shown in the paragraph presiding Aristotle believes in the subsistence of the soul. For example, he believes in ancestors who are purely spirit. However, this life after death would require the body at least to give it its identity or in a sense its act. Probably the fact that the body seems to take a certain period of time to decay and disappear helps Aristotle believe in the soul of an ancestor for 'some time' after death. What we can say is that Aristotle both in *De Anima* and *Ethics* and *Politics* is not clear on this point. However, Aristotle does portray an inclination to believe in One God.

2.4.10 In *Magna Moralia* he points out that to be self-sufficing, friendship is a need. One needs to share with others happiness and good things and other people help us know ourselves better. And as to whether one is self-sufficing as God Aristotle holds that it is

absurd that God contemplates himself. As to which God a person should contemplate Aristotle leaves that answered with the words ‘let that pass’ [MM, II.15.1212b35-1213a15].

### 3. The Nature of Common Good

#### 3.1 The Common Good

3.1.1 The virtuous man and common good of society are the key themes in Aristotle’s *Nicomachean Ethics* and *Politics*. They should both be considered a unity as Aristotle himself mentions in both *Nicomachean Ethics* and *Politics*. Towards the end of *Nicomachean Ethics*, he says that “he who wants to make men, whether many or few, better by his care must try to become capable of legislating, if it is through laws that we can become good...and later that laws are as it were the ‘works’ of the political art” [NE, X.IX.1180b25]. The constitution or bond which brings men together forming a good society is founded and sustained on social justice<sup>127</sup>. Aristotle understands social justice as that discernment whereby men judge good from evil. This is the virtue from which distinct forms the institution of judges (magistracy) derive matters of law and order. It is in this that man primarily differs from animals; that he can use reason to know that which is just and what is unjust<sup>128</sup>. Social justice is the bond of men in a community, for the administration of justice, which is the determination of what is just, is the principle of order in political society”. Law starts right from childhood according to Aristotle [NE, X.IX.1179b30-35]. First there is the ‘paternal law’ of love and then there is the training given by the state educational institutions. There is a law pertaining to nurture which belongs to the family and the state and a law for the persons when they are mature. Hence, he points to the need of law for nurture and occupations of the young and law to help mature people keep the good habits. Thus we need laws to cover the whole of life

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<sup>127</sup> Aristotle, *Politics*, I.II. 1253a15

<sup>128</sup> *Ibid.*

because “most people obey necessity rather than argument, and punishments rather than what is noble” [NE, X.IX.1180a1]. Thus the association of living beings who have a sense of justice belongs to man and is absent from the association attributed to animals.

3.1.2 Aristotle begins his *Politics* by stating that every state is a community or society of some kind and every community is established with a view to some good<sup>129</sup>. If all communities aim at some good, the state or political community, which is the highest of all, and which embraces all the rest, aims at good in a greater degree than any other, and at the highest good. And the good is what everyone aspires to<sup>130</sup>. The whole good of the community is therefore what is ordinarily referred to as the ‘common good’ and it is considered that everyone in such a community should always act for the ‘common advantage’ of his community and, especially so, the leader of the community; he who rules is most encumbered to see that it is so. The one who rules embodies so to speak the common good and is the representative of the common good of each and everyone in the community he rules. It is an onerous task indeed. Aquinas illustrates the principle more clearly in the prologue to his commentary on Aristotle’s metaphysics. He says that “when several things are ordained to one thing, one of them must rule or govern and the rest be ruled or governed, as the Philosopher, teaches in the *Politics*. This is evident in the union of soul and body, for the soul naturally commands and the body obeys. The same thing is true of the soul’s powers, for the concupiscible and irascible appetites are ruled in a natural order by reason. Now all the sciences and arts are ordained to one thing, namely, to man’s perfection, which is happiness. Hence, one of these sciences and arts must be the mistress of all the others, and this rightly lays claim to the name *wisdom*; for it is the office of the wise man to direct others.”<sup>131</sup> In the same prologue, Aquinas proves that the science of wisdom is the pre-eminent science; that it considers being in general; and that

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<sup>129</sup> Aristotle, *Politics*, 1.1.1252a

<sup>130</sup> Aristotle, *NE*, 1094a

<sup>131</sup> Aquinas, *Commentary of Aristotle’s Metaphysics*. John. P. Rowan, Prologue. Transl. (1961), Ed. Joseph Kenny O.P., Chicago, The Pontifical Institute of Mediaeval Studies

it mainly consists of three distinct dimensions or names. These include; having the capacity to know or understand the science of the first causes (philosophy); secondly, since “the intellect seems to differ from sense by reason of the fact that it comprehends universals” and that the science which deals with the most universal principles of being as substance of universal’s “such as unity and plurality, potency and act” and their properties is pre-eminently intellectual therefore the ruler should understand the science of Metaphysics (the study of being as such); thirdly, it is necessary for the ruler to understand divine science or theology which deals with separated substances including, God, the intellectual substances and all those beings which can exist without matter. Theology is important because “each thing has intellective power by virtue of being free from matter” and “those things must be intelligible in the highest degree... which abstract not only from *signate* matter (as the natural forms taken universally of which the philosophy of nature treats) but from sensible matter altogether; and these are separate from matter not only in their intelligible constitution (*ratio*), as the objects of mathematics, but also in being (*esse*), as God and the intelligences. Therefore the science which considers such things seems to be the most intellectual and the ruler or mistress of the others”<sup>132</sup>.

3.1.3 From the onset of ‘Politics’ one observes that the term common good is said in a general way with regard to the citizens and is said in a particular way with regard to the political community. Hence, whenever this term is used it should be understood as referring to the end of a community as a whole in particular and to the end of the individual in general. It is necessary to distinguish general and particular ways of referring to something because for the individual person the good is predicated with regard to a particular end or activity or means. For instance, the happy citizen in particular will apply the term happiness to a particular good he enjoys and apply the term in a generally way when speaking of many particular things he is enjoying, such as go skiing wherever he wants or bringing up his

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<sup>132</sup> Ibid.

family and educating his children and working in the manner he finds fitting. However, he would say that he is able to achieve all these particular goods because he is living in a beautiful place, a peaceful environment, or good economic conditions, or just society, or such general attributes of a good society by which he is enabled to reach his particular personal goods. On the other hand, in so far as a person does those things that are a good to him, and when those who are in a particular community are doing the same to a large extent, then the common good is sustained. The particular good cannot do without the general common good or in a sense 'universal' good and the common good of a community is manifested in the particular good enjoyed by the individual persons.

3.1.4 Any coming together or union among men is not necessarily a nation or a community.

For example, the International Football Federation Association (Fifa), World cup in South Africa gathered at times 70,000 people in a stadium in a particular city with men and women coming from all over the world to enjoy the world cup football championships of the year 2010. Fifa is an institution of society, and in this particular case an international association, which can help communities find the common good in unity, or wealth or leisure. However, the multitudes gathered in the stadium are not a nation or a community in the sense understood in this thesis. The nation, state or community is a natural phenomenon of men and women who develop a society starting from the family and later growing into a flourishing society. This is a community with natural ties either arising from consanguinity or common life, culture and history; they share a common culture, moral values, education, history, at times common ancestry and consanguinity relationships and in general a certain constancy in space occupied. This community is the source of social identity for each member and each member therefore also exudes in his character a certain relationship to his community. A person's identity often includes their community at the most basic level. It is also a common experience that people from the same community manifest similarities in certain mannerisms as a result of living together and having the same cultural values. In Europe it is common to hear someone say that another person looks like an American or an Englishman or a typical Spaniard or Rumanian or one belongs to this village or that. The difficult

questions are; where does the particular good of the individual begin and end a where does the common good begin and end?

3.1.5 These questions evoke the famous argument of Charles de Konink and Jacque Maritain (ostensibly represented by Eschmann). The argument rests on the question of primacy between the common good and the individual good in bestowing human dignity. De Konink holds it is the common good in relation to the dignity of the human person's finality, which is his relationship with God as the ultimate common good. Eschmann (for Jacque Maritain) the dignity of each person's human nature, as principle or starting point<sup>133</sup>. Sison and Fontrodona hold that these two perspectives are complementary and necessary in discussing the end and term of a person and a community<sup>134</sup>.

## 3.2 Good Citizen and the Good Man

3.2.1 Both the personal good and the common good in Aristotle are to be understood as some *bonum honestum* or "that at which everything aims" (NE 1094a), the end of a given appetite, desire, inclination or tendency and not merely an instrumental or secondary good instrumental to a more perfect good. Aquinas explains that the good is an aspect of all being, insofar as it is an object of desire, is perfect and in act (ST I, q. 5, a. 1, c)<sup>135</sup>. Nevertheless, the common good is said of a society and in so far as one is speaking of a society as a unit or as one. The common good is also said to be more perfect than the particular personal good although it does not override it. In fact it depends on it. Aquinas points out that a thing is moved to its end (perfection) in two ways; first in a similar way to the manner in which the intellect moves the will because the good understood is the object of the will; and secondly, a thing is said to move as an agent, as what alters moves what is altered, and what impels moves what is impelled. In this way the will moves the

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<sup>133</sup> Sebastian Walshe, *The Primacy of the Common Good as the Root of Personal Dignity in the Doctrine of Saint Thomas Aquinas* (Rome: Pontifical University of St. Thomas, 2006), 83-121.

<sup>134</sup> Sison and Fontrodona, "The Common Good of the Firm in the Aristotelian-Thomistic Tradition"

<sup>135</sup> Sison and Fontrodona, "The Common Good of the Firm in the Aristotelian-Thomistic Tradition"



intellect and all the powers of the soul (ST. I, q82, a4). One may then ask how the individual parts are to be moved in such a way as to be impelled to the common good of the community since each is a part and the parts move toward their own perfection. Would not that result in chaos? Yet, one observes a perfect natural unity and order in creation and the same tendency among men; not certainly devoid of exceptions.

3.2.2 Aquinas answers this question just as Aristotle does. In everything that is a unity made up of a complexity of parts, each having its own active power, that power which regards the universal end moves the powers with regard to particular ends (ST. I, q82, a4). Therefore, in a society or a community he who governs a particular community aims at the common good of the whole community, by his/her rule moves all the governors of the other parts, each of whom rules over his own particular section of the community or himself. Just as the object of the will is good and the end in general, and each part has a power directed to some suitable good proper to it, as sight is directed to the perception of color, and the intellect to the knowledge of truth; therefore the will as agent moves all the powers of the soul to their respective acts, except the natural powers of the vegetative part, which are not subject to our will.

3.2.3 In an analogical way, the ruler aims at the common good of the whole kingdom, and by his rule moves all the governors of cities, each of whom rules over his own particular city. Aristotle considers government in light of the analogy of the soul and body (Politics, I.V.1254a) when he says that “the soul rules the body with a despotical rule, whereas the intellect rules the appetites with a constitutional and royal rule. And it is clear that the rule of the soul over the body, and of the mind and the rational element over the passionate, is natural and expedient” (Politics, I.V.1254b). The power of the soul which directs the passions is the will, because the will is the desiring part of the soul. The passions are the irrational appetitive powers. Now the object of the will is good and the end in general, and each power is directed to some suitable good proper to it, as sight is directed to the perception of color, and the intellect to the knowledge of truth. The will as agent moves all the powers of the soul to their respective acts, except the natural powers of the vegetative part, which are not subject to our will. Therefore in one way of speaking, if we may borrow the analogy from Aristotle, the ruler of the community (any

community) is the will and the parts whether sub-communities or individuals or persons are the irrational appetitive parts.

3.2.4 This will is so given that the constitutive parts of a community move towards their particular good with the common good as their object. If this were not so the community will have as many 'common goods' as there are parts. This would be inconsistent and incompatible to their unity since every part and its good is distinct by definition from the others. Therefore, in so far as the common good is concerned and where there are many parts united one must by expediency be ruler because only then can the community be said by definition to be united as one. This does not mean that the analogy of the irrational part makes the parts in a community irrational. The term irrational here simply means that one rules the others and the others obey that rule for there to be unity. For example, members of a community obey the law of their land for there to be common order and unity of purpose; or soldiers obey their captain otherwise one cannot speak of an army. Following the analogy further, one could say with Aristotle that the rule of the rational part of the soul over the irrational is constitutional or kingly. This simply means that the one who governs rational beings by nature governs according to the constitution of the community agreed upon by all citizens. If this were not so then the ruler would be despotic as he would govern citizens as slaves (that is people considered as wholly irrational and incapable of discerning the good).

3.2.5 The act of the will and that of the intellect are said to be concomitant. Analogically, the constitution is the intellectual part of a community. However, in order to make it active we would need a governing office to teach and enforce that community with regard to the common good. For as much as the constitution is a law it is a universal principle, to apply it justly or properly requires rendering it to the particular circumstances. And likewise every particular circumstance needs to adhere to the universal law. Both applications are to be concomitant for the community is not one and in order without both the rational ruler and the rational subject. Aquinas considers the intellect and the will from the perspective of the common nature of their objects; in this case the intellect's object is to apprehend the universal being and truth while that of the will is to desire the universal truth. One could also consider the intellect and the will from the perspective of activity;

thus, in the soul, knowing and knowledge is the determinate act of the intellect; while that of the will is the desiring power of the soul. The intellect is higher and supreme to the will with regard to its object (i.e. knowing universal truth is much nobler than desiring the universal good simply). Comparing the intellect's object to the determinate power of the will (the will's activity) the intellect is more dignified given that under the notion of being and truth there is contained both the will itself, and its act, and its object. In this sense the intellect understands the will, and its act, and its object, just as it understands other species of things. However, when one considers the will as regards the common nature of its object, which is the good thing, to the intellect itself and its power and its object which is the being and truth, then the will is higher than the intellect, and can move it because the intellect, its power and its object are all included in the notion of good. Thus as Aquinas says, "we can easily understand why these powers include one another in their acts, because the intellect understands that the will wills, and the will wills the intellect to understand. In the same way good is contained in truth, inasmuch as it is an understood truth, and truth in good, inasmuch as it is a desired good"<sup>136</sup>.

3.2.6 Aristotle considers another manner of classifying goods. There are those pursued in themselves and those pursued because of another. The genuine good is that pursued as a final end; "happiness" or a flourishing human life (NE 1097a). Aristotle ruled out the human good of pleasure, honor, money and Aquinas later ruled out power and arrived at a formulation holding that happiness names not some one thing, but a type of life, one characterized by rational activity in accordance with the virtues in a complete life<sup>137</sup>. In these final goods together form the common good and include the person's good. This self-sufficiency of the common good and the individual good, however, are to be enjoyed, not as sufficing for a solitary person by himself, living an isolated life, or a community living away from other communities. Rather it is what suffices for parents,

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<sup>136</sup> Aquinas, *STh.* I. q82, a4

<sup>137</sup> Aristotle, *NE*, I.VII.1098a7-18

children, wife and household servants in the family and in general for friends and fellow-citizens and their associations. Thus, *eudaimonia* consists in a good life in common, shared with one's family, friends and fellow-citizens and their institutions in the *polis*. The common good is properly said to be at the head of a community for the sake of the whole. At the same time all the other parts seek their particular goods according to and in the common good. "For nature requires that a king should be of the same species with those whom he governs, though superior in some particulars, as is the case between the elder and the younger, the father and the son" (Politics, I.XII.I259b).

3.2.7 The happy life can only be lived when each member of a community apprehends his or her part in the whole. The more they adhere to the common good the more they are virtuous and excellent in the virtues of a good citizen. Ultimately all human actions commence, follow and return to the common good. There is no human action solitary as such. Hence, one can say that without parents we do not receive life and the initial care necessary for us to develop our own capacities. As previously mentioned Leonardo Polo postulates that in classical philosophy the distinction between intellect and will is based on their distinct objectives or ends. The objective of intellectual acts is the similarity between the object and the concept or reason (i.e. truth) while that of the will is 'the other'<sup>138</sup>. Hence, the intellect is directed to truth while the will is directed to 'the other' which is the good known by the intellect. Parents, teachers, co-workers, friends and associations of common life, such as the church, social clubs and other institutions help us to reinforce this bond between the particular good and the common good. We shall refer to the latter as sub-communities or institutions of societies. They are necessary for the common good of the community but for that to happen each distinctly pursues its own ends according to its competencies. The individual identifies himself with each according to his free choice and builds personal virtue rationally according to what he learns from the sub-communities or institutions. The institutions in turn coordinate their

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<sup>138</sup> Leonardo Polo, "La Amistad en Aristóteles", 477-485

proper good as institutions according to the common good of the whole society. The coordination, practices and activity inspire the unity of the whole and therefore if effective the common good is achieved in whole and in all the parts.

### 3.3 Unity in the Common Good of Society

3.3.1 In a coordinated whole it is necessary that the parts are not made identical or uniform because this only leads to a type of numerical equality and lack of freedom and efficacy. The part has the mandate of achieving what is within its scope and extension; it cannot do this while at the same time taking on the responsibility of other parts. There would be a contradiction of functions if that were to happen; or alternatively a totalitarian state in which the tyrant or dictators do everything emerges. Yet, coordinating the whole in the common good, as emphasized above, is not merely an aggregate of the parts but rather is harmonious and symbiotic and is fundamental for unity to subsist. It is necessary to insist that the society coordinated is an ‘organism’ in which there is reciprocity and communion. For example, if there is no man and woman then there would be no children; and without them there would not be citizens. Hence, the only way the part participates in the common good is by ensuring that in its activity is included the adherence to communion; adherence to the common good.

3.3.2 In Book III.IX, Aristotle considers the nature of oligarchy and democracy; but at the same time makes one of the most beautiful treatises on the nature of a community. With regard to the latter one could surmise that the community is such because the government and the citizens take into consideration excellence and defect in each other, that the community is for persons and the good life and that ultimately the end is not merely life only but the good life. With regard to democracy and oligarchy he says that both desire that there is justice and **that justice is equality among equals**. He agrees with this definition and further points out that inequality is justice with regard to unequals but not with regard to equals [III.IX.1280a10-15]. Omitting persons (or someone) in a particular judgement leads to erroneous judgement because those judging are passing judgement on themselves and most judges judge erroneously with regard to their own cases [ibid]. **Here the point is that those who are equals are like one person for they differ in**

**nothing.** Yet justice implies a relation to persons as well as things and a just distribution. But this implies the same ratio between persons and things. People seem to agree about the equality of things but not of persons given the fact that they try to judge with partiality, i.e. with their own regard [III.IX.1280a20]. The rich being rich think that because they are rich with regard to the riches of the others they are unequal to them in everything else. The free of birth think that they are equal in everything to the others by virtue of their birth [III.IX.1280a23-24]. But they disregard the main point; viz, Oligarchy is wrong because those who govern do so with regard to wealth and not persons and democracy in the bad sense is bad because it equalizes he who sacrifices more with the one who puts in less [III.IX.1280a30]. But they forget that the community exists for the sake of the good life and not of life only [III.IX.1280a32]. Happiness based on a life of choice belongs to persons not animals and he seems to say that this happiness is based on God. If things end up in only in a Life on earth, animals would form a society such as of men. Nor does a self sufficient society mean a coming together to form a society solely for the sake of alliances and security from injustice, nor for exchange and mutual intercourse [III.IX.1280a35]. States may form alliances for these and many other possibilities but these agreements or exchange do not make a state. The only thing it does is to ensure that there is no injustice between two communities or persons. The citizens of one state to not try to help the citizens of another become good or do no wickedness etc. Nevertheless, **those who care for good government care for excellence and defect of its citizens and this is what makes a community.** There is an interest for the good of the other [III.IX.1280b1-10].

3.3.3 When this is absent then the heart and soul of community informing all the parts into a unity is lacking. All that remains is for it to crumble down like hard-baked mud. Like hard-baked mud it can also turn into a brick which has nothing to do with an organic heart of flesh. The common good is more than team work aiming at producing something more than the mere aggregate of the parts. It is a living community. As for example, if we are talking about educational institutions, the object will be good education and well educated members; virtuous, good citizens. The opposite is the case when good education is lacking. We grow criminals and drug addicts who make life hard and unhappy for

others. Moreover, the educational institutions cannot also undertake to ensure the security of all members of the community for that would make its principle responsibility weak if not entirely useless. The common good as such is the responsibility of the person(s) in charge of the whole community and in agreement with the parts. It is not possible to be a human being without others<sup>139</sup>.

3.3.4 There are theories contradicting this position. Liberalism seems to appear in the first instance as a theory of Law founded on an individualist anthropology<sup>140</sup>. Within this theory some have said that the rational effort to co-ordinate and therefore lead the parts towards the whole is unnecessary or should be kept to the bare minimum. In possessive individualism, the individual is considered as an autonomous moral agent whose has absolute propriety over his capacities which he uses to satisfy his own desires and choices<sup>141</sup>. Hence, a individual existent who is complete and who desires to maximize his advantages through free, voluntary and rational personal choices without the influence, experience, contingencies and social – cultural norms and contexts. They hold that by their nature individuals autonomously possess inalienable and necessary rights – pre-political rights. That there is no “pertaining to” that can act as something constitutive of the individual save an attempt against individualism. There only exist voluntary, contractual associations as a result of the will of the agents in pursuit of their personal interests. Whereas the higher principles should not control the lower principles there should be order and that order is a dynamic processes that cannot be left to well wishes. If we arduously move towards achieving a particular good, much more intellectual work is necessary to run institutions and in the political institution to manage the whole *polis* in a cohesive manner. In this rests the virtuous activity of the state, to ensure that the

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<sup>139</sup> Robert Spaemann, *Basic Moral Concepts*, 35

<sup>140</sup> S.–C. Kolm, *Le liberalism Moderne. Analyse d'une raison économique* (Paris: PUF, 1984) in Concepción Naval, *Educación ciudadana, La Polémica liberal-comunitarista en educación*, 29-47

<sup>141</sup> Macpherson, *Democratic Theory: Essays in Retrieval* (Oxford: Calderon Press, 1973), 199. K.A. Strike, “Community Individualism: Two Views, *Studies in Philosophy and Education*”; *An International Quarterly, Democracy, Community and Education*, 12/1, (1993), 11-19.

institutions in society are vibrant and linked to the common good without usurping their roles.

3.3.5 Continuing with the principle of unity in the community, the whole cannot be confounded with the part and similarly the part cannot undertake the responsibilities of the whole. The whole is not included in the part but the part is included in the whole by definition. It is evident that ruler(s) of the polis cannot be responsible for all the parts as well as the whole. The ruler can only co-ordinate and direct with wisdom the whole leaving the individual parts to their responsibilities. Aristotle's research made him arrive at the conclusion that an ill conceived equality or unity of parts is disastrous. Spaemann agrees that though justice has to do with symmetry among relationships, there are also asymmetries in society that need to be justified<sup>142</sup>. Justice is said of a relationship when that relationship does not distribute goodness unfairly between one citizen and another; that is, justice is impartial and is sometimes represented as wearing a blindfold. Where the ruler is perfectly good then the rule should continue the common good is significantly achieved. However, in case of equal citizens all should share in government given that they are all good. Hence, Aristotle postulated in the second part of his politics, book 2, that in the case of equality among citizens they should rule in turn each holding office for a specified period of time and then resigning his position to allow another to rule. However, once a person is ruling then there cannot be any longer equality among the citizens because the one who rules shares a higher responsibility than the one whose role is the part. Men even evidently procure external titles to manifest that inequality. Therefore, one party rule and the others are ruled in turn, as if they were no longer the same persons. Equality is misunderstood when we speak of it as sameness or men as perfectly identical. Equality in Aristotle is said of parts with regard to their being part of the same 'being' or unity. He further concludes it is wrong that men misunderstand equality thinking it is what is just and that because the majority wills it; and that

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<sup>142</sup> Robert Spaemann, *Basic Moral Concepts*, 37



“freedom means the doing what a man likes” in the words of Euripides, “according to his fancy”. They should acquiesce to the rule of the constitution; “for it is their salvation” (Politics, V.IX.1310a). If this is to be the case then every government needs to ensure that the constitution contributes to the preservation of the state. The difficult part will be to ensure that the majority desire to preserve it (Politics, V.IX.1309b).

3.3.6 The unity of man in a society is not indivisible, since that only belongs to natures, species or genre of beings that have no matter. Man is made up of body and soul and therefore is composed and shares in both their perfections. Aquinas explains that, ‘oneness’ is not an addition to being, but rather is said of the being as not divided; hence, “one” is the same as “being”. As long as a society is not composed, and each individual looks after his own good distinctly from the others then it is not a society as such. What is compound, has not being whilst its parts are divided, but after they make up and compose it. Hence it is manifest that the being of anything consists in ‘undivision’; and hence it is that everything guards its unity as it guards its being. (STh. 1, q11, a1). At the basic level the first ‘undivision’ has to be that of the individual person since without that there would not be a society. When man is ‘composed’ he is said to be healthy and guards against any decomposition. The second in order of importance from the most basic is the unity of man and woman in marriage for the sake of procreation, education and mutual complementarity.

3.3.7 This unity should also be guarded as it is the partnership between a man and a woman establishing a community of life and love, naturally ordained to the good of the spouses, the procreation and education of the children and the common good of society. If the society is one and marriage is necessarily for the common good of the society then its unity and indissolubility are essential features. Putting it in another way, if the very foundational principle of the common good of a family, which is unity in the master of the household, is destroyed, and assuming that the society is at that stage of development then there would not be any reason for society in the sense of this thesis. Everyone from the beginning would be living an individual life seeking their own personal good to the exclusion of others. All the more so therefore because marriage is the common good of society at that level of development should its unity be guarded in order to guard the

whole. Therefore, if the society is divided from its roots, from its starting point then there is no society. Without the unity of the family the society does not have fundamental basis of complementarity, education and unity. What remains is procreating as some animals do and living apart. This does not mean that man's intelligence cannot conceive of an unnatural unity as that of animals. But as history has shown us and as Aristotle says such a person is a lover of war; and as "solitary as the birds" (Politics, I.II. 1253a). If that was the spectacle one would observe of the world then there would not be a society. Nevertheless, here we are explaining the society from the perspective of the wisdom of the gift of nature as one sees it today. To presume that our technology and art should not follow what nature has bestowed upon us is to leap into the mode of self-creation, i.e. to be of the opinion that nature is confounded and therefore its gifts are not good. In this case man is to engender a new artificial society or one based on another nature foreign to the nature of mankind. But to such we would ask, of what exemplary being, goodness, beauty, and wisdom should man avail himself for nothing would be, not even inanimate creation, if nature was absent before man 'thinks'. There would be neither knowledge nor truth as only nature provides the objects from which knowledge is possible. Besides it would also follow that if man were perfectly capable of this then he should have been at the beginning of everything because he should have been capable of it from the beginning.

3.3.8 The concept of a 'particular society' as 'one' or as united is not an easy concept to explain because a particular society is both homogenous and heterogeneous. It is homogeneous because it is composed of like parts; i.e. the parts have the common nature of 'humankind' and each person is part of mankind as such. It is heterogeneous because it is a 'whole' made up of dissimilar parts. That is, each person in society is distinct and there are parts that form that society in such a way that the society cannot be said to be each part. For example, Aquinas explains that every part of water is said to be water and in this case the parts of water are homogeneous. However, every part of a house is not a house, for it is furniture or persons or walls or windows. To understand the nature of society what comes first to mind is that there is 'being' (STh I. q11, a2). We observe that things 'are' and they 'are' naturally, for no man evinces his own being or a created thing

brings its own being into being. Secondly, from the notion of being we observe that there is 'multitude' derived from the intuition that this particular being is not that 'one'. In this sense 'one and being' are interchangeable words and multitude refers to the many instances of one. Further, 'one' understood as an undivided being does not add anything to the being but simply describes a being. It can also be said that without the notion of one and being, there is no notion of multitude because one is necessarily part of the definition of multitude. As a consequence, when someone describes a multitude he describes it as the division of individuals each having its own being and one as such. When apprehending the reality of a particular society as divided, 'one' is said of the part as a kind of privation, i.e. as an imperfection of something lacking with regard to the part. Hence, if we observe or apprehend society from the stand point of 'divided or separate human beings' and thus call them 'individuals', then we are predicating persons in that society as some kind of 'material things' and therefore as quantities, just as we may predicate of 'a point as the beginning of a line' or a number within a series. In this case there is no need of talking about a common good since each individual is distinct and complete on its own.

3.3.9 It is the concept of the common good that grants the unity and oneness of a particular society. Observing society nevertheless, predicating of the human beings in as 'quantity' and there individuals is contradictory because human beings are in society because there is something good they are enjoying in it. Otherwise they would not be part of that society if intelligent and free. When persons in a society are predicated as 'individuals' each acting for his or her own ends just like a 'number' is whole and does not need others, then we are negating the 'being' of that society and in fact there is no society. They are just a juxtaposition of numbers similar only in their quantity or proportion and devoid of any unitive perfection. Something similar to this happens when one interprets the common good as merely a material beneficence deriving from human beings in close proximity. The same can be said in any predication of the common good of society as something singularly material or unlike the true nature of man composed of an external material nature (as said of this community or that one over there) and an intimate spiritual form (as said of the community in so far as it has an internal unity; this

communion of the community). When the spiritual intimacy of a human being is denied then they become ‘material things’ and their unity is merely an ephemeral proximity of one to the other just as this stone and that one near it. In this case virtue and communion cannot be properly predicated of such as person or such as society. In effect, the identity a person has as part of a particular society is severed completely because it is not necessary. A piece of wood is ‘good’ here or there according to the composition of its material form. That is what a man is and a society is when considered as a ‘thing’; a ‘number’.

3.3.10 There is order in the universe and therefore the distinct parts are ordered towards one another. If they are to remain or be construed solely as autonomous parts, as the liberalist would like to think, that is far from in the Aristotelian tradition of the common good. Although the universe is composed of many parts, the parts are directed to a unity. They are so directed because there is a certain order in which some parts serve others (this service is to be understood in its most generic nature as for instance, trees are necessary to make a table and mathematics is used in physics and health animals gives reason to biology and that a man and woman are complementary for the sake of procreation). The diverse beings of society are moved towards one in this sense by some *a priori* law. And that law or wisdom is the embodiment or representation of the common good. The soul which is the intellectual principle in a human person bonds the whole so that body and soul are one. It is also the capacity of the soul’s powers to inform and guide all other irrational parts of the body in unity and order. Aristotle says in *de anima* that in a sense that the soul is in a way all things that are; for things that are, are either sense objects or objects of the intellect, and knowledge is the objects of knowledge in a way (being their forms) and sense the sense-objects<sup>143</sup>.

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<sup>143</sup> Aristotle, *De Anima*, (On the soul), III.3.5.431b20-1.

### 3.4 Analogy of Human Nature and the Common Good

3.4.1 The soul much like the common good is not immediately evident. The body is evident because it is an object of the senses. It can be seen and it has a color and it can be touched and it can be heard. In the case of vegetative life and animals some can be tasted; hence it is obvious. Not so the soul since it is a living principle which informs every part of the body uniting all the body's perfections; both those belonging to the spiritual powers (itself) and those belonging to the material part. The soul cannot be the parts it unites except itself because then it would be two parts or more. Philosophically the essence of a thing does not allow for another essence for its own essence fills it. In a similar way the common good unites all the perfections in a society; and this differs with regard to each society. For the common good just like the soul informs those particular perfections that in turn manifest it through their unity. In book III of *de anima*, Aristotle's understanding is that the human soul can only exist in a body (material) since it has as its purpose of being to give life. He uses a scientific perspective, applying principles from biological elements and metaphysics principles that encompassed everything from the concepts of substance, form, and matter, to those of potentiality and actuality. Thus, Aristotle believed that the soul exists as the form of the body. He observes that the soul is the cause of the particular body it informs in all three senses which we explicitly recognize causality. It is the source or origin of movement, it is the end, it is the essence of the whole living body (*de anima*, II.IV). In an analogous way the common good is the origin, the end and the essence of the society it informs. It is the constitution of that society which binds all the members who are its parts. The members of the society form organs or institutions which undertake the responsibilities of particular perfections of that society in accordance with the constitution.

3.4.2 The common good is not a thing but a power of unity within the living members. That power unites the society and sustains it in unity. It would therefore be impossible to imagine a constitution without a basis in the capacity to unity. In the same way the brain is not the locus of the soul but rather is the instrument that manifests the disposition. That disposition is potentially present in every person by virtue of his being a person. As mentioned before, this disposition resides in the desire to engender ones image for the

sake of posterity. Likewise the common good is not the 'market place'. Societies have become what Spaemann calls 'hypothetical societies' in which the value of reality is essentially defined by the exchange value. Hence, one buys cars because they are cheaper and have the latest gadget or technology. One changes clothes merely because businesses have created a 'new fashion'<sup>144</sup>. Where everything is on sale convictions and values of life are expendable and are to be eliminated when human instinct calls for it. In such a situation what apportions value to the society becomes the market place<sup>145</sup>. However, the disposition to unity in the common good is manifested by the fact that man engenders and does everything possibly to sustain what is engendered seeking and desiring the greatest good for it. By nature man forms families and educates the children and governs that family in a manner so as to provide for 'his own' as a gift and a responsibility of love. Anybody acting to the contrary of this is said to be irresponsible and in certain cases is liable for breaking a law. Similarly, Aquinas proposes that the soul "is simple in comparison with the body, inasmuch as it does not occupy space by its bulk"; that "the soul is defined as the first principle of life of those things which live: for we call living things "animate", [i.e. having a soul], and those things which have no life, "inanimate." That "it is not a body, but the act of a body; thus heat, which is the principle of calefaction, is not a body, but an act of a body": That the soul moves the body but not essentially, since everything that moves is moved by another. That the likeness of a thing known is not of necessity actually in the nature of the knower; but given a thing which knows potentially, and afterwards knows actually, the likeness of the thing known must be in the nature of the knower, not actually, but only potentially; thus color is not actually in the pupil of the eye, but only potentially. (S Th. I, q75, a1) That therefore the nature of the human intellect is not only incorporeal, but it is also a substance, that is, something subsistent: That the principle of intellectual operation which we call the soul, is a

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<sup>144</sup> José María, Barrio, *El Balcón de Sócrates* (Madrid: Ediciones Rialp, S.A., 2004), 109

<sup>145</sup> José María, Barrio, *El Balcón de Sócrates*, 110

principle both incorporeal and subsistent. For it is clear that by means of the intellect man can have knowledge of all corporeal things. Now whatever knows certain things cannot have any of them in its own nature; because that which is in it naturally would impede the knowledge of anything else: That nothing can operate but what is actual: for which reason we do not say that heat imparts heat, but that what is hot gives heat. We must conclude, therefore, that the human soul, which is called the intellect or the mind, is something incorporeal and subsistent (S Th. I, q75, a2).

3.4.3 Finally with regard to the human soul and in order to differentiate the nature of the human soul from that of the animal, Aristotle as quoted by Aquinas says that only the act of understanding alone is performed without a corporeal organ. On the other hand, sensation and the consequent operations of the sensitive soul are evidently accompanied with change in the body; thus in the act of vision, the pupil of the eye is affected by a reflection of color: and so with the other senses. Hence, it is clear that the sensitive soul has no "per se" operation of its own, and that every operation of the sensitive soul belongs to the composite. Wherefore we conclude that as the souls of brute animals have no "per se" operations they are not subsistent. For the operation of anything follows the mode of its being. (S Th. I, q75, a3) Man is of a different species and it is clear that he acts from an intellectual principle and in addition has sensitive operations. Hence, one could say that man has all the perfections of all creation animate and inanimate and in addition his own peculiar nature, viz, that of a rational soul. Ancient philosophers made no distinction between sense and intellect, and referred both a corporeal principle and hence confounded the two. This is well studied by both Aristotle and Aquinas as quoted above. However, it is evident that the same falsehood left by ancient philosophers has returned to haunt us since there are many who hold today the non-existence of the soul.

3.4.4 This falsehood is implicitly included in all those who would scientifically fall into the category of Agnostics. For the Agnostic, there are no common essences (universals) and only distinct parts of a species and neither would they be necessary henceforth. Universal ideas are mere fiction which the mind connives for the sake of simplifying reality, but they really do not exist. This was a substantial departure from Aristotle. From them modern philosophy has managed to preach successfully to many in most western

societies a general agnosticism. Agnosticism refers to that state of mind in which one does not believe it is possible to know God and even if it were possible, it would not be necessary<sup>146</sup>. Adam Smith's expounded the 'market place' morality in his "Theory of Moral Sentiments" published in 1759. Moral science in Adam Smith has nothing to do with good or evil as may be indicated by the intellect through speculative or theoretical reason. Man's life is a conjunction of various primary passions and reason is not an important part of it. Smith explains that "whatever may be the cause of sympathy, or however it may be excited, nothing pleases us more than to observe in other men a fellow-feeling with all the emotions of our own breast; nor are we ever so much shocked as by the appearance of the contrary... We should have indulged, we say; perhaps, have approved of the violence of his emotion, had the cause been in any respect proportioned to it"<sup>147</sup>.

3.4.5 Smith latter on explains that, "It is thus that man, who can subsist only in society, was fitted by nature to that situation for which he was made. All the members of human society stand in need of each other's assistance, and are likewise exposed to mutual injuries. Where the necessary assistance is reciprocally afforded from love, from gratitude, from friendship, and esteem, the society flourishes and is happy. All the different members of it are bound together by the agreeable bands of love and affection, and are, as it were, drawn to one common centre of mutual good offices"<sup>148</sup>. Man at the mercy of passions was a very wide-spread doctrine by the end of the 17th century. We see it in David Hume, Roschefoucauld, Maneville, Bentham and Helvetius among others. For Adam Smith, the word sympathy is used to denote that "fellow feeling with any passion whatsoever"; a feeling of both pity and Joy; and it is "only by the imagination that we can form any conception of what are his sensations"<sup>149</sup>. These all see the need of

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<sup>146</sup> Rafael Corazón Gonzalez, *Agnosticismo, Raices, Actitudes, y Consecuencias*, 33

<sup>147</sup> Adam Smith, *The Theory of Moral Sentiments*.

<sup>148</sup> Ibid.

<sup>149</sup> Adam Smith, *Theory of Moral Sentiments*, Chap. 1, p 1



the common good of society in a particular sense, but they strip it off its core principles and only leave the matter. Man is a conjunction of senses which give rise only to fellow feeling. With this mentality man is left an individual at the mercy of his passions and very material. The highest movement towards remaining united in the other is the minimum element of justice. That is to avoid any harm on the other by keeping within ones rights and avoiding infringing the rights of the others.

3.4.6 Rawls views the common good as constituted by arbitrary utilitarian desires and arrangements of players in the free market place; Sandel's common good is the good of a community, but is relative given the lack of a universal good or solid foundation of the good. He has been labeled communitarian but has yet to accept the label; Galston on the other hand follows Isaiah Berlins value pluralism which gives political action the benefit of doubt, much like Thomas Hobbes does. Nevertheless, it should be noted that Berlin does not share Hobbes' pessimism on human society<sup>150</sup>.

### **3.5 Ontological and Practical Common Good**

3.5.1 Aquinas says that 'many are reduced into one order by one better than by many: because one is the "per se" cause of one, and many are only the accidental cause of one, inasmuch as they are in some way one. Since therefore what is first is most perfect, and is so "per se" and not accidentally, it must be that the first which reduces all into one order should be only one" (STh. I. q11.a3). In this sense the common good is the first and last end of society. It beckons society to unity and society is guided rationally towards that unity. One also can derive the fact that there is one only who can unite and therefore know that society is said to be one when there is a good or bad ruler. However, if the common good is the embodiment of perfect happiness of all in a society then it is not possible to conclude that one part suddenly has all the perfections to bring that society into a unity.

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<sup>150</sup> Daniel Schwartz, "Aquinas, Aristotle, and the Promise of the Common Good". *British Journal for the History of Philosophy*, 207-210, (2009), 207

The one can fall into error much more easily than many given the imperfections of man. Therefore, in human kingship there is necessarily the participation in rulership of many. Finally, all ruler(s) of a society cannot individually have the perfections of uniting into one unless they are exemplary rulers of the one who is without any division and that is God. Aristotle shows that even though the good is said to be the objective of both the person and the state it is better to preserve the good of the whole state than the good of any one man and that. Though it is honorable to preserve even the good of a single human being it is more divine to preserve it for 'whole states' and that includes 'many states'<sup>151</sup> because it shows a greater likeness to God who is the ultimate cause of all good. This indicates that Aristotle in *Nicomachean Ethics* had a global perspective of good for all societies and not of particular ones. However, one can observe later that some societies are meant to serve others and therefore should be over powered to ensure this. He is principally refereeing to people who live like 'savages' of 'slaves'.

3.5.2 The concept of the common good in Aristotelian tradition was found most appropriate by Christian theology to explain God as the final perfect end who is absolute and therefore the first, the end and the exemplar of society and the person. This event recapitulated the dual perspectives of the distinction between the ontological common good, who is God, and the practical common good that leads to a good society. Thomas Smith explains that for Aquinas the common good as a cause is "... divine because it shows greater likeness to God, who is the ultimate cause of all good" (Comm. NE I, 2, 30). For Aristotle, the common good has to do with the polis: "the good of the polis is greater and more complete good to acquire and preserve. For while it is satisfactory to acquire and preserve the good even for an individual, it is finer and more divine to preserve it for a people and for poleis [the plural form of polis]" (NE 1094b). The common good, the good of the polis, is thus explained in contrast to the exclusive good of the individual,

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<sup>151</sup> Aquinas, *Commentary on Aristotle's Nicomachean Ethics*, transl. C.I. Litzinger, (Notre Dame, Indiana: Dumb Ox Books, 1993, 1<sup>st</sup> ed. 1964), 10

which is inferior. While the term has been used in many ways, it is generally acknowledged to have Aristotelian roots and to refer to “a good proper to, and attainable only by, the community, yet individually shared by its members”<sup>152</sup>. This duality from the Christian perspective is in fact the same principle studied from a theological perspective with regard to the ontological common good and from a political philosophical perspective with regard to the practical social common good. As Aristotle says, “Knowledge of the good would seem to be the concern of the most authoritative science, the highest master science. And this is obviously the science of politics, because it lays down which of the sciences there should be in cities, and which each class of person should learn and up to what level. And we see that even the most honourable of faculties, such as military science, domestic economy, and rhetoric, come under it”<sup>153</sup>.

3.5.3 Without God as the starting point it is futile to speak of the common good<sup>154</sup>. Without a natural perfect principle from which unity is to be found perfect, any attempt at unity can only be said of a part reducing all the others to its imperfection or imperfections where there are many rulers or to an infinity of motion in the universe which as we have pointed out would live one empty of meaning. Everything created is moved by another, and we cannot go back to an infinite series of causes since that would only leave us empty and vain. There must be a mover who is not moved. There must likewise be a cause that is not caused; an end that is most perfect and absolute and therefore the first ontologically. That mover, cause and perfect being we call God and that all societies from time immemorial have given worship from a religious perspective. We continue to do so although there are some who deny it.

3.5.4 Thus Aristotle did not understand the soul as something immortal, but moving in revolutions or in motion as in a circle. Nevertheless he still arrived at the conclusion that

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<sup>152</sup> Thomas W. Smith, “Aristotle on the Conditions for and Limits of the Common Good”; *The American Political Science Review*, Vol. 93, No. 31, (1999), 625-636.

<sup>153</sup> Aristotle, *NE*, II.II.1094a

<sup>154</sup> Aquinas, *Commentary on Aristotle's Nicomachean Ethics*, 10

“the reason for which God caused the soul to move in a circle can only have been that movement was better for it than rest, and movement of this kind better than any other”<sup>155</sup>. God is the eternal cause of all motion and the ultimate final cause of all motion and change. He went so far as to think that human beings have a final goal of separating form from our matter and thereby becoming like God, and that this is achieved when we engage in philosophy. He will therefore later on point out that the first thing that the ruler ought to take care of is religion. Therefore in politics he foresees officers concerned with the maintenance of religion, priests and guardians see to the preservation and repair of the temples of the Gods and to other matters of religion and that of the key political offices, first there must be a care of religion which is commonly called worship [*Politics*, VII.VIII. 1322b19-30].

3.5.5 In scholastic perspectives, the common good is ultimately discussed from two perspectives; the “ontological” perspective and the social perspective. The ontological common good is the appropriate good in which every person in the community aspires to. From the social perspective properly speaking, the common good is that which benefits every person in the society or community of persons<sup>156</sup>. From an ontological perspective, the “wholly perfect”, God, is he to whom each person and everything (including non-humans) aspire to. This aspiration is different between non-humans and humans. It arises from the logic that everything created has a proper end to which it goes towards and that all creatures are created by a creator who is not created. The creator is therefore the perfect good to which all beings aspire in an absolute way.

3.5.6 On unity, Millán-Puelles, points out that the common good from the perspective of society is the good that all and everyone individually in the community should participate in<sup>157</sup>. Now all forms of community are like parts of the political community (NE, 8, 9). Therefore, if there is unity in a society, Aristotle does ask the question whether it is

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<sup>155</sup> Aristotle, *de Anima*, I.III. 407b9-11

<sup>156</sup> Antonio Millán-Puelles, “Bien común”, 225

<sup>157</sup> Antonio Millán-Puelles, “Bien común”, 225

proper that a state may in the end attain such a degree of unity as to be no longer a state. And his answer is that it would be impossible even if one were to desire it since, the nature of a state is to be a plurality, and in tending to greater unity one may in fact destroy the state. As he puts it ‘from being a state, it becomes a family, and from being a family, an individual; for the family may be said to be more than the state, and the individual than the family; so that were we all alike it would be the destruction of the state’ (Politics, II.II. 1261a). In a part or sub-community or association of men such as an army, the conformity of all is appropriate to some extent for its strength is in numbers. However, the strength of a *polis* or wholesome society is in the variety of virtues the state and the people have. As we have already seen, in so far as one governs the others there is already a distinction of superior and inferior. There is also father and son and there is father and a mother, a man and a woman and there is a captain of a team and the members of a team and there is a physically strong man and a physically weak man and there is a teacher and a student and so on. There is one who plays music well and one who dances. All have only one thing in common that they find happiness in their various responsibilities the society and the society permits each to be perfect according to their capacity and capabilities. That the society permits it is because there is a constitution of common life desiring that all be happy accordingly. Each plays a part in the whole so that the whole is as healthy as the perfection of each part without confounding them. Hence, it is different kinds of people who constitute a society.

### **3.6 On the Foundations of Institutions of Society**

3.6.1 In the introductory part of our thesis, Aristotle has the perspective of political science studying a perfect society in Greece for he says that “it is proper for the Greeks to govern the barbarians”. The premise of communion in a community is put in a startling way for he says that, “this is a union which is formed, not of deliberate purpose, but because, in common with other animals and with plants, mankind have a natural desire to leave behind them an image of themselves” and “when many villages so entirely join themselves together as in every respect to form but one society, that society is a city, and contains in itself, if I may so speak, the end and perfection of government: first founded

that we might live, but continued that we may live happily”<sup>158</sup>. Hence the first sub-community which is the family is formed in order to procreate and the whole society is so because it offers the best possibility of happiness. Having seen that the community is a perfection of the human person through the Aristotelian concept of the common good, it is now necessary to study the content of the common good in the practice of political science, for only then can we derive clearly the categories within society that demand institutions; political and civil institutions. We have observed from the foregoing that certain clear aspects of human community emerge though in a complex way. In the next paragraph we list these categories and institutions. It is meted that from the onset it is understood that they have been developed from the perspective of political science and that they are directed to the good of each person and the society as a whole. They are to be studied keeping in mind that unless the person finds perfection in them neither the whole community can.

3.6.2 Of the categories mentioned so far with regard to the common good of society, there emerge: 1) the person made up of a rational soul and a body. The former containing the end of the later and is to be found in perfect virtue. 2) We have seen that virtue has as the perfect end happiness for this is the perfect good beyond which we say there is no other good. 3) It is therefore clear that the person has to be formed into virtue because when born he only has a potency or capacity to that perfection; in this sense education in virtue (*Arête*) and *ethic*, work and contemplation are fundamental. 4) We have seen that the family is the most basic sub-community within the flourishing community on the grounds that man and woman by nature come together for the sake of a good life among them and procreation; thereby being the fountain and source and education of life primary to any society. Each person therefore owes the gift of life and nurture to the parents and it is evident that the only to return that gift is by being like their parents. 5) It is clearly

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<sup>158</sup> Aristotle, *Politics*, I.II.1252b

evident that a ruler or people in charge of ruling are necessary in order to embody the constitution. They are to be representative of the perfect and good citizen.

3.6.3 The child, just like his parents, learns from the parents to want to leave their image more perfectly than their very parents did of them, for in their turn they understand the imperfections that accompanied their parents and would like to make better work of procreation and nurture. Therefore, while maintaining the tradition engendered in them by their parents, they develop new capacities. 6) From this is created the history and culture of a people over time. 7) It is also clear that the family needs a physical place that is rich enough to provide their material wealth, necessary to grow in virtue. 8) It is evident that when the family grows into villages and the villages some together a new law of common life is necessary for the rule is no longer that of a natural family household. The constitution is a fundamental embodiment of that new law and it is to put into effect by the good rulership of the people whether this is Monarchy, Aristocracy or Democracy in the sense of perfect constitutional rule among equal citizens. 8) To rule is to administer the law and this demands a system of justice founded on the constitution 9) It is evident that the principle end and perfection of the person and the community is fragile and loses meaning in the absence of God. Religion is therefore the most important category of all political offices. When this is lacking the king or rulers become Gods as they say of the desires of Alexander the great and as is manifest in the Pharaohs of Egypt. Niccolo Machiavelli upon observing the foundations of Rome says in his discourse on the first decade to Titus Livius that Numa Pompilius who succeeded Romulus, found the people fierce and turbulent, and desiring with the help of the peaceful arts to bring them to order and obedience, called in the aid of religion as essential to the maintenance of civil society, and gave it such a form, that for many ages God was nowhere so much feared as in that republic<sup>159</sup>. He maintains that the religion introduced by Numa was one of the chief causes of the prosperity of Rome, since it gave rise to good ordinances,

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<sup>159</sup> Niccolo Machiavelli, *Discourse on the First Decade of Titus Livius*. I.XI.

which in turn brought with them good fortune, and with good fortune, happy issues to whatsoever was undertaken. It is also clear to him that arms should not be given to the people who have no religion because then it is impossible to bring in good order and morality among the people.

### **3.7 Divisions or Parts of the Common Good**

3.7.1 Based on the categories inherent in a society one is able therefore to observe that the common good has distinct parts or divisions. In other words several ‘goods’ are comprehended in the concept of the common good. There are therefore divisions (parts) that form the common good as relative to man. In order to be happy man needs to have goods relative to his well being. Aristotle separated these into three parts, external goods, goods of the body, and goods of the soul<sup>160</sup>; what are external (material conditions), what appertains to the body (health), and what to the soul (virtues). These seem to conspire to make a man happy. A person who is sick does not enjoy food. A person who is gluttonous, lacking in sobriety, timorous, imprudent or lacking in justice is constantly lacking in peace of heart and therefore lacks happiness. Hence Aristotle says that no one would say that a man was happy who had no fortitude, no temperance, no justice, no prudence; but was afraid of the flies that flew round him: nor would abstain from the meanest theft if he was either hungry or thirsty, or would murder his dearest friend for a farthing; and also was in every particular as wanting in his understanding as an infant or an idiot. He concludes that these truths are evident; “though some may dispute about the quantity and the degree: for they may think, that a very little virtue is sufficient for happiness; but for riches, property, power, honour, and all such things, they endeavor to increase them without bounds: but to such we reply, that it is easy to prove from what experience teaches us in these cases, that these external goods produce not virtue, but virtue them” (VII.I. 1323a).

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<sup>160</sup> Aristotle, *Politics*, VII.1.1323a.



3.7.2 Certitude is not possible with regard to what the common good exactly is. It can only be generally indicated but each person and each community necessarily have to ascertain it in their particular circumstances. External goods are defined by Aristotle as those goods regarding ‘riches and honors’<sup>161</sup>. Nevertheless, our experience is that for some wealth is used to alimnt the family and community in general and safeguard it in times of need. For others, the same wealth is their ruin. Others are murdered for having riches by robbers as Aristotle says. Other external goods are those engendering physical courage; yet some have been ruined by over exposing or relying on this<sup>162</sup>. External goods are in a way ‘tools of happiness’ and are in some way subject to fortune. Hence, some people in placing the happiness of man in these ‘tools of happiness’, which are subject to fortune, have fallen prey to the presupposition that what makes man happy is his luck (i.e. with fortune). Nevertheless man’s good is judged according to reason and therefore in virtuous activity. External goods are a means for happiness but virtuous actions are the principle and predominant factors of man’s happiness<sup>163</sup>. In fact, the material things are best used by the virtuous man for they seem to board ill for the man full of vice. The vicious person seems to be ruined by material things while the virtuous man is happy with them. Happiness is desired as something enduring while material things tend to be transitory and highly mutable. It is right therefore to consider them a means because they are used as tools for something more enduring. The happiness they give is in this sense transitory (what is appropriate to a particular ‘means’ towards a universal good that is permanent. We reiterate here that happiness is something looked for as something enduring. No one looks for happiness as something transitory, but as something permanent. Material things are also a certain adornment of happiness; something like ornaments of happiness. This means that the material things can also act as things that make us like God; they make us appear ‘like’ God in a manner of being. For example, Vestments dispensed with modesty,

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<sup>161</sup> Aquinas, *Commentary on Aristotle’s Nicomachean Ethics*, 113. See also Aristotle, *NE*, II.VII.1107b9.

<sup>162</sup> Thomas Aquinas, *Commentary on Aristotle’s Nicomachean Ethics*, 3

<sup>163</sup> Thomas Aquinas, *Commentary on Aristotle’s Nicomachean Ethics*, 63

decency, delicacy and demureness. They also enable us make gifts to others and manifest kingliness, unity, culture, art and history in the same sense. But most of all material things are adornments that work instrumentally to attain happiness<sup>164</sup>.

3.7.3 Desire for external goods enables human beings to be ‘liberal and honorable’. That is, to be moderate with regard to giving and receiving money is liberality and using it well for the good is magnificence and munificence. Each of these angles has their contrary excesses or deficiencies, such as wastefulness, meanness, vulgarity, pettiness, vanity or pusillanimity [NE, Book III. lectures 11 and 12 and Book IV, lectures 1 and 2].

3.7.4 Regarding the internal goods the Aristotelian perspective is that there are two types. Those regarding the body’s ‘physical strength, beauty and health’ and those regarding the soul’s ‘knowledge and virtue’ and related goods. External goods are for the body while the body is for the soul as principle agent; and hence the most important are the goods of the soul. For example, the beauty of the body consists primarily in the ordered arrangement of parts. Secondly, that we should take care of the goods of the body. One is blameworthy for a bodily incongruence resulting from lack of exercise [NE, III.V.1114a22-30]. Further he has shown that they are good if they are ordered towards an end which we have seen already is the body and the body for the principle agent and this for happiness. With regard to bodily pleasures Aristotle urges the virtue of temperance. Temperance is concerned with bodily pleasures although there are other names for deficiencies or excesses of bodily organs. Temperance is finding the just mean in pleasures regarding the body or bodily appetites [III.X.1118a1]. To overly delight in the odor of unguents or food is a mark of a self-indulgent person. Temperance and self-indulgence refer to tendencies with regard to pleasures that ‘the other animals share in, which therefore appear slavish and brutish’ and ‘these are touch and taste’ and these mainly in the case of ‘food and in that of drink and in that of sexual intercourse’ [NE, III.X.1118a30-35]. Of these bodily goods some are necessary and others are worthy of

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<sup>164</sup> Thomas Aquinas, *Commentary on Aristotle’s Nicomachean Ethics*, 57

choice. Hence Sexual intercourse and food and drink are necessary for the good of the body and procreation. Victory, honour and wealth are worthy of choice. Of those who adhere intemperately to the pleasurable things of choice the vice of incontinence is said of them in a qualified way as referring to incontinence in money, anger, honor, or gain. But of the former the incontinence and self-indulgence is said of them simply. In general incontinence in bodily pleasures is said of someone who pursues the excesses of things pleasant and shuns those of things painful, of hunger and thirst and heat and cold and all the objects of touch and taste [NE,VII.IV.1148a5-10].

3.7.5 If happiness is therefore an activity and a perfect thing, then Aristotle reasonably concludes that ‘no activity is perfect when it is impeded... and this is why the happy man needs the goods of the body and external goods, i.e. those of fortune, viz. in order that he may not be impeded in’ doing what is excellent [NE, VII, XIII. 1153b10]. Nevertheless, it is wrong to confound these goods of fortune with happiness. They should always be seen as instruments of the soul’s happiness. However, many times people find bodily pleasures a sure way to expel pain and more so because some curative agencies offer powerful sensations that expel their contrary pains. This could happen in two different ways; one being caused by bad nature of bad men or congenital problems and sometimes the agent is in search of a perfection that is lacking or to cure a defective nature [NE,VII.XIV. 1154a25-30]. The other is because one is pursuing violence as in the case of an excitable nature similar to that of animals that are always in travail. In the latter one could compare it to the person who pursues bodily pleasures to avoid or run away from what is commonly called ‘boredom’. The above pleasures that refer to external goods that drive away a particular pain or defect are called incidental external goods while those that do not involve avoiding any type of pain are called pleasant naturally and not incidentally. For example the constant presence of fresh air or light. Therefore, if we are to craft a good action and reach happiness the soul must master the body (passions) so as to make it do the things that are good simply and perfectly. Good deeds also require external goods and the more the nobler the actions are the more external goods needed to accomplish these but only in so far as we are human beings in need of living with others. But with regard to these goods of the body and external goods Aristotle concludes that

contemplating the good or the truth does not need these goods of the body and external goods. Indeed he points out that these are a form of hindrance to his contemplation. The act of perfect contemplation accordingly belongs to God who does not need any other type of ‘action or production’. Man on the other hand stands in need of external prosperity for ‘our nature is not self-sufficient for the purposes of contemplation’ [NE, X.VIII. 1178b32]. These goods are only needed in so far as a man is composed of body and soul and lives with other people. If he chooses to do be virtuous ‘he will therefore need such aids to living a human life’. However, he concludes man should not have these in excess, for ‘self-sufficiency and action do not involve excess, and we can do noble acts without ruling earth and sea; for even with moderate advantages one can act virtuously (this is manifest enough; for private persons are thought to do worthy acts no less than despots-indeed even more); and it is enough that we should have so much as that; for the life of the man who is active in accordance with virtue will be happy.” [NE, X.VIII.1179a1-5]

3.7.6 Seeing it from another perspective, Millán-Puelles concluded that, the core element of the common good in society is peace. Alvira’s article on Social Justice and the common good in the different dimensions of society takes its foundational theme from his works on the “Human Person and Society”<sup>165</sup> and another on “The Common Good”. In the latter work, Millán-Puelles, explains that the common good consists, in the first place, in Peace; for if there is no peace in society then it is because there is lacking in society something in common; that is social justice<sup>166</sup>. From this perspective peace is the most basic necessity in society in order to be able to have more in common. In the second place the common good consists in cultural goods and material well-being which should be shared. From this perspective of peace it follows that the constitution or bond which

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<sup>165</sup> Antonio Millán-Puelles, *The Human Person and Social Justice* (Madrid: Rialp, 1962)

<sup>166</sup> Antonio Millán-Puelles, “Bien Común”, 225-230

brings men together forming a good society is founded and sustained on social justice<sup>167</sup>. Only where there is justice is there peace and if one wants peace one must be prepared for war. Aristotle's understanding of social justice is that discernment whereby men judge good from evil. This is the virtue, distinct from the institution of magistracies, from which those appointed to judge derive matters of law and order. It is in this that man primarily differs from animals; that he can use reason to know that which is just and what is unjust<sup>168</sup>. Social justice is the bond of men in a community, for the administration of justice, which is the determination of what is just, is the principle of order in political society". Ultimately, the common good is the care for the excellence and defects between one citizen and the other and especially so between the government and the citizen. This is the principle aim of a constitution and the government thereof.

## **4. Constituting a People – Aristotle's Perspective**

### **4.1 Preamble of the Athenian Constitution**

4.1.1 Aristotle refers to his study of the many constitutions at the end of his *Ethics to Nicomachus*. Some attribute to him the design of at least 158 constitutions of various societies. His work on 'Politics' is naturally informed by the Athenian environment of his time as demonstrated by his frequent reference to the Athenian constitution. Athens' constitution and that of its contemporaries such as the Lacedaemonians (Spartans), Cretans, Carthaginians, Egyptians, Upper Libya and so on form a basis to compare good and bad constitutions. It is from these fountains of knowledge that he launches out into the search for those things that give form and success to the constitution of a community. According to him man is a social and political animal and therefore society and its organization is a natural process analogous to the human nature of the individual. Aristotle's understanding is that a constitution defines the nature and structures of a

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<sup>167</sup> Aristotle, *Politics*, I.II.1253a

<sup>168</sup> Ibid.

particular community according to the community's nature. The three common constitutions are the constitutional monarchy, aristocracy or polity. The evil tendencies of these three types of constitutions, which are to be avoided, are tyranny, oligarchy and democracy (understood as anarchy by the poor class of society or the majority who usually are the poor). Every human being is moved by the desire for the ultimate happiness. Analogously every constitution has as its end the happiness of the state. If the human being acts to achieve the good he understands, the constitution has the common good of all citizens as its aim. If the human being's attainment of happiness depends on moral virtue, the state has to be organized in such a way as to achieve the common good and its offices of administration should demonstrate what sort of *virtues* the state has. If man is happiest and most pleasant living according to his intellect, the constitution of a state has to define the ruler and the rule in the wise person. The role of the public servant is therefore to define the most perfect laws to ensure the state is flourishing; the citizens are happy. The sequel to Aristotle's study of virtue in Nicomachean Ethics is Politics. The logic is that a person becomes good if he is well trained and habituated in the right laws. First the person learns from the habits and injunctions of the father and secondly, from good care by good laws. The two therefore are linked and the public law has a 'compulsive' character more than that of the parents.

4.1.2 The word constitution defines 'that which specifies what something is made up of'. Hence he refers to the constitution of the body, of the soul, of a state, of a family and so on. However, the main purpose of this work is to discuss political constitutions; i.e. the constitution of the best political community 'for those who are most able to realize their ideal of life' [*Politics* II.I.1260b25-30]. The constitution is a certain way of organizing those who inhabit the city-state" [*Politics* III.1.1274b36-8]. The constitution is a community, and must at any rate have a common place - one city will be in one place, and the citizens are those who share in that one city. Citizens are distinguished from other inhabitants, such as resident aliens and slaves; and even children and seniors are not unqualified citizens (nor are most ordinary workers). The citizen is a person who has the right (*exousia*) to participate in deliberative or judicial administration of any state. [*Politics* III.I.1275b18-21].

## **4.2 Linking Ethics to Society (Nicomachean Ethics to Politics)**

4.2.1 Once having defined what a person needs to do in order to be happy and to live together happily in a community, viz. moral excellence leading to virtue, practical wisdom according to moral excellence, he concludes that the aim is not to know but to do them [NE, X.IX.1179b1]. He concedes that the arguments he has given to teach his apprentices how to be virtuous are not enough. He quotes Theognis as saying that if arguments were enough to make men good they would have won very great rewards. Arguments such as these encourage and stimulate the characters of the gently born, the generous minded among the young, the true lover of nobility and goodness eager to possess. However, those who have the contrary dispositions are not eager for nobility and goodness. And these will only be good obeying by fear of punishment [NE, X.IX.1179b5]. They live by passion pursuing the baseness of their pleasures. And these can only be changed to be good by force, by certain ‘compulsion’, especially if they have already embedded in their character bad habits. Since argument is not powerful to many men, the only way to subdue their disordered tendencies is to fix their comportment by law; and a law covering all their life time [NE, X.IX.1179b20-35]. Thus, the law that teaches virtue is said to be for the faulty and bad of character and not for the good person because the latter follows good reason and is generous of spirit and therefore avoids doing what is wrong. The bad character on the other hand needs laws that aim at building virtue in him, stimulating him to excellence [NE, X.IX.1180a5]. This is the work of the legislator. The legislator will therefore stimulate the good men to nobility and they will attend to these laws while those who do not will have to yield to punishments and penalties. These punishments should be imposed on those who do not obey and are inferior in nature and those who turn out to be incurable should be completely banished from society [NE, 1180a10]. When a legislator does this he is seeking the common good of the community and therefore the work of the legislative science is the common good.

4.2.2 Only the public law has compulsive power and should have the proper the care of such matters. The public law has ‘compulsive’ force. Nevertheless, even though the master of the household or the father does not have this power to enforce the law to his wife and children and slaves, his work is fundamental. It is in the family that the children are

formed in character to obey. With regard to the education of the individual as such, that which makes him without qualification a good man, both the cities and the family laws are necessary. Individual education is more detailed and particular while the cities laws are more universal as they cannot take care of every particular situation. It belongs to the statesman (legislator) to make these laws. Law is the work of political art [NE, X.IX.1181b1]. Seeing that before him ‘no great work’ of legislation had been undertaken he decides to carry it out and in this work of politics he studies the constitution in general in order to complete the philosophy of human nature (Anthropology). He observes that certain influences preserve or destroy the state and its natural constitution and that the manner of administration of a constitution can destroy or preserve it [NE, X.IX.1181b15-20]. In summary therefore, the law giver moulds the good political community and in it a good citizen is a virtuous person. Man governs himself through good education to acquire the life of virtue<sup>169</sup> and virtue is brought up in a person through the medium of good laws<sup>170</sup>.

### **4.3 Making a Good Constitution in Aristotle**

4.3.1 From the onset of ‘Politics’ Aristotle is not imposing an ideology on what a constitution is. He starts his inquiry into the good constitutions (for there are many) by studying what is most natural in his society and how it came to be what it was when he was writing. A city-state, he realized, is made up of a constitution encompassing all the communities and not merely a greater or lesser extent of the number of their subjects. The back ground to this statement is evident if one studies a little of the legendary history of Athens and how it came to be. The Athenians (the Attican region) boasted of being ‘autochthonic’, which is to say they considered themselves to be the original inhabitants of the Attica area, a Greek peninsula to the southeast projecting into the Aegean Sea. During the Mycenaean

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<sup>169</sup> Aristotle, *Politics*, VII, II.1324a

<sup>170</sup> Aristotle, *NE*, X.IX. Side note 1180a



period (a cultural period of Bronze Age Greece - c. 1600 BC – c. 1100 BC), the Atticans lived in autonomous agricultural societies and the main places where prehistoric remains were found are the 12 communities of Marathon, Rafina, Nea Makri, Brauron, Thorikos, Agios Kosmas, Eleusis, Menidi, Markopoulo, Sparta, Aphidnae and Athens. All of these settlements flourished mainly during the Mycenaean period<sup>171</sup>. Attica was composed of twelve small communities during the reign of the legendary Ionian king of Attica, Cecrops, and these were later incorporated into a single Athenian state<sup>172</sup> during the reign of Theseus, the mythical king of Athens. Modern historians consider it more likely that the communities were progressively incorporated into a single Athenian state probably during the 8th and 7th century BC<sup>173</sup>. According to Whibley (1896), the Attica region was united into an Athenian State in three stages associated with Cecrops, Ion, and Theseus<sup>174</sup>. He says that initially there were villages, noble families and their dependants. Later the need to unite was gradually and forcefully felt leading to larger political communities. Legend attributes the unity of Attica into 12 larger communities referred to as Poleis and the main reason was the need for security. Each had their King's house, chamber and rulers as Philochorus says quoting Strabo. Ion gave the stable union to the land by bringing in and forming the initial Attican Commonwealth as Thucydides and Aristotle point out. Theseus, the son of Aegeus, was finally the one, according to legend,

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<sup>171</sup> T. G. Palaima and J.-P. Olivier, "Edited Texts, Tablets and Scribes: Studies in Mycenaean Epigraphy and Economy in Honor of Emmett L. Bennett Jr.," *Minos Supplement 10* (1988).

<sup>172</sup> Ulrike Krotscheck, "Going with the Grain: Athenian State Formation and the Question of Subsistence in the 5th and 4th Centuries BCE"; *Princeton/Stanford Working Papers in Classics*, No. 010603, (2006).

<http://ssrn.com/abstract=1426929>. He demonstrates that the increasing need to secure subsistence goods for Athens significantly propelled its ambition for power, causing a fundamental shift from a noninterventionist government policy to one of heavy intervention between the 5th and the 4th centuries BCE. This shift corresponded to an increasing complexity within the mechanisms of the city's politics. It helped propel Athenian state formation and affected the dynamic of power and politics in the ancient Mediterranean world.

<sup>173</sup> Leonard Whibley, *Greek Oligarchies: Their character and Organization* (New York: G Putnam's Sons, 1896), 89. Leonard explains that until the 7<sup>th</sup> Century BC Attica's history was generally legendary with little or no scientific confirmation.

<sup>174</sup> Leonard Whibley, *Greek Oligarchies: Their character and Organization*, 89

to unite the four separate kingdoms<sup>175</sup>. He made Athens the seat of government. Plutarch points to Theseus as the one who divides the Athenian societies into Eupatridae, Geomori and Demiurgi. These were not artificial classes but already existed in each of the intervening communities. Theseus only made them part of the political organization and the separate titles to define them<sup>176</sup>.

4.3.2 The other place we can derive the back ground of the Athenian city state is the Athenian Constitution attributed to Aristotle. We read in the introductory paragraph of this document that the text was identified as Aristotle's *Athenaion Politeia* by T. Bergk in 1881. The British Museum bought them in 1890. "The place of the Athenian Constitution in the encyclopedia of Aristotle's writings is known to us from the concluding paragraph of the Nicomachean Ethics (NE). That work forms the first volume of a treatise on the welfare of man as a social being, of which the Politics forms the second volume; and at the end of the former a prefatory outline the latter is given, in which occur the phrases "then in the light of the constitutions we have collected let us try to review what sorts of influence preserve or destroy states"<sup>177</sup>. It is also stated that on this will be based his work on Politics especially what 'preserves or destroys constitutions' [NE, X.IX.1181b18]. The Athenian constitution of Aristotle is available credit to the 1880 finding of 'two small and much damaged sheets of papyrus' in the fayoom (fayûm) near ancient Arisnoe<sup>178</sup> now known as the Berlin fragments. They can now be found in the

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<sup>175</sup> Leonard Whibley, *Greek Oligarchies: Their character and Organization*, 93

<sup>176</sup> Leonard Whibley, *Greek Oligarchies: Their character and Organization*, 94

<sup>177</sup> Aristotle, *NE*, X.IX.1181b15-20. Jonathan Barnes, Introduction, 1937, 4

<sup>178</sup> Aristotle, *The Athenian Constitution* (London: Adamant media, Elibron Classics, 2005), xxxi. The introductory section of this translation indicates that the first papyri, called the Berlin fragments, of the Athenian constitution were acquired by for the Egyptian Museum in Berlin in 1880. Here too is indicated that they were found in the Fayoom near the ancient Arsinoe. Regarding the papyri in the British Museum, this introductory part explains that in 19 January, 1891 to the surprise of everyone in The Times newspaper the presence of the main corpus of the Athenian Constitution in the British Museum and eleven days later the first edition of the papyri in English was published under the editorship of Frederic G Keynon, Fellow of Magdalene College, Oxford.

Berlin Museum and are ascribed by Paleographers to the 4th (fourth) century AD.<sup>179</sup> However, the most important discovery was that of the British Museum Papyrus found in Oxyrhynchus. Bernard Grenfell, Arthur Hunt and David Hogarth in their work on the “Fayûm Towns and their Papyri” (London: Tubner and co., 1900, p. 1) tell us that the Arisinoe nome of antiquity is the Fayûm of today and consists of leaf-shaped depression on the west of the Nile valley...and that it contains mounds of debris lying probably thrust there during the Greco-Roman period and Oxyrhynchus lies in the itinerary of the Arisinoe where also is found the Ptolemais harbour<sup>180</sup>. It lies west of the main course of the Nile, on the Bahr Yussef (Canal of Joseph), a branch of the Nile that terminates in Lake Moeris and the Fayum oasis. Hence both the Berlin and British Museum papyri were found in the same location in Egypt.

4.3.3 With regard to the Aristotelian authorship authenticity the introductory paragraph of the English translation in the University of Toronto indicates that, ‘These sheets have writing on both sides. On the front are some accounts of receipts and expenses kept by a farm bailif named Didymus for his master Epimachus, near the Egyptian town of Hermopolis, in the tenth and eleventh years of Vespasian, a.d. 78 and 79 - On the back is the Aristotelian treatise; its beginning is wanting, and the first page of the book is blank, showing that it was copied from a damaged copy of the work; and the last roll is very fragmentary. Different parts are written in different hands, four in all; the script is said to date the copy at about A.D. 100. It was doubtless made for a private person (perhaps the writer of one of the four hands)...’<sup>181</sup>. However there are authors who claim that it is not. Peter John Rodhes<sup>182</sup> is one of them. Explaining the possible sources of the Athenian Constitution, he points to the use of Solon’s poems such as in V, VI and XII. Other

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<sup>179</sup> Cfr. Jonathan Barnes, Introduction, 1937 transl., Aristotle, *The Athenian Constitution, Eudemian Ethics, On Virtues and Vices*. Transl., H. Rackham, (London: William Heinemann, 1937), 3

<sup>180</sup> Hunt Grenfell and Hogarth, *Fayûm Towns and their Papyri* (London: Tubner and co., 1900), 1

<sup>181</sup> Aristotle, *The Athenian Constitution, Eudemian Ethics, On Virtues and Vices*, Transl., H. Rackham, (London: William Heinemann, 1937), 3

<sup>182</sup> Peter J. Rodhes, *A commentary on the Aristotelian Athenaion politeia* (Oxford: Claredon Press, 1993), 14-15.

examples that could have been sources are Herodotus, Thucydides and the Atthides of Androtion written a little before the Athenian Constitution. Rhodes refers to Georg Busolt and Wilamowitz who attributes the sections of the constitution to Theramenes work in 404 BC as a party manifesto<sup>183</sup> and in fact stresses that Androtion's eminence as a source of this constitution is orthodox<sup>184</sup>. However, others such as G Mathieu<sup>185</sup> do not entirely agree on the Herodotus and Thucydides as sources. Let us summarise here that political scientists credit Aristotle, according to Rhodes, with having 158 constitutions although the number varies from 150<sup>186</sup> as mentioned to 250 as referred to other authors by Rhodes. It is therefore reasonable to assume that the Athenian constitution is authoritative and scientific. Besides this translation there are some others possibly more popular such as Frederic G. Kenyon's Oxford Classical Text of 1920<sup>187</sup> and Mortimer H. Chambers', Aristotle, Staat der Athener (Berlin 1990), a German translation of and commentary on Aristotle's Athenian Politics (Leipzig, Teubner, 1986, ed. 2, 1994).

4.3.4 Aristotle therefore evaluates the constitution as a natural phenomenon among the citizens of the Athenians. It is evident that he is not imposing his ideology on what the nature of constituting a people should be, but what is the best based on what nature, human reason and influence have made it. It is the people who are constituted as a community and therefore they are the constitution. The constitution is the people not a law imposed from 'outside' of them. A constitution developed by the people confers upon the people their rights. The first thing that a constitution does is to define who the people are, what the communities constituting the people are and administration offices (institutions) that are to enable the constitution lead to the common good. As he will later provide in the '*Politics*', the first natural community constituted is the family.

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<sup>183</sup> Peter J. Rodhes, *A commentary on the Aristotelian Athenaion politeia*, 16

<sup>184</sup> Peter J. Rodhes, *A commentary on the Aristotelian Athenaion politeia*, 17

<sup>185</sup> Peter J. Rodhes, *A commentary on the Aristotelian Athenaion politeia*, 18

<sup>186</sup> Peter J. Rodhes, *A commentary on the Aristotelian Athenaion politeia*, 2

<sup>187</sup> Available online by Project Gutenberg. <http://www.gutenberg.org/2/6/0/9/26095/>. Produced by Al Haines.

4.3.5 There seems to have been eleven constitutions until the time of Aristotle according to the Athenian Constitution. The summary was; the first by Ion and his companions; then second was a written constitution by Theseus being a slight divergence from the royal constitution. Then the reform of Draco, in which a code of laws was first published following the civil disturbance in the time of Solon and from when Democracy began. Fourth was the tyranny in the time of Peisistratus. Fifth, the constitution of Cleisthenes, following the deposition of the tyrants, which was more democratic than the constitution of Solon. Sixth, the reform after the Persian War, under the superintendence of the Council of Areopagus. Seventh followed the reform outlined by Aristides but completed by Ephialtes when he put down the Areopagite Council, during which it came about because of the demagogues that the state made many mistakes, because of the empire of the sea.” Eighth was the establishment of the Four Hundred and after that, ninth, democracy again. Tenth was the tyranny of the Thirty and that of the Ten. Eleventh was the constitution established after the return from Phyle and from Peiraeus, from which date the constitution has continued down to its present form [AC, XLI.1-3. p 115-7]. In this is evident that the governments were monarchy, aristocracy and polity (also often translated as democracy) and when these turned bad they became, tyrannies, oligarchies and anarchies (often also translated as democracies). It is also evident that the constitution was not written at the beginning because everybody knew what constituted the people, their communities, authority, customs, religion, and history.

#### **4.4 On the Foundations of the Athenian Community Constitution**

4.4.1 The original seed of a community is a natural union of those who cannot exist without each other; namely, of male and female, that the race may continue. This is a union which is formed, not of deliberate purpose, but because, in common with other animals and with plants, mankind have a natural desire to leave behind them an image of themselves [Pltcs, I.II.1252a25-30]. The foundations of the community are the fact that man is a political animal and it is not “reason” or “deliberation” that causes the first community, but nature’s endowment. One can also derive the concepts of law, rule and ruler from this first community. The history of society demonstrates a natural ruler and

subject that both may be preserved. That which can foresee by the exercise of mind is by nature intended to be lord and master, and that which can with its body give effect to such foresight is a subject, and by nature a slave; hence master and slave have the same interest. Another way of putting this is that, it is from natural causes that some beings command and others obey, that each may obtain their mutual safety; for a being who is endowed with a mind capable of reflection and forethought is by nature the superior and governor, whereas he whose excellence is merely corporeal is formed to be a slave. It is therefore nature that gives the slave too, defined as the one who obeys rather than the ruler who provides the foresight. Both 'offices' are natural and therefore both the master and slave are working for the good of both. If we may, this way of reflecting on natural society points to the fact that foresight is the work of understanding what is good for this particular society while the 'slave' is to bring to fruition that foresight. We therefore derive that any community needs a head and a person who works with the head to attain their common good. But both are servants of each other since the head without the body and vice versa make the community inept.

4.4.2 Studying the Athenian Constitution, the first part is concerned with the constitutional history and the second part is concerned with the form of the constitution at the time of rendering its account. We read that "the Athenians originally had a royal government. It was when Ion came to dwell with them that they were first called Ionians" [Athenian Constitution (AC), Fr. 1. 9]. This royal government is based on the family relations as the next paragraph shows, Fr. 2. Erechtheus was succeeded as king by Pandion, who divided up his realm among his sons (giving the citadel and its neighbourhood to Aegeus, the hill country to Lycus, the coast to Pallas and the district of Megara to Nisus)" [AC, 11]. The society was still based on a family structure. But it also implies that the city of Athens was founded on a family structure. Hence, when Aristotle says that first is the family and then the village, he is well informed on the historical precedents of Athens. It also becomes clear that the family is not the epitome of a flourishing city since as it is said in Fr. 3; for the sections of families forming the original Attican society were continually quarrelling" [AC, 11]. To solve the quarrels, Theseus proposed the first democratic institution to govern the people. "Theseus made a proclamation and brought them

together on an equal and like footing. (He summoned all on equal terms, and it is said that the phrase ‘Come hither, all ye folks’ also known as *ecclesia*)<sup>188</sup> was the proclamation Theseus made when he was instituting an assembly of the whole people. Here is the first form of a democracy and that Theseus first leaned towards the mob, as Aristotle says, and relinquished monarchical government, even as Homer seems to testify, when he applies the term ‘people’<sup>189</sup>. The family structures that prevailed before were imbued with favoritism. This is a reasonable conclusion based on the fact that Theseus brings the people on an ‘equal footing’ as indicated above. The participation of all the people in the governance of the society then was based on the principle that ‘equality’ effected in decision making breeds justice. For this to happen both the persons and the political community have to be virtuous, analogously speaking. The virtuous man and the constitution of the community made up of good law and good administration.

4.4.3 In *Politics* Aristotle concludes that when several villages are united in a single complete community, large enough to be nearly or quite self-sufficing, the (city) state comes into existence, originating in the bare needs of life, and continuing in existence for the sake of a good life. Therefore the state is a ‘creature’ of nature, if the earlier forms of society are natural, and since this is the end of them, then the nature of a thing is its end and its first principle. The community as a state is more perfect than the divided families since it is evident with their quarrelling and lack of food and weakness against enemies that each family experiences is perfected by the unity of the whole into one community. What every being is in its most perfect state, which certainly is the nature of that being, whether we are speaking of a man, a horse, or a family... The final cause and end of a thing is the best, and to be self-sufficing is the end and the best.

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<sup>188</sup> Perhaps the formula sent round to announce the meetings of the Ecclesia. See AC, p 11

<sup>189</sup> Iliad, ii, p 547 in AC, p 11

## 4.5 On Constituting Athens

4.5.1 Plato in the *Laws* advises that Athens should have a certain mathematically calculated number of citizens in order to be managed well. There is no attempt at the total population including women and slaves and aliens. In the introduction to Benjamin Jowett's translation of *The Republic* we learn that Plato is eager to show perfection in creation through the perfect relationships in numbers. Thus we read that "divine creation is perfect, and is represented or presided over by a perfect or cyclical number; human generation is imperfect, and represented or presided over by an imperfect number or series of numbers. The number 5040, which is the number of the citizens in the *Laws*, is expressly based on utilitarian grounds, namely, the convenience of the number for division; it is also made up of the first seven digits multiplied by one another"<sup>190</sup>. Aristotle is against this type of equalization of citizens for according to him the state is by nature a plurality. Perfect unity in the state may ultimately mean no state. The state is maintained by reciprocity in exchange. Thus, he says that it is by exchange that they [the citizens] hold together<sup>191</sup>. As the communities become larger and form nations and international communities, ties between them need to be strong in a way that each individual understands and adheres to. The broader the community is, the greater the need for the principle of subsidiarity.

4.5.2 The effectiveness of societal bonds is ultimately for the good of the individual and the family. The bond is organic rather than static as Antonio Argandoña points out<sup>192</sup>. Aristotle maintains that the society is not made of static elements equivalent to mathematical numbers; it is made up of organic persons and institution and their dynamics is 'moved' by the perfect end of the community which is the common good. Equality of citizens based on numbers results in three disorders. The first is the

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<sup>190</sup> Plato, Introductory to *The Republic*, Book VIII. Transl. Benjamin Jowett, <http://www.gutenberg.org>

<sup>191</sup> Aristotle, *NE*, V.V. 1132b20-30

<sup>192</sup> Antonio Argandoña, "The stakeholder theory and the common good"; *Journal of Business Ethics*, Vol. 17, 1092-1103, (1998), 1



disordered desire for property for those who lack or the avaricious, the second the disordered desire for honour and third the disordered desire for pleasure. The solutions he proffers are; in the first place moderation in possession, in the second, occupation and in the third temperance. The reason he opposes Plato is that the solution of property in the society is not equalization in 'numbers' as the Pythagoreans seem to offer but rather to develop mankind's virtue, and this is impossible, unless a sufficient education is provided by the laws [*Politics* II.VII.1266b5-30]. The greatest crimes are caused by excess and not by necessity. In summary, there may be peace in the community through equalization but true peace and communion is sustained by training the nobler sort of natures not to desire more, and to prevent the lower from getting more; that is to say, they must be kept down, but not ill-treated [*Politics* II.VII.1267b5-10]. To train the nobler sort means to give advantage and impetus to virtue and to overcome vice, in the person and analogically in terms of the community.

4.5.3 According to the Ancient Greek historian Thucydides, the Athenian citizens at the beginning of the Peloponnesian War (5th century BC) numbered 40,000, making with their families a total of 140,000 people in all. The metics, i.e. those who did not have citizen rights and paid for the right to reside in Athens, numbered a further 70,000, whilst slaves were estimated at between 150,000 to 400,000<sup>193</sup>. The only known census in Athens was that of Demetrius of Phaleron in the 4<sup>th</sup> century BC and its details are preserved in Athenaeus (6, 272c)<sup>194</sup>. The non-citizen component of the population was divided between resident foreigners (metics) and slaves, with the latter perhaps somewhat more numerous. Around 338 BC the orator Hyperides (fragment 13) claimed that there were 150,000 slaves in Attica, but this figure is probably not more than an impression: slaves normally outnumbered those of citizen stock but did not swamp them.

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<sup>193</sup> Nigel Guy Wilson, *Encyclopedia of ancient Greece* (New York: Routledge, 2006), 214-215

<sup>194</sup> Nigel Guy Wilson, *Encyclopedia of ancient Greece*, 214

4.5.4 In Aristotle's Athenian Constitution, only adult male Athenian citizens who had completed their military training as *ephebes* had the right to vote in Athens. This excluded a majority of the population, namely slaves, freed slaves, children, women and metics. Also disallowed were citizens whose rights were under suspension (typically for failure to pay a debt to the city: see *atimia*); for some Athenians this amounted to permanent (and in fact inheritable) disqualification. Still, in contrast with oligarchical societies, there were no real property requirements limiting access. (The property classes of Solon's constitution remained on the books, but they were obsolete). Given the exclusionary and ancestral conception of citizenship held by Greek city-states, a relatively large portion of the population took part in the government of Athens and of other radical democracies like it. At Athens the vast numbers required just for the system to work testify to a breadth of participation among those eligible that greatly exceeded any present day democracy. Women could be citizens only if their husbands were citizens and they also had to be born Athenian.

4.5.5 Athenian citizens had to be descended from citizens—after the reforms of Pericles and Cimon in 450 BC on both sides of the family, excluding the children of Athenian men and foreign women. Although the legislation was not retrospective, five years later the Athenians removed 5000 from the citizen registers when a free gift of grain arrived for all citizens from an Egyptian king. Citizenship could be granted by the assembly and was sometimes given to large groups (Plateans in 427 BC, Samians in 405 BC) but, by the 4th century BC, only to individuals and by a special vote with a quorum of 6000. This was generally done as a reward for some service to the state. In the course of a century, the numbers involved were in the hundreds rather than thousands.

## **4.6 Family, History, Culture and the Constitution**

4.6.1 When Athenians became citizens at the age of eighteen being persons of citizen parentage on both sides they were called cadets and were divided according to tribe. The other people of the city included women of citizens and their children, slaves and their families (generally this was a hereditary institution) and aliens (of foreign extract). These particular groups did not have the right to decide or make decisions on governance,

justice, religion, music and sports. Their masters represented them in the constitution. Except for women and children of citizens the rest were a type of property as we note in *Politics*. The fathers from each tribe held meetings by tribes and, after taking oath, elected three members of the tribe of more than forty years of age, whom they thought would best supervise the cadets. The young cadets were taught about the religion and worship and society, they were trained in Athletics, drilled as heavy-armed soldiers, and the use of the bow, the javelin and the sling [AC, XLII.3.p119-121].

4.6.2 It was around the 7<sup>th</sup> century during Draco's constitution when we notice that the Athenian government had changed ostensibly from being organized according to a royalty based on family lineage to one of an Aristocracy. The change seemed natural. Draco's code, which is generally dated to 621 BC was not the first reduction of Athenian law to writing, but it may have been the first comprehensive code or a revision prompted by some particular crisis<sup>195</sup>. Draco's new constitution was considered the first formal constitution according to Aristotle. Draco's laws were published when the government was already established, and they have nothing particular in them worth mentioning, except their severity on account of the enormity of their punishments [*Politics* II.XII.1274b20-25]. Thus, the English word 'Draconian' meaning severity. Before his constitution Athens was in a sort of anarchy Theseus having been murdered sometime before, hereditary monarchy ended (house of Codrus) and the city cleansed after riots especially that of Cylon [AC, III.1-5. Pp 16-19]. According to the account in the Athenian Constitution, the supreme offices of state went by birth and wealth; held at first for life, and afterwards for a term of ten years. The three greatest, supreme and oldest of the offices were the King, the War-lord and the Archon [AC, III.1-2. P15]. There were however Themosthetae or Legislators for it is thought that Draco was a legislator. The King, the War-Lord, the Archon and the legislators were separated even in Draco's

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<sup>195</sup> "Draco", in *Encyclopædia Britannica*. Retrieved September 15, 2010, Encyclopædia Britannica Online: <http://www.britannica.com/EBchecked/topic/170671/Draco>

legislation. They however came together in Solon's legislation [AC, III.6. p 19] which follows after Draco's. The legislators in Draco's time had power to give final judgement in lawsuits. However, as a matter of fact the King ruled and his rule was based on family legacy.

4.6.3 If Draco's was the first written constitution, then it follows that the Athenians lived according to customary precepts. That is to say life (i.e. being, existence, co-existence, and reality) comes before law. Living according to the natural inclination towards right and good is the foundation of law (considered as justice) and obviously the formality of a constitution. This reiterates Aristotle's manner of discussing the constitutions of societies. It is not a foreign ideology of what is right but rather identifying what is the best according to the natural inclination to justice 'lived' by the communities first. It is not an imposition from the wise ideology. Even if 'making' the constitution entails reasoning and logic it has to take its premises from the practical good life lived historically and culturally by the people. Those who make constitutions consequently need to observe and therefore avoid the evils of history and culture.

4.6.4 In Athens of the 7<sup>th</sup> century BC one can deduce that the law of the family has been replaced by the law of an aristocracy turned oligarchy. The new law transitions from the family law Unwritten in a comprehensive way until possibly the year 621 BC. The new law attributed to Draco and also in Solon's time establishes who is to be called the citizen of Athens. This natural requirement of a constitution arises when villages merge and are considered a nation that proffers more security and advantages in numbers. It has at the same time the obvious disadvantage that some of the people do not belong really to the original families who existed in the town before and some who have a mixed race and some who have different religions and in general a lack of consistency in values, culture and homogeneity. But on the other hand, there is more wealth and therefore more workers are needed. The older indigenous families want to re-enforce their authority and their right to property before any foreigner or descendants alien to the original culture and the favoritism that goes by the maintaining ownership in the hands of the families who first settled the land and their descendants. A natural tension arises between the new 'citizens' not yet recognized as such and the indigenous citizens. The tensions augment

when there is a natural difference between the indigenous and the 'new' citizens especially when the latter become more virtuous or necessary for the good of the polis more than the indigenous. There is intermarriage and other cultural interrelationships that make the line between the older citizens and the new 'citizens' rather hazy and difficult to manage. The result is that the original law based on the family or the house hold cannot identify who is really a son who is not and who is a relative and who is not. As expressed by Aristotle and to paraphrase him ever so slightly, 'the words, 'born of a father or mother who is a citizen,' can no longer possibly apply to the first inhabitants or founders of a state' [Pltcs, III.II.1275b30-35]. In Book IV, Lecture 13, it appears that the earliest government which existed among the Greek people was kingly and presided over by the knights (of the cavalry). They had the military strength since war at the time depended on cavalry. Then the warrior class overthrew the Kingly. They were heavily-armed warriors and more than the cavalry because few would be able to own a horse. The infantry therefore was greater in number as a result of the growth in the city's population. They nevertheless were useless if they were disorganized. Once they grew in size and order they had a greater share in government. The Kings, inviting more people to share in governance called it democracy. The multitude constituting their strength in the infantry saw this as a conversion towards the majority and also called it democracy for this very reason, that democracy means 'the people (Demo) rule (kratia)'. But in effect what prevailed was as a constitution (or free-people's government) and this being based mainly on the strength of the heavy infantry. It therefore is obvious that the original constitutions was first kingly and then oligarchical. There was still no middle class, the populations relatively small and hence with Kingly and oligarchical governments the people were more than content [*Politics*, IV.XIII.1297b15-25].

4.6.5 From the general population perspective one who is not considered a son of the family has only one other place and that is to be a slave deriving from 'outside of the family' (the rule of the master and the slave). The law of the family has the law of love relating to master of the household and his wife and his offspring male, while with the workers it is a relationship of master and slave. As Aristotle explains in politics injustices augment over time based on the incomprehensibility of the law. A new one is necessary. Hence,

Draco or Solon both being Archons were aware and set about through dialogue to reconstruct the constitution. The dialogue is clearly mentioned in this particular case because it is said that Theseus was the first to summon all on equal terms, and it is said that the phrase ‘Come hither, all ye folks’ also known as ecclesia. The statement loses its perspective with time but it suffices to imagine for the first time a slave is considered as part of the ‘folks’ to take decisions in government. It is also significant to consider the fact that the word ‘Ecclesia’ is in today’s usage in English translated as ‘church convocation of the people’. That means the ‘citizens’ of the church have a common belief, faith, culture, values and leadership. They in effect are part of the same ‘universal’ state. They are not outside of it as before.

4.6.6 The convocation of the people transforms the new law into a constitution, for that is the definition of a people. From then on the citizens have something in common; viz, their state and all it abodes. Aristotle explains that ‘a constitution or government being an arrangement of the inhabitants of a state’ [Pltcs, III.I.1274b35-40]. Later he provides the definition that, ‘the citizen is the one who has the power to take part in a deliberative or judicial administration of any state and in general a state is a body of citizens sufficing for the purposes of life’ [Pltcs, III.I.1275b20] The constitution gives ‘identity’ to the nation or polis or society. The question they answer is, how are we going to live together’ which can also be translated as ‘what is to be defined as justice and a just man’ in our society. Only citizens can form the government. That is, those convoked. Only they have a right to Justice as such from a political perspective. Outside of the constitution there is no justice because the person is not recognized as such or as sharing in the constitutional rights and obligations. Hence, in the new constitution, the first responsibility is to identify who is citizen. Then accordingly, the new citizens form the council of the Areopagus and appoint the Archons, Legislators, Treasurers, Minor offices, Generals and Masters. Not only do they appoint them but the council of citizens also ensures they fulfill their responsibilities. And for there not be misuse of offices or power, the Archons from who the other offices are appointed are a position to be held for a certain period of time; as it is said ‘appointment to the supreme offices of state went by birth and wealth; and they were held at first for life, and afterwards for a term of ten years. [AC. II.1. p 15].”

4.6.7 Let the new constitution find its august place in the Aristotelian definition that ‘the sameness of the community consists chiefly in the sameness of the constitution, and it may be called or not called by the same name whether the inhabitants are the same or entirely different’ [Pltcs, III.III.1276b10]. Without the constitution there is no state, for the latter is not defined by the walls that surround it and not all who live therein form part of the state. But if the constitution is the matter defining the state, what is the form of the state and on what grounds do we come together. The answer for the reason why Theseus and Solon and Draco brought the people together to form a new comprehensive constitution is, to ensure justice, understood as the *good man* by Aristotle. It is no longer the consanguineous relationships arising out of marriage that form the bonds of this new ‘confraternity’. Consanguinity is the source and should not be underestimated in view of the state. But something greater here is responsible for the new self-sufficing state and that is the *good man*, the virtuous man and together the common good.

#### **4.7 The Dawn of Democratic Constitutions in Athens**

4.7.1 Long before Aristotle discusses the nature of the types of government, he emphasizes the nature of this new reality of the state and its material and formal nature. With regard to the citizen the measure is that “political society exists for the sake of noble actions, and not of mere companionship. Hence they who contribute most to such a society have a greater share in it than those who have the same or a greater freedom or nobility of birth but are inferior to them in political virtue; or than those who exceed them in wealth but are surpassed by them in virtue” [*Politics*, III.IX.1281a1-5]. A society is perverted by those who govern for their own interests rather than the common good of all [*Politics* III.VII.1279b5-10]. If therefore, virtue is found expedient and put into practice by those who govern the society then it is evident that a society is not a mere aggregation of people, living in a common place, seeking security from common life to prevent mutual crime and for the sake of economic life. These are important but they do not form the society. The society is a community of families and aggregations of families who intermarry and commune in well-being, for the sake of a perfect and self-sufficing life. “Hence habitat (a common place) is necessary but first comes mutual interrelationship.

Afterwards there arise family connections, brotherhoods, common sacrifices, amusements which draw men together. But these are created by friendship, for the will to live together is friendship. The end of the state is the good life, and these are the means towards it. And the state is the union of families and villages in a perfect and self-sufficing life, by which we mean a happy and honorable life.” The society forms a state for the sake of noble life and not because they want to live together. There are people who may not need the common life (that is after birth and nurture) with fellow citizens in order to live a good life, but living in a community still engenders some nobility or welfare for them [Pltcs, III.IX.1280b-1281a5].

4.7.2 So far it is deducible that the Aristocratic disposition turned oligarchic became the reasonable solution for those who considered themselves original inhabitants and who still wielded power. The indigenous population (albeit slightly deformed of its original contextual definition) given their ownership of property still retain control over the state. It is Aristocratic when the good of the whole polis and citizen is the object of government. It tends to injustice and favoritism when it changes to Oligarchy, for as Aristotle says that Aristocracy is said to be so ‘when more than one, but not many, rule... either because the rulers are the best men or because they have at heart the best interests of the state and of the citizens...and that the perversion of aristocracy, oligarchy has the interest of the wealthy’ [Pltcs, III.VIII.1279b5-10]. Oligarchy led to ‘the many being enslaved to the few, the people rose against the notables’ and ‘violently’ [AC, V.1 p 21]. And this stayed as such until around 594 B.C. when “they jointly chose Solon as arbitrator and Archon, and entrusted 594 BC the government to him, after he had composed the elegy<sup>196</sup> that begins: “I mark, and sorrow fills my breast to see, Ionia's oldest land being done to death” [AC, V.2 p 21].

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<sup>196</sup> An Elegy is a mournful poem. On these quotations from Solon see *Elegy and Iambus* (L.C.L.), vol. i. pp. 104 ff., especially pp. 120-121, 142-143, and 148-153. For instance Plutarch's *Life of Solon* 32. 3: According to Heracleides of Pontos, Solon survived the beginning of the reign of Peisistratus [his mother's sister's son] by some considerable time; according to Phanias of Eresos, by less than two years. Peisistratus began his tyranny in the Archonship of



4.7.3 This was in order to mediate between the warring parties. It is said that Solon was not very rich and exhorted the rich not to be greedy. He blamed the ills of the society on avarice [AC, V.3. p 23]. However, it was not rosy for Solon as it may appear. Ancient societies were rather 'savage' from the perspective of modern societies. Yet this savagery is schemed over by Aristotles. It can only mean that in comparison to the other societies around them the Athenians were rather 'saintly' at least given the comparison Aristotle makes of Athens with Sparta and Carthage and Crete and Cyprus. A keener eye on the history of Athens points to savagery existing alongside virtuous sanity.

4.7.4 The golden age of Athens at the time of Pericles around 594 B.C. is, among equals, feudatory, unequal, and savage in the treatment of women, slaves, aliens, and collaborators who were not citizens. For true to the 'word' of the oligarchic constitution, anyone outside the constitution did not enjoy justice as much the special class of citizens did and because of that were treated horrendously in comparison to our modern experiences. If one was not an adult, male, Athenian citizen, the glory that was Greece and the shining city on the hill of Pericles' Athens, was a fiasco. It was not possible to sustain the Greece of the golden ages without slavery. The class of citizens '*rested*' and made poetry and thought and philosophized in the Areopagus. The rest worked in the fields, in the mines and in the homes. Every sort of vicious trade like pimping, torturing slaves, murder, mistreating women, women pimps, are classy tales of gore from Athens. In the history of Herodotus we capture a glimpse of some of the insanity. For example, Herodotus holds that they "manned a ship of war, and sailed to Aea, a city of Colchis, on the river Phasis; from whence, after dispatching the rest of the business on which they had come, they carried off Medea, the daughter of the king of the land. The monarch sent a herald into Greece to demand reparation of the wrong, and the restitution of his child;

but the Greeks made answer that, having received no reparation of the wrong done them in the seizure of Io the Argive, they should give none in this instance.”<sup>197</sup>

4.7.5 Treatment of Slaves was at times ghastly and other times noble. The most unfortunate Athenian slaves were the miners, driven often to the point of death by their owners (the mines are state-owned but are leased to private managers). By contrast other categories of slaves - particularly those owned directly by the state, such as the 300 Scythian archers who provide the police force of Athens - can acquire a certain prestige. Thucydides tells us that, in Battle of Salamis, when Xanthippus the son of Aripbron was ‘*strategos*’ of Athens, he had Scythian mercenaries among them women were fighting on behalf of the Greeks. Slaves and children were property owned by their master (or the state) as manifested by Aristotles and the master or state could dispose of them as they saw fit; the master could give, sell, rent, or bequeath them. They had rights but these were held by the master. In any case they had fewer judicial rights than citizens and were represented by their master in all judicial proceedings. The paradox was that at the same time this maltreatment of women and slaves occurred, the Athenians “held the taking of bribes to be too inimical and unprofitable to the state to be tolerated in any transacting or in any person; but you men of Athens having before you a peace which at once has pulled down the walls of your allies . . .”<sup>198</sup>. We also read about the Athenian love for virtue in Aristotle and Isocrates<sup>199</sup>.

4.7.6 Solon prohibited loans secured on the person and gave people more freedom [AC, VI.3. p 23]. He provided a new constitution and that of Draco was superseded. For this he

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<sup>197</sup> Herodotus, *The History of Herodotus*, Transl. George Rawlinson, <http://classics.mit.edu/Herodotus/history.html>

<sup>198</sup> Demosthenes, “De Corona and De False Legatione”, Transl. C. A. Vince and J. H. Vince, *Loeb Classical Library*, (London: Heinemann, 1926)

<sup>199</sup> Isocrates, transl., George Norlin, *Loeb Classical Library* (London: Heinemann, 1923). “But most of all you would be spurred on to strive for noble deeds if you should realize that it is from them most of all that we also derive pleasure in the true sense. For while the result of indolence and love of surfeit is that pain follows on the heels of pleasure, on the other hand, devoted toil in the pursuit of virtue, and self-control in the order of ones life always yield delights . . . that are pure and more abiding.” In [http://www.muhenberg.edu/library/papyri/descriptions/P\\_OXY\\_1095.html](http://www.muhenberg.edu/library/papyri/descriptions/P_OXY_1095.html)

incurred both fame and enmity among friends and foes. But in a sense being a tyrant he re-organized a disordered state [AC, VI.4 p 25]. He “wrote up the laws on the Boards<sup>200</sup> and set them in the Royal Colonnade, and all swore to observe them; and the Nine Archons used to make affirmation on oath at the Stone that if they transgressed any one of the laws they would dedicate a gold statue of a man; owing to which they are even now still sworn in with this oath. And he fixed the laws to stay unaltered for [AC, VII.2. p 27] a hundred years”.

4.7.7 Solon’s constitution offered the following structure of society. He assessed the people into 4 classes [AC, VII.3. p 27] much as it was the same as before;

- a. Five-hundred-measure man, Horseman, Teamster and Labourer.
- b. He distributed the other offices of government among the Five-hundred-measure men, Horsemen and Teamsters – the Nine Archons, the Treasurers, vendors of Contracts, the Eleven and the Paymasters, assigning each office to the several classes in proportion to the amount of their assessment;
- c. Laborers were admitted only to the membership of the assembly and law-courts. To be rated as a Five-hundred-measure man one’s estate was to produce five hundred dry and liquid measures jointly. The cavalry group was made up of those able to keep a horse or produce three hundred dry and liquid measures jointly [AC, VII.4. p 27].
- d. Teamsters made two hundred measures, wet and dry together;
- e. The rest were rated in the Labourer class, being admitted to no office
- f. Offices of state were to be held by election. First by lot from candidates selected by the tribes severally by a preliminary vote. To elect the Nine Archons each tribe had to make a preliminary selection of ten, and the Archons were then elected

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<sup>200</sup> Aristotle, AC, VII. 1-2, 27. Three-sided (or perhaps four-sided) structures of wood (or perhaps stone) revolving on pivots; set up in the Stoa Basilike, the court of the King-Archon, on the west side of the Agora.

from among these by lot. The tradition was still extant at the time of Aristotle. [AC, VIII.1. p 29]

- g. The citizens were divided into four Tribes and there were four Tribal Kings. Each Tribe was divided into twelve districts (48 districts in all) and each group of three districts was assigned a Ship-board or *Naucrariae*. The ship-board was the government tax collector [AC, VIII.3. p 31].
- h. Solon instituted a law to safeguard the democracy against obstinacy and lethargy in the face of civil strife [AC, VIII.3. p 31]. He had observed that the Athens was constantly engulfed in party strife, while some of the citizens were lethargic, content to let things slide. He therefore instituted a law that whoever did not join forces with either party when civil strife prevailed was to be disfranchised and not to be a member of the state. [AC, VIII.5. p31]

4.7.8 Solon's key modifications were; the prohibition of loans secured upon the person, the liberty allowed to anybody who wished to exact redress on behalf of injured persons, and third, what is said to have been the chief basis of the powers of the multitude, the right of appeal to the jury-court for the people, having the power of the vote, becomes sovereign in the government. The laws were drafted it is said by Aristotle somewhat in a complicated and unclear way. However, the charge that Solon 'wanted to purposely make his laws obscure, in order that the people might be sovereign over the verdict...this is unlikely, probably it was due to his not being able to define the ideal in general terms; for it is not fair to -study his intention in the light of what happens at the present day, but to judge it from the rest of his constitution' [AC, IX.2. p33].

## **4.8 Athenian Society and its Institutions in General**

4.8.1 Once the Citizen is defined then the next institution is the family. An Athenian citizen necessarily undertook, and it was generally considered as such by the law, as part of himself, wife, children and the household slaves. He was responsible for them in justice. The family and the household were therefore considered almost a part of the 'being' of a particular citizen. The primordial institutions of society are therefore the family and household and these form part of the constitution of a state and therefore it should be

regarded as part of the ‘*virtues*’ of the state. In it the skills of the men, women and children must have an education with an eye to the constitution, if their virtues are to be reckoned as good for the whole community. [*Politics*, I.XII.1260b5]. There is also the village or the tribe as the case may be. There must be an economy that provides the food and workers (slaves) to procure food for survival and savings in difficult times. The economy also enables a state organize itself materially and with regard to obtaining strength for the sake of security. In the Athenian constitution, not only was it the role of the state, but also the rich citizens contributed towards the war campaigns of the state when the state did not have enough funds. There also must be what he calls *arts (skills)*, for life which require many instruments for work and thereby necessitating artisans: There must be arms in the community in order to maintain authority both against disobedient subjects and against external assailants, hence soldiers are necessary for this work. There must be adequate revenue, both for internal needs, and for the purposes of war for which a wealthy class is necessary. There is also (Aristotle says that this is the first thing), a need for priests for the care of religion which is commonly called worship. Finally, judges who have the power of deciding what is necessary and expedient for the public interest, and what is just in men’s dealings with one another.

4.8.2 The King Archon of Athens had as his main responsibility to superintend over the mysteries with the help of representatives appointed by the people and the *Eumolpidae* and *Kerykes* who were two ancient priestly families at Athens. He superintends the Lenaeon Dionysia, which consists of a procession and a contest; the torch-race; and to speak broadly, he administers all the ancestral sacrifices [AC, LVII.1. p 157]. He presides indictment of impiety and any disputes between parties concerning priestly rites; controversies concerning sacred rites for the ancient families and the priests; All actions for homicide come before him; he makes proclamations on polluted persons to keep away from sacrifices. Whenever the King hears a case he takes off his crown. [AC, LVII, 2-4. P 159-61]. When one is accused of homicide he is declared unclean until otherwise proven innocent and is barred from sacrifices and setting foot in the market place.

4.8.3 The King's office defined the unity of the people and the king's role so to speak was next to the God's. It should not be assumed that this made him necessarily a tyrant. Aristotle points out at the end of the Athenian constitution that there is conclusive evidence manifested in the eleven changes that made the history of the Athenian constitution up to his time as follows; "The people has made itself master of everything, and administers everything by decrees and by jury courts in which the people is the ruling power, for even the cases tried by the Council have come to the people. And they seem to act rightly in doing this, for a few are more easily corrupted by gain and by influence than the many" [AC, XLI. 2-3, p 117]. Throughout *Politics* the concept that the many are not so easily corrupted, is repeated.

4.8.4 The offices necessary for the administration of the state, the Council which had five hundred members, fifty from each tribe, was elected by lot [AC, XLIII.2. p 123]. They shared in almost every official responsibility of the society. Among these were, the ten treasurers of Athena (the goddess); the ten vendors and ten receivers responsible for the public works, mines, taxes and public sales contracts; The Archives of contracts; The ten accountants, auditors and two assessors for each auditor – to keep the accounts of the officials; The council also inspects the Knights chargers and the keeping of the horses and the foot soldiers; The council also inspects the incapables; for [AC, XLIX.4, p 137] there is a law enacting that persons possessing less than 3 minae and incapacitated by bodily infirmity and to give them a grant for food at the expense of the public – 2 obols a day each; [AC, L] Ten men are elected as restorers of the temples; Ten city controllers – five who hold office in the Peiraeus and five in the city. The five in the city take care of the flute girls, and harp-girls and lyre-girls; [AC, LI] Ten market controllers – Five for the Peiraeus and five for the city. Their statutory duty is to see that all articles offered for sale in the market are pure and unadulterated. Ten controllers of measures are appointed in the same manner, in charge of measures and weights. Thirty five (35) corn wardens in charge of fair pricing of corn; Ten port superintendents – to superintend harbor markets and to compel the traders to send 2/3 of the sea-borne corn to the city corn market; They also appoint the Eleven, officers chosen by lot to superintend the persons in the prison, and to punish with death people arrested as thieves and kidnappers and footpads that

confess their guilt, but if they deny the charge to bring them before the Jury-court, and if they are acquitted discharge them, but if not then to execute them [AC, LII.1.141].

4.8.5 There was an elaborate institution to ensure justice was granted to all the people according to the constitution. Nine Archons were elected often referred to as magistracies. Each tribe made a preliminary selection of ten, and the election was made from among these by lot. There still survived, at the time of Aristotle, the system in which the tribes elected ten by lot and then they choose the nine Archons from among these by ballot. The nine Archons were made up of; six *Thesmothetae* (law-givers or “magistrates”) elected by lot, together with their clerk, and in addition to these an Archon, a King, and a Polemarch (War general). One is elected from each tribe [AC, VIII.1, p 29]. These were thoroughly or elaborately examined before admission to Archonship. The Archons stood upon a ‘stone on which are the pieces of the victims’ or sacrifices to the gods, and swore to execute their office uprightly and according to the laws, and not to receive presents in respect of the performance of their duties, or, if they did, to dedicate those gifts to a golden statue. When they had taken this oath they proceed to the Acropolis, and there they repeated it; after this they enter upon their office”<sup>201</sup>

4.8.6 The war lord or Polemarch sacrificed to Artemis the huntress and to Enyalios (a form of Ares). He had oversight of particular private law suits where resident aliens (lacking or acting without protectors<sup>202</sup>) and foreign consuls are concerned. He divided the cases into ten portions and assigned each to a tribe and the respective jury-men and these to Arbitrators [AC, LVIII.1-3. 161].

4.8.7 The Themosthetae (law givers) decided what days the jury-courts were to sit; assigning them to the several magistrates (officers) [AC, LIX.1. p 161]. They also examined all magistrates, the rejections by the demes (tribes) and the condemnations by the Council of

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<sup>201</sup> Aristotle, *AC*, LV.1-5, 151-3., transl. Frederic G. Kenyon, Rackham H., Eds. T.E. Page, E. Capps, W.H.D. Rouse (London: William Heinemann, 1937)

<sup>202</sup> Aristotle, *AC*, LV.1-5, 151-3, A *metoikos* (other than the *isoteleis*, who for taxation and military service ranked with citizens) had to be enrolled under a citizen, whose sanction was necessary for his actions if important.

five hundred. They were also concerned with cases of slaves who slandered citizens; they ratified commercial treaties and related cases and heard cases of perjury from the Areopagus [AC, LIX.1-6. P 163]. The casting of lots for the juror's appointments was conducted by all the nine Archons, with the clerk to the Themosthetae as the tenth, each performing the duty for his own tribe. Such were the duties of the nine Archons [AC, LIX.7.163].

4.8.8 Besides the offices mentioned above there were also; 10 men from each tribe to act as Commissioners of Games (Athlothetae), one from each tribe [AC.LX.1.p163]; Treasurers to preserve the sacred oil in the Acropolis, and he may not take his seat in the Areopagus until he has paid over to the Treasurers the full amount.” [AC.LX.2-3.p165]; Ten generals (strategi), formerly from each tribe but now from all the citizens to take care of the infantry, knights, defence of the country, those who would superintend the symmories (the 20 companies in which the 1200 richest citizens were enrolled for payment of property-tax levied to meet emergency expenses of war<sup>203</sup>) [AC, LXI.1.p 165-7]; ten regimental commanders, one from each tribe [3]; two Cavalry Commanders from the whole body of citizens. These lead the Knights, each commanding a division consisting of five tribes [4. P 167]; Ten *Phylarchs* (Tribal chieftains or Commanders, one from each tribe) [AC, LXI.5. P 169] to lead the cavalry; a Hipparch (Cavalry commander) for Lemnos, elected by open vote; [6. P 169]; and a treasurer of the Paralus (One of the state triremes used for embassies, etc.

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<sup>203</sup> Douglas M. MacDowell, “The Law of Periandros about Symmories”; *The Classical Quarterly, New Series*, Vol. 36, No. 2, 1986, 438-449. Most of the Attic instances do have the special sense of a group of persons formed for the purpose of making payments of a compulsory tax or levy: either the property tax called *Eluaopai*, which was imposed at irregular intervals, or payments towards the maintenance of ships in the Athenian navy, which were required every year. A fragment of Philokhoros says that Athenians were divided κατά συμμορίας ‘by groups or warriors’ for the first time in 378/7, and it is generally agreed that this means that symmories were first formed in 378 for the payment of εισφορά ‘eisphora’ which means *contributions*.



## **4.9 Summary on the Athenian Constitution**

Despite the complex democratic system existent in Athens during the 4<sup>th</sup> Century BC, there still existed tyrants and corruption and Aristotle thought there should have been a better constitution. It is evident that Athens had a government in which the central government acquired immense power especially when the Archons could control the administrative power as for instance when they held power over the council or during and after experiences of war. Where State and administrative power unite, power tends to be absolute and totalitarian. The democracies, tyrannies, oligarchies just as the good governments of monarchy, polity and oligarchy evolved in turn through the history of Athenian constitutions. Polity (as democracy in the good sense of government) at times could be accused of slowly but definitely forcing citizens to yield to everything from private religious practice to almost every respect of family life, and that at all times. Therefore Solon enacted a law to tame lethargy from public servants in times of strife. One thing that the Athenian constitution cannot be accused of is secularizing religion and being insensitive to the people. All Athenian constitutions were founded on the natural growth of a city-state from the family to the democratic constitutional state. Every citizen somehow seems to have been involved or knew and was informed of the various happenings especially because fathers of families were involved in electing the Archons and educating well those who were selected as citizens. They could participate if they wanted to. The primitive vagaries and savagery extant then necessarily allowed that there would have been constant wars, slaves and lack of respect of women's rights and alien population. Nevertheless, the constitution could be summarized as the result of common life, customs and faith of the people. It was not imposed except during the tyrannies and then the tyrant mainly took advantage of their military power. The constitution was not something alien to the people.

## **5. Foundations of Institutional Rule, Magistracies and Justice**

### **5.1 Introduction**

Having studied the Athenian constitution and thus understood the proximate political philosophy and structures surrounding and informing Aristotle, we now embark on a study of his philosophical *gift* to the Athenian people. From the onset of Nicomachean Ethics, Aristotle is

well aware that although happiness is the simple end and primary desire of human society intervening in the common good, it is an imprecise thing because it depends on particular natural circumstances. In other words happiness can be said of the natural whole but it is enjoyed by a particular person in particular circumstances. Thus, the common good can be viewed as the amalgam of the basic social conditions allowing the individual person as such and the community to find fulfillment, flourish and therefore be happy. The principle premises for person and community to be happy, according to Aristotle, depend on person's virtues (NE) and efficacious legislation. Therefore, it is not enough to have the disposition of a particular virtue but one has to learn how to live it well<sup>204</sup>. Only virtue can truly make us happy. A virtuous person is naturally disposed to behave in the right ways and for the right reasons, and to experience pleasure (and thus happiness as a final end; happiness is for happiness for there is no other good beyond it) in behaving rightly (NE, I.I). We should thus speak of virtue as the fulcrum upon which every one of our actions depends for us to achieve the final end. However, as we know the good person tries to make his own (his children) virtuous and sometimes he is unsuccessful. If therefore the private person is unable to make his children and friends virtuous it seems the best alternative is to acquire the skill to make good laws. Here the government of a society becomes necessary because for such laws to become efficacious they necessitate full coercive power. Therefore, only the public person has primary responsibility of legislation and secondarily the private person. The law as explained in the note above tends to define the minimum virtue required for a people to share the common good.

## 5.2 Common Good as the Object of Legislation

The defence of the common good of society is primarily the object of legislative science [NE, X.IX. 1180a1-25]. A society with a good constitution and rule is determinate according to

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<sup>204</sup> Alasdair MacIntyre, *After virtue*, 141-145. MacIntyre expresses this idea very clearly. To be considered good in a community, not only requires that one has a mental reflection of the telos he seeks but that he does what is right to achieve that telos. Virtue is the habit of acting habitually towards a particular good. Furthermore, a virtuous person and a good law are required to ensure the common good. It is necessary that the city or community has a well articulated law showing the minimum required for the sake of the common good.

the principle of the ‘common good’. The constitution therefore should enshrine the norms or principles of community that ensure the common good and all legislative promulgation, private or public must necessarily be according to the constitution; for it is this that unites the community and is its common principle of unity<sup>205</sup>. This means that the law as a whole should encourage the citizens to practice virtue according to the constitution of the community. The constitution also enshrines what we have referred to as key social institutions. We have already seen that, according to Aristotle, justice is equality among equals and proportional equality among those who are not equal. Inequality (that is proportional equality) is justice with regard to unequals but not with regard to equals [III.IX.1280a10-15]. Justice and injustice in this case cannot be merely defined with regard to material riches or wealth. They should be defined with regard to excellences and defects in persons with a view to the good life in the community and among the members of the community. For example, it is good to reward the most virtuous more than the less virtuous. This is primarily what makes a good state. There is an interest for the good of each other [*Politics*, III.IX.1280b1-10].

In Nicomachean Ethics, Aristotle holds that there are two kinds of justice. One kind deals with conformance to law and the law is prescribed with a view towards virtue. The other deals with fairness in particular human actions between neighbors. Both are necessary for the common good. He posits that the majority of the acts commanded by the law prescribe virtue taken as a whole; for the law bids us practice every virtue and forbid us practice any vice. The things that tend to produce virtue taken as a whole are those of the acts prescribed by the law which have been prescribed with a view to education for the common good [V.II.1130b22-25]. The key norms or principles of the good life in common according to Aristotle include politics, religion, Justice (ethics and law), civilization, education, property or material needs (economics), territory or physical locus (for the constitution is a community, and must at any rate have a common place

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<sup>205</sup> Aristotle, *Politics*, IV.I.1289a15. Aristotle defines the constitution as the organization of offices in a state and determines what is to be the governing body and what the end of each community is. Laws are not to be confounded with the principles of the constitution since they are rules according to which the magistrates should administer the state, and proceed against offenders.

- one city will be in one place, and the citizens are those who share in that one city [Pltcs, II.I]. Over time habits form a culture and become a history. The ‘good’ dynamics of cooperation (or happy coexistence) within a society would be absent necessarily if on one side there is no virtue of justice and endearing ‘friendship’ among citizens and on the other there is no respect for the constitution. Maritain realized that even in communities where people have diverse sources of religious beliefs, such as in liberal democratic societies, they tend to have at the most basic level a “Secular faith” or “Civic faith”, which is defined as the practical principle of cooperation among citizens such as is found in the United States of America. It consists in the ‘convergence’ of people with different or even opposite metaphysical or religious outlooks. Convergence arises from an analogical similitude in practical principles and in the sharing the same practical secular faith, founded in truth and intelligence, human dignity, freedom, brotherly love and absolute value for the moral good<sup>206</sup>. It is to be distinguished from ...theoretical justifications... or philosophical or religious creeds which propose these practical conclusions through the use of reason<sup>207</sup>. It seems therefore expedient that the primary social institutions of justice be discussed because they are the pillars of the common good. Law can be written or unwritten. It should be written or at least promulgated for the sake of ensuring the citizens (mature people) keep practicing the habits of the virtuous life. While for the child the law of paternal love, the parental command, is what teaches virtues, for the citizens it is the legislator [NE, X.IX.1179b1-1180b25]. Much has been documented on the nature of Justice as comprising all virtue in Aristotle.

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<sup>206</sup> Michael Novak, *The Spirit of Democratic Capitalism* (New York: Simon and Schuster, 1982), 66

<sup>207</sup> Maritain Jacques, *Man and the State* (Chicago: University of Chicago Press, 1951), 111, in Michael Novak, *The Spirit of Democratic Capitalism*, 66

## 5.3 The Family as the Foundational Principle of Justice

### 5.1.1. Family as Foundation and Exemplar of Society

From the early history of human society and nations (often referred to as cities), the family has been regarded as the beginning or core principle of the city. Cicero once said in *De Officiis*, a letter to his son Marcus, that the family is the first founding principle of the City and cradle of the State. He arrived at this conclusion based on the observation that human society, especially in Greek thought, is formed by “the enlarged family, with the ancestors and children, united in a vital space and in communion of goods”<sup>208</sup>. In Aristotle and Cicero we find an agreement that the first bond of union is that between husband and wife; the next, that between parents and children; then we find one home, with everything in common. And this is the foundation of civil government, the nursery, as it were, of the state<sup>209</sup>. In this thesis we agree, *de facto*, with this principle. There will be many other foundational reasons for starting a city; for instance, settlements of war, of commerce and so on. However, the principle upon which the city grows and customs and laws are made depends on common agreement between people and their traditional orientation. It is evident that the family, being a stable union of love, filiation, friendship and in general consanguineous relationships, will offer the first tendency towards unity. On the other hand, a commercial concern or an engagement in war, and so on, may be stable only for a period of time. For instance, if a city is to be founded on the principle of commercial well being, once this is attained then the reason for founding a city is no longer fundamental. It seems obvious that commercial activity is not a final end in itself, but rather a means that is good towards a more perfect end which is material well being. Therefore, once material well being is reached, and everybody is wealthy, or for that matter has money, then each has arrived at his or her object; the end. The city is accomplished in wealthy people. If wealth is the end of commercial activity, then union can be with anyone that provides this end. Hence, the

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<sup>208</sup> Aristotle, *NE*, VII.XII.1162a6-8. CICERO, *De Officiis*, I, 54

<sup>209</sup> CICERO, *De Officiis*, Transl. Miller Walter, (Cambridge: Harvard University Press, 1913), I, 54

union between two or more on the basis of commerce is not stable and exclusive. The same principle may be said of alliances such as is made between nations or between political parties. These are unions for a subsidiary good of man which once arrived at is at same time vanquished. Human associations for the sake of achieving material and immaterial needs in general, tend to be transitory in so far as the need is present and not yet vanquished.

At the beginning of Aristotle's discussion of good human society, he starts by distinguishing the parts. He begins with the two who are by nature made for one another, that is, man and woman. Although he continues to the consequences of the growth of this union between man and woman in the village and in the self sufficing *polis*, he explains how society is managed from the perspective of the family as a household. In it he observes certain salient relationships. Among the participants, of the household, so to speak are; the perfect good who is God, man and woman, procreation and instruction of children and slaves. The natures of the relationships that arise are also discussed as foundations or as it were the primordial cells of the self-sufficing society and therefore in its own sense the family relationships are complete; the family as a natural community is complete. He shows that it is complete or self-sufficing by explaining that in the household is found every good necessary for a happy society. There is moral friendship, there is 'gift' the principle gift being self giving between man and woman and then, there is filiation and education of the children and the children's children. In order to gather the goods necessary for the family to have a good life, there is in man the recognition of the supreme good, who is God, there is moral unity in household government, there is economy, there is a relationship between the family and other families, there is a relationship between master and servant, there is relationship with regard to the harnessing of what nature has naturally given to man for his well being. Regarding the latter, he talks of space (land), animals, plants, sea and relationships of war or friendship between barbarians or civilized people as the case may be. The barbarian and the natural hazards of animals have to be conquered, as it were through war, for the sake of peace and *oekonomia*. The latter term expressly refers to the management of the household economy. Plato had 'conceived' his ideal city, '*The republic*', as if it were something formed in heaven; a city for gods or the children of gods, not for the hazard of imperfect men. In this sense Aristotle believed in the good nature of man while Plato makes his ideal state from the perspective of man as flawed.

In Aristotle therefore, the family household forms the nursery of perfect human society because it has the core offices of a good society already. It is ruled by one person because, the opinion that most influenced this perspective in him and among the Greeks was that, the gods themselves are subject to kingly government and as it were, men imagined themselves to be made in the likeness of the gods, so they supposed their manner of life to be necessarily the same. If there is rule there is magistracy, instruction, property and division of property to the children once they become mature, the acquisition of material necessities (food, clothing), security and defence of the family, care of the 'woods' or natural resources, office the of priest in the father, discipline in love and punishment as principle of order in the family and finally the management of slaves. In effect these are offices and very similar to those we find in the good government in Aristotle. However, when the family becomes a polis in the long-run, then other offices become necessary since the new reality of the city is more perfect; and a new reality of relationships ensue. Such new offices that were particularly not in the family level of communion include; offices concerned with the common worship in the city and common religious rites (priests whose head is the king), Judges, the market, revenue and expenditure and taxes needed by the city, courts of law and prisons, city space management and harbors, registry for contracts, auditors and assessors, police as guardians of the law, guardianship of women and children, offices concerning war and care of the 'rural' areas surrounding the city.

The city can be defined as a family in perfect maturity. It can therefore can be suggested that any offices which arise from the fact of the city, as such, should be the responsibility of government and those which arise and are already present at the family level, as such, should have the family as primarily responsible although with a view to the whole community and therefore having oversight by the government; an assessment by the government needs to be there for the sake of the unity of the whole. Those relationships that exist already at the village level should have the village level assisting as primary officials and the government overseeing in order to maintain a unified city as a whole. In Athens the village is where the 'tribe' lives and the 'tribe' is generally defined as a mature household. These general principles are evident in Aristotle's politics. The fact is that in Athenian society most offices of government started right from the tribal and family level.

Though he laments that it is only the Spartans who seem to care for education of the young, among the 158 constitutions he studied, he leaves education of children primarily in the hands of the family and only when they become older do they fall into the hands of the city's magistracies. It is surprising that the insight Aristotle puts in the necessity of education and instruction of children in society does not result in a government office or ministry, so to speak, of education. He even proposes that the ruler has to make laws on education and instruction of the young with a view to virtue. But he does not erect an office as he does in all the other aspects. More research could be done in this area to find out why.

He allows for the master of the household to train the slaves in the different arts that arise for the sake of the good life. This is what we may call technical education in our modern societies. However, even then this is the work of the master of the household because it is he who knows the needs of the family. Technical training included such arts as agriculture, shoemaking, fabrication of tools, economics, and in the main agriculture. However, he does not even grant this aspect much space. Why is this? We think it is because he did not want to deviate from the principle theme of his *Politics*, which is good government according to good moral activity which he had developed in his *Ethics*. Moral activity is therefore primarily overseen in the family law of love and in the making and guardianship of good laws (in general, just rule). An area of research could be solidarity and subsidiarity in the *polis*, based on these principles.

### **5.1.2. Nature of Marital Union in 'Family'**

The marital union, based on friendship between spouses, among spouses and children, and all these with regard to the children's children, tends to be strong and tends to perpetuity. Marital relations are by nature not easily broken or set aside, because of two things; one is that, in all families, the nature of the union is based on generation and preservation; secondly, it is based on moral friendship which is an unconditional 'gift' of one to another for life; and thirdly, because in the 'material' family there arises a consanguineous relationship which is a relationship that cannot be broken unless by death. With regard to the second reason, if there is perversion of a consanguineous family unit, it has also tends to be a cause of acrimonious dissention, sometimes leading to death or total separation. Therefore, family units have tended to have many means by which to settle dissentions among the members. Nevertheless, the reality is



that being a strong bond of union it has also been a common basis of strong divisions, because normally, the corruption of the best is the worst.

### **5.1.3. Family and Justice in Society**

In Aristotle there is a link between religion (proper to theology), natural law or precept (activity of the intellectual soul, will and conscience), virtue (moral activity), custom (commonly accepted moral and religious activities), positive law (written decree, law or right). We could call this the natural process of law and social order. A deliberative and responsible legislator takes into account this process when defining what positive law governs the community's moral dimension. This natural process begins with what a person has accepted, as gift, as religion, then there follows how well one has mastered the virtue of religion (natural law), that is, morality in its deepest foundations, and then follows moral activity. Over history the common principles of moral activity within man's community gives birth to customs (common beliefs and common activity). Hence, religion and natural law should form the most appropriate basis of the customs of a community over a period of time and space. A custom is a moral principle or activity at a particular point in time with regard to a particular community. When customs of a community, in general, are considered from a historical perspective the term 'tradition(s)' is used. Aristotle in *Nicomachean Ethics* understood five states by which the soul knows, as we have mentioned before; viz; *technê* (craft or art), *episteme* (scientific knowledge), *Phrónesis* (practical wisdom), *Sophia* (knowledge of universal truths), and *nous* (intuitive immediate knowledge or common sense). Thus man improves himself through innovation, science, technology, new arts, new encounters with other peoples and encounters with advanced customs. These all add up to modify the current customs. Hence, when the individual personal morality and/or common communal morality discovers something new beyond the normal ordinary customary beliefs and tradition then it is necessary to define whether the person has a right or not to do something beyond what is customary in the community. This is the principle function of the ruler of a state or community.

The state is not some 'artificial' institution but rather the community itself from the perspective of a unity or communion of people; or, the government is the people constituted. Legitimate government and legitimacy in leadership is often found in the principle of leading a

people according to their identity, which lies in the spirit of a people and derives from their common customs, traditions and history. These practices, viz, religion, science, virtue, customs, rights, law define the spirit of a community; in general the term culture is used to define the spirit or identity of a people. That identity is manifested by a community's constitution. The first community is the family or household. It is here that the 'spirit' is first constituted. In the constitution, the common central or common core principles are sanctioned. These are mainly the religion, government, virtue and customs. Within the customs one finds the principal common rights and laws.

#### **5.1.4. Family as the Abode of Ultimate Truth**

The highest and ultimate truth, good and integral reason held by a person forms the basis of the primary principles or ideals enlightening (giving) human action in the person and therefore personal relationships in the community. The highest basis of human moral action is not a material utility of any kind, but rather perfect happiness. This is what one desires simply. One observes that every person searches for a constant rule that will enable him be confident about ends (that is, have an enduring hope about a true end). We also see that every person searches for ends or aims which direct his actions and life. The highest end of all and which subordinates every other subsidiary end could be called the "ultimate end" and every person has one whether he is or is not aware of it. If one looks at the common denominator of all ends of all people, one finds that all seek to do good for themselves and/or for another whoever or whatever it is. The good is that which makes someone or something perfect as Aristotle says. This ultimate end and hence the highest good is often the perfect destiny of a personal interpretation and it is something divine. In Aristotle's fragments, no. F 16 R<sup>3</sup> [J.B. Oxon ed., 1985], he says "in general where there is a 'better' there is a 'best'. Since then among existing things one is better than the other, there is also something that is best, which will be the divine."<sup>210</sup> Therefore, José Morales says that religion has a profound relationship with ethics (morals), art, technology and science;

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<sup>210</sup> Aristotle, *Fragments*, Jonathan Barnes, Oxon. ed., Vol 2, Bollingen Series, Princeton University Press, 1984, 2392

because human beings are dynamic in a way that exercising their religion they pursue knowledge, practice and create arts. Religion transforms the civilized world, makes it beautiful, and transforms the earthly dwelling space according to religious values<sup>211</sup>. God is therefore the ultimate cause of all good and therefore the citadel of happiness, first truth, substance containing no evil, principle cause of all happiness, cause of all nature and being, first principle of all good, is free from self-contradiction, immutable and does not change his identity throughout his existence, a unity (simple), rejoices in one simple pleasure (all good in himself), possesses perfect goodness in Himself, does not have evil desires, exercises all his activity in the contemplation of truth (which is Himself), exercises providence over his creation and all human affairs, confers the greatest favors on those who love and honor their intellect and he alone governs the intellect.

In general 'religion' refers to the community's commonly accepted 'revelation' of God and traditional virtues of worship (that is, community practices with regard to worship of God). In Aristotle, God is the first mover, principle cause and final end, omnipotent and omniscient source of the community; He to whom we owe the gift of paternity; of man and woman coming together to form a community. Right at the beginning of *Nicomachean Ethics* Aristotle says that, "If anything is the gift of the gods to men, it is reasonable to think that happiness, the best by far of all human goods, is the gift of God. But this subject is perhaps more properly treated in another science. On the other hand, if happiness is not sent directly by God, but comes to men by virtue and study and exercise, it would still be judged most divine. As a reward and end of virtue it is apparently most excellent and divine and blessed." [NE, I.IX.1099b11-18] Aquinas comments on these Aristotelian passages defending his predecessor's principles of divine and human action as two manners in which we can conclude that happiness is the best goal, the ultimate principle and the most perfect principle to which all human action aims. He adds "the fact that happiness has a human cause does not do away with its chief characteristic, that it is the

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<sup>211</sup> José Morales, *Filosofía de la religión* (Madrid, Eunsa, 2007), 27-38

most excellent and divine”<sup>212</sup>. Aristotle proves this point in another way. He says that the purpose of a nature is something common to the things that have that nature and only in minor cases is this not the case. Since therefore happiness is the end of human nature it must be common to all or many having human nature. This principle of happiness remains constant even if the cause is human. If virtuous action, discipline and study result in happiness, all human beings participate in this principle except when they are impeded by a defect such as stupidity or an evil habit which imitates nature. Where some suffer the defects mentioned they cannot enjoy the happiness appropriate to human nature perfectly. Now if every person has one or other imperfection, to the extent that they vicious sometimes or may have a defective physical nature, then it is impossible that anyone has this experience of perfect happiness. Hence, Aquinas explains that what Aristotle says about happiness cannot be experienced here on earth<sup>213</sup>. Aquinas castigates those who misconstrue Aristotle by saying that the separated intelligence of a human nature knows all things perfectly and therefore can be perfectly happy in this world. The root of that mistake is the ‘Idea’ that the intelligence can be a separated substance in human nature and can know all things: An accusation aptly directed towards Plato’s absolute ‘Idea’ found in man’s consciousness. However, intelligence as separated from the material body happens after death and not in this life, that is, not in the life in which man is composed of substance and accidents or soul and body<sup>214</sup>. Aristotle did not find Plato’s radical separation of the material form and the spiritual form very helpful since their connection would be complex and incomprehensible. Besides how could one come to be conscious of both the material and the spiritual when both are radically separated and as it were distinct in their subsistence?

Aristotle mentions this duality in *Magna Moralia* (M.M.)<sup>215</sup>. He points out the same duality in Pythagoras, Socrates and Plato. Pythagoras had reduced virtues to numbers yet as

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<sup>212</sup> Aquinas, *Commentary on Aristotle’s Nicomachean Ethics*, para. 167-169, 56

<sup>213</sup> Aquinas, *Commentary on Aristotle’s Nicomachean Ethics*, para. 167-169, 56-57

<sup>214</sup> Aquinas, *Commentary on Aristotle’s Nicomachean Ethics*, para. 167-169, para. 169-170, 57

<sup>215</sup> Aristotle, *Eudemian Ethics (E.E.), Magna Moralia (M.M.) and De virtutibus et Vitiis*, transl. W.D. Ross, (Oxon: Clarendon Press, 1915).

Aristotle says justice cannot be a square number<sup>216</sup> [M.M., 1182a10]. Socrates had inserted virtues into the rational part of the soul and therefore having knowledge was at the same time having moral virtue, yet virtues appertain to the irrational part of the soul. Not only that, by inserting virtue into the rational part he was thereby doing away with the irrational part of the soul and passion and moral character of man [M.M., 1182a 15-20]. Plato as we have intuited divided the soul into two parts perfectly; the rational and the irrational. However, as Aristotle pointed out “he mixed up virtue with the treatment of the good reasoning, which cannot be right, not being appropriate. In speaking about the truth (reason) of things he ought not to have discoursed upon virtue; for there is nothing common to the two” [M.M., 1182a24-25]. Man in so far as he is human must be a composite of body and soul; of spirit and body. If separated intelligence (spirit) cannot be in human life (matter) neither on the other extreme can we presume ‘chance (or contingency)’ as the principle cause of happiness. Chance or incidental occurrence can however, be an incidental cause of happiness. Aristotle says [NE, 1099b20-23] that nature, when perfectly comprehended or when perfectly subsisting, is very good, beautiful, suitable and orderly so that it cannot be there solely by chance. ‘Chance’ in nature is said of an incidence in which reason is not the means towards the end. Man’s activity is contingent as a result of his imperfection, since were he to be intellectually perfect then man would be God. Now, God is perfect. In him there is no chance. Therefore, the creation of man and order in the universe is ‘necessary’ and not ‘contingent’ because it comes from a perfect intelligent being.

If God’s providence watches over all nature and ensures its ordering according to the best, then one can rightly attribute any incidental good, ordering person or society towards the perfect end, as something providential. Where man fails because of his incapacity, God can prevail. Otherwise human societies would have already been destroyed given the imperfect nature of man. That it has not been destroyed despite all the wars and pestilence is because of the providence we call ‘chance’. The creator never fails in his work. We derive this from our

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<sup>216</sup> Plato, *Theaetetus*, 147 E, 148 A; *The Republic*, 546 C. and also, *Philo*, de Mund. Op. 16; cited in Aristotle, *M.M.*, 1182a10

experience with regard to any human art. If this principle is true in every human art it must therefore be true most perfectly with regard to the source of all creation. Human action moves towards the good and this is an evident reality. In God therefore, is attributed arrangement towards the good in all things. Chance is therefore a providential cause and therefore part of the efficient cause we attribute to God. From another perspective we could illustrate the necessity of God in all things by applying Aristotle's principle of causation of thought in Eudemian Ethics (E.E.). Fortune or chance or contingency is not the source of everything. If it is not then what is? Aristotle replies that; "Since it is not the case that one only deliberates when one has deliberated even previously to that deliberation, nor does one only think when one has previously thought before thinking, and so on to infinity, but there is some starting-point; therefore thought is not the starting-point of thinking, nor deliberation of deliberating"<sup>217</sup>. The starting point he says, is "as in the universe, so in the soul, God moves everything" [E.E. 1284a25-27]. The starting point of all human activity is reasoning and not virtue for virtue is an instrument of the intellect. If therefore we do good without perfect reasoning, since we are not God, then the reason that we do good yet being contingent is because of the divine principle which moves us. There seems then to be two types of good luck, one that seems to succeed doing good against his own aim and the other succeeding because although not thinking perfectly he is prudent and wise having been habituated and experienced in the use of reflection. The latter does good out of habit and experience but both he and the other who is moved to good against his will, achieve this without reasoning their actions perfectly [E.E. 1248a35-1248b5]. Habit and experience do not include judgement since the latter necessitates reasoning. Hence, perfect reasoning must have come before habit and experience and both rest in God. The example that Aristotle uses is that of a blind man walking with a stick who remembers very well using his memory and after habituation because his memory is freed from concern of what is visible [E.E. 1248b1-5].

On the other hand, imagine a motor engineer who leaves the finishing of the car engine to chance! There would result many accidents or none at all. But it is better for the engineer by

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<sup>217</sup> Aristotle, *E.E.*, 1248a15-20.

nature to be the efficient cause by manufacturing the engine as perfectly as possible, arranging all the parts well and defining the ‘law’ of maintenance of the engines. This efficient cause is *per se* rather than incidental and therefore, chance cannot be the cause of happiness. This is evident because we see good machines working although they wouldn’t be absolutely perfect. Neither is the world a ‘chance’ reality. It is a contemplated reality efficiently ordered towards the good, because we see it perfectly existing. If this were not the case then the planets and the physical laws of nature such as gravity would have ceased already. Seeing it in another way, if perfect good and perfect happiness were ‘by chance’ then the subsidiary ends and means will appertain even more to chance – that is, to what is incidental rather than to what is reasonable or efficient. In man the result would be that his zeal towards perfection would ‘vanish’. He would fall into a perilous situation more akin to sadness than happiness<sup>218</sup>.

#### **5.1.5. Justice in Human Society Rooted in Love**

However, it remains true that no matter how much man exerts his intellectual effort, not being perfect by nature, his intellectual virtue and moral ordering cannot result in perfect happiness. Thus, we conclude that perfect contemplation, with perfect activity within contemplation such as Socrates understood, can only be in God, the perfect cause of all things. If this is the case then man can err, when applying his powers seeking the perfect, both in his intellection and in his moral activity. With regard to intellection a man seeks perfect knowledge or the good in itself but is limited according to his ignorance. With regard to moral activity a man seeks to do good himself and to another (Love) but is limited according to his vices. From this truth springs the principle of magistracy among men. In other words, man necessitates education in the best law and corrective action when he errs.

Magistracy or judges refer to the intermediation of instruction and correction between two or more people in a particular constitution or community in order to ensure justice. (If the person is alone and with regard to reason a person depends on his own conscience as judge. As it

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<sup>218</sup> Aquinas, *Commentary on Aristotle’s Nicomachean Ethics*, para. 167-169, 57

is, he is imperfect. Therefore man ‘alone’ has no one to help him when he has erred and consequently will necessarily be under-developed and closer to the ignorant animal nature in him). This is precisely a part of the definition of the common good in society. Justice gives to each man what belongs to him. It educates and corrects him when he is in error or lacking in a particular virtue. Without magistracy one can fall into error perilously losing all sense of direction towards happiness and among many they can fall into war (destruction of a community). Hence, human nature needs community. In a self-sufficing community there is available, not only the possibility of the many things we need in order to be happy, spiritually and materially, but we can be educated and corrected since two or more minds may see better than one and offer distinct perspectives. Besides since one cannot experience all things that have occurred in history one needs education about the past. This is what observation of reality demonstrates. One cannot find all things in one particular individual man or even among all men, unless he is or they are God. Although many people contributing to a particular judgment in unity may come nearer to the absolutely perfect thing, they cannot arrive at absolute perfection. In turn therefore, the many need the highest and most perfect common good who is God. Many imperfect things cannot make perfect things either in the ‘Idea’ or in material existence. However, they can make a ‘better thing’.

#### **5.1.6. Truth and Virtue as Principle Basis of Unity of Government**

One can therefore see an evident link between some realities; viz, the absolute ruler (God), the community (the ruler and the constitution), religion, intellection, virtuous activity or morality, and magistracy (as intermediation of customs, rights and laws), oekonomia, public and private property, division of property, security and natural resources. All these are found in the family primarily and therefore spring from the primordial community of man and woman. God created the community and oversees its perfection with His providence<sup>219</sup> and man and woman procreate and govern the human community as having their source in God and with regard to

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<sup>219</sup> Aristotle, *E.E.*, 1248a35-1248b5. Providence means the *underlying principle* in each creature directing it towards the common good.



human necessity. Both man and woman over history seem to have understood how they come about and the natural manner of being of their community. They 'elect' the truth about their nature as a form of reciprocation of the gift of life they find in themselves. If they are integral in this manner they govern the family according to this Divine law of happiness that has been revealed to them. It is revealed because it is evident but it is beyond their intellectual capacity to observe a historical fact. The historical fact is that their creation came before their consciousness of themselves. That historical creation is manifestly not merely a chance happening since it is ordered and even more, it is not complete since, clearly there is present now the ordering of things intelligently. That ordering is intelligent because human nature observes that it is good and realizes at the same time that it is not a result of their intelligence or consciousness. They foster that revelation within themselves and in that of their offspring through education. If they keep it they will be happy. When they destroy that nature they are not happy.

Where man understands that he can err personally and in the community; where men are stewards of themselves and nature in general as things intelligently designed before their very own consciousness; where in corporeal nature man is the intelligent steward above all other things; they wisely elect the fundamental offices of an orderly government; which is in the first place a ruler and a magistracy that will intelligently maintain the primeval law revealed. As we have said before revelation is the primary characteristic of history. History is revealed to those who were not protagonists in the past actions. The ruler and the magistracy therefore ideally represent God; the one who 'was' and therefore who judges moral activity, providing justice and sustaining the good things that he has endowed. Man and woman naturally perfect each other since they find themselves endowed with two distinct capacities complementing each other and complementing human nature. They are more perfect together than when they are separated and individual. Hence, if man and woman and household want to retain the common good that they are, it is absolutely necessary to acknowledge the creator, judge and ruler who 'is' before them, according to the revelation. The creator is present because, as far as human nature is concerned, man and woman can only be masters of those things their intelligence can efficiently direct yet, the entire universe, far beyond man's capability, continues undeterred in its intelligent process of enduring in its own goodness. The universe as it were suffers no less because man has not yet become intelligent enough to direct it.

One often finds that where man intrudes into the natural process of the universe, such as disturbing biodiversity in a disorderly way, things get worse. We as a common humanity fight to sustain the good nature and we stand firmly against pollution and corruption of every kind. Man intelligently makes laws to sustain the good things, that are really a gift, and embarks on science to understand how to use that gift well. When man does this, his activity is morally good. Aristotle says that acting this way is virtuous.

Even when one speaks of mankind procreating or being the efficient cause of certain things such as the procreation of children, man is really not producing something new out of nothing. He is participating in maintaining the good that he found bestowed upon him. For the society to adhere to this principle perfectly, it depends on the rule and the activity of each person. If well ordered it tends to perfection and is therefore divine and leads to perfect happiness doing good and applying the right means to towards sustaining the good. The perfect household is perfectly virtuous and perfectly happy. Virtue is what leads them to perfect justice and perfect co-existence. We call this notion ‘Love’, because man and woman in this state are acting as a unity based on ‘gift’, since only as a unity can they exist as a happy community. And we have seen that community is a natural necessity of man. Love is the spring of all virtue and most particularly those of prudence and Justice. For Prudence regards the making or defining of a rule according to perfect happiness and justice is the harmonious co-existence of human activity (the doing good to one another) according to the prudent rule. It is no wonder Aristotle wanted to teach the good man, especially he who is to rule, the art of legislating. Legislating is the art of making laws that teach virtue or excellence<sup>220</sup>.

Aristotle says that “the life of money-making is one undertaken under compulsion, and wealth is evidently not the good we are seeking; for it is merely useful and for the sake of something else. And so one might rather take the afore named objects, God and the human community, to be ends; for they are loved for themselves [NE, I.V.1096a5-10] and further that it

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<sup>220</sup> Aristotle, *NE*, X.IX.1180b1

is better and also a duty, to destroy what touches us closely in order to maintain the truth. The virtue of ‘piety’ entails honoring truth above all friends” [NE, I.V.1096a14-16]. Further, imperfect ‘piety’ requires the search for the more perfect ‘piety’. The basis of love in the family cannot be the mere friendship of utility between a man and a woman. The basis of love is piety, which is ultimately the love and the practice of the perfect law. But what if the piety I have is a ‘wounded revelation’? Still, only in the most divine can we get the most excellent or the highest end and sustenance of virtuous activity. Man should therefore be determined that his piety is everyday more perfect.

Aristotle demonstrates that good cannot be said perfectly of the material or spiritual goods in man. He also demonstrates that the Platonic idea of good as consisting in an ‘Idea’ called the universal good is wrong. The platonic teaching was that participation in this universal good ‘Idea’ is whereby all things are predicated of as ‘good’. The problem is that, from an Aristotelian perspective, the notion of Universal good as an ‘Idea’ gives birth to a science of opinions since every philosopher participates in this Universal Idea; and every good philosopher can have an idea of the ‘absolute Idea’. Plato does recognize bad opinions. Let us have recourse to his answer to Adeimantus in *The republic*. Taking the mantle of Socrates in Book VI, he says, “that the many (multitude of people) have no knowledge of true being, and have no clear patterns in their minds of justice, beauty, truth, and that philosophers have such patterns...[philosophers] are lovers of the knowledge of the eternal and of all truth; they are haters of falsehood; their meaner desires are absorbed in the interests of knowledge; they are spectators of all time and all existence; and in the magnificence of their contemplation the life of man is as nothing to them, nor is death fearful”. Plato, yes, does acknowledge God, but this God belongs to philosophers who are spectators of “all time and all existence”...and who are blessed with “all the virtues as well as truth, who is the leader of them, took up their abode in his soul”<sup>221</sup>. In Book VII, replying to Glaucon, Plato arrives at the dialectic method of arriving at Truth. He says, “Even so the dialectical faculty withdrawing from sense arrives by the pure intellect, at the contemplation

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<sup>221</sup> Plato, *The Republic*, IV, 1<sup>st</sup> and 4<sup>th</sup> para.

of the idea of good, and never rests but at the very end of the intellectual world. And the royal road out of the cave into the light, and the blinking of the eyes at the sun and turning to contemplate the shadows of reality, not the shadows of an image only—this progress and gradual acquisition of a new faculty of sight by the help of the mathematical sciences, is the elevation of the soul to the contemplation of the highest ideal of being”<sup>222</sup>.

Aristotle emphasizes that it is obligatory and necessary to oppose a friend’s opinion for the sake of the Truth. Aquinas explains that this principle is so important for a philosopher that without it virtue cannot be preserved. Hence, one ought to love truth above all given that all love of our fellow man, friendship, is on account of perfect truth and perfect virtue<sup>223</sup>. Now truth is a most excellent friend of the sort to whom the homage of honour is due. Besides Truth is a divine thing, for it is found first and chiefly in God [NE, I.VI.1096a23-29] as a distinct being separate from his creation. God can be contemplated in the intellect but cannot be wholly in the intellect<sup>224</sup>.

#### **5.1.7. Moral Friendship in Family as ‘Gift’ and Basis of Good government**

Moral friendship or love between a Man and a woman, founding a society, cannot be perfect on earth alone<sup>225</sup>. The first reason is because call to unity with one another comes from the highest Truth, God and secondly, because they cannot attain everything necessary for their happiness. They need ‘others’ to help them make ‘all the things’ necessary. It is evident from Aristotle that, man is actually more naturally inclined to forming couples more than cities and human beings live together for the sake of reproduction and the necessities of common life. Moreover, from the start of a relationship between a man and a woman forming a union, “functions are divided, and those of man and woman are different; so they complement each

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<sup>222</sup> Plato, *The Republic*, Book VII

<sup>223</sup> Aquinas, *Commentary on Aristotle’s Nicomachean Ethics*, paras. 74-82, pp 24-27

<sup>224</sup> Aquinas, *Summa Theologiae*, I, q115, a1

<sup>225</sup> Aristotle, *NE*, IX.I.1164b1-5. Aristotle says that moral friendship of virtue or excellence is made on the basis of choice. It is a gift and the recipient reciprocates as it is with the gods and with ones parents, to give them what one can. He refers to the love of a friend for another as *gift*.

other by throwing their peculiar gifts into the common stock.”<sup>226</sup> This means applying our intelligence and following it with action and enables us understand that a self-sufficing community cannot be reduced to a dependence on chance. Man and woman need God as the substance of their perfect happiness and they need servants and the other creation to help them obtain what they perceive as good for their community. Therefore, work, both of the man and woman and of the servant, has its root in a relationship of community between man and woman. Aristotle says that the likeness of the good forms of government and their perversions are exemplified, “as it were patterns of them”, in domestic affairs.

The father, especially in relation to his children is like a monarch and a monarch is one who has paternal rule [NE., VIII.IX.1160b22-25]. The association of man and woman seems to be like an aristocracy, wherein the man rules in accordance with merit but hands over the rule to the wife in matters that he should. If a man rules in everything the relationship becomes an oligarchy against the principle of merit. Sometimes women heiresses rule much like in an oligarchy where the rule is based on riches and power. Brothers associate in like manner to a timocracy (polity), because they are to a certain extent equal. Democracy (in the sense of anarchy) is found in homes where the father is weak and/or there is literally no ruler hence license of the members [NE., VIII.IX.1160b25-1161a9]. Now since the best rule is that of Paternity, then the worst perversion of justice is in a tyranny. In tyranny there is no friendship as there is nothing common between ruler and ruled as Aristotle says. Everything belongs to the ruler who has the power to wrench it and there is no complementarity. The good primarily rests in and for the tyrant.

It appertains to theology to define and discuss divine love, that is, the gift of creation as gift and revelation. However there is unanimity that love between man and woman for the sake of community (paternity) is the foundation of community and this can be discussed within philosophy and human anthropology because it is based on what man can observe. In Aristotle

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<sup>226</sup> Aristotle, *NE*, VIII.XII.1162a15-25

this love between human beings is often referred to as friendship. Paternity, the spring upon which the community grows is particularly the haven of friendship. This is because where paternity is based on moral friendship, there flows three greatest goods of the human being as an individual person; viz, generation of one's life, upbringing or nurture and instruction<sup>227</sup>. These goods are attributed to Paternity and ancestry and flow on to grandsons and great-grandsons. However, in father and mother is friendship said most appropriately because parents have it by nature as when "two going together", the offspring necessary rely on it for the three greatest personal goods mentioned above, it is felt by persons of the same race, it holds states together, it brings about unanimity more easily and expels dissention. Aristotle concludes this insight in a most interesting way for he says that "when men are friends they have no need of justice, while when they are just they need friendship as well, and the truest form of justice is thought to be a friendly quality" [NE, VIII.I.1155a5-27].

Hence, the office of rule and magistracy in the family is necessarily exercised in the 'nest' of love or friendship. The ruler makes the prudent rule according to the divine revelation (priest, and representative of God) and the judge, adjudicates actions in the community, educates and metes out justice in communion with the ruler. Thus, the offices of magistracy, ruler and worker are all founded in the family. Described in another way, one office is to educate the mind and the other to ensure that the communal activity is according to right reason or rule and the last is to provide for that which is necessary and is beyond the capability of the ruler and the magistracy. If we add children then they depend entirely, until they are mature to rule themselves and to judge among themselves, on the Father and Mother. Historically it seems that the Father makes the rules and provides the means of material self-sufficiency and the mother manages and preserves the rule, the nurture and instruction in the home; hence the appropriateness of attributing to one the role of ruler and to the other of magistracy; one to paternity and another to maternity. Failure to do this would result in one holding the two offices and thereby forming a tyranny which often destroys the common good.

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<sup>227</sup> Aquinas, *Commentary on Aristotle's Nicomachean Ethics*, paras. 1689-1692, pp 516-517

Due to the common friendship between the two, both can take the role of either without prejudice. This is the nature of friendship in which there is constancy in unanimity. After maturity children make a family and govern themselves according to the rule and virtue they were given in the family. Virtuous living in every sense of the word is what gives growth to customs and rules of common life. It is what gives birth to rights and confirms the law. The law has as its source the common rule promulgated by the ruler of the family who is God. Father and mother take that responsibility of making law and judging according to what God has revealed. In the absence of God then the ruler makes the prudent law and the magistracy judges or governs according to that law. The latter case is perilous for the foundation of prudence and justice would rest entirely on imperfect man and woman and therefore the happiness is imperfect and the community precariously inclined to error. The ruler and the magistracy in the household should also be separated between man and woman because, being imperfect, resting the rule and the judgment in the same person results in tyranny; as Homer says: "Each one gives law to his children and to his wives." Aristotle agrees with this but nevertheless, attributes unanimity of rule and justice between man and woman. He says it is an aristocracy or, in another place, a polity.

Slaves, here understood as man and woman who are servants of one another (marriage) first, and then servants of the master; provide for what is lacking in the family household. They are happy doing what is good in the family of the master. By doing what is good in the master's family, they obtain the subsistence of their own families which replicate that of the family in which they work. Hence, in serving the good of the one family they provide for their own family. In the position of 'servant' they observe what the household ruler and the magistracy indicate. Note that in Aristotle the servant, as slave, has no right to happiness because he is not made wise. However, there is ambiguity with regard to the slave as captured in war and slave as humankind. This ambiguity inclines more in denying the slave a right to rest and contemplation. He nevertheless mentions that as a human being the master can make friendship with the slave and regarding slaves taken from the vanquished in war, they should be treated as if to gain their freedom.

### **5.1.8. Family as Basis of Good Offices (Magistracies) of Government**

In the household institution there is already the fundamental office of ruler and magistracy and these offices, in a manner of speaking, are not 'democratic'. On these offices the very nature and form of the household rests. Other offices such as, that of economic beneficence, medicine, making of tools of every kind or technology in our days, technical education and so on are to be chosen among many possibilities. The 'servant', in so far as the service is good for the family, can be chosen from one of the many who offer the same service. These services are chosen in accordance the needs of the family; according to the daily needs of the family and according to the rule and justice in the family.

When the family joins other families and together form villages and then cities, it becomes evident that there are more than one ruler and magistracy. Between many households there would be many who rule prudently and there many who judge the actions of men. It seems natural that even if these rulers and magistracies appointed one ruler and one magistrate among them, there still would remain a capacity among many for rulership and magistracy according to the number of family households there are. It is reasonable therefore to conclude that since many share in many goods and capacities, the ruler should make use of the many rulers and the magistrates should use the many magistrates. If a man or woman, each as an individual, is not perfect then it is not reasonable to conclude that one person can know, understand, judge and counsel the good of the many without any participation from the others. It would seem a contradiction and the community would fall into tyranny.

A tyranny is therefore a perversion of nature in many ways with regard to the human community. It would also not seem reasonable that some rule according to the amount of material good they have amassed. That would be reducing the whole community to the one good of material wealth. Therefore an Oligarchy is a perversion of human rule on many counts, viz, that the goods of man are chiefly in many virtuous actions. Material goods are needed for the sake of virtue. The higher of these is the virtuous good since on that is the basis of all good activity. It is also unreasonable that there be anarchy, that is, where there is no ruler. Where there are many in a community, it seems reasonable that they be directed to one perfect good, the good of the community, the Common Good. For in the latter we find the perfect source of happiness.



Therefore anarchy, which is each one living according to his individual rule and magistracy, is a perversion in many ways. In the first place this destroys the family community, it also results in the tyranny of many and finally it can fall into the hands of the most vicious.

We see that by nature there is a ruler who governs according to the participation of many (legislators) towards the common good and is helped by the magistracies who judge the actions of men according to the rules prudently defined by the ruler and his legislature. Aristotle is among those who have divined the three offices of ruler, legislator and judge as the offices for governing a state. The ruler should embody the very rules legislated for he is the embodiment of the legislative power and the legislators act in union with the head. The magistracies apply and have oversight over what the ruler and legislators have agreed upon. In the household these offices rest entirely on the mother and father. The ruler makes the law together with the legislators and in their hands is found the power to defend that law.

The prudent law is also a duty and is derived from ‘revelation’ and is confirmed by tradition, and the virtuous actions of the community; that is, ultimately it is determined by right reason. When Cicero Marcus Tullius wrote to his son Marcus, on Philosophy as he called it, he began by explain personal responsibility or moral duty<sup>228</sup>. He understood moral duty as directed towards the supreme good and that moral duty, which is virtue, is bound by the supreme good. For him the common good is a natural gift and calls for “loftiness and greatness of spirit, and courtesy, justice, and generosity are much more in harmony” which are much more in harmony with nature “than are selfish pleasure, riches, and life itself”. Further, that “it requires a great and lofty spirit to despise these latter and count them as naught, when one weighs them over against the common weal” (common good). He also observes that to act otherwise, that is, selfishly and in vice, is contrary to nature; for example, stealing. He held that if man truly followed the precepts of nature he cannot harm his fellow man<sup>229</sup>. He refers to those who are wickedly vicious

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<sup>228</sup> Cicero, *De Officiis*, II, para. 4. Transl. Walter Miller, (Cambridge: Harvard University Press, 1913)

<sup>229</sup> *Ibid.*, para 24

as rebelling against the immortal gods<sup>230</sup>. It is evident in the end that Cicero did understand moral duty as virtue and aiming at the supreme good. “Away, then, with questioners of this sort (for their whole tribe is wicked and ungodly), who stop to consider whether to pursue the course which they see is morally right or to stain their hands with what they know is crime.”<sup>231</sup> In another place he says that conscience is the most divine thing which God has bestowed on mankind<sup>232</sup>.

Law is practically a custom if it has extensive usage within the community. The distinction between customs and law therefore lies in the whether the one is lived naturally without any reference to a formal application. Once a custom becomes formalized into law and has the full force of the whole community behind it, all in the community regard it as something that should be fulfilled in whole, passively or actively. With regard to a law’s renewal or revision the same process is to be followed, i.e. religion, virtue, custom, law. This is what we understand as the natural law principle in Aristotle. When person is still a child the law of paternal love is the religion, for the child is obedient to the parents until they are of age and can become citizens in their own right. It would be absurd to formalize all customs because that would be impossible. Customs should be made law when they apply equally upon the whole community. When the custom is peculiar to a particular situation or a particular sub-group in the community then its formalization may be disastrous since plurality is an essential attribute in a community and one should not make all people in a community equal, since by nature they are different. To do this would be similar to trying to make all people uniform which is contrary to reason. However, the matter of decision with regard to a particular custom or way of life and whether it should be law or not is a matter of the pragmatic principles that occasion it.

A right should not be confused with a law. A right is something that one can exercise or not. This is the core distinction between a law and a right. The law in a particular community is

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<sup>230</sup> Ibid., para 28

<sup>231</sup> Ibid., para 37

<sup>232</sup> Ibid., para 44

to be done actively or passively while the right can be fulfilled or not. The law teaches virtue or corrects a vice, but the right allows something to be done. One is not obliged to fulfill a right. Hence, Leo Strauss in the Charles Walgreen lectures quoted the United States of America Declaration of Independence saying that “we hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness”; the question he asks is whether the Americans still believe today that the unalienable rights are self-evident truths based on the creator<sup>233</sup>. In effect he suggests that the foundation of the rights is religion. But somehow, overtime, this natural right has been doubted. The very use of the word ‘natural right’ shows that to respect and defend life was once a natural way of life based on religion which has lost its lustre. For instance, allowing abortion on demand, means that the innocent foetus cannot defend itself or its natural right to life; then the unborn child can be eliminated, albeit in a ‘humane’ way. Religion and right reason are the true foundations of human rights according to Aristotle. Hence, man is to be governed by the best law and the best man or the absolute law which is the Divine law. A right to life is not based on ‘positive law’ but is a natural right<sup>234</sup>.

Aquinas insists on the possibility of demonstrating the existence of God. However, religion is not the first principle that man comprehends. It would be wrong to imply that God, the one who creates the best and from whom all others become, removes freedom in man (for we think and have reasons for our actions) and removes the gifts of His providence living man in the state of lack of providence, as Rousseau would assert, somewhat left to their state of nature as if it had been left to itself.<sup>235</sup> Hobbes and other enlightenment philosophers such as John Locke hold this same concept, so that it came to be defined as ‘Natural Law’ – that is man at the mercy of his passions determined by an ‘external’ law of motion as in Hobbes. The error is necessarily the consequence of starting from consciousness of oneself – observing oneself acting

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<sup>233</sup> Leo Strauss, *Natural Right and History* (Chicago, Chicago Press, 1953), 1

<sup>234</sup> Leo Strauss, *Natural Right and History*, 2

<sup>235</sup> Jean-Jacques Rousseau, *Discourse on the Origin of Inequality* (Indianapolis: Hackett, 1992), Preface, p 15. Cited in Russell Hittinger, *The First Grace: Rediscovering the Natural Law in a Post-Christian World*, xii

‘deliberatively’ and only later after self-consciousness affirming that there is a virtue of religion. That is, virtue in keeping with the exercise of faith in God.

Russell Hittinger quotes an influential jurisprudent lawyer, H.L.A. Hart who elaborates the post-Christian understanding of principles of Natural Law. “Natural Law has not always been associated with belief in a Divine Governor or law giver or universe, and even where it has been, it’s characteristic tenets have not been logically dependent on that belief.” For Hart, the term ‘nature’ was quite secular and independent of both divine and human authority and that it contains certain elementary truths of importance for the understanding of both morality and law.<sup>236</sup> Lon Fuller<sup>237</sup>, a leading American critic on legal positivism, agrees with Hart. According to both men natural law is “entirely terrestrial”. Refuting this by quoting Yves Simon, Hittinger explains that there is something prior to human law. This may be explained as the three foci; 1) the order in nature, 2) order in the human mind and, 3) order in the Divine mind.<sup>238</sup>

In St Thomas Aquinas’ Summa Theologica, *iura* are classified as *leges*. So rather than *ius naturale* we get *lex naturalis*. Law is then classified as the eternal law, the new law, the Mosaic law, the law of members, the human law and the old law. Hence, the word law previously used by lawyers to signify written law became a word used to signify, among the theologians, the divine origin of law, whether instilled in the heart, imparted by written arts or declared orally<sup>239</sup>.

### **5.1.9. Man Tends to Communal Life by Nature – Paternity and Maternity**

Further, it is common that in every person there is a constant inclination towards making, belonging to or participating in a perfect community. That is because human life begins with the community of two, man and woman. Without community man is alone; without it he cannot complete himself; without it he cannot propagate himself. Yet he has a natural propensity to

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<sup>236</sup> H.L.A. Hart, *The Concept of Law* (Oxford: Oxford University Press, 1961), 183f; in Russell Hittinger, *The First Grace: Rediscovering the Natural Law in a Post-Christian World*, xii

<sup>237</sup> Lon L. Fuller, *The Morality of Law* (New Haven, Connecticut: Yale University Press, 1969), in Russell Hittinger, *The First Grace: Rediscovering the Natural Law in a Post-Christian World*, xiii

<sup>238</sup> Simon R Yves, *Tradition of Natural Law*, ed. Vukan Kuic, New York, Fordham University Press, 1965), 129

<sup>239</sup> Russell Hittinger, *The First Grace: Rediscovering the Natural Law in a Post-Christian World*, 7

multiply himself through his sexual and intellectual capacities. Human beings also need many hands to work in the 'garden' for each individual experiences his or her inability to do everything necessary for a happy life. One also needs to communicate and cannot communicate without the community that shares his nature perfectly; one cannot celebrate without the other. Without community man would have been extinct having lived alone for but a little moment in time. If there is something opposed to man's nature it is to be without another or others; and any contradictory movement to this or desire seems to be the dearth of the community and consequently of man. Aristotle saw it clearly, and for him this perfect community is first the family, then the household and ultimately the polis. This is what has developed into the nation-state in our age. Every type of community is directed towards the perfect community and every perfect community demands a perfect number of sub-communities and associations each in turn dependent on others until the single cell of society which is the union of man and woman. In the perfect community all elements are perfected in the eternal search for the good of themselves and for one another. The direction of this search is a state in which each person and the whole community seeking actively a perfect state of community. That it reaches this perfect state is another question all together. The thing is that man has to intelligently search for perfection of community even though he is imperfect in himself. This is the reason why all the more should he rely on revealed truth where it is beyond his intelligence. That it is arduous to do this cannot be an excuse since on that revealed truth lies the gap between his imperfection and the perfect state. How far we are from this way of thinking is evident given that modern governance of society seems to think that that perfect state is a well established economic state.

The person is not the product of the others or the environment around him. His spirituality is something transcendental to the universe around him. No one can enter a person's conscience as such. In this aspect of spiritual nature man seems alone. He seems alone but is not. If we apply Aquinas' principle of causality, or of movement, contingency, order and gradations, it becomes evident that man is caused in every aspect of his nature. Hence, there is a transcendental realm different from the natural material world, to which it is proper of religious study and fundamental to his existence. In that supreme good one can talk of true freedom arising from the freedom to judge or choose according to ones perfect conscience, i.e. perfect knowledge of truth.

However, in so far as man is a creature he is dependent on those around him. The person or individual is a type of community at the lowest level in society. The person is most perfect as man and woman. The self-sufficing 'composition' of body and soul only makes him a human person capable of free action. But because the person is the one element in the community that is in every way moved by another he is more perfect when two or more. When we say two or more it is necessary to imagine that neither would these suffice in the absence of all other material creation or physical environment. The individual person is like the cell of a body. It contains the code of all the material or physical nature of a person and that of his natural environment for the sake of acting freely. In reality nevertheless an individual person, just like a single cell, needs the community of two or more and the material terrestrial and heavenly environment. Only by the complementarity of these can he commune and exist. At the level of procreation of other men to sustain human nature, two make one and many and one alone cannot make anything. He needs another, whether purely spiritual in nature or material or a combination of both. It is said that man has in his nature all the perfections of the other things because he able to know all creation by his intelligence. If we consider that one cannot know what is beyond him truly, then this is true. But if we consider man as an imperfect intelligence then he is capable of knowledge but not perfect knowledge, he needs revelation and education and instruction in virtue which can only come from God and from fellow men.

In each 'person' dwell the principles of 'maternity and paternity'<sup>240</sup>. Male and female are not merely in their bodily sexual orientation. Both principles dwell in each and every person and

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<sup>240</sup> John Paul II, "Original Unity of Man and Woman"; *L'Osservatore Romano*, (12 Nov. 1979). Pope John Paul II, gave this speech in the audience of 7 Nov 1979. He said that though it seems the case, corporality and sexuality are not completely identified. Although the human body in its normal constitution, bears within it the signs of sex and is by its nature male or female, *the fact, however, that man is a "body" belongs to the structure of the personal subject more deeply than the fact that in his somatic constitution he is also male or female*. Therefore, the meaning of "original solitude," which can be referred simply to "man," is substantially prior to the meaning of original unity. Further that The Hebrew term '*Adam*' expresses the collective concept of the human species, that is, man who represents humanity. Hence, one can conclude that John Paul II's principle here is that from the biblical perspective, 'Adam' meaning man, in the Eloistic text is used to represent the principle of man as a duality of male and female in conversation with God.

in the whole community at the same time<sup>241</sup>. This is true because from man's seed come both male and female. It is not possible for man to procreate both if he does not have the 'capacity', power or principle, to do so. The same applies exactly to woman for she just like man can generate 'ova' that joined to that of the man's seed, enshrouding the man's seed, at the same time provide that there is a possibility of male or female.

This for the Christian philosopher may seem a contradiction in reference to the 'solitude' of the male in the Eloistic account of creation. General common interpretation has been that the 'male' was in solitude and God saw that it was fitting to make him a 'woman' – his help mate. John Paul II nevertheless expresses a new idea of the concept of 'man' in the *Eloistic*<sup>242</sup> account (Gen. 1). The term 'Man' or 'Adam' was not used as meaning 'male' or in Hebrew 'Is'. Male "Is" appears in the second *Yahwistic* account of creation and in union with the creation of woman "Issa". Meaning that from the beginning of Christian *Genesis* the term 'man' was expressed of both male and female rather than the 'male' alone. If that is the case then the 'solitude' of man is with regard to all other creation. In the Eloistic Hebrew text one constantly finds that the first man *ha- 'adam*, while in the *Yahwistic* text, the term 'is ("male") is introduced only when contrasted with 'issa ("female"). So "man" was solitary without reference to sex.<sup>243</sup> Then what is the solitude of 'man' with regard to? The very answer present in the Christian Scripture (revelation) is that the first man (*Adam*), created from "dust from the ground," is defined as a "male" ('is) only after the creation of the first woman. So when God speaks about

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<sup>241</sup> John Paul II, "Original Unity of Man and Woman"; *L'Osservatore Romano, Baltimore*, (12 Nov. 1979). He says that Man is "male and female" right from the beginning.

<sup>242</sup> This term *Eloistic* comes from the fact that in the Christian Bible, Gen. 1 refers to God by the name of Eloim. Gen. 2 refers to God as Yahweh and hence the name given to it, *Yahwestic* account.

<sup>243</sup> John Paul II, "Original Unity of Man and Woman"; *L'Osservatore Romano, Baltimore*, (15 October 1979). A week after the audience of Wednesday 7<sup>th</sup> of November, JP II explains the solitude of Man and concludes that, that solitude was not a solitude of male needing the female; of 'is' needing 'issa' in Hebrew. It was rather solitude of both man and woman with regard to creation. See also JP II, *Theology of the Body*, (Boston: Pauline Books & Media, 1997)

‘solitude’ in reference to Adam, he is referring to an ‘Adam’ representing all mankind. It refers to the solitude of “man” as such, and not just to that of the male<sup>244</sup>.

In order to explain this I will quote John Paul II directly. “Man finds himself alone before God mainly to express, through a first self-definition, his own self-knowledge, as the original and fundamental manifestation of mankind. Self-knowledge develops at the same rate as knowledge of the world, of all the visible creatures, of all the living beings to which man has given a name to affirm his own dissimilarity with regard to them. In this way, consciousness reveals man as the one who possesses a cognitive faculty as regards *the visible world*. With this knowledge which, in a certain way, brings him out of his own being, *man* at the same time *reveals himself to himself in all the peculiarity of his being*. He is not only essentially and subjectively alone. Solitude also signifies man’s subjectivity, which is constituted through self-knowledge. Man is alone because he is “different” from the visible world, from the world of living beings. Analyzing the text of Genesis we are, in a way, witnesses of how man “distinguishes himself” before God –Yahweh from the whole world of living beings (*animalia*) with his first act of self-consciousness, and of how he reveals himself to himself. At the same time he asserts himself as a “person” in the visible world. Sketched so incisively in Genesis 2:19-20, that process is a search for a definition of himself. Linking up with the Aristotelian tradition, it leads to indicating the *proximate genus*. Chapter 2 of Genesis expresses this with the words: “The man gave names....” There corresponds to this the *specific differentia* which is, according to Aristotle’s definition, *nôus, zoón noetikón (rational, animal soul)*. This process also leads to the first delineation of the human being as a human person with the specific subjectivity that characterizes him”<sup>245</sup>. But all the while man is differentiating himself by ‘naming’ the animals and all creatures; man was male and female. The name of something refers to the nature or identity of a thing. Hence, man was actually establishing the identities of all other creatures and at the same time distinguishing himself from them.

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<sup>244</sup> John Paul II, “Original Unity of Man and Woman”, (15 October 1979)

<sup>245</sup> John Paul II, “Original Unity of Man and Woman”, (15 October 1979), note 6



As soon as the human soul, the principle of life in mankind, informs the material body, the principle of paternity is ‘materialized’ in the physical body of a man and that of ‘maternity’ in the physical body of a woman. We observe that man and woman have two distinct physical identities with naturally differences in the physical parts of the body. Though technology can manipulate them does not detract from the truth of what nature provides. Nevertheless, we refer to the principle of man and woman as ‘paternity’ and ‘maternity’ respectively because neither the man nor the woman materially, generates any human being alone. They must be man and woman physically or there has to be material conditions of man and woman for a person to be conceived. The man produces the seed of man and woman, while the woman ‘contains’ and develops it (nourish, care and educate) as a receptacle of the seed. This ‘duality’ mankind as primarily man and woman is a natural imperative. It is what nature gives from the beginning of any human being. From both man and woman derives the whole community. That is what nature has provided for the community; a community of peoples, families and nations on earth. Aristotle says in his ‘politics’, “In the first place there must be a union of those who cannot exist without each other; namely, of male and female, that the race may continue (and this is a union which is formed, not of deliberate purpose, but because, in common with other animals and with plants, mankind have a natural desire to leave behind them an image of themselves), and of natural ruler and subject, that both may be preserved. For that which can foresee by the exercise of mind is by nature intended to be lord and master, and that which can with its body give effect to such foresight is a subject, and by nature a slave; hence master and slave have the same interest.” Historically, many societies have lived the consequences of this reality. For example, many have accepted that man is the provider and the woman the one who contains, preserves, nourishes intellectually and physically. In some societies man searches for property and therefore defines the rule of maintaining it. The woman contains and nurtures it. In the Spanish language, the analogy is made very lucid by the word referring to the home as ‘casa’. The word ‘casar’<sup>246</sup>

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<sup>246</sup> Real Academia Española. <http://www.rae.es/RAE>. ‘Casar’ means to get married among other uses of the word. ‘Casa’ means dwelling place or home among other meanings attributed to the word.

means to ‘get married’. To get married ‘casar’ is to form a home which is called ‘casa’. Home refers to the place where man and woman unite as the first community.

#### **5.1.10. The Object of the Family**

The slave in Aristotle is much like the manner in which philosophers, before Anaxagoras, saw the ‘hand’ of a human being. As Jacinto Choza relates, the human hand from an Anthropogenetic perspective appears to be the correlate of the human intellect<sup>247</sup>. The woman is not a slave of man, although for many centuries in ancient societies that was the reality. Aristotle says with regard to female that, “nature has distinguished between the female and the slave. For she is not niggardly, like the smith who fashions the Delphian knife for many uses; she makes each thing for a single use, and every instrument is best made when intended for one and not for many uses.” Hence, Aristotle confirms that nature has given man and woman for a single purpose. Out of these two relationships between man and woman, master and slave, the first thing to arise is the family, and Hesiod is right when he says, “First house and wife and an ox for the plough”. The relationship of the female and the male is naturally one of cooperation to form a family; the two have been made by nature for complementarity in the work of leaving ‘images’ behind for posterity of humans. Without family and without the male, there is no female since these are said of the human being in a correlated way such that defining male necessarily demands there to be a female and vice versa for the term female.

How could it be then that being materially signified as man or woman there can derive one body materially from the union between them? This is a mystery of nature. Nature has so provided. It can only be postulated that this power derives from a certain procreative spiritual principle in both. Upon this principle is based the assertion above, that Aristotle makes; than man and woman have a natural inclination to leave an image of themselves behind... And not only an image but also a well governed society where the offspring and associated persons can enjoy their particular good and all can share in the common good. We can call this the creative

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<sup>247</sup> Jacinto Choza, *Manual de antropología filosófica*, 135

principle in mankind. Since this creative principle is not material, then it is spiritual. If it is spiritual then it is not “composed” of material elements. In summary, the material principle of procreation is not the source of this desire of man to leave behind his own image and concomitant society. The source is in the intellect and will of man and the perfection needs a commensurate capacity materially which we know as man's conjugal capacity.

Paternity and maternity are present in our material reality as a cause and effect of the principle of goodness in each individual. That is to say that in the principles of maternity and paternity is found in its perfect state all the good due for everyone and all the community at the same time. The conjugal act, as a material act, does not provide the means for the welfare of the family or society. It is merely an instrument in the hands of man and woman. Procreation demands upbringing and education of the offspring intelligently. If man is to act intelligently and not like an animal he cannot leave procreation to the gift of matter by which life is generated. The good of man and his society is the spiritual, or better, the natural intellectual and willful desire to leave one's own image; and hence social well-being follows. This natural inclination is perpetual in man and helps one to understand that it does not lie in the material capacity of procreation. On spirituality and more specifically moral love between man and woman is founded the social arrangements that man develops around marriage.

Good is predicated of something when it has a perfect quality according to its appropriate nature. In principle ‘good’ is a term predicated of something according to its perfect end or objective. Since, the perfect end of human life is a perfect community, then good is predicated of something according to the perfect community envisioned in the founder. This state of perfect community we may call self-sufficiency according to Aristotle; understood as that by which the perfect goodness of the community is possessed. From paternity and maternity follow the fundamental substance of human relationships. From this fundamental relationship follow all other perfective inter-personal relationships which we have called virtues, customs, rights and law. Where this four excel there is happiness. The experience of perfect love; a state of perfect goodness of the community; a state of perfect possession, is called happiness. Only in perfect love can one consume himself in possessing and in sustaining the perfect state of the others in the community. It is somewhat a state of rest in perfect love.

The natural principle virtues of paternity and maternity are at once and at the same time; total love, total faith and total hope. Total Love is the complete dedication and activity for the sake of the perfect good of the perfect community. Total Faith is the perfect acceptance of the history about the perfect end of the perfect community and how to get there and sustain it. Total hope is a type of necessary intellectual certainty about the perfect end as attainable since man cannot perfectly know the future or be sure of it. If total hope were not present then it would be difficult to move towards an intellectually unknowable end. Therefore, faith, hope and love are intellectual virtues necessary for moral activity. They define precisely what the gift of history is. These virtues are often found in the family from a religious perspective since only over them can the intellect move and rest. In them the intellect rests in perfect knowledge of the past and the future end or the ultimate destiny of man. If the community is in potency towards a perfect community, it is because there is an exemplar of the perfect community in paternity and maternity; it is prefigured in the perfect union of maternity and paternity, the two principles upon which human community and its intelligent governance is founded.

Paternity provides and maternity contains or sustains and so they are like two sides of the same coin. What we mean is that the final end is also the principle cause of community and is one. If we were to understand paternity and maternity as distinct individuality then human society would be founded on individual elements and the end would be an individual as such. We nevertheless observe that the individual is for the community rather than the other way round. Where the community is for the individual then it must be for it, in a rational way, as the primary cause and the exemplar. If this is the case then the individual cannot be seen as one individual who cannot provide the source of the community as such. It is therefore more rational to consider man in his two fold nature as the unity of man and woman. For a maternity and paternity to move towards perfect self-sufficing society it must have been capable of it from the beginning when it set out on the path to perfect community. Paternity and maternity in a state of potency require the exemplary community which acts as the impulse and ignition to action. It must have had the exemplary end present. Therefore the perfect end of the union of both is in God and is known to us through revelation.

Only in a real objective perfect good can one direct an action. From the beginning of a relationship of matrimony it is evident to man and woman that alone they cannot be perfect, for from the beginning of their lives they need each other. Activity as Aristotle points out is a movement towards an end from a state in potency. But if there is a perfect end, a good end to which every action is directed then that end cannot be imperfect activity but rather the attraction to which the one moving is going towards as if through phases. Hence, plants do not make light by moving towards light. They move towards light because it is at once good for their survival, beauty and integrity. For mankind, faith in their perfect integrity in the perfect good is considered true if the real end is integral or perfect. But if upon arrival to the end there is no survival or integrity, the goodness of the end promised is false, a lie.

#### **5.1.11. History, Activity and End of the Family Demands Theology**

There is therefore no faith in the end or object of actions if there is no truth. Truth in paternity and maternity is provided for and demands religion. For only religion can provide the truth of the reality that is yet unseen. Faith is therefore the substance of the truth that is not seen. Without religion any human action is emptied of its object, truth, purpose and end. We call this integral truth God, and all societies historically have been particularly solicitous of true revelation and worship. If he were seen perfectly then man would be perfect and there would be no need for any movement except in the perfect state of being, of Loving. God and religion call for a superhuman revelation beyond the power of man's capability because they're beyond man's intelligence; they are historical. They are the fruit of man's perfect life hence must be beyond the natural capability of a transient, imperfect or transitory state. The wisdom of the knowledge of the end and the means towards this end is called faith. Once revealed it has to be understood by human intelligence. This gift of intelligence in understanding revelation and faith in what is revealed is called theology. Philosophy is that by which we try to explain theology, that is, the language by which we explain the wisdom of the end and the means towards it.

Theology interprets what is revealed. It is the source of prophetic knowledge. Philosophy tries to explain theology. Real faith is theology. Philosophy requires faith about the end but through human reason rather than revelation. It therefore, is the science of the faithless if it does not have a faith. But this is impossible since there must be an end, perfect in nature, which

Philosophers seek. Otherwise there would not be the need to search arduously for the sake of remaining static. In other words, if perfection is already attained there is no need of moving towards another place. Neither would it make sense to work hard towards another imperfect end. In other words philosophy has as its end and perfection the highest good that lacks nothing for there they rest in contemplation of the good they have found. That perfect good in an imperfect state of man can only be contemplated in theology, which is the study of the perfect being, truth, goodness, unity of all things. In theology philosophy finds its rest in contemplating and explaining the nature of the most perfect.

The final perfect state of love, of happiness is the possession of the end. Paternal Love, Maternal Love and Filial Love are perfected in the possession of one another. Paternal Love arrives at the perfect community wrought by the perfect fulfillment of the wisdom of man's faith in the perfect community. Paternal and Maternal love (a bond) contains and sustains that Perfect community in itself; identified completely as paternity. Filial Love is perfected in identity with either the paternal or maternal love and therefore identified with the perfect community. Love on the way towards the end is the total self giving of one for the good of the others. In the state of perfection at the end, if there is Truth in our faith, love will have possessed everything for the other. Hence, the perfect state of happiness is the state of perfect possession of the good for the other; and the others for one.

Paternity and maternity live to possess everything needed for the happiness of the community. Every son or daughter lives for the same purpose as that of Paternity and of the founder according to what is revealed to them. Revelation comes from God since he is at the beginning of everything. Every community has a beginning and in the beginning there is knowledge of the end. That knowledge therefore comes from the founder. Hence, the *Pater familias* takes the analogy of prophet, king, priest or mediator between God and community, teacher and shepherd. Pater is the symbol of the end. The work of love nevertheless cannot be accomplished by the *pater* without the *mater*. If he is analogically priest, king and teacher it is because by nature where there are many, one becomes head for the sake of unity. If this is a truth of nature as we see in the body and in every good society then in God it is most perfect and unchangeable. Therefore the nature of Pater as head is unchangeable. Being head it is necessary

that he understands he cannot do much without the body for which he finds his reason for being. Without the body there is no reason for head; where the father and mother abide so does the community of children.

The greatest in the community after the founder, God, is the one who understands revelation well. Properly speaking this belongs more to theology than to philosophy – for in theology is found the beginning, end and means to perfection. Therefore the leader is first and foremost knowledgeable about the absolute good and the means to the perfect End and secondly, imbues human activity with that knowledge through virtues. As explained before, the leader should have the virtues of faith, hope and love of the most perfect end first and then be virtuous according to the human nature. Of the human virtues Aristotle elaborates the most important as Justice, Prudence, courage, temperance, liberality, love, friendship, magnanimity, magnificence, proper ambition or good pride, patience and good temper, truthfulness, wittiness and modesty. However, many more virtues could be derived such as humility, loyalty, study, industriousness, and in general finding the middle way in any activity so that it is not excessive nor is it defective. This should be found in those who share in paternity and maternity. However, where there are many, the rule is that they have to have one as the head. That should not be interpreted as tyrant but rather the head that represents God is head in such a way that in human communities the head takes the analogy of the creator and woman takes the analogy of creation. One cannot use the term creator without the other term creation. Although the Creator can exist in himself and does not need creation, if there is no creation there is nothing that can know him as creator and hence no creation no creator. We keep in mind that being He who exists of himself, does not demand any activity whatsoever, except that of perfect contemplation within Himself. However, since man and woman share the nature of founders of community, equally the adherence of the woman to the man as head should be utterly free and a desire rather than a compulsion. Between man and woman, if the man is the head it is because the woman desires it and the man accepts that responsibility as properly his. It belongs to man and woman to decide according to the nature that they have received as gift from the source of all creation. Here a research on the historic role of women as representing man in human society is apt, and I am not aware of a scientific study of a similar nature. That is why in most societies where there was a kingdom, the

kingship ended up being in the nature of a royal family and in perpetuity. For it was deemed that the consanguinity of the son ensures naturally the embodiment of the secrets of the divine king.

Further, the creature as representing God and the Creation as adhering to God is not by nature a consanguineous relationship but a spiritual relationship because God the creator of all things and who is not created himself has no material nature and creates *ex nihilo*. If the creator can make one then he can make many. Therefore, fatherhood in the *paterfamilias* or in the marital community is not the first fatherhood. The first perfect fatherhood belongs to the creator and therefore the fatherhood of man is God given rather than as a result of physical marital union. Priesthood belongs to all men (male and female) from the perspective of, sons of God, representatives of God, and friends of God. The greatest friendship in the community is not therefore the consanguineous relationship, but the true love or moral friendship between creator and creature. This love between the man and God is the exemplar of the family's relationship of love. Moral activity is the activity of the faculty of free will in the soul. To know belongs as an end to the intellectual faculty of the soul. Since faith is knowledge it properly belongs to the intellectual faculty of the soul as a perfect knowledge. Love between God and man (virtue of religion) is the perfect exemplar of the love between man and woman. Gift of Pater and gift of creation is not tied to consanguinity, since the founder who has the gift of founding does not have a consanguineous relationship. If therefore there is no exemplar of priesthood in a community of men then there is no exemplar of what the relationship in the first community should be. If priesthood is removed as exemplar, what remains is human material exemplariness which is imperfect and defective. Where the exemplar is imperfect then those who follow can either follow the perfect or the imperfect as an end and that would be a contradiction of everything appertaining to the exercise of virtue. It would be confusion because the creature can take the exemplariness of the perfect and imperfect as true which is a contradiction.

It follows that as a result of this common priesthood, there can exist among men, fatherhood, sonship, and love of a spiritual type. Human beings can have a spiritual fatherhood can beget spiritual sonship and there can exist filial love in a spiritual way, without physical marital relationship. There are many examples of relationships of this kind among men. There are many founders of human communities and associations often called analogically 'fathers'.



For example, this is said most excellently and spiritually of those who found communities or nations. And it is not in any way contradictory or incompatible with physical fatherhood. The two fatherhoods can co-exist perfectly and are often called to co-exist since both are vital and complementary with one taking a higher place than the other. The spiritual fatherhood always takes precedence to the physical fatherhood.

The Community is the past (God, father, mother, history), present (uniting activity of friendship and love in the community) and the future (religion, faith). The most important category upon which a Community is founded is Relation. Relations in a community can only be understood from the perspective of gift, because the relationship of paternity/maternity is gift and filiation is reciprocation to the love provided by the former; and the principle conveyor is that of maternity. Paternity is the free and deliberate act of begetting or fostering a community. The perfect paternity is a perfect community which is self-sufficient. Hence, he who begets a community that is fully self sustaining is in reality the most perfect Pater. The one who sustains and contains that goodness already possessed, in the most perfect manner, is the most perfect friend which is *Mater*.

Paternity and maternity always beget filiation. By filiation is meant the free and deliberate love or friendship to form a self sustaining community; self giving to a community. Hence, the fully self sustaining community has the most perfect Filios. It follows that there can only be one perfect community for there can only be one perfect Pater, mater and one perfect Filios. The free relationship between Pater and Filios can only be one of Love. Love can therefore be defined as the free and deliberate relationship to found and sustain a self-sufficing community. In this case, maternity is the first filios if the father is the first generator or representative of the creator. It follows from the principle that where there are many intelligently directed towards the good then it is necessary that 'one', the most perfect good, unites them. If that is so from the point of view of intellection (logic), and it is God creating to whom the logic refers, and that He is perfect and creates everything perfectly, then it follows that man is first and

woman the first ‘seed’, so to speak, of man. In other words, in the perfect God, the word, is Truth and reality at the same time. It follows that man is also the active exemplar of brotherhood and filiation in human community<sup>248</sup>.

“There is a mover who is not moved, to wit, the first maker of all...on the other hand, there exists something moved which is purely passive.... But this latter is primary matter, which is a pure potentiality, just as God is pure act. Now a body is composed of potentiality and act; and therefore it is both active and passive”<sup>249</sup>. Now Aquinas attributes to the male, as a perfect animal, the *active* power while he attributes the *passive* power to a woman<sup>250</sup>. The man provides the seed by nature and the woman receives it. However, copulation is not the only function of male and female. Man and woman have two forces with regard to their bodies; the first is their intellection from where they move or act and secondly, the power of generating their own kind through the power of procreation and education. As a consequence of this distinction it is necessary that “the female should be produced separately from the male” although thenceforth, that is after the first creation, their activity of procreation is the act of both<sup>251</sup>. That man should have been first is a fact of revelation and not of philosophy. Nevertheless, it is reasonable as has been pointed out that as God is one by nature, man should have been one in every sense at the beginning. Secondly, creating woman out of man ensures the natural unity between man and woman all the more because as Aquinas says, they may first live together as akin to one another and that the man may love the woman wholly and the woman belong to the man wholly.

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<sup>248</sup> Aquinas, *Summa Theologiae*, I, q115, ad1. According to Thomas Aquinas, Activity is understood as a power with which one has power over another or a thing has power of action over another such as fire has over that which it burns. Therefore Plato erred according to Aquinas in suggesting that “all forms existing in corporeal matter are participated thereby” and that “they are determined and limited accordingly”. This opinion was based on the idea that “separate forms are absolute and as it were universal” which we have seen above. For Aquinas this only proves that “separate forms are absolute and as it were universal” but not that corporeal beings cannot act according to the nature of their participation in the perfect good. Hence, for instance, he offers the example that “in proportion to the participation of light is the participation of visibility”. Therefore, we observe that physical bodies such as fire can set light to other objects and can conclude that in a manner of speaking “one body is inferior to another, forasmuch as it is in potentiality to that which the other has in act” as it is the case between something that can burn and the fire.

<sup>249</sup> Aquinas, *Summa Theologiae*, I, q115, ad1

<sup>250</sup> Aquinas, *Summa Theologiae*, I, q92, a1

<sup>251</sup> Aquinas, *Summa Theologiae*, I, q92, a1

Therefore the nature of love in God ‘acting’ with man as a free correspondent in creation, this is also found between man and woman.

We can therefore say that filiation is the perfect reciprocation to the call towards a perfect community or perfect belonging. Maternity, is the perfect friendship because both the Pater and the mater have one mind and one calling, and by nature belong to each other completely. It follows that the perfect filiation and maternity is equal to the father for there is perfect reciprocation between perfect Pater and perfect Filios in common life in the community. This is observed not just at the beginning of one’s life, but taking into account the whole life. The father and mother when old seem unable to do much for themselves and very often it is the children who provide for their father and mother. Besides the happiness of the children is the happiness or self-sufficiency of the father and mother in old age.

In summary all men generally participate in the foundational nature of community while all women participate in the foundational nature of Filios (or man’s offspring). The perfect exemplar of filios is the maternal principle of containing and maintaining religion and adherence to Pater. It belongs to the principle of Pater to seek the end, or possess the end while it belongs to the principle of maternity to take care of the possessions and maintain them (this is the active and passive principle). Both man and woman have both principles but the man is not able to contain the principle of Filios alone since he cannot, on this earth, be the source and container. He is imperfect. The woman cannot be the source of filios alone but, once united to the man in communion she can be the enclosure of something and even be the source, not as the natural carrier but as the efficient and exemplary cause of preservation of communion. In a sense mother is home. Hence, in the absence of the King, it has been shown that many historical societies in the Middle East Kingdoms, the ‘queen-mother’ governed and provided through the maternal principle<sup>252</sup>. The family is the first, the core and the enduring center of human community. Therefore, in the family one can find the foundational principles of the key offices of governing

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<sup>252</sup> Edward P. Sri, *Queen Mother: A Biblical Theology of Mary’s Queenship* (Rome, S. Thomae In Urbe, 2001), 71

a community well. It is imperative that the well-being of this self-sufficing institution of society is safe-guarded according to its primordial nature and based on religion. The enduring principles of the nature of family as community are etched in their substance by the Divine creator and therefore, while their accidental forms can change their substantial nature cannot since that means that the creator was wrong. Admitting limitation in the Creator would presume that man is more than the one who created him. Creation is a historical act for the first man and therefore demands a correspondence of faith, hope and love, as virtues owing to God freely from man; arising from a free acknowledgement of his creation and creator. This cannot be understood by empirical evidence but can only be explained by philosophy. Philosophy therefore as Aquinas says is the handmaid of Theology. Philosophy needs theology rather than the other way since it is man who needs his perfect Creator. However, for mankind to intellectually deepen their love of theology they necessary philosophize. Man and woman are the parents of society and all human communities. In them lies the exemplary nature of communion in all human association. This is never so in the material and individualistic perspective of community for in an individualistic society, a man and a woman are equalized and therefore not in natural need of one another and so with regard to their offspring; the 'filios' has effectively no relationship with either mother or father except 'animal' generation. Neither man nor woman can make a community alone; nor have we any proof that there is another phenomenological source of the human community independent of the conjugal relationship in paternity.

## 6. Nature and Relationship of Family, Polis and Constitutions

### 6.1 Preamble

Considering together the scholastics and neo-scholastics, the most profound Aristotelian would be Thomas Aquinas, although there are many other important Aristotelians such as those in the medieval French universities<sup>253</sup> of whom one recall was Henry of Ghent. Both Aristotle and Aquinas provide great help in understanding the common good of political society and the means whereby to seek it. Aquinas commentary on Aristotle's 'Politics' composed between 1270 and 1272 offers an understanding of the profundity in Aristotle but only does so for the first three books Aristotle wrote<sup>254</sup>.

Professor Alvira in his work on the Family (*El lugar al que se vuelve: Reflexiones sobre la familia*) shows clearly that any theory of man and society has to be done having as an end the concept of the family. He aptly explains that any manner of speaking about society will necessarily return to this natural concept of society. The person's identity and relationships within society are primarily given in the family. The city is properly speaking a unity of families whether related or not. Thus, when a person "goes out" to meet others, to work and to play, he normally and naturally comes back to the place he calls home. This is the place where the family lives. Here the person has profound relationships and acquires from it the confidence to face any other relationship. The unity of families in a self-sufficing city nevertheless is not merely the sum total of families because the unity among families provokes new relationships and therefore goods. These new relationships, being associations arising from human needs, are thereby also natural as far as they fulfill human needs, but are artificial in so far as they imitate nature for they do not have the principal of their motion in themselves but in the family. It is therefore evident

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<sup>253</sup> Joseph L. Perrier, *The Revival of Scholastic Philosophy in the Nineteenth Century* (New York: Columbia Univ. Press, 1909), 25-40

<sup>254</sup> Aquinas, "COP", 297-298

that these associations that arise from the unity of families should necessarily imitate the family and be organized specifically for the good of the families. The family is a reality and analogically a being in the sense of Aristotelian Categories and Metaphysics.

Aquinas, in *De Ente et Essentia*<sup>255</sup>, says that “the word ‘being’, taken without qualifiers, has two uses, as the Aristotle says in the fifth book of the Metaphysics (V Metaphysicae cap. 7 1017a22-35). In one sense, being signifies that which is divided into the ten categories; in another way, that which signifies the truth of propositions”. As further explained in the same translation and to which we acquiesce, the word “being” is used in this thesis as meaning a concrete reality rather than the term ‘to be’ as it is used in a proposition. The problem is that in the second way, “everything about which we can form an affirmative proposition can be called a being, even though it posits nothing in reality”; such as privations and negations<sup>256</sup>. Thus we propose in this thesis that a society or polis is a reality in the first sense of being. Polis and family are not merely mental categories but real relations of real beings and therefore qualify to be subjects of the Aristotelian categories; the ten genera. Further, we propose and will defend the fact that the polis has the form of ‘family’ in its way of being and in its categories. Hence, the city is not simply a physical place merely apt for mechanical convivence among people with no relationship other than that of their mere sharing of space in concordance under the auspices of an artificial constitution. It is in the family that the person is concretely a citizen of society<sup>257</sup>. For unity or concordance or order in the city to be natural, it has to be in the nature of a ‘family’ and provide the goods necessary to enable the domestic family to provide the daily needs to its members. This is what my Professor and thesis director, Rafael Alvira calls “familiarism”<sup>258</sup>. It

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<sup>255</sup> Aquinas, *De Ente et Essentia*, chp. 1, para 1, transl. Miller Robert T, (1997), from Aquinas’ works, vol. 43, *Sancti Thomae De Aquino Opera Omnia* 368-381 (Rome, 1976). This translation is complimented by the Dominican Priory 1965 translation, Aquinas, *on Being and Essence*.

<sup>256</sup> Aquinas, *De Ente et Essentia*, chp. 1, para 1

<sup>257</sup> Rafael Alvira, *El lugar al que se vuelve; Reflexiones sobre la familia* (Pamplona, Eunsa, 2004), 42-44. Professor Rafael Alvira Dominguez is the director of the *Instituto Empresa y Humanismo* and Senior Professor at the University of Navarra, Pamplona, Spain and is also the founding director of the same institute. His research interest is philosophy and the study of the business environment within a humanist context.

<sup>258</sup> Rafael Alvira, *El lugar al que se vuelve: Reflexiones sobre la familia*, 61

is therefore necessary to add impetus to this dimension of family and society; if only to explain how necessary it is not to fall prey to the idea that ‘individuality’ is the principle dimension to which society should be ordered. The individual is not a discrete (isolated) quantity within the society that is pre-societal and that simply has a contractual relationship in an amorphous conjunction of people called the state. Together with the other parts of the state, the primary one being the family, a person concretizes himself and his relationship in society. He works towards his own good, the family’s and that of the city in relation to the family.

Should we not give-in to the very convincing rationale that morality is primarily personal? Isn’t it true that in every human action, every moment, it is the individual person who encounters the environment in whichever way he projects into that environment and decides what he is to do? Isn’t it true that we blame a person for not being responsible or for having done right or wrong? Yes. This is true. But it is like considering only one of the variables and projecting the conclusions to the sum of the whole. A personal ‘good’ needs to be defined in relation to another and in oneself. If the family is not really a configuring relationship and if there is no concrete relationship with God then there is no good or bad; and ‘to decide’ is really left to the sensible appetites. Disunity prevails within myriad laws each seeking its own end in the individual person. That is, if by some magic we should find another way of becoming ‘without man and woman’ and their order in the family. In order for something to be good, it has to be good for oneself in relation to another. And therefore even with regard to the elements of a personal act; of object, end and circumstances, the variables in each element are oneself and the other or others. We therefore hold that the key configuration of a person’s identity is the nature of being a social animal. Putting it in a very drastic way, without the other we are gods unto ourselves. Without another nevertheless, even if it is an animal or other creature, a human person is utterly inept since we have nothing to make us self-sufficient other than ourselves. And yet one observes that ‘person’ is a dependent being. From the moment a person becomes a reality, right from his conception, it is because there is a relationship. The most natural of these relationships, we hold, is ‘being’ or belonging to a family as defined here; Paternity, filiation and Unity for the sake of the daily needs. Ancient history and common ways of speaking have always called the substance of this family unity, Love.

Yet, as we shall expound here, the most profound place and relation, giving each individual person his nature as ‘person’, is the society we call family. There, one should find his everyday needs; and these are our being, our personality, our basic relationships, our material needs and our orientation towards ‘other’ in friendship and intimacy. The non-daily needs originate once one family unites with another. When two families unite a new need is ‘created’ to each of the families alternately; and so a new good is offered in addition to the daily needs which the family accomplishes. The highest sum total of goods that make life self-sufficient and happy is when families unite in a self sufficing polis. These conclusions can be drawn from Aristotle’s myriad manners of explaining natural things and their relationships. Some of these ways, such as categories of understanding being (or predicaments), nature, principles and causes will be explained in the following passages with regard to the person, family and polis. The highest good and end of human actions according to Aristotle is the common interest or the common good.

## **6.2 Understanding the Person ‘in’ the Family through Aristotelian Categories**

In order to discuss the person, family, state and common good, in Aristotelian tradition, it seems fitting to start as he started his own philosophical work. He started by observing ‘a person’ before him and tried, in progression, to explain in what way the person or thing was said ‘to be’. The effort of this task is probably first led to what we now have as *Categories* of predicating with regard to a natural person and a natural thing. It is an influential work of philosophy that has attracted the interests of such philosophers as “Plotinus, Porphyry, Aquinas, Descartes, Spinoza, Leibniz, Locke, Berkeley, Hume, Kant, Hegel, Brentano and Heidegger (to mention just a few), who have variously embraced, defended, modified or rejected its central contentions”<sup>259</sup>. In the Introduction to Harold P. Cook’s translation of the *Categories* of Aristotle, Theodor Gomperz is

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<sup>259</sup> Paul Studtmann, “Aristotle’s Categories”, *The Stanford Encyclopedia of Philosophy*, Fall 2008 Edition, Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/fall2008/entries/aristotle-categories/>>.



quoted interpreting Aristotle *Categories* or *Predicamenta*. He specifies that all the predicates of Aristotle, mentioned in his work, are a *summa genera* or are ‘*maximum predicates*’ which can be made to any given subject and which signify a hierarchy in natural predicamenta. Aristotle, principally, has in mind an individual person<sup>260</sup>. We are not here trying to analyze the veracity of the philosophical work but to use it as a model for understanding the nature of a person since *Categories* are a plausible method of predicating of things.

Gorman and Sanford study the word category in Greek and conclude that it means ‘to denounce or accuse publicly’. However, the key meaning of the word *Category*, as used by Aristotle, is naming an attribute belonging to an individual<sup>261</sup>. Aristotle proposes in the *Categories* that a person or a thing can be ‘said-of’ in many ways and these many things that can be predicated of a person can be summarized into the ten categories. These are the substance and the nine accidents. In order therefore to describe a person, Aristotle proposes that one needs to take into account the *pre-predicamenta*<sup>262</sup>, the *predicamenta* and the post *predicamenta*. The pre-predicament refers primarily to the idea that beings can be divided into four. The predicamenta are the ten ways of predicating with regard to a thing at the highest level, and the post-predicamenta refers to modes of opposition [Aristotle, *Categories*, 11b15-14A25], priority and simultaneity [Aristotle, *Categories*, 14a26-15a13], motion [Aristotle, *Categories*, 15a14-15b17], and ends with a brief discussion of having [Aristotle, *Categories*, 15b18-31]. Michael Gorman and Jonathan Sanford concur with Aristotle’s hierarchical structure of categories.<sup>263</sup>

Before launching into their application in the family and in the polis it is necessary to mention that there are many critics of Aristotle’s ten categories. The most eminent difficulties refer to the manner of interpreting the categories and the manner in which Aristotle ‘arrives’ at

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<sup>260</sup> Aristotle, *The Categories and On Interpretation*, transl. Harold P. Cook, (London: William Heinemann, 1962), 3-4

<sup>261</sup> Gorman M. and Sanford J. Ed. *Categories: Historical and Systematic Essays* (Washington, Catholic University of America Press, 2004), vii.

<sup>262</sup> Paul Studtmann, “Aristotle’s Categories”, *The Stanford Encyclopedia of Philosophy*, fall 2008 Edition. Paul Studtmann explains the term ‘predicament’ as simply meaning what things can be said of a being naturally.

<sup>263</sup> Gorman M. and Sanford J. Ed. *Categories: Historical and Systematic Essays*, viii

the predicamenta. The introduction to Harold Cook's translation (1962 edition) mentions Gomperz and Grote who agree that Aristotle's categories refer principally to the individual person. Dr. Ross is said to have interpreted the categories as applying to the widest predicates predicable of namable entities. Locke viewed the categories as a lamentable philosophical adventure<sup>264</sup>. Studtmann points out other critics regarding the classical manners in which the Categories are modeled. J.L. Ackrill finds lack of clarity in what Aristotle meant by qualities of habit and disposition. Montgomery Furth seems unable to decipher the rationale, if any, of the monstrous concept of quality and re-analyses anew Aristotle's metaphysical theory<sup>265</sup>. However, the most prominent Aristotelian, St Thomas Aquinas defends the ten categories, especially that of quality as a predicament and he is the most imminent of the many who are in agreement<sup>266</sup>. As to the manner of guessing at Aristotle's methodology, whether he arrived to the *Categories* through, Ackrill's question method, or the Trendelenburg's (1846) and Michael Baumer's (1993) grammatical approach, or the Bonitz (1853) and Julius Moravcsik (1967) modal approach or the Medieval derivational approach, this thesis does not propose to discuss.

Observing reality of 'being', we predicate of things of 'beings' in order to describe them or define them or distinguish them or to relate them or to place them. Hence, for instance it seems quite evident that man is a species with the genus 'animal' because we observe that all the characteristics evident in man are also evident in animals in general except what differentiates the species within the genus of animal. One can attribute a certain hierarchy to categories by saying that man is an animal but not all animals are men thanks to their differences. The problem nevertheless is, whether there is really an objective hierarchy of categories or it is a mere manner of speaking. Man can also artificially create new categories overlapping the natural ones. For

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<sup>264</sup> Aristotle, *The Categories and On Interpretation*, transl. Harold P. Cook, (London: William Heinemann Ltd. 1962), 3-8

<sup>265</sup> Montgomery Furth, *Substance, Form, and Psyche: An Aristotelean Metaphysics* (Cambridge: Cambridge University Press, 2007), 14

<sup>266</sup> M. Gorman and J. Sanford Eds., *Introductory to Categories: Historical and Systematic Essays* (Washington: Catholic University of America Press, 2004). Most of the publishers in this book such as May Sim, McMahon, Gorman and Sanford give credence to Aristotle's ten categories.

instance, someone may describe a person as being Kenyan or nationalist or ‘leftist’ or a ‘Tory’, over and above the natural hierarchy of being, a good citizen, a virtuous or just man or having a particular disposition. Gorman and Sanford mention the case of a certain rose being called a flower and rose being-on-sale. For rose to belong to the genus flower and the rose to belong to the genus ‘things on sale’ makes two genera or category overlap. They question the notion whether there is sufficient unity or relationship between higher and lower categories so as to give reality a unity and whether the term category is to be used for all categories or simply for the summa genera<sup>267</sup>. They also mention the problem of objectivity and relativity with regard to the way man predicates of things or the way people impose new categories in order to work with realities around them. The key point nevertheless is that there seems to be an objective hierarchy in the nature of things which allow us to navigate through the question of identity. Who is this person specifically? Without categories it is impossible to speak or to explain or to define. Through intelligence one can search things in order to know their substances and their characteristics which make them this thing or that. This is the crucial point. We however, conclude with Eleonore Stump’s essay, *Aquinas’ Metaphysics: Individual and Constitution*, that those things which constitute a being are not its entire identity. This is because “the whole is something more than the sum of its parts”<sup>268</sup>.

However, most of all, this thesis acknowledges Aristotle’s ‘good’ as the constituting principle of all categories of being. As he says ‘being’ and ‘good’ are convertible terms. He says that what unites all the categories is not an Idea but rather the ‘good’. For he says in Ethics that, “‘good’ has as many senses as ‘being’; for it is predicated both in the category of substance, as of God and of reason, and in quality, that is, of the virtues, and in quantity, that is, of that which is moderate, and in relation, that is, of the useful, and in time, that is, of the right opportunity, and in place, that is, of the right locality and the like. Clearly, it cannot be something universally

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<sup>267</sup> M. Gorman and J. Sanford Eds., *Categories: Historical and Systematic Essays* (Washington: Catholic University of America Press, 2004), viii.

<sup>268</sup> M. Gorman and J. Sanford Eds., *Categories: Historical and Systematic Essays*, 38

present in all cases and single; for then it could not have been predicated in all the categories but in one only” [Aristotle, Ethics, I.VI.1096a].

We also emphasize that the whole Aristotelian philosophical corpus should be viewed as a unit as has been mentioned by and illustrious translator, Bolland<sup>269</sup>. Therefore, what unites all the categories or genera of being is that they are good according to the manner in which they participate in the perfect good or common good. Thus Aristotle says that “The good, therefore, is not some common element answering to one Idea”. It is “surely that for whose sake everything else is done. Since there is evidently more than one end...and we call ‘final’, without qualification, that which is always desirable in itself and never for the sake of something else.” [Aristotle, Ethics, I.VI.1097a 30-35] More specifically this would be happiness from the point of view of human virtue and the final good from the point of view of self-sufficiency. Aristotle’s happiness is defined as “living well and acting well” [Aristotle, Ethics, I.VI.1097a 30-35] ‘Self-sufficiency’ is the political good and is defined as that “which when isolated makes life desirable and lacking in nothing; and such we think happiness to be; and further we think it most desirable of all things, without being counted as one good thing” [Aristotle, Ethics, I.VI. 1097b20-25]

Aquinas, commenting on Aristotle’s Ethics, states that according to his predecessor analysis “the ‘ratio’ of absolute good cannot belong to all goods in themselves” since there are some goods, among which we predicate of being which are “productive or preservative of goods in themselves, or restrictive of contraries and these are called good because they are useful, and the nature of absolute good does not belong to the merely useful”. [Aquinas, Commentary on Nicomachean Ethics (CNE), Book 1, L 7, para 91]. It is also Aquinas who enables us understand the Aristotle concession that although the absolute good, or the common good or the separated perfect good cannot be produced or possessed by man, it is necessary “that one should know the

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<sup>269</sup> Aristotle, *Politics, Books I. III. IV, (VII.)*, Text of Bekker, Transl., W. E. Bolland, (London: Longmans, Green, and Co., 1877), 8. In the introduction to W.E. Bolland’s translation quoted here, *he says that “there seems to be a store of ideas in the background, which no one is expected to dispute, and which Aristotle appeals to with confidence. When he has brought a theory within the reach of one of these conceptions, such as Nature, Measure, the End, Order, he is satisfied that he has made his point... for it must never be forgotten that his ‘Politics’ is only one stone, a corner-stone, in a whole theory of knowledge”*.

separated good itself for the sake of the goods produced and possessed” since “we will be better able to know and consequently better able to acquire the things that are good for us, as an artist looking at a model is better able to paint a likeness” [Aquinas, CNE, Book 1, L 8, para 99].

The most recent chronological approach to the Corpus Aristotelicum is the Revised Oxford Translation, The Complete Works of Aristotle (CWA), edited by Jonathan Barnes, 2 Volumes, Princeton University Press, 1984. The CWA arranges them into five groups according to the Bekker numbers and these do not include the recent 1891 addition of the Athenian Constitution. The five groupings used are Logic, Physics, Metaphysics, Ethics and Politics and Rhetoric and Poetics. Jonathan Sanford thinks that *Categories* in Aristotle is a work best understood ‘as both a logical and a metaphysical account’<sup>270</sup>. If we take this approach then it is also reasonable to say that Politics, which Aristotle calls the highest science of civil society, is the science that orders all other sciences, including logic and metaphysics; and all sciences have to be directed towards this one science as their natural aim. And the reason is that the highest good of a person and of civil society is the ordering of the polis. It is also evident that *Ethics* which is Aristotle practical moral philosophy is the aim of a good man. But ethics is not complete without Politics as he himself admits. Therefore, it would be inconsistent to imagine that Aristotle wrote his corpus without a unity and continuity which manifests itself perfectly in the person being virtuous and the city being ordered perfectly.

This leads us also to the conclusion that when Aristotle was working on the *Categories*, he necessarily was providing the foundations of his highest sciences, ordering man to his ultimate good. The highest human sciences are primarily Ethics and Politics. In effect, Aristotle is most likely thinking of the person and the society, according as they are perfect, when expounding all his works. This does not oppose the idea that each science should be studied according to its own right. However, it would be erroneous from our perspective that distinguishing the sciences becomes a way of disuniting them. There is adequate evidence in

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<sup>270</sup> Jonathan Sanford, “Categories and Metaphysics: Aristotle’s Science of Being”, in *Categories: Historical and Systematic Essays*, M. Gorman and J. Sanford Eds. (Washington: Catholic University of America Press, 2004), 3

Aristotle's own writings to suggest that no disunity, but rather a united corpus, was intended by him<sup>271</sup>. Suffice it to use his own words that "in all sciences and arts the end is a good, and the greatest good in the highest degree is the most authoritative of all – this is the end of political science of which the good is justice, in other words, the common interest" [Aristotle, *Politics*, III.XII.1282b14-15. JB Ed. Oxon.].

Among the pre-predicamenta, first are those that can be said of a subject but are not capable of existence apart from the subject (these are called essential universals); for example, 'man' can be said of this person by it can only be said of a person [Categories, 1a20-25]. It is apt to say that this person belongs to the species called 'man'. These are secondary substances, which are universals [Aristotle, *Categories*, 2a11-a18]. Studtmann says that they are essential characteristics of primary substances; in this particular example the primary substance is animal. This means that 'man' is said of one person and another and 'man' can only exist as something with regard to a particular person. Hence, the term man is not a part or element of the person but the person and, yet 'man' is properly speaking the species and so can be predicated of all persons without it being found as a 'thing' in each particular person.

The second way 'being' is said-of is in that of things that cannot exist apart from the subject (e.g. this person) although they cannot be affirmed of any known subject whatever (essential particulars). For instance, 'grammar' can only be said with regard to a person; however the 'grammar' is not properly speaking a thing that forms part of the nature of a person except as known by a person's intelligence. Though a particular phrase can be said to be grammatically correct it is something that exists only with reference to an object distinct from the word. The same can be said of the term 'whiteness'. It is not properly speaking something that can be predicated of a person correctly although he or she may have some whiteness in colour. But

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<sup>271</sup> M. Gorman and J. Sanford Eds., *Categories: Historical and Systematic Essays*. See also, Aquinas, Prologue in the *Commentary of Aristotle's Metaphysics*, Transl., John. P. Rowan, (Chicago: The Pontifical Institute of Mediaeval Studies, 1961). See, Aquinas, "COP", para. 5-6, in Ralph Lerner and Muhsin Mahdi, *Medieval Political Philosophy* (New York: Cornell University Press, 1991), 299. See also Rafael Alvira, "Bien Común y Justicia Social en las Diferentes Esferas De la Sociedad", 61-79. See also Aquinas, *De Regno*, chp. 2, para. 10

whiteness and grammatical knowledge are non-substantial. They can only adhere in a substantial thing. Thus whiteness needs some matter in order to exist. Hence, if there are non-substantial particulars, then Socrates' whiteness is a numerically distinct from Plato's whiteness<sup>272</sup>. A person can be said to be white though the 'whiteness' is not a subject as such, but it exists in the manner in which it is said of in particular things. It is as if to say one cannot touch 'whiteness' because when we touch a particular subject who is said to be white, then we are really touching the subject not the white. The same would be said of a liquid that is white [Aristotle, *Categories*, 1a25].

Some things can be predicable of a particular subject and can exist apart from that subject (accidental universals). For instance, knowledge of a thing can be said to be in a person and is present in a person in such a way that we can know a person knows and at the same time knowledge can be said of grammar. Hence, there is grammatical knowledge and it can be known by a person [Aristotle, *Categories*, 1b1-5].

The fourth class is of things that are not predicable of and can exist apart from a subject (primary substances). Better said, it is not accurate to call a particular subject or being something that may be in it in some way but which, itself individual, is numerically one and can exist apart from the subject. It is more accurate to say a person knows English grammar than to say he has grammatical knowledge in general; or it is more correct to refer to a human limb in a person rather than to say the person is quadruped. Thus when predicating of a person with regard to species is more accurate. Thus it is more accurate to say 'he is a man', rather than to say 'he is an animal', although every man is an animal.

The most prominent supporters of the "standard" or Aristotelian position on categories included Thomas Aquinas and Albertus Magnus as William McMahon points out<sup>273</sup>. Aquinas's

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<sup>272</sup> Paul Studtmann, "Aristotle's *Categories*", *The Stanford Encyclopedia of Philosophy*.

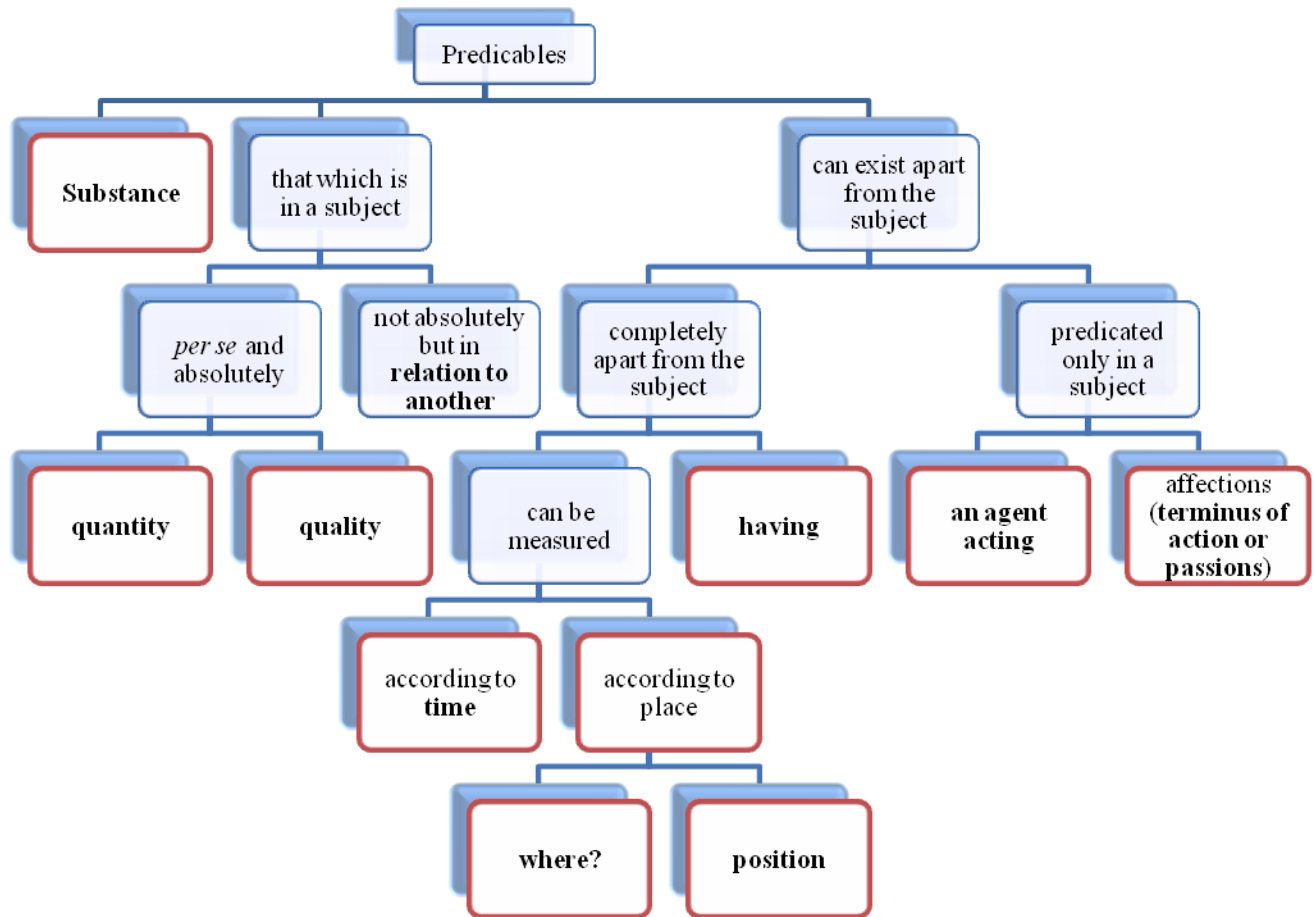
<sup>273</sup> William E. McMahon, "Reflections on Some Thirteenth and Fourteenth Century Views of Categories", in *Categories: Historical and Systematic Essays*, 45-57

arrangement of the predicamenta shows the following structure, taken from McMahon<sup>274</sup>. First is to distinguish between; Substance (that which is capable of being the subject of something), ‘that which is in a subject’ and ‘that which can exist apart from the subject’. Secondly, ‘that which is in a subject’ can be predicated ‘per se and absolutely’ or ‘not absolutely but in relation to something else’. Of those things predicable ‘per se and absolutely’, they can be said of in terms of ‘quantity’ or ‘quality’. Of those things ‘that can exist apart from the subject’, as mentioned in the first level, some can be ‘completely apart from the subject’ and others as ‘things in a subject that can only be predicated in so far as they are in a subject’. Of those things that can be ‘completely apart from the subject’ they can be said to be either a ‘habit’, or ‘can be measured or subject of measure’. Of those things ‘things in a subject that can only be predicated in so far as they are in a subject’ there can be ‘an agent acting (secundum principium)’, or ‘affections (the terminus of an action or passions)’. Of those things ‘that can be measured’ can so measured ‘according to time’ (or answering to when?) or ‘according to place’. If measured according to ‘place’, this can be in regard to ‘posture’ or ‘position’ (which is a co-ordinate) and possession (having, or order of the parts inhering in a subject or situs). This can be rendered in a diagram as follows;

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<sup>274</sup> William E. McMahon, “Reflections on Some Thirteenth and Fourteenth Century Views of Categories”, in *Categories: Historical and Systematic Essays*, 47





**Figure 1: Hierarchy of *Predicamenta*.** Source: William E. McMahon, “Reflections on Some Thirteenth and Fourteenth Century Views of Categories”, in *Categories: Historical and Systematic Essays*, p 47

The main idea is to lay foundations of the most important way to predicate or understand the identity of things. Without the rules it is not easy to logically give a name and a definition to a thing and therefore it would be impossible to dialogue. The key unmodified predicaments he derives and through which we should discover how to explain who a person is include; Substance (answering to the question what is it); Quantity (how large); Quality (what sort of a thing is it); Relation (related to what); Place (where is it in relation to its surroundings); Time (When was it); Action (what is it doing or changing in another); Affection (how passive or what is it suffering); Posture or Position (In what attitude or what is the condition of rest resulting from an action); State or Condition or Possession or Having (How is it circumstanced, what is its condition of rest resulting from an affection) [Aristotle, *Categories*, 1b25-2a4].

The most eminent of the classes of predicaments mentioned above is that of substances. Aristotle seems to have applied this class more strictly to members of natural kinds. Primary substances are themselves essential unities and therefore they cannot be strictly called accidents. Their character is not patently temporary. Hence, while the accidentals are temporary and can change, the primary substance gives a thing its consistency. When a person is given a name ‘Peter’ or ‘Plato’ that name is trying to signify most of all the primary substance of a person. In normal usage however, the name of a person includes every substance and accident that belong to him as a particular unrepeatable individual person.

Aristotle makes a general rule; when a species is predicated of a thing then the genus of the species can also be said of that thing. Hence, if we call a particular person a ‘man’ and man is of the genus animal, we can also predicate animal in that person. When two genera are not arranged, one with regard to the other and are different, then their parts cannot be predicated of the other except analogically. Hence, between the genera man and knowledge, two legged as opposed to quadruped cannot be applied to knowledge although one may do so metaphorically or analogically. But when the genera are arranged and subordinate to one another the *differentiae* will also belong to the subject.

### **6.3 Categories of a Person are Received in the Family**

Following from the analysis of Aristotle’s categories and applying it to a ‘person’ we suggest that the Categories do manifest in a significant way what a person is as an entity. The substance of a person and the accidents attached to him thereof determine a person and show how he is knowable to us and what his identity is. Our thesis is that the ‘family’ naturally concretizes or gives reality to a person’s key identity. This occurs right from the beginning of a person’s body which is said to be the composition of matter and form<sup>275</sup>. The spiritual soul is the form of the body which as a whole is matter and form; and is defined according to the two since it is a composition.

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<sup>275</sup> Aquinas, *STh.* I, q3, a4

Nature's disposition is that man in his totality is received in the family for this is what really differentiates a person from an animal or other living creature. Man and woman united in a matrimonial bond give the matter to a person and the 'One' who creates souls (which is the form of man's body) gives to the 'newly generated' matter its form. Hence, man and woman are said to procreate. This is, in other words, what natural distributive justice has granted to creation; giving to each according to "the proper order displayed in ruling a family or any kind of multitude"<sup>276</sup>. In *Politics* Aristotle lays the first rule of him who governs the state and that is to ensure that there is an adequate population sufficient for a good life in a political community [*Politics* VII.IV.1326b5-10]. This is also the first material that a statesman requires; viz population, its number and character of citizens and then what should be the size of the country [*Politics* VII.IV.1326a5-10].

The primary and secondary substances in the sense that Aristotle has provided, and with regard to each person, are according to universal distributive justice, made a reality in the family. It has also been foreseen by Aristotle that "it belongs to prudence, to direct other things towards an end whether in regard to oneself...or in regard to others subject to him, in a family, city or kingdom"<sup>277</sup>. On the order of a matrimonial relationship between man and woman a family is in motion; there it is generated and preserved. Upon the master of the household depends the order of the household in its entirety. The order in the household is contained in that of a self-sufficient city which depends on the one who rules the city and the latter is contained in the Divine universal family. It is therefore evident that ontologically speaking the family is the beginning of the city and the city continues towards the most perfect order to which we predicate the word 'family'. This proves that the city is a type of 'family', for what is in between two orders of family, in the manner of a continuous multiplicity of orders subjected one to the other, cannot be distinct and separate, though there is difference. It is also true that the family gives the foundation from which anything is predicated of a person in the most intimate way. It is also

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<sup>276</sup> Aquinas, *STh.* I, q21, a1

<sup>277</sup> Aquinas, *STh.* I, q22, a1

evident that man and the woman are the secondary cause (which is a principle) while God, the unmoved mover is the primary cause of a person.

Thus in the family marital bond of man and woman, a person becomes a particular substance which is individual but not discreet<sup>278</sup> with regard to the parentage or family relationship or any other relation necessary for its perfection. Upon the conception of a person in the woman, the law of the person's quantity and the basic qualities from which all other quantity and quality develops or is received. The reason is simple; quantity and quality of a person and all other accidents are admitted into the numerically one substance without which they cannot belong to the person particularly. It is also the foundation of the primary relationships from which all other relations can be said with regard to the person. The first relationship is, being son of or daughter of or father or mother. Besides relation is said first with regard to father and mother, or wife and husband; then with regard to their children and lastly with regard to all other relations. Each of the words father, mother, son or even servant, give the most basic identity of a person as person and rational human. But each of these words or predicates manifests a type of relation, since one cannot be called father unless it is with regard to filiation and vice versa. As Aristotle explains, "the word 'superior' is explained by reference to something else, for it is superiority over something else that is meant"<sup>279</sup>.

A person's 'quality' is primarily said in relation to habit or disposition. Habit refers to one's moral virtue which is in turn linked to a person's knowledge and practical intellect. Disposition means "a condition that is easily changed and quickly gives place to its opposite. Thus, heat, cold, disease, health, and so on are dispositions. For a man is disposed in one way or another with reference to these, but quickly changes, becoming cold instead of warm, ill instead of well. When a disposition becomes somewhat permanent it can be called a habit<sup>280</sup>. A person receives his intellectual formation and his moral formation and the formation of his sensible

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<sup>278</sup> Discreet here means that whereby a thing denies relation or continuity or dependence with another for its being.

<sup>279</sup> Aristotle, *The Categories*, S II, part 7. (Transl. E. M. Edghill)

<sup>280</sup> Aristotle, *The Categories*, S II, part 8.

powers primarily from the mother and father. And therefore a person's family is mainly that to which one identifies a person's qualities in the broadest manner of speaking. Thus, a person's heritage, family education, moral habits, and disposition towards things in society are naturally molded in the family right from conception. The basic qualities such as 'temperament' for example, are actually genetically given to a person. These being neither good nor bad, the moral formation that is given after conception helps shape this basic foundation into a 'personality'. For this reason Aristotle said that dispositions are ephemeral. Nevertheless, although not all dispositions inherited can be modified by personality it remains true that dispositions are modified through good education and education is said first and foremost with regard to the 'family'.

Family education and instruction also gives a person some other predicates which are a type of personal 'quality'. These are the predicates of a person's action (what is it doing or changing in another) and affection (how passive or what power of causing a response from another). With regard to a person's actions, they are often predicated in view of moral orientation or ability, capability and aptitude towards doing something. We have already seen that the moral orientation and therefore habits are mainly developed in the family most naturally. With regard to affection, Aristotle explains that "sweetness has the power of affecting the sense of taste; heat, that of touch; and so it is with the rest of these qualities". Therefore, sweetness is said to be a passive power of attracting taste and touch from another. A person's condition arising from "causes which may easily be rendered ineffective or speedily removed, are called, not qualities, but affections" and "in like manner there are affective qualities and affections of the soul"<sup>281</sup>. He gives the example of a person's temper which having its origin in certain deep-seated affections, is called a quality.

Similarly a person inherits or develops after birth certain conditions such as insanity or irascibility or psychic states called qualities. The interesting thing is that all these qualities and

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<sup>281</sup> Aristotle, *The Categories*, S II, part 8

affections are primarily developed or are given in the family. Hence, all the basic qualities referring to habits and dispositions, natural capabilities and incapacities, affective qualities and affections and shape are primarily given to the person in the family. With regard to dispositions, in the most extreme case, a person, being principally a family creature, can suffer disgrace in society “on account of a crime committed by one of his forbears”<sup>282</sup>. Aristotle speaks about the qualities of the citizens in politics. He says that “The power of command and the love of freedom are in all men based upon this quality, for passion is commanding and invincible” and that “it is not right to say that the guardians should be fierce towards those whom they do not know, for we ought not to be out of temper with any one” and also comments that “they who love in excess also hate in excess” [*Politics*, VII.VII.1328a5-20].

With regard to person’s place, and position the most basic place which identifies the person is the family, village or country he comes from. All these ‘places’ signify in a most perfect way both family and polis. The city should be in such a place as it “should be difficult of access to the enemy, and easy of egress to the inhabitants. Further, we require that the land as well as the inhabitants of whom we were just now speaking should be taken in at a single view, for a country which is easily seen can be easily protected”. “In size and extent it should be such as may enable the inhabitants to live at once temperately and liberally in the enjoyment of leisure” [*Politics* VII.IV.1326b25-1327a10]. The city and territory should be connected with the sea...and should be easily relieved both by land and by sea [1327b1].

With regard to possession, Aristotle says, at the end of his *Categories*, that possibly the most remote form of possessing is when “a man is also said to ‘have’ a wife, and a wife a husband, and this appears to be the most remote meaning of the term, for by the use of it we mean simply that the husband lives with the wife” [Aristotle, *Categories*, S III, part XV]. The phrase ‘lives with the wife’ is supposed to be understood as ‘making a home together’. The other ways of having or possessing are, for example, having a quality or quantity. It has already been

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<sup>282</sup> Aquinas, *STh.*, I-II, q1.a2.c

explained that these are primarily given in the family too. Another way is to bear something over your body such as apparel. Yet another way is to ‘possess’ a part of that which makes you so and so, such as a part of a body. These too are given at the most natural level in the family. The family naturally generates children and provides for their daily needs. The ‘having’ also refers to content, as for example when we have an idea or food in our body. The remotest content in widest sense is given to a person when conceived and this is in the family. Having can also be said of acquisition – any type of acquisition such as property. But the first acquisition is our own selves and that is given in the family and sustained until maturity in the family. Besides, the first personal property is naturally given to a person by the Father or mother, for example, ‘one’s clothes’ or in a more ephemeral way, one’s food, or one’s money. In some families the person is already taught how to earn ‘his own money’ through family chores as a way of educating in economic life.

#### **6.4 The Natural Family and Polis in Aristotle**

It is not therefore incongruous that Aristotle says “a city ought to be divided by families into different orders (or classes) of men” [*Politics*, VII.X.1329b1-5]. The *Polis* or state is a community of families and is constituted according to the good of those families who are its members. It is therefore a type of family. If we can deduce that John, Mary, George and Patricia are human beings then we can deduce that John and Mary’s family and George and Patricia’s family participate in ‘familyhood’ or ‘familiness’. The *Polis* which defines the association among families is therefore a type of family; a sort of genus or species of family which we generally call a state. Man is not only a political animal, but man’s society is a ‘natural’ reality which is a ‘gift’ of nature. Man in other words is born and develops and finds the opportunity to perfect himself, in spite of himself, in a society. By natural we mean that complex of powers properly coordinated teleologically on one object as its end (telos)<sup>283</sup>.

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<sup>283</sup> Aquinas, *S Th.*, I-II, q1.a2.c

Thus nature is a broad principle of dynamic operations in things. It is a principle of motion and rest in that in which it is primarily and per se and not per accidens as Aristotle points out. What we observe in reality is that; first man lives among other men and that the inter-relationship among men is good and necessary for the sake of man's good<sup>284</sup>; secondly, that he lives with other elements of nature which form an essential environment for the good of man. Thirdly, we observe that this reality is what we call society as a whole. Fourthly, we observe that this society concerns 'many' or a multitude, each seeking its own good or appropriate telos in relationship with others. Lastly, one understands that man makes an effort to find out the nature of this unity in multitudes in order to live well; to be happy. This unity or order, as we have explained, is that good which is common to them and that helps them attain their ultimate good personally and as a multitude or whole. The question therefore is, what is the nature or rationale behind the teleological bond between person and society?

According to Aristotle's good political society, man lives in a society of many by nature. We could add that, the many are good for the person in so far as, the whole of a society is self-sufficient or that the development of the relationships, quality and quantity of a society are such that each person and the whole society are happy. For this to happen it is necessary that there exist order of government among men. Each person would look after his own interests if there were no government to unite them. Without government, which is a natural provision of human nature, the multitude would be broken up and scattered unless there were also an agency to take care of what appertains to the commonwealth. The nature of society, much like the body of a man or any other animal, would disintegrate unless there was a general ruling force within the body which watches over the common good of all members. Lack of one governor means any order in any one person and in such a case disorder follows. Hence, as human nature intelligently takes care to choose the means and order itself towards the good so there must exist something

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<sup>284</sup> Rafael Alvira, *El lugar al que se vuelve; Reflexiones sobre la familia*, 23. Alvira says that a person necessarily and naturally 'becomes' and unites with others in the family. To become is not solely to have a physical identity but rather to commune and to distinguish oneself from another from the other. The richer the content of a society, the more clearly ones identity is manifested.



which impels towards the common good of the many, in addition to that which impels towards the particular good of each individual.<sup>285</sup> When all things “are ordained towards one end, one thing is found to rule the rest”<sup>286</sup>. From the very first one understands that the political government is none other than a development of the order existent in every person by nature and therefore an instrument in the hands of a person and the whole society. The political organization does not erase the order already existent in the person but rather makes it self-sufficient. It adds the good of the others to the good of the individual person. The goods’ of all in a society and that of everything in a society are directed towards unity in the whole without destroying the parts. Only in this manner can there be a common good.

The art of governing, just like any other human art, imitates nature. Nature, gratuitously given by the one who creates all, or as it were, from the principal efficient and final cause, provides the starting point of the human intelligence<sup>287</sup>. Secondary human operations begin necessarily from what nature has already given and foreseen. Human operations are meant to perfect what is already there and in some way ‘incomplete’ to the extent that human operations would intervene for the sake of perfection. It is not as if human intermediation or operations create a new universe or a new nature from nothing. Human operations in any art only modify what is already there for the sake of the good life. Thus, morality and technology do not create a new thing from nothing, but rather uses what is already created in order to provide for themselves. Humans do not create from nothing. The causality or principles that govern human art therefore are in accordance with the natural principle and these underlying natural principles remain constant throughout the operation, from the beginning to the effect or product. Therefore man may make a statue from bronze, thereby modifying that bronze but the nature and qualities of bronze remain a ‘gift’ for the sake of human art and the bronze remains bronze or something from it.

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<sup>285</sup> Aquinas, *De Regno*, chp 1, paras. 8-9

<sup>286</sup> Aquinas, *De Regno*, para 9

<sup>287</sup> Aristotle, *Physics*, II.2, in R. Lerner and M. Mahdi, *Medieval Political Philosophy*, 298

There is proportion therefore between operation and effect. Not only this, but the new statue follows from an imitation of a nature already existent, being that of a thing or man. If there was purely human intelligence ‘tabula rasa’ and bronze, then the only thing that can be there is the intelligence and the bronze and the human person and the only thing that human art can make is that which is existent in both the bronze and the human being. Therefore, it is evident that the ‘art’ of politics should imitate the nature that exemplifies it. That nature is what is present in a society. The political art will try to ensure that that nature works as it should; imitate nature. And what is it that nature provides to the political scientist? Man and the useful elements for his well-being. But if man and the elements are already there and well ordered with regard to their own good what is left for the politician? To order them into one in so far as it helps the one be more perfect and the whole together be better or happier. This means that a good politician must understand the nature of man and the principles of the parts of a society in humankind so as to order them properly speaking. Aquinas therefore states that “the welfare and safety of a multitude formed into a society lies in the preservation of its unity, which is called peace. If this is removed, the benefit of social life is lost and, moreover, the multitude in its disagreement becomes a burden to itself”<sup>288</sup>. Just as a ship builder should understand the nature of the material he uses to make a ship, so should the politician understand the nature of man and the parts of a society. Likewise to order oneself towards the best end one has to know his nature profoundly. Furthermore, Aquinas concludes that, “union is necessary among them if they are to rule at all: several men, for instance, could not pull a ship in one direction unless joined together in some fashion. Now several are said to be united according as they come closer to being one” and that “the more efficacious a government is in keeping the unity of peace, the more useful it will be. For we call that more useful which leads more directly to the end.”<sup>289</sup>

The parts of a society are those things that together constitute, when united by a force or power, a good society. Aristotle understands that human society has its principles well

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<sup>288</sup> Aquinas, *De Regno*, chp 3, para., 17-18

<sup>289</sup> Aquinas, *De Regno*, chp 3, para., 17-18

manifested; from the first most perfect composite of society and that the name given to this society is ‘domestic family’ or ‘domestic household’. In this bond, one readily sees that every multitude is derived from the unity of a man and a woman. And if human art is to imitate any natural unity in society it is this unity that is most natural. It would be absurd that the unity in a polis imitates the unity if any found in animals other than man. If human art imitates natural things and “a work of art is better according as it attains a closer likeness to what is in nature, it follows that it is best for a human multitude to be ruled by one person”<sup>290</sup>. This is what we find in human families and therefore stress that ‘family’ is the principle<sup>291</sup> and cause (secundum quid)<sup>292</sup> of a society.

Aquinas in *De Regno* says that man by nature is a social and political animal who lives in a community<sup>293</sup>. According to Dyson, he uses the words “in multitudine vivens” which Dyson explains were words taken up from William of Moerbeke’s Latin translation of Aristotle’s politics. He further propounds that Aquinas’ translation of these Latin words as “a social and political animal” give a better sense of what Aristotle meant rather than what the liberalists have translated as simply ‘political animal’. Dyson also says that the term “multitude” is most closely

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<sup>290</sup> Aquinas, *De Regno*, chp 3, para., 19

<sup>291</sup> Rafael Alvira, *El lugar al que se vuelve; Reflexiones sobre la familia*, 24-38. Alvira explained that the person is both a person deriving from a relationship and needing a relationship of love and education and identity. In order in order to develop a person well, it is necessary that the person grows within the intimacy of a family where he learns the natural balance between spiritual and material property and moral virtue and personal development in relationship with others. In the family a person learns to Love, to make friends, to be affective, and to identify what paternal conjugal love is. Therefore, the family is a ‘Principle’ of person (man) and society. Principle in this particular case, means in general “beginning or starting point”. This term has many ways in which it is said or used. See Aquinas, *Commentary on Aristotle’s Metaphysics*, V.1., 403

<sup>292</sup> David Foutz Scott, “Aquinas on Human Action and Culpability”, *Quodlibet Online Journal of Christian Theology and Philosophy*, (2009), <http://www.quodlibet.net/qaaction.shtml>. Aquinas holds that all natures are imperfect representation of the divine nature, and therefore do not aim at arbitrarily chosen ends. Rationality allows the human being to conceptually distinguish between means and end, thereby allowing recognition of other possible means and thus a self-ordering toward the end. Human beings distinguish themselves from other animals in the sense that they identify not only the ‘end’ per se, but also relate the means to the end and most of all know the means as means and ends as ends. Free will is not the first cause as nature does not give itself being, but rather a type of causality within a causal sequence derived from the First Cause (God) and the perfect or ultimate end (God). See

<sup>293</sup> R.W. Dyson ed., *St Thomas Aquinas: Political Writings* (Cambridge: Cambridge University press, 2002), 6

translated as ‘community’<sup>294</sup>. For man, society and political community is a natural thing; it is something that is inherent as a principle in man right from his generation as part of his way of being<sup>295</sup>. In his commentary on Aristotle, Aquinas explains that “the nature of man is that which he possesses once his generation is perfect, and the same holds for a horse and for a house”. With regard to the house once the house is complete the term ‘house’ is said in such a way as to signify its form.

Therefore, first, the disposition that a thing has by virtue of perfect generation is the end to which it finds its highest perfection. That highest perfection is the end of all the things that precede its generation. The end of the natural principles from which something is generated is the nature of a thing<sup>296</sup>. Family, therefore, corresponds to the perfect nature of man for he is born in a family and develops into a family. Once mature he is inserted into society as citizen and begins his own family. The most perfect community is that which perfects a person and is that in which humankind finds all the necessary good in order to be perfect. Aristotle divides the sufficient societies into the domestic household, the village and the self-sufficient polis. All are sufficient but the most self-sufficient is the polis or city or city-state. On the other hand, a person who fails in being part of this common good is said to be either a God or a war monger. Thus it is said, he was without tribe because he could not be contained by the bond of friendship; and without right because he could not be contained by the yoke of law. He is vicious because he could not be contained under the rule of reason<sup>297</sup>.

Secondly, that which is best is the end and that for the sake of which something comes about. To have what is sufficient is best and has the nature of an end. The city which is sufficient for life, is itself the end of the previous societies. Therefore, the perfect community is a natural thing and end for man. Man by nature has community as a principle and this is perfected in the self-sufficient community and all types of human societies participate in this too. Being a

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<sup>294</sup> R.W. Dyson ed., *St Thomas Aquinas: Political Writings*, pp 6 and 9

<sup>295</sup> Aquinas, “COP”, para. 33, 309

<sup>296</sup> Aquinas, “COP”, para. 34.

<sup>297</sup> Aquinas, “COP”, para 35, 310

principle may mean different things and therefore it would be worthy to explain what we mean by the fact that man living in community is a principle. The city can be viewed from a quantitative perspective as a congregation of men who dwell there for the sake of the good life. An exception to this will be a deprivation. For example, a prisoner or a person incapable of participating in political life because of his corruption or immorality. Where a person is deprived of society he is similar to the body lacking a hand or something due to it by nature.

Thirdly nature always works with regard to an end and gives man the ‘gift’ of speech for the sake of communing through communicating useful and harmful things, the unjust and the just, and similar things<sup>298</sup>. He concludes accordingly, that the city is prior to the domestic household and to one individual man since the whole is necessarily prior to the part in the order of nature and perfection. This however is to be understood from the perspective of matter not with regard to the species [Metaphysics, book VII]. Thus though the whole is prior in nature to the parts the parts are prior in order of generation. The analogy provided is that of the parts of a body to the body as a whole. Just as parts cannot live without the whole body similarly one person cannot live separated from the city<sup>299</sup>. It would be a deprivation as envisioned above. Man is naturally inclined to the city and to virtues and just as virtues are moved through effort and instruction cities are moved into being by human industry. The contrary is true since it is the opposite of both virtue and the common good in the city. One becomes vicious and inclined to injustice using every means to do what is evil.

Political order and order in justice are synonymous and they make a man more excellent. The city keeps people more excellent in accordance with justice and virtue. There is found friendship, the yoke of law and the rule of reason.

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<sup>298</sup> Aquinas, “COP”, para. 36-37

<sup>299</sup> Aquinas, “COP”, para. 38, p 311

## 6.5 Family as Principle of Society

A principle and a cause are the same in subject, but they differ in meaning; for the term ‘principle’ implies an order or sequence, whereas the term ‘cause’ implies some influence on the being of the thing caused. Secondly, that “order is found in local motion, because that kind of motion is more evident to the senses”. Thirdly, Aristotle says “order is found in three classes of things, one of which is naturally associated with the other, continuous quantity, motion and time<sup>300</sup>. First is the characteristic of time dimension in community or society. A community begins and goes towards its end which is self-sufficiency in so far as it is a society. Secondly, that self-sufficiency in society is evident and can be analyzed because there is a movement from something less to something that is a greater good. Thirdly, that society therefore has quantity (all natural things in a society), movement (from less to a better good) and that this can be measured in time (the before, the present and the after). As Aristotle explains, it is evident that “insofar as there is priority and posteriority in continuous quantity there is priority and posteriority in motion; and insofar as there is priority and posteriority in motion, there is priority and posteriority in time, as is stated in Book IV of the *Physics*.”

The domestic household is the principle of a self sufficient society or polis since it is the first part of a society from which the whole society develops. The head of this domestic household is called the master of the household. He is not the head because he is an individual who was before the family but rather, because he is the unity of four, man and woman and children and servant. The latter being the first principle of growth into a more perfect self-sufficient society. This means that even if a society were ever to begin from the agreement of many, the principle which makes it grow is the family as a whole. For a male and another male cannot engender new off spring, neither can a female and female. But rather male and female united can engender a family because it is a natural gratuitous capacity they have. Besides as

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<sup>300</sup> Aquinas, *Commentary on Aristotle's Metaphysics*, V.1. 751

Aristotle says by their nature it is evident they cannot live without each other. They need each other and perfect each other as far as social life is constituted.

If therefore the family is the principle of the development of a society as such it is also the starting point of instruction of society. In other words whatever level of development the society is or moves towards, the principle of its way or nature of being is the ‘family’. Thus we have seen from the first office to the last office of a good society is already manifest in the domestic family. “It is not from what is first or from the starting point of the thing that one must begin, but from that from which one learns most readily”<sup>301</sup>. From the domestic family, the greater society develops readily and learns everything; unity, justice, good forms of government, generation, education, security, economics and so on.

The term ‘family’ is used in many ways. First, it can be used to designate an essential part of the substance defined above or it can be used to designate more or less the whole substance of community in the Aristotelian society or it can be applied in an analogical way. With regard to the second manner of using the term family, it may be applied to a group of any living things, such as plants or animals with common characteristics; such a family of species of plants or animals. Analogically, the term can also be used to designate, a family, to those who share something particular in common; for example, Dante, in the Divine comedy, saw Aristotle seated among the “family of philosophers”<sup>302</sup>. The way the term is used in Aristotelian philosophy, it can also refer to persons bound by common parentage. For instance, parentage becomes a fundamental basis for identifying the status of citizenship in the Athenian society.

The ‘form’ or the nature of ‘family’ in Aristotelian philosophy, is unity in that “association established by nature for the provision human needs” or “companionship” of the cupboard” or “companions of the manger” [*Politics*, I.II.1252b10-15]. This definition of the ‘form’ of the family is taken from the Jonathan Barnes, Oxford translation<sup>303</sup>. If we take the

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<sup>301</sup> Aquinas, *Commentary on Aristotle’s Metaphysics*, V.1, 403

<sup>302</sup> Martin J. Ramírez, “Familia” en *Gran Enciclopedia Rialp*, Vol. 9, 225-230, (Madrid: Rialp, 1971), 715

<sup>303</sup> Aristotle, *Politics*, Oxon. ed., Vol 2, 1987

translation by William Ellis, A.M.<sup>304</sup> it reads, “that society then which nature has established for daily support is the domestic, and those who compose it are called by Charondas *homosipuoi* (or companions of the cupboard<sup>305</sup>), and by Epimenides the Cretan *homokapnoi* (companions of the manger); but the society of many families, which was first instituted for their lasting, mutual advantage, is called a village, and a village is most naturally composed of the descendants of one family, whom some persons call *homogalaktes* – the children and the children’s children thereof – for which reason originally, cities were governed by kings, as the barbarian states now are, which are composed of those who had submitted before to kingly government; for every family is governed by the elder, as are the branches thereof, on account of their relationship thereunto<sup>306</sup>. If therefore as Aristotle concludes, the state is a creation of nature, and its natural form is that of fending for the needs of that human society in every way that humanity is in need of perfection. Hence, it is in the family that life is procreated and from here springs every other need; and where providence to satisfy these needs is most perfectly found; for without life, without ‘being’, there is nothing to talk about.

As Aristotle explains, the common good of the family, that is the order in the family, is according to a twofold rule we have already seen before, that of master and the family and that of the master and slave or servant. These have been called despotic and the rule over free-men being precisely, “the rule over wife, sons and the entire family” [Aquinas, *COP*, para. 388, p 330]. The despotic rule is for the sake of the good of the master and only incidentally for the sake of the servant. The rule over free-men is for the benefit of the subjects and incidentally for the benefit of the master. The example is that the just like human arts, the particular is for those who exercise that art. Medicine is for the benefit of those who are healed and only incidentally for the one possessing the art of healing. Since the doctor is also in need of health then he benefits from

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<sup>304</sup> Aristotle, *Politics*, I.I. (Transl., William Ellis)

<sup>305</sup> Aquinas, “COP”, 307. In the rendering of the words *homosipuoi* and *homokapnoi*, Lerner and Mahdi translate them as *homositios* (meaning *men of one fare*) and *homokapnos* (meaning *men of one smoke*). But this just reinforces the meanings already used here.

<sup>306</sup> Aristotle, *Politics*, 1252b14-20



the common good he tries to procure. Thus the master of the domestic household enjoys the common good he procures.

Aristotle and his successor Aquinas, understood that there are three species of motion or mutation; generation and corruption and motion<sup>307</sup>. “Now ‘principle’ is placed in the definition of nature because nature is a type of principle and principle is the genus of nature. Hence nature is not as something absolute, for the term ‘nature’ involves relation to a principle. “For those things are said to be born which are generated after having been joined to a generator, as is clear in plants and animals, thus the principle of generation or motion is called nature”...and that, “nature is called a principle and cause in order to point out that in which something is moved. Nature is not a principle of all motions in the same way, but in different ways, as was said above”.<sup>308</sup> In generation and corruption there is a movement from one positive state to another positive state. Aristotle uses the change from white to black as an example of motion from ‘one positive state to another positive state’. Hence, there is generation in the sense that one state is white and the other black. However, by becoming black, white ceases to be, and in this sense there is corruption. Applying this idea analogously to the perfect state, there is motion from the domestic family to that of the self-sufficient state. Now these two states are positive and distinct or contraries, to use the words of Aristotle, because there is a distinction between domestic family and city state in so far as one is less perfect and the other tends to perfection. It should be perfect but on this earth there is nothing perfect. However, there is more perfection in the latter than in the former. Once this is understood, then we should apply the third term, which is the

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<sup>307</sup> Aquinas, *Commentary on Aristotle’s Physics*, Book I, para., 116-7. Aquinas explains that it is evident that “there are three species of mutation, namely, generation and corruption and motion. The difference among these is as follows. Motion is from one positive state to another positive state, as from white to black. Generation, however, is from the negative to the positive, as from the non-white to the white, or from non-man to man. Corruption, on the other hand, is from the positive to the negative, as from the white to the non-white, or from man to non-man. Therefore, it is clear that in motion two contraries and one subject are required. But in generation and corruption there is required the presence of one contrary and its absence, which is privation”. However, “there is generation and corruption in motion”. Hence the three manners of change or mutation in motion are generation, corruption and privation.

<sup>308</sup> Aquinas, *Commentary of Aristotle’s Physics*, Book II, para 145

conclusion. That is, while there is motion from one state to another, the subject remains the same.

But what is this substance that does not change when it is in motion to another state or end? It is the form; that is the common good, or order in the regime or “the supply of the needs necessary for the good of the members” and these in every aspect of human want. In domestic affairs, the provision is for the daily needs, while in the city it is the common need or order in rulership. As the family grows and seeks the self-sufficient state, provision of needs moves from daily needs to more general needs that are not for the day to day needs as such. For example, taking a leisurely walk up a mountain, if it is not daily work, or viewing the finals of a football match. This augments the family’s tasks and makes it more perfect. Thus, in a self-sufficient state the provision and association within a human community is perfectly fulfilled in the good of the person individually and that of the society as a whole. Therefore, those natural communities closer to the person apply the general laws for the good of the person more perfectly at the particular family level while at the general level of the state there is the perfect provision of what is necessary for the common needs that are ‘not-daily’.

From a practical point of view, there is another way of seeing the same point. In general people living in a city have most importantly, a common law. Then a myriad other things as we have mentioned before. Some of these are; having an enduring and stronger security, Common means of entertainment such as sports, communication and media channels, hospitals, vocational and basic education institutions, the making of new laws, the arbitration among disagreements, planting, harvesting, selling and buying and so on. A person enjoying these things, besides their daily food, sleep, instruction, vestments, dialogue and folklore and so on, enjoys a better life. But one family, unless it is a large household with a large number of children and servants will not be able to reach everywhere. If it is very large thanks to many mature children and servants then we can say it is equivalent to the self sufficient city or village. However, normally the most natural thing is that even if the family is not so large as to cater for all these things, it unites with other families and forms a larger association, dividing responsibilities among them so that all the good things are taken care of. Any manner of allocating responsibilities among the members of the family is natural and will depend on the skills each one has. In Athenian history, the children

were instructed in the skills of their predecessors and there were few generic schools or institutions for everyone as we have today. Hence, since one family took care of one thing and another the other, and each trained their own children in the skills of the father, it was difficult to see how one could change from one class of society to another. Furthermore, in so far as there was such a division of labour, then it is also clear that one family took care of its responsibilities in the day to day humdrum of life, while once in a while shared the other responsibilities or enjoyed their produce or services. For one person or family the task of medicine is a profession. But for everybody medicine is necessary when they get sick. In the former it is a daily responsibility as a result of being in the profession of healthcare. For every one thanks to this profession, healthcare, as in the hospital, is not an everyday task but a general task. And we see that societies well endowed with every skill enjoy a better life.

Therefore, if one is to consider the whole self-sufficient state analogically like a ‘tree of common life’ the common good of the polis is at the root and trunk level, while the villages are the main branches of the trunk and the domestic family is at the branches of the branches, and the individual persons are the fruits each carrying the seeds that could develop into another society. From these seeds in the ‘fruit’ or flower, generation and preservation continue and therefore the species is sustained in perpetuity much like a cycle. Only an external natural generative principle can interrupt that cycle. In our particular philosophy that person is God. But for each seed to germinate it needs to die a mysterious death by which it receives new life paradoxically, from and in the common good. The form of the tree (or community) is received gratuitously wherewith the good is applied to the whole state generally and ultimately to each individual. Therefore, one can know the quality of a good tree (or good society) from its good fruit (good virtuous persons) and the bad tree from its quality of bitter fruit (evil and vicious persons). However, that first tree is by nature in motion for the reason that it continues into the new life from the new seeds.

Therefore, Aristotle explains in Physics, Book V, L5, para. 691, that “whatever way a whole is naturally one and continuous in the same way is a continuous unity formed from many things, whether by riveting, by glueing or by any form of contact that makes one terminus for two parts, or even by being born of another, as fruit is born of a tree and forms a sort of

continuum with it". Nevertheless, it is true that an alien branch can be grafted into the tree and grows as part of the tree. This commonly happens through marriage with an alien family which is incorporated into the state or the granting of citizenship to aliens where the state is in need of more people.

Now generation can be from non-being to being or from one positive state to another as we have seen before. It is clear that in the domestic family both are present *secundum quid*. That is, there is generation from non-being to child and there is growth of child to maturity. There is also growth in the family as a whole. However, once the child is perfectly formed, the child becomes a citizen and acquires rights and responsibilities distinct from those of the original family. Therefore, as a matter of fact the domestic family has its end in the generation of children and the supply of the family members daily needs; including, education, cultural formation, formation in virtue, formation into common life with others, food, companionship of love or home, shelter, economic beneficence and all the other necessities for the children's proper maturity. Once the children mature the parents have carried out their main responsibility, so to speak. There remains, once the children are mature, the responsibility of parental advice, much like equals advice each other. The mature person is no longer the direct responsibility of the domestic family as a child who needs parental providence. The mature citizen is the responsibility of the state and has responsibility to the state. As a 'call' to return the benefits received from the parents, the new citizen, now able to take care of himself and his family, can also take care of the parents in old age before their 'privation' or corruption. Thus, in the city, the family experiences motion towards perfection generation, corruption and finally corruption in the sense of privation of life or simply put, they die. This cycle is repeated in every citizen and therefore it is the responsibility of the state to ensure that the every family enjoys this cycle. For the distinction between the domestic family and the self-sufficient state is to take care of the daily needs of many families who have accepted to live as a community through Kingship or constitutional rule as the form may be. The subjects do not change except by corruption since they remain as, parents, children and servants. Some in consanguineous inter-relationship and some not, but all living some kind of family.

According to Aristotle and Aquinas, the domestic family is fully developed into a self-sufficing state when it becomes a city or polis. Aquinas adds province, or nation. What is relevant is that the family develops and grows in all its natural dimensions such as, families, space, virtue, just interrelationships or friendship and love, health, economics, security, education or knowledge in general, relationship to the greatest good (religion), and relationships with other self-sufficient societies. The first growth is the development of other families whether by consanguineous relationships or by cohesion with another family. It is evident that if one family just has a male offspring, then other families cannot arise and the society dies a natural death. Neither will individual male and female living side by side without the common good develop since, disunited they are disorderly and do not develop into a common good for one another. Putting it another way male and female separated cannot generate a family in the common good. Even if they were to share a part of the common good, such as generation, there is no unity in one and therefore each will find their own good 'alone' and therefore there will be no society. Loneliness or solitariness, make the other parts of the common good are missing and made unnecessary such as justice, friendship, love, growth in moral virtue, security, order, common space and common unity in using scarce resources and so on. Now, if all the other parts of the common good are added to generation between a male and female, it is obvious that they will fulfill together the definition of 'domestic family', i.e. man and woman and children and servants united in the common good. Therefore, we can conclude that the family is "that from which the society best comes into being... the point from which society begins to be in motion towards development most straightforwardly.

Any good society would imitate the good families in order to develop the society realistically and in the best possible manner. Consequently, it is to the principle of the perfect 'domestic family' that any human 'association' or community would turn to as exemplar of a good society in the common good. This is what nature grants as exemplar for human society. This meaning differs from the meaning that the family is the principle from which a society in

the common good starts absolutely. This particular meaning refers to the principles of development which are similar to circular continuous quantities and have no starting point as such<sup>309</sup>.

Although any appropriate or good human association can be an ignition point of a society in the common good, the domestic family remains the most perfect principle of generation or coming-to-be of the society in the best way as we saw above. Other associations only participate in the ‘familiness’ of the domestic household. Therefore, any appropriate civil association can be a principle which is first in considering the possibility of a political society but only accidentally. A political party, an alliance and a concordat are examples of such associations. But they are points, as it were, from which the society begins accidentally or are, according to artificial human art, imitating nature; for example, in the case of a political party, an ideology can unite various persons into an ‘ideological unity’ of persons and therefore it can be the first thing to conceive as it were a type of perfect society. But ‘ideology’ has to be imitating something and not mere excessive imagination. An ideology tries to interpret the common good and the best natural perfect community. The ideology, like an art, can be the foundation on which the whole superstructure of the society is raised. However, reiterating the same point the ideology as such cannot be the principle starting point of generating the society because an ideology however perfect needs to be an ‘imitation of something’ and needs to be ‘actualized by something’ in a practical social union. The exemplar and the actualization is what we could refer to as family. Hence, the architects of the ideology as it were will need to create the manner in which the persons in society practically live justice, generate children, share material goods, have inter-relationships, work together and derive good mastership. And in this perspective the family is the practical real and true foundation upon which the society is to find an exemplar as the first thing<sup>310</sup>.

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<sup>309</sup> Aquinas, *Commentary on Aristotle's Metaphysics*, V.1., para. 753

<sup>310</sup> *Ibid.*, V.1. para. 755

It follows from the above that, if we consider a self-sufficing society in the polis, to be an end which has as its starting principle the family, then the family by nature is an inherent principle of generation of society and its end is in the common good. In addition, according to Aquinas, there is that class of principles from which a new thing distinct from the generating principle is put in motion; such as the begetting of a child by the father and mother. Another example could be the making of a product from technical knowledge or human art. Thus, “movable things are moved and changeable things are changed; in states, by princely, magistral, imperial, or tyrannical power; and these are all principles. And so also are the arts, especially the architectonic arts, called principles.”<sup>311</sup> From this it follows that a political society that is self-sufficient is distinct from those who form its moving principle whereby it is ‘moved’ into reality or becomes a reality. In other words, we can distinguish those who move from those moved or, as it were the master who unites the family from the members. Applying this concept in the case of families as has already been explained before, the very offices of prince, magistracy, imperial or tyrant are already in the family and as it were in their proto-typical standard. Most patriarchal societies have the Father or paterfamilias as the elder or master of the household. For although all the members of the domestic household are distinct individually their unity in the master is necessary for self-sufficiency or common good in the household.

A good domestic family household is the ‘first’ self-sufficing society. All other principles of a good society take their primary exemplariness of rule, generation and societal governance, from the domestic family in every sense of the word. Following from this argument, only God and the individual family unit, as such, can form extrinsic principles of a city state enjoying the common good. If we are to add the village or the province, it would be clear that this too takes its exemplary form of self-governance from the good domestic family. But in reality, none of them can be left outside a self-sufficient society if we want it to be self sufficient. When the bond between the families preservers and the head of the families continues as the master of all the households he can be, in a sense, a King. When this manner of ordering remains then, as Aquinas

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<sup>311</sup> Ibid., V.1. Aristotle 403

explains “those who hold civil, imperial, or even tyrannical power in states are said to have the principal positions of government; for it is by their will that all things come to pass or are put into motion in states”.

This is normally the case, although there can be states formed from families with distinct hereditary lines. For example, Aristotle gives the example of Cleisthenes of Athens, who having expelled certain tyrants from the city, added to the association of the city many foreigners and a certain number of alien slaves<sup>312</sup>. Nevertheless, naturally, the majority in a self-sufficing community will have many family relations from a long line of common ancestry. “Those men are said to have civil power that are put in command of particular offices in states, as judges and persons of this kind”. They govern everyone without exception, as kings. Some are tyrants, “who through violence and disregard for law, keep royal power within their grip for their own benefit”.<sup>313</sup> As we have mentioned before these offices are found first in their exemplary form in the family which in this particular case is the ‘distinct’ principle from which the society is set in motion and also the exemplar of that which is set in motion.

We may consider the case of colonial powers that propel new societies in their former colonies. It could be said to be an extrinsic principal in relation to the new political society. The dominating self-sufficing society considers it good to propel the formation of a new self-sufficing society that was formerly a colony. The consequence of this consideration would be that the colonial government is still not an essential element of the whole common good of the new state but just a part of it in the new self-sufficing society. It is foreign, it is alien to the members of the new political society and therefore it can only be considered a friend. By virtue of being alien the colonial government cannot ensure the common good but only lend a hand. But most of all the colonial political society cannot be the principle of development in common good of the new society since it will either subsume the new political society or destroy itself.

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<sup>312</sup> Aquinas, COP, III.II. para. 357, in Lerner R. and Mahdi M. (1991, 1<sup>st</sup> ed. 1963). *Medieval Political Philosophy*, New York, Cornell University Press, p 317.

<sup>313</sup> Aquinas, *Commentary on Aristotle's Metaphysics*, V.1.757



Outside the whole common good there is only division or equality of distinct individual societies, for there is no good shared commonly except that of remaining equal and distinct from one another. On the other hand, given that each society has the characteristics of continuous quantity, motion and time, it is evident that two continuous quantities, in motion and within the category of time must meet if the space and quantity is finite. The two latter characteristics of motion and time follow from the first, continuous quantity, as we have seen before and as Aristotle made clear in his work on Physics. One therefore can study the global society in its instrumental function of distinguishing between self-sufficient states and the cooperation between them.

The domestic family remains the biological, moral and cultural center from the perspective of the entire common good. It is also the regenerating principle of a society. It is in the family that the population can be reproduced, educated as good citizens and taught the historical customary law as a revelation, but most of all, it is the most efficacious principle of educating in the moral virtues of citizenship. A state cannot usurp this responsibility on the principle that ideally its teaching role is at the general level with regard to the individual particular person, while in the domestic family the general principles are more efficaciously applied to the needs of a particular person.

Moreover, although a number of philosophical scientists have understood the city state or political society in general as something ‘absolutely’ distinct from the family, such as in modern liberalist theories, this principle is questionable. Aristotle says that where there is motion a moving thing moves towards an opposite or contrary. Such is for example, the movement from a point A to a point B on a straight line. If point A and point B are considered from a mathematical perspective as discreet points and not continuous, then we must place a caveat that not all objects or realities move from one point to another; for not all things are related to each other from the perspective of potency and Act. However, if the two points seem in every way to form a continuum by nature, then point A on the regression has potency to thing at point B whereupon arrival it is in a more perfected state (it is in act with regard to B). Hence, it follows that if a domestic society and a city are related as a continuum, as we have observed, the domestic family is at point A and the perfect City-state is at point B.

Therefore, we can say that the perfection of family is in the self-sufficing city. Secondly, the perfect act or exemplar in the city is already in the family at point A although in a potential state. At point B it is in its perfected state. This principle is only true in so far as the thing, in this case the family, moves to point B as potency in motion towards its act. If it is towards self destruction then the moving from point A to a less perfect state is not perfecting by destroying itself. Hence, it has also been concluded that the domestic family is a principle of the city state in the three fold dimension mentioned above, that is, in its procreative, educating and adherence in unity. The family reaches its perfection in the three fold manner of an adequate number of people within whom there reside the perfect dynamic complementarity, knowledge and unity. In this state the people are said to be happy and enjoying their life in virtue.

## **6.6 The Polis as a Natural Institution**

The perfect state is distinct from the imperfect state and therefore the potential imperfect state is different from the perfect city state actualized. It is distinct in a quantitative and qualitative manner. What we mean to say is that, the child is distinct from the adult, though it is the same person. Thus similarly, the underlying natural principle between the family or families in-motion towards the self-sufficient city-state does not change, for without a constant nature, contingency would be destructive. For example, if a man were capable of changing into a dog or a camel or an inanimate thing at any time then there would not be order at all; for order is said with regard to an adhering principle that does not change. If this fails then movement would also be irrelevant for the end is not related in any way to the principle or first cause.

If one observes 'order' in the universe there appears some underlying immutable principles that give substance or firmness or meaning to the changing accidental or contingent natures of things. Therefore, we can conclude that the immutable nature of a society has a name and that name is the substance and that name is called 'family', for the city-state imitates a good domestic family. The society always aims at a perfect 'unity' in diversity. And if Aristotle says that the society is perfected in diversity, and therefore that it cannot be reduced to uniformity, for this is true, it is because that 'complimentary diversity' is already present in the united family as father, mother, children and servant endowed with natural providence of the environment (space and time). The family has also all the elements to ensure the common good, such as; education

and instruction; economic management; government in all its structures; and forms of adherence to one another as that of friendship between man and woman, filiation from child to parent (which also includes friendship), overall providence of good things as that from parent towards child (which is the definition of the perfectly participated act of friendship, love and gift of self to the other) and co-operation in production of material things necessary for the good life as between master and servant (which also includes friendship participated as that of filiation given by son to the parent). This diversity is perfected in the state simply because in the perfect state is found paternity (man and woman), filiation (sufficiency in providence) and cooperation in production of material things necessary for the good life (master and servant).

The good city state, the perfect city state has analogically, a substance which is immutable and it seems very appropriate to call this substance ‘unity’. This unity is defined by Aristotle as the order of the inhabitants in a city [Aquinas, COP, para. 341, p 312]. Aquinas defines it as unity in peace. The citizens form the principle parts and therefore the city is manifested in the multiplicity of citizens. The substance of the state has as its parts the well-being or happiness of man, woman, children, servants and all the natural things of the environment necessary for their well being. The ‘accidents’ analogically would be the different manners in which this natural substance is manifested practically or sensibly. For instance, while the substance, as provided here, would remain the same in Africa and in Europe, the different historical, environmental, cultural and racial differences would add something to distinguish families from both continents. Therefore, at the most imperfect state of self-sufficiency one may take the example of the family household, made up of man and woman and children and servants. The next level according to Aristotle would be the village and then a city. Thus, Aristotle concludes that there is a two-fold society, “namely the household and the city”<sup>314</sup>. Now, in the many ways in which the city and its rule and government are described in Aristotle one can conclude that the end of the city is the most perfect nature of ‘family’ or as it were, the most perfect or self-sufficiency of man, woman, child, servant and their friends and their natural

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<sup>314</sup> Aquinas, “COP”, para. 12-13, 301

environment. In summary, it would be the most perfect person in a perfect community which we call the family.

It is not a mere residing in city that makes it a city or makes one a citizen since foreigners also can stay in a city or it can be under foreign siege or there can be non-citizens. Falling under jurisdiction of the city does not make one a citizen either, for children as an example fall under the jurisdiction of the city without being perfect citizens. Fugitives and disreputable citizens are also citizens in a qualified way since they destroy the common good more that unify the city in it. To be a citizen actively is defined as one to whom the deliberative and judicial functions can be conferred<sup>315</sup>. And the perfect citizen can only be said to be such if he makes a city perfect. And this is the regime or government that unites, through a type of association, such citizens as we have described before.

Now regimes come in many forms as already intuited; there are many species. Some are good and some evil and the good are prior to the evil for the evil are distortions of the good regimes designed according to right reason. The citizen there will vary according to the species of regime. Therefore, Aristotle observes that the city can be defined as that multitude of men associated in such a way that they can live self sufficiently in an absolute sense. The objections to this definition would be that; sometimes there are citizens not born or not belonging to the traditional heritage of the original city, such as the situation in Cleisthenes time when he took power and introduced foreigners and alien slaves to the city of Athens. He had expelled the tyrants and wanted to ensure that the oligarchs were weakened. Hence foreigners were added to the association of the city. But Aristotle says that so long as the one who does this has authority then these foreigners are rightly called citizens. Secondly, citizens who are unjustly called so in one regime can be called rightful citizens in another so long as one accepts that unjust rulers are also legitimate rulers. That would be the case of a poor association of citizens.

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<sup>315</sup> Aquinas, "COP", para 355, p 316

Another difficulty may arise in the definition of a city. Is it the people or is it the geographical area? And here Aristotle answers that with regard the geographical area (space) and time the city is said to be this particular one so long as the area remains the same. While with regard to citizens the geographical area of the city is not the same since the citizens can move from one area to another and remain citizens. Hence, geographical areas encircled by a wall are not necessarily a city. Neither is size to be construed a city although it should be sufficient for the sake of the common good. It is also not said of race although it would be good that there is consistency in life and traditions and therefore consistency in the customs; or rather that the many share in the same customs in an enduring way. These would engender more friendship among citizens since variations in customs and traditions are divisive by nature. Hence in a way race can give unity if it endures from one generation after another like a steady flow of the river which is renewed along its course. But properly speaking the race is not what gives unity since in reality this is not the case. The city can change even though there is an enduring race generation after generation. Therefore, properly speaking the natural identity and unity of a state is said of the association or regime which unites the multiplicity of citizens in the common good [Aquinas, COP, para. 364, p 319].

## **6.7 The Citizen of the Natural Polis**

Once the question of what is the identity of the city is accomplished then Aristotle reverts to the good citizens of such as city. In this regard the question is whether the good man is the good citizen. To answer this question he poses the comparison of the term ‘sailor’ as an analogy of the term ‘city’. With regard to the former, the term sailor is used to signify many people. Specifically, it can refer to the captain or pilot or rower or any other person necessary for safe sailing. However, each of those who can be called sailors has a specific duty within the art of sailing distinct from each other. The rower and the pilot each have to perfect their own function individually, but to both is the responsibility of ensuring ‘safe sailing’. As it is safe sailing is brought about by the unity of the two functions each complementing the other. The unity of the two responsibilities is found in the captain of the ship who unites them through good administration and law, or good order in general. He ensures each responsibility is carried out in good order for the sake of the sailing safely towards the destination [Aquinas, COP, para. 365-7].

Therefore two distinct ends at once appear. That of sailing properly speaking under a captain of the whole ship and that of the end or port where the sailing is said to have its end. A good sailor can be said to be good in two ways as a result of this. He can be good with regard to the sailing itself under the regime of the captain or he can be said to be a good sailor with regard to reaching the port safely. The latter is the more perfect end and the former is said to be good in so far as it leads to safe port. In an analogical way therefore, the unity in the regime of a city is like the unity in the captain of a sailing ship. And the ultimate perfect end for the regime is God while that of the sailing ship is the port of destination; the end of the journey. Only with regard to the perfect ultimate end and therefore perfect regime can the good citizen be said to be identical with good man.

To each citizen attaches the responsibility of ensuring the welfare of the city according to one's own function. If the city needs to self sufficient in many ways, specifically, in natural unity, generation, preservation, instruction and so on, and each of this in itself has distinct responsibilities such as fatherhood, motherhood, servanthood of every kind, children, security, and so on, then each citizen cannot be identical with the other for then some functions would not be fulfilled in a particular regime. These make the citizens distinct with regard to their particular virtue enjoining each of them. Only in the perfect City can there be true identical virtue of the good citizen and the good man. Aristotle is pessimistic that any regime on earth can be such although this must be its aim for citizens in a political government in which the good ruler must learn how to obey first. The ruler should learn how to be a subject first in those states where the ruler is a ruler among equal citizens. In this case "good men, absolutely speaking, know how to rule well and how to obey well" [Aquinas, COP, para. 375, p 324]. Free citizens rule and obey in turns and therefore they should know how to do both well and this with regard to the best regime, absolutely speaking.

The free citizens do not possess one virtue only, but many so that with prudence for example they can rule well and, not only that, there is the prudence with regard to the subject in so far as he needs to govern himself and those under his responsibility in accordance with the government of the ruler of the city. Therefore, using another example he says that, it seems in the domestic household there are distinct responsibilities. To both man and woman pertains naturally

the management responsibility of the household. However, even in this one acquires riches and the other preserves the riches. For it would be unnecessary if one can do both of them with total disregard of the other. If that were the case then it follows that society is irrelevant. However, this conclusion would be impossible. For instance, man by nature does to carry the child although he is an active principal of its generation. The woman contains the preservative element and nurtures it until it is born. Applying this to the good city it seems evident that the ruler depends upon the military with regard to security of the city. If he were the general fighting in the field and at the same time ruling, then it is as if he did not need the society anyway since he is like a God knowing and capable of all things. Normally, the ruler will depend upon the economist, the military, the instructors, the engineers and so on for the sake of the whole city. However, his virtue is also present in his subjects because the chief engineer having many other engineers under his rule needs to govern them prudently in light of the government of the city.

Not all members of a city need to be called citizens or as we said before not all are capable of undertaking the deliberative and judicial functions of a city. The domestic family is a good example of this. Children and servants cannot rule the family because this would be a disorder. Only the Father and the mother are citizens of the household properly speaking. The others are imperfect citizens in a manner of speaking. The children are imperfect citizens because they have not been educated in citizenship and the servants because their capability is to assist the one master who generates the household and the other master who preserves the household by nature. The son cannot come before the father and the servant cannot come before the needs of the household.

The father and the mother generate and preserve the child respectively, and as a consequence of the needs of paternity and filiation, it is natural to have a servant. The child and the servant are not citizens properly speaking, that is, they cannot govern the family while the father and mother are there. And this is not because they are not the father and mother but because in motion one thing comes after another. And properly speaking what comes before confers an 'indelible' character with regard to function. Hence, the child and the servant can only be citizens or can only exercise citizenship responsibilities when the father and mother are not functional or upon delegation. For example, when the father falls irretrievably sick and when the

mother cannot oversee certain functions, then the child or the servant can participate in that function. We see this in certain regimes, which as Aristotle says, lack adequate population to ensure the provision of the common good. For instance, where there are many old citizens and no young citizens then citizenship responsibilities need to be given to others in so far as these will ensure the common good. There is also the problem of a lack of order or bad governance which results in the disorder of having under-aged children as laborers. Bad citizens reach the level of governance because there is a deficiency of good citizens. However, in the best state it is those who have virtue; that is, the best govern. In corrupt cities the virtue of the citizen is not necessarily the virtue of the good man. Not only that but also that the good citizen is properly said of the good governor who rules or is capable of ruling for the sake of the common good, alone or with others of the same ilk [Aquinas, COP, para. 382, p 328].

In a ship, the rower and the pilot are distinct individual persons and distinct according to function but are disposed to the captain who directs the ship safely to port, and they have different virtues based on their functions. However, both the pilot and rower if properly educated and able can also be captain, although at any one time there is one who rules and another who is obedient. Similarly, the common good in the city is properly said of the disposition among the different citizens with respect to the governing regimes. The term used by Aristotle is common wealth<sup>316</sup> rather than common good although they are synonymous words for the sake of this thesis. Therefore, the common good is said to be with regard to the disposition of a people towards the rule or rulers in such a way that order in the city is most perfect and a commonwealth. In other words, the people enjoy the common good. Therefore it can be said that the perfect city is that in which the citizen's are well disposition to the best rule. For it is self evident that in the best regime, the best man rules according to the best law. If this is applied to the ship then we can say that the order with regard to the captain enables the sailors to maneuver through the hardest difficulties better, faster, efficaciously and efficiently arrive orderly and safely to port if the captain is following the best sailing rules and is properly experienced. But

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<sup>316</sup> Aquinas, "COP", para 385, 329



this disposition depends on two variables. These are the diversity in the types of citizens and diversity in the types of regimes; for instance, a popular state and an aristocracy.

Having seen that the common good is in the disposition of the people towards order according to the rule, and that order is the common good, it is necessary to define what the end of that order is. Aristotle provides us the answer that the common good is ordered to two things; first, is the end of living well “to which each man contributes his share...both collectively with reference to all in the city and severally with reference to each” and secondly, for the sake of existence, for those who share a common life “one comes to the aid of another to sustain his life and preserve him against the dangers that threaten him. For this reason men come together and maintain political association, for even mere living considered in itself without the things that are conducive to living well is a good and desirable thing” [Aquinas, COP, para 387, p329-330]. The fact is that men, although not perfect, still live and are attracted to life in common by a “certain natural sweetness, as if life possessed in itself a certain solace and natural sweetness” [Aquinas, COP, para 387, p 330]. After saying this it is also necessary to re-establish the principle that order in the city is with regard to the most perfect end, or the ultimate end. This results in the ontological definition of the common good as God for only in him is the most perfect good found for one and for all. He is the unmoved mover and the most perfect end of a human action.

Whereas in the domestic family the man and the woman come together and one takes the responsibility of governing according to the many, the city comes into a being by the wish of either a monarch king or aristocracy or polity (constitution of free men). Despite this distinction in the way the family and the city come into being, their end is identical. For the distinction did not arise out of the fact that there is a magnitude of lesser or more although this may sometimes determine the form of government. The distinction in one arises from the need to perpetuate oneself perfectly through family and in the other to ensure this state of goodness or order. The good city state enables the perpetuity of the family to take place and safeguards and enriches it in the common good – that is, existing and living well.

As we said before, in the domestic family there is Kingship or queenship in the form of paternity with regard to children and servants. There is also a sort of Aristocracy or polity in the relationship between mother and father in governing the domestic family. This latter is what

Aristotle refers to as the rule over free-men. Between children there is a sort of democratic relationship since they are equal. And we have already seen that these forms are the same forms that Aristotle provided as natural species of the political government. And that in so far as these forms can be abused so as to derive, tyranny, oligarchy and anarchy respectively, the same can occur and has been seen to occur in the political disposition of a city state.

Ruling free men means that the ruler(s) ensure the common good of the subjects. If the city-state were to imitate this type of rule, it is fitting that citizens be governed according to polity or rule “in conformity with equality and similarity of citizens” [Aquinas, COP, para 389, p 330]. Some rule at one moment and other rule at another moment. This rule could be broken where some citizens excel over others consistently. But reality indicates that this is unnatural since man is prone to die and is prone to have limitation in space and time. Practical life has also shown that although the common good is meant to accrue to the subjects, the rulers usurp these common goods for their own sake and therefore desire to perpetuate their sovereignty. This error results in tyrannical and unjust governments. The subjects become slaves.

## **6.8 Analogical Substance of the Family**

Now, if analogically speaking, there is a form we have also seen that there is matter in both the domestic household and the city state. The form is a natural gift of oneself to the other in unity, for that is the nature that we see in human society and it remains constant just like different elements of oxygen and hydrogen can be air or water. Therefore, if the form is constant, that is the common good, then what distinguishes the matter of a domestic family and that of a city state is manifested according to proportion adhering to the rule. Aristotle refers to different manifestations of proportion in the domestic family, the self sufficient village and the self-sufficient fully fledged city. Besides these, the human art of political science or the virtue of prudence, can fabricate many ‘imitations’ of the natural community, such as, the school, the club, the residents association, the village, the economic and property association, the cooperative association, the security association and so on.

Now each of these forms of association make their citizens or members take responsibility of unity, generation, provision, and preservation of the members. The artifacts of human associations which man, through his intelligence fabricates, imitate one or many parts of

the natural form of the domestic family. Thus far we have added to the Aristotelian definition of the form or purpose of the family, as manifested in his *Politics*, not only meeting the daily needs of the members, but also, unity in the ruler, generation and preservation of the members. These attributes are all intended by Aristotle but they do not appear succinctly. Although the form can be made manifest by so and so coming together and writing an agreement or entering into a contract, manifested in a written agreement such as the ‘magna carta’ the true form remains in the activity of the members adhering to the rule and the ruler ruling for the sake of the common good and not tyrannically. The ‘magna carta’ is only incidental for the sake of clarity. Therefore, what receives the form is manifest only in its activity in fulfillment of the purpose and nature of its form. Of these manifestations it is evident that the domestic family is nature’s exemplar of all human associations for the sake of the domestic members. The self-sufficient state is most perfect for families that are orderly and constituted as a community. Thus Aristotle says that “everything which is known is known through its form. Matter (primary) is, moreover, considered to be the subject of every form (through signification, i.e. that in which the natural power of providing for the daily needs informs manifestly here and now).

Matter is known by analogy, that is, according to proportion. For we know that wood is not the form of a bench or a bed although it receives or underlies both forms. When, therefore, we see that air at times becomes water, it is necessary to say that there is something which exists under the form of air and at other times under the form of water. And thus this something is other than the form of water and other than the form of air, as wood is something other than the form of a bench and other than the form of bed. This ‘something’, then, is related to these natural substances, as bronze is related to the statue, and wood to the bed, and anything material and unformed to form. What underlies water and air and is common to both are the elements such as oxygen and hydrogen; and these are what we call primary matter. Both primary matter and the

*ratio* or forms that perfect it are principles of nature.<sup>317</sup> Privation is not a principle of nature since privation is the lack of any kind of society or its corruption.

It is self evident that the form of the family is the nature of unity of its members under one head for the sake of generation and preservation of the species, providing for the daily needs of the members and preserving<sup>318</sup> the members. This unity is perfect if the members of the family are happy or delight as a result of that unity. When this perfection is true then it is referred to as the common good of the particular family. The primary matter (i.e. the particular members of a family individually) who are the subjects of the household unity under one head, together with the head define the type of human society or human association. Their way of being is normally manifested in the master or person who manifests that unity which is paternity (fatherhood and motherhood). The master appears in different ways in the domestic family and in the city state or any other level of self-sufficiency in motion towards the most self-sufficient state. The other matter is in reference to filiation (sonship or daughter ship) and service (servant). The ‘form’ is a commitment and a bond for the sake of the common good of the family members in all these relationships, responsibilities and efficiency and effectiveness in carrying them out. We have seen that generally this is called the family.

Therefore, one can conclude that the perfect ‘prime matter’ of the family is the relation of “fatherhood”, “motherhood”, “filiation” and ‘servanthood’. Furthermore, this is the most natural community of human society. We can rephrase this same nature by calling it “paternal unity perfected in filiation”; for paternity considers both fatherhood and motherhood and filiation is the product of the generative principle in “paternity”. Servanthood is said of all with regard to each other and also with another if this one helps in the common good of the family; as for example, the servant who is in charge of the children’s care. Paternity is the generative principle but paternity it is always said in relation to filiation. Neither filiation nor paternity can exist one

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<sup>317</sup> Aquinas, Commentary on Aristotle’s Physics, para. 118

<sup>318</sup> Aquinas explains that household male and female, and master and slave come together for the sake of generation and preservation. He also explains that it is called the first household because there is another personal association; that of father and son which arises from that of the first association of male and female. See Aquinas, “COP”, 306

without the other. Matrimony or paternal unity or family bond are the domestic ‘family’ and are distinguished from all other forms of “family” by the fact that these others are called so equivocally. Finally, we can say that unity as a form is materially manifested by “master-hood” of the household. Hence, “master-hood” and “paternity” are identical and the terms naturally call for servanthood. Therefore, “where there is no governor”, Aquinas says, “the the people shall be scattered”<sup>319</sup>. In other words, without a master the family suffers privation and those united return to their individual imperfect states. Individuals without unity disintegrate.

Filiation is the first effect of self-preservation through perpetuation (generation). In a manner of speaking, if filiation is the first effect of self preservation then mother and father are a certain ‘filial gift’ to one another since only in one another can they perpetuate themselves, thereby fulfilling a natural inclination. Hence, we can say the filial relationship is already present in mother and in the father. However, remaining at this level does not entirely fulfill the preservative function for the two since at this stage they have only ‘begotten’ one another through matrimonial unity. Unity in male and female without generation and preservation of the off-spring is not natural. If the unity is not for perpetuating themselves then each ‘alone’ is insufficient and remains so. As Aquinas says, each in themselves can sustain himself or herself in God who made them. If they die in this state there is no preservation of the species as well. Therefore preservation or perpetuation in its most perfect form is found in filiation. One can also conclude that filiation is effected by the sexual function, the natural providence of daily needs (including and primarily so, the formation of the intellect and will) and preservation in the family.

One observes in reality that in a good society, some family’s fail in their natural conjugal efficacy but that does not nullify the matrimonial or family bond. This is because of two things; first is that self preservation between the two spouses remains to be accomplished in perpetuity, and secondly, that filiation is also effected by providing formation and the daily bodily and other

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<sup>319</sup> R.W. Dyson, ed., *St Thomas Aquinas: Political Writings*, 7

material needs the children. There is certainly a deformation in nature in the case of a matrimonial family that is sterile; but since they still have the power to provide for one another through their work they can also adopt children and simply fulfill the function providing for all the 'daily needs'. The adopted children for all intents and purposes take the place of children by natural birth. It is clear, so far, that the bond of unity between male and female is also referred to as matrimony according to ordinary usage and expression.

Any type of human association that aims at perfection imitates this natural family. It is also evident that because the paternal nature is principally spiritual, that is, formed in the Love (the perfect friendship) between a man and a woman, any human association can imitate it by applying the same principle. Man and woman can associate in a myriad ways for the sake of their perfection. Secondly, since in Paternity there is the principle of filiation through 'provision of education and instruction and provision for daily needs', then a human association can have 'children' in many ways where there is a bond of spiritual love and the commitment to the 'adoption' of children. In this manner, a King is analogically said to be a 'Father' of the nation; because he provides for the common good of the people. There are many human associations referred to analogically as 'family'. For instance, we say a group of people are a 'family' when they are living together ensuring their daily perfection in the natural perfect good due to man. A school, those who work together in any type of human institution, active clubs, all refer to themselves as 'families' analogically if they are bent on ensuring the good (if only a part of it) of their members. Finally, this spiritual dimension of 'family' is said so perfectly of any human association associated for the spiritual welfare of the people primarily. If the bond is spiritual paternity and in addition the members ensure the 'daily needs' of the members, there is no doubt in our minds that this is most humanly perfect defective only in the possibility of conjugal generation. Seeing that this is a perfect family in a human sense, and seeing also that the conjugal matrimony is perfect in a human sense, then it is evident that where both are found in a society, that society is the higher principle since it contains the perfection of both. Thus the spiritual family and the conjugal family are said to be perfect and natural parts of a society. Each part would nevertheless be lacking if it did not have the other.

The order of parts then would be family unit as the constitutive form of a society, informing the matter of ‘spiritual’ fatherhood and motherhood, conjugal paternity and finally filiation. A perfect society has all these parts present in it and therefore is said to be perfect if all these parts are communing in and for the sake of the common good. It also means that since each part is for the sake of the whole, then the whole is prior to the parts. The parts find their own perfection in a perfect community of common good. Therefore any constitution of society in the common good should ensure that these parts are present and should ensure that governance of the society takes care of them in that order. It seems also that Aristotle’s system considers all these dimensions although partly and not as elaborated here. However, this matter will be taken up later.

Individual private interests and common good are not identical or they are not necessarily the same, yet individuals by nature unite for the sake of the common good. Therefore, it is fitting that, there should be one who moves all individual persons towards the common good just as the individual person moves himself to his peculiar good by his intellect, will and sensible appetites<sup>320</sup>. Where things are organized into a unity it is reasonable that one rules and the others become subjects with regard to the common good. This does not mean that the private or peculiar personal good is vitiated. On the contrary, it is conserved perfectly for the sake of the common good.

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<sup>320</sup> R.W. Dyson, ed., *St Thomas Aquinas: Political Writings*, 7. Dyson explains that Aquinas uses the terms Intellect, will, and appetite as elements of the soul. Appetite is a term that means any drive towards another thing or any seeking after a thing. Appetites can be conscious or unconscious, sensitive or intellectual. Sensations arise from sense appetites and tend towards the things that are desired by the senses. These can be concupiscible if they are directed towards or directed away the pleasure or evil of the senses. They are irascible if in doing directing to good or away from evil they encounter an obstacle. Concupiscible appetites include such appetites as love, hate, desire, aversion, joy and grief. Irascible appetites include, hope despair, fear and anger. The movements of the appetites cause emotions. Intellectual or rational appetite is the same as the will. The sensible appetites are passive and the intellectual appetite is active and can seek the good actively. Hence, it can seek God, the *summum bonum*. In the *Summa Theologica*, I-II, q 85, a1, Aquinas explains that in the acts of the soul, there is an active, and a passive element: thus the sensible object moves the sensitive appetite, and the sensitive appetite inclines the reason and will, as stated in (S.th. I-II, Q77, Aa1-2). The result of this is the inordinateness, not as though an accident acted on its own subject, but in so far as the object acts on the power, and one power acts on another and puts it out of order. [S.th. I-II, q 85, a1, p 143]

Spiritual paternity and filiation, matrimonial conjugal bond, generation, provision and preservation are the elements in the natural form of the family and any fissure between these elements deforms the society. The ‘family bond’ is perpetual since paternity is for the sake of self-perpetuation. It would be a contradiction if they were to perpetuate themselves and then seek to avoid that perpetuation at the same time. They can only perpetuate themselves if they have a generative or capacity for filiation. And here filiation is both a material capacity and a spiritual capacity for we have seen that the failure of giving birth to children can be substituted by principle of adoption. Provision for the family is the responsibility of providence in religion or function of representing God in education, instruction, and material goods necessary for the happiness of the members. Preservation is securing the being of members as opposed to corruption. Now the corruption of the family can take place with regard to all the elements of the natural form of the family. Hence, the bond, the generative function, the provision and the preservation can all be corrupted. The consequence of any corruption of these forms as we have already seen is the deformation of the nature of family.

There are differences between the nature of the City State, the village and the Family. Three questions arise from the treatment of the term nature. Whether a self-sufficient city-state can be called a natural thing according to its substance; and what is the natural substance that makes it distinct from that of the family? And, what is the manner of that distinction.

With regard to the first question we can say that a self-sufficient city-state is a natural thing because it stands proportionately in the same relation to the domestic family, and the domestic family is a natural thing. Although the city-state is ordered by human intelligence it is not artificial but rather that the human intelligence orders the family or families towards the good of its members; the common good. Human intelligence is eminently natural and has as its most perfect principle the good order of the city state and the very human intelligence is the principle of motion in the orderly city-state<sup>321</sup>. Among all human societies, the city-state is the most

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<sup>321</sup> Aquinas, “COP”, para. 11, 299



perfect, and the highest good for man since it is ordered to man as to their end. If every human society is ordered to a good of man, the highest society necessarily seeks the highest good of all men and every man. It does this because it seeks the common good which is more divine than the personal individual good as we have seen. We can therefore surmise that the form of the self-sufficient polis is the Common Good in unity – which is the good of all in the society and the good of every individual. Now since the person is a political or social animal by nature therefore the common good is a natural form. The matter therefore is the king or polity (as different species of political ordering and the members of that society who are put in motion by the common good. In brief the matter is ruler and subject). We have already seen that the natural common good is said first with regard to the family since it is only in the family that the person is perfectly formed for the sake of society<sup>322</sup>.

Aristotle and his successor Aquinas are clear that the distinctions between the domestic household (or family) and the Self-sufficient city state vary from various perspectives and not only in magnitude of quantity<sup>323</sup>. The first is obvious, that the ruler of the household rules in part with regard to the whole society while the ruler of a city-state rules all. Therefore, one is in part a political head (rules and element of the whole) while the other is King in whole.

The second is that in the city state the intelligence of man preserves that which is generated in the family, for the purpose of the city is not to generate or propagate as is necessary for man and woman and other plants and animals, but to preserve. The king is therefore, he who has the capacity of knowing how to preserve well while in the union of man and woman, and that of domestic household wherein the servants are included and that of families united in the village, participate in managing and preserving the generative element and the preservation. The latter lies more immediately and in the highest level in the ruler of the city state.

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<sup>322</sup> Rafael Alvira, *El lugar al que se vuelve; Reflexiones sobre la familia*, 45

<sup>323</sup> Aquinas, “COP”, para. 15, 302

Thirdly, the domestic family is an association by marital union and despotic government (for there are servants) in the domestic household while the King rules according to all the families through a constitutional union or monarchy. Marital union primarily arises from the natural inclination of the male and female to generate and propagate their species. For by nature they cannot exist without each other. Now the ruler is monarch in the city-state because of his capacity to foresee intellectually and prudently the things that are conducive to the preservation of the whole, providing what is worthy for the good of the subject and repelling what is not. At the same time the subject is subject because the ruler would not be able to provide anything without the help of strong bodies who can fulfill his command. Neither would he who has bodily strength survive outside rule for he would not have the foresight or prudence of everything necessary for his self-preservation in whole.

It is evident that the female is not subject to the male as the citizens are subject to the king. Rather female is she who has a natural disposition to beget from another. The male has the natural disposition to beget in another. One is to beget from another and the other is to beget in another. The female is the preservation of that which is conceived for in her a new progenitor is begotten. Therefore, those who say that female is subject to male solely for the sake of carrying out his will in everything are wrong. For conceiving and tilling the garden are distinct responsibilities. He who plows needs to be strong like an ox or use an instrument of similar kind and does not need to have the disposition of conceiving<sup>324</sup>. In the self-sufficient *polis*, nevertheless the female and the male are both subjects of the king or ruler.

If society is a thing or something real, a 'being' then it is a substance that is composed. It is a being because we can define it and it can be observed through the ten categories. That is we can know its substance (matter and form), we can know quality and quantity with regard to a particular society, it has relations, place, and so on. It is a thing constituted by its proper species

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<sup>324</sup> Aquinas, "COP", para. 20

which gives it an essence or a nature or form, that is, this society or that society<sup>325</sup>. It is called a nature by Aquinas in the four “senses that Boethius distinguishes in his book, *De Persona et Duabus Naturis cap. 1* (64, 1341b), in the sense that nature is what we call everything that can in any way be captured by the intellect, for a thing is not intelligible except through its definition and essence”<sup>326</sup>.

Since it is composite we find in it matter and form as substance, the form being the bond between a man and a woman and the matter being their order towards each other for the sake of generation and preservation of the species. Society is made visible by the unity of a man and woman in a bond of marriage which we define as that for the sake of which the species of man is multiplied and preserved. Without marriage which is the true substance, wherein, man and woman are united and reproduce themselves, the society cannot be observed and neither can we know the manner in which man is naturally ordered towards his own multiplication.

The bond which we call marriage is not what defines the relationship between man and woman ordered as a society. Rather marriage is the substance of the first society if we consider it from the perspective of motion, generation and preservation. The unity which constitutes man and woman is prior to them in the sense of this particular family just bonded. We know this because, as Aristotle expresses it very succinctly, the two cannot exist without each other. Indeed they were made for each other, for if this were not the case then one would have to look for that natural means by which man should procreate and preserve his species. It is also clear that each human being has a natural inclination towards propagating self by the very fact of his physical condition as a ‘person’ and more perfectly by the fact of his being male and female. If these were denied then one would have to deny the natural human being as man and woman. Neither is man and woman as individuals the constituting bond of marriage since as we observe they can remain as individuals in so far as they. What makes a society be in the first instance is marriage. This

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<sup>325</sup> Aquinas, *De Ente et Essentia*, chp. 1, paras. 7-8, Miller Robert T, transl. (1997), from Aquinas’ Works, vol. 43 *Sancti Thomae De Aquino Opera Omnia* 368-381 (Rome 1976).

<sup>326</sup> *Ibid.* para 9

society, constituted initially of a man and woman, the two signify in the first instance what is a society. The man and the woman are what cause the form of society to inhere in something. They determine that substance which is otherwise called marriage.

Man and woman determine the dimensions of this first society. If they procreate then they preserve that species until a time in which the new man or woman forms a ‘new family’. Until then that new man or woman is a child under instruction and formation in the hands of the parents. This education is for the sake of the preservation of the species since it is the means by which the intellectual and moral formation of the individual are perpetuated one generation after another.

If we call Socrates nothing more than “animality and rationality”, then the society is nothing more than marriage and intelligent order or “rationality”. Marriage in general is the genus while this particular family and that one over there are the species “for the essence of a genus and the essence of a species differ as *signate* from non-*signate*”<sup>327</sup>. Each family made up of a ordered marriage between man and woman is a type of species using the words analogously. Hence a particular human being is the subject of two species one which is his ‘quiddity’ as distinct from other animals and the other which is the family. And the family is prior to the individual both ontologically and teleologically. Man and woman were created as such a unity of society from the beginning of the species. Marriage and family both signify the essence of human society.

The family, ordered for the sake of the generation and preservation of the species, is prior to a particular existent family. An individual person naturally comes into existence through conjugal love (sexual act) of man and woman and conception thereof united with the creation of a soul which comes from God. Therefore, an existent particular marriage comes into being from the consent of the man and woman and the creation of the form of society by He who creates the

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<sup>327</sup> Ibid., chp. 2, para. 25. Matter receives the form and gives it quantitative dimensions and thereby limits it. The form informs the matter to be this or that thing: that is, the principle of motion in matter. Matter is passive.

two. This is God. Marriage is this particular marriage not simply because the two, man and woman, are the principles of consent to the bond of marriage. If we were to admit this then we would have to admit that man and woman cause themselves as ‘principle causes’ to be for the sake of a bond we call marital society; that would mean being a principle cause of their own nature and secondary cause of marriage in so far as they are composed through consent; and both these at the same time. That would be impossible. To exist as a man and to exist as a woman demands a principle cause and if it does, so does the nature of marriage or this particular first society.

Just as we admit that a person comes ‘to be’ through procreation and creation of the soul, since human beings cannot create an intelligent soul, then one has to admit that the natural order given with regard to man and woman being ‘in the family’, comes from something other than the two who gives that nature its existence and from consensus between the two. If they are naturally ordered to be ‘in the family’ then they are oriented towards its preservation in a similar manner for we know that the form or nature or substance is consistent in genus, species and difference. It comes with the creation of a man and woman at the same time, for each human being is naturally born into a family ‘providentially’. Man and woman procreate society with God. God is the principle cause of ‘society’ and man and woman the secondary. One of the greatest misfortunes that can befall a person is to be born outside ‘family’ or society, if that were possible. For then one is outside society. Such a person as we have seen in Aristotle is either a man without law or a God. As he says, “he was without tribe because he could not be contained by the bond of friendship; and without right because he could not be contained by the yoke of law. He is vicious because he could not be contained under the rule of reason<sup>328</sup>. He says a man without law ostensibly because law is an instrument of ‘society’. A person born outside the society is ostensibly ‘without law’ or custom or rule of reason with regard to another or common life. Such a person ‘would be a God’ because he would be born *extra-nature*, with a power of ‘existence’

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<sup>328</sup> Aquinas, COP, para. 35. Cited in Lerner R. and Mahdi M. (1991, 1<sup>st</sup> ed. 1963). *Medieval Political Philosophy*, New York, Cornell University Press, p 310

distinct from that of the lot of natural men. We are therefore born in the family for none of the species of humans is born without the instrumentality of man and woman.

If we were to ignore this reality then we would also be endangering the species and trying as it were to create a 'new order of nature' which is alien to the natural order given by God. That would make us God's while we are still by nature creatures. This would be a contradiction. If there is multiplicity in the species of humans it is more because man is a social creature according to the primordial human society, the family, and not because being animal man is able to propagate his own species by virtue of his generative capacity. Alternatively, we would be falling to the nature of animal common to all creatures under this species. Therefore, there would be no distinction between a dog and a person.

At this juncture it is necessary to highlight a common inconsistency in the way some people perceive the nature of family. And this is principally with regard to the misconception that the core identity of family or society is Consanguinity. This is not the primary configuration of 'family'. Rather family as a society springs from a certain form of friendship we call love. Friendship is a relationship in which each one of a man and a woman is a total gift to the other. If this is the case, then 'society' in its primordial nature is a unity, defined as a form of committing one-self in order to unite with the other. Therefore, the family bond has the nature of a whole; unity in relationship. Usually, the two who form this primordial society are not closely related. Otherwise incest would be the common manner of marital unions.

The one who orders the family towards unity is called the father or mother and in general the word paternity is used. But the primary end of this unity is the common good. That is the separate good belonging to both man and woman as a unity and thereby offering each their orientation towards good. In a similar manner to the way matter signifies form, the order or common good of marital unity gives form and motion to the natural potency in man and woman to be father or mother. Hence, as society, marital unity or the common good in the order produced by the marriage bond is always united to the potency (much like matter) in either of the two. As form perfects matter and matter gives it significance, so does the unity in marriage perfect man and woman receiving thereby its signification. Since the one who 'orders a thing' needs to provide the common good, then naturally he or she will look for the manner of

providing all things necessary for the daily needs of the other and of any child that is the offshoot of such a union. Due to human imperfection the master requires the help of a servant.

### **6.9 Nature of the Relationship of Master and Servant**

The secondary substance of family, analogically speaking, is that of 'servantship'. Aristotle says that, some people are naturally slaves and others are naturally masters. Hence in the domestic household there are two types of order, that of marital unity and that of despotic rule. Servantship is a relationship between the one who orders the unity of the primordial society arising from the fact that man in his own nature as an individual person and as a family is imperfect with regard to producing all the goods necessary for his own perfection and that of the family. This natural imperfection has a natural providential solution. That key is servantship. A servant in Aristotle is defined both as a slave and without right, and also as a person with intelligence and therefore can be the object of friendship. These two interpositions may be explained as follows. There were many types of slavery in Aristotle's Athenian community.

Hence, Aristotle holds that some should rule and others be ruled is a thing not only necessary, but expedient; from the hour of their birth, some are marked out for subjection, others for rule. Aristotle lived in a society in which certain men had bestial habits that would make our present society not so surprised. Seen from what appears in his description of what is bestial is telling. For example, he calls bestial that person who "who is said to have slit pregnant women so he could devour the fetuses;... anyone who delights in the brutish practices ascribed to certain savages near the Black Sea:... whom eat raw meat,... human flesh, and still others, one another's children at their feasts; or .... one man sacrificed his mother and ate her, another murdered his fellow slave and ate his liver....or certain men who take pleasure in plucking out their hair, biting their nails, eating coal and earth, and having sexual intercourse with males". His notion was that "Men delighting in such pleasures are like beasts" and that "people act in these ways from the condition of their bodily temperament, or from usage to which they have become accustomed since childhood". They are according to Aristotle naturally inclined to brutish pleasures. Such a person needs to be enslaved by the law in order to govern him, correct him or if it is impossible to correct him, evict him from society. But this is hardly the slave he is talking about except that if there are many such men they would be punished to go to the hard mines or to build roads or

any other hard manual work. This imprisonment and punishment is aimed at correcting such a 'beast' if possible. Societies with these types of behavior, such as those in the 'region of the black sea' or as mentioned elsewhere, those described as barbarous people should be tamed by the more civilized states. Hence, when talking about master and slave in the household, Aristotle is not considering this type of slavery of a beast. Therefore, he recalls the poet Hesiod's words that "It is meet that Hellenes should rule over barbarians".

Now there are many ways slavery was envisaged besides the bestial man or barbaric nations who "no distinction is made between women and slaves". There was also present in Athenian society slave trade where servants were bought and sold as mere objects, and became the property of those who bought them. There were prisoners of war who became slaves. There was slavery by inheritance since children of slaves were automatically slaves themselves. There were people who became slaves of their creditors from inability to pay their debts. Those unable to pay their debts would sell their children or wives and finally themselves into slavery. Probably, it is to these type of slaves that Aristotle principally suggests should be treated aiming at their freedom. Among the barbarians and possibly as a result of war there were people who volunteered into slavery to avoid the life of misery or destruction. We also notice that some stole one another's slaves although this was against the law. We can summarize the types of slaves in Aristotle as;

- a. those who are subject to a master for the sake of the good of the master (these refers properly speaking to the nature of 'servantship' as such);
- b. those who are subjected into slavery because of their bestiality with a view to correction in virtue. These are subdued into slavery for the sake of eliminating lawless elements from society and therefore are necessary for the good of the society. But bestiality in a sense is every man who allows his passions to move uncontrolled. For instance he says that desire and passion perverts the minds of rulers making them like wild beasts even when they are the best of men. Such rulers become tyrants and he who bids man rule adds an element of the beast [*Politics* III.XVI. 1287a25-35] for every man has an element of the beast in him. It is also for this reason that the best law is necessary since law is reason unaffected by desire.



- c. those 'barbarian' communities who cannot govern themselves and therefore are disorderly or lawless. They are warlike and therefore need to be subdued for the sake of security of the civilized;
- d. those who are slaves by misfortune or birthright, such as slaves by indebtedness or children of slaves.

With regard to servanthship being a certain substantial quality of the domestic society all the above types seem at first glance to be treated as slaves or servants in Aristotle. He does not directly distinguish one from the other. But apropos the family society it is necessary to distinguish them. If we do so then it is evident that the second, third and fourth types are accidental and not belonging to the species of a domestic society. If for instance, there is no vicious person in a society then there would not be slavery or servanthship. If all societies are civilized then neither would there be slavery and finally if a slave did not have children because of a certain natural condition then there would not be servants. It is therefore to the first that one needs to turn to in order to understand the nature of 'master and slave' in the household. This particular servanthship is called so because it arises from the natural condition of a person and a 'domestic family' of a man and a woman not being self-sufficient. It is despotic because the servant is for the sake of the good of the master and thereby for the sake of the common good of the family.

The servant provides what the master of the household cannot provide given his inability to reach everywhere in search of the common good or happiness of the family. The family especially needs material things and security in order to be virtuous. A master of the household will not be able to provide everything and therefore reaches out for assistance in the servant. But this relationship is tyrannical because the authority of a master over slaves is for his own advantage. For example, the househelp is engaged for the sake of assisting in the work of making the house a comfortable home or a tutor for the sake of assisting in the instruction of the young, or an agriculturalist for the sake of providing the food of the sake of the household and the cobbler to provide the shoes. A master cannot provide for all these things; and in so far as he is unable, it becomes evident that he will need another person; a servant to fulfill these

requirements. A servant is therefore admitted into the intimacy of the family as far as the good they are providing is necessary for the family.

Properly speaking therefore the 'servant' is in the public sphere with regard to the intimacy of the family; although the servant can be admitted to some extent into it as the family is in need. The more a servant is admitted into the intimacy of the family the more the servant becomes part of the necessary relationship for the sake of the family. The closer they are to this intimacy the more part of the family they are. The less important a servant is in providing for the good of the master the further away from the family intimacy he is. But the public is in fact the other family species of the genus society. It is therefore evident that the relationships between one family and others in the public turn around the pivot of work and family needs relationship. The more the families need each other, the more there is intimacy in relationship among them and in general in society. Now the closer the family ties in relation to 'servantship', and sometimes this followed from consanguinity, provided the closest relationship in traditional human society because an uncle or an aunt or a very close family friend or a brother or cousin would often be regarded as a 'father' or 'mother' or 'brother' or 'sister'. The latter could be called in to actually take the place of the father or mother in providing for the children and in commanding servants. Nevertheless, intimacy of the public with regard to the family can only go so far. For each family has its particular intimacy from which all others are excluded. And that intimacy is strongest in the relationship between man and woman consenting to common life. This intimacy is by nature not easily broken and should not be easily broken.

As Alvira says this intimacy is a necessary constituting element of the family. Further that, intimacy arises from Love which as he says is encountering oneself in the other. The most perfect encounter is between 'those who share the house' for life, for they know one another most profoundly. Intimacy is therefore a necessary quality of the nature of family<sup>329</sup>. And it is principally in the matrimonial unity. The most perfect unity is the most intimate and as any other

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<sup>329</sup> Rafael Alvira, *El lugar al que se vuelve; Reflexiones sobre la familia*, 48-49

person including the servant or the other in general, closely relates to or shares this intimacy of the family unity in the common good of the two and their children, the more intimate to the family they are. After the bonding intimacy between a male and a female, next come the children since these are really the 'images' of the father and mother. They are the continuation of the father and mother into the next generation. They therefore imitate and belong to the paternal intimacy more than any other. They also belong to this intimacy according to the manner in which they adhere to the 'image' or intellectual nature of the family. After the children come the servants in that order. And the servants are the other families in a society who are helping each other to provide the daily needs of their families. The 'servants' therefore become more or less intimate to the family as they share more or less in the provision of the common good of the family. If another person or family is totally included in the intimacy of a family then it is obvious that the former family has been destroyed. It is now another family since a third or fourth element has been included wholly into the intimacy of the family making it a new family unity accordingly.

For the sake of unity and perfect friendship the family maintains its intimacy and therefore unity between the male and female, since outside of these two any number can add its intimacy making it impossible to live the common good of the family society. In other words, the husband in a marital bond becomes the 'other', the wife; and so does the wife. But if the husband or the wife should try to become like 'others' perfectly, then it is less perfect since intimacy with another 'one' is more perfect than intimacy with another two. When there are more than two the intimacy between two suffers a multiplicity and therefore is adulterated or polluted. The child does not dilute or adulterate the intimacy between a man and a woman because filiation is a perfection of the intimacy between two through propagation. Propagation enables the man and woman as it were to 'continue living' after they die. Filiation is therefore a perfection of the intimacy between a man and woman. The servant or the other is allowed into the intimacy in a perfective way only when they provide for a good for the sake of the family intimacy or bond. Beyond this they adulterate the intimacy of a man and a woman.

But to assist in providing for the good of the family is not merely to provide a material thing for the sake of the need of the common good of the household. It is to provide what is

essentially according to the nature of the needs of the family common good. We have seen that this is principally order in unity and/or peace so that each member of the family can pursue that which is good for the other in the best way. Yet for the individual to pursue the good is principally with regard to human action according to ‘good’ or perfection. This in other words is virtue. Therefore, the servant needs to provide the good of the master so that each person in the family is virtuous. Material things are for the sake of virtue and are not a final end in themselves. They are a means for the sake of the human moral good. In our societies, the master’s responsibility for the daily up keep, of food and shelter and education if any, of the servants have been substituted by money. Hence, to buy shoes we go to a merchant. The house servant is paid in monetary terms. The food is bought in the market place from those who provide for it. The farm is furrowed and weeded by machines, rented or by paid hands. This nevertheless, does not change the nature of the substantial quality of servanthood as a good for the sake of the master of the household. On the contrary, we often observe in our contemporary world that the master of the household has a new name which is ‘client’ or ‘customer’. ‘The customer is king’ we say. Saying this, we acknowledge that whoever is providing a need of the master is a servant to the ‘king’ for he is working to provide for the master’s good.

### **6.10 Maturing Toward Self-Sufficiency in the Polis**

Having understood the principles of unity and maturity or growth in the family with regard to all the natural parts of that institution, we now turn to the principle of multiplicity in society. The conclusion that all human beings are servants with regard to ‘another’, whoever this may be, is a natural inclination springing from the nature and form of the ‘domestic family’; in male and female united, one works for the good of the other; husband with regard to the wife, wife with regard to the husband and servant for the sake of the family. These form a natural bond and therefore a being of society. It has also been concluded, as it is obvious, that the servant needs to fulfill his natural wants, being an individual person in a domestic family. The means by which this multiplicity of needs is realized is work. And work is to apply an effort to produce or serve another and oneself at the same time. Anyone who works is therefore a servant of himself or a servant of another.

In Aristotle there is a distinction between 'philosophical' or intellectual work and manual labour. The later is for the slaves or servants according to our interpretation and the former is the responsibility of some citizens. Intellectual work or contemplation of the good or science or philosophy or whatever other name Aristotle and his philosophical family gave it, was meant for the few who also were deemed to be the true rulers by Plato (*Republic*) and Aristotle. Rulership was to be reserved to the learned who knew through their study of philosophy or the sciences what was good; what was 'real' and true. This type of intellectual work could not be done by 'slave' like people who could not access this type of education since they had to spend most of the time laboring in order to survive and to cater for the needs of the citizens. Citizenship determined who was to be granted rights or participation in governance of the Polis. Since therefore the key right of citizens was responsibility of government, they were to be few. The rest were more or less considered slaves. As citizens and their needs grew, so did the multitude of slaves to take care of these needs. The citizens generally owned all the land and the slave did not have any right to land except that part accorded by his master for his daily upkeep and that of his family. However, for this right the slave had to work more or less always, without time for study and leisure. For that matter Aristotle thought it natural that the slave should not have leisure.

Going back to our analysis of 'slavery' in Aristotle we can deduce some principles of society regarding the Athenian problem of slavery being practically identical to poverty in our modern society. There is work in so far as there is a human need and this determines that all human kind are servants in one way or another. Therefore, because of the nature of 'servanthood' the city multiplies in families towards the most perfect polis in which all or the majority are said to be self-sufficient. However, let it be remembered that self-sufficiency is really activity; work. Whether intellectual or manual, human beings are by nature rational and will do their work for a determinate goal which is the common good. Therefore, with regard to the first definition of 'slave' meaning 'servant', the city state should ensure that there is a multiplicity of servants and there is distributive justice; and these characteristics should prevail until every particular domestic household is able to sufficiently provide for the daily moral, bodily and other material 'goods' of its members. This hopefully will lead to self-sufficiency.

With regard to those who are called slaves or are made slaves because of their ‘bestiality’, then it follows that these are to be taken away from society according to the just laws of the state. These means naturally that upon removal from society, and placed into corrective institutions they necessary are ‘poor’ materially but rich in the process of acquiring moral riches in order to place these moral riches into useful and good work. Failure to achieve moral riches and re-insertion into society then it follows that they will always be morally and materially poor and therefore rightly called ‘slaves’. People unfit to live in society because of their bestiality. Regarding the warlike, that have been described as ‘barbaric’ then it follows that the same attitude determining them as ‘bestial’ is necessary. The international community should therefore foresee global peace with regard to these. No nation can be left barbaric given that all men are a kind of family in so far as they are sharing in the common good of all men. A people described as barbaric can be so with regard to their own community and if they become materially rich or militarily powerful within their barbarity then it follows that no city state is safe. A barbaric people will always by nature be despotic if allowed to rule. Barbarism is here describing those who are primarily morally vicious.

Regarding those who are ‘slaves’ or who experience misery because of a certain natural misfortune such as birth or materially miserable because of debt, then the self-sufficient state will be burdened with the responsibility of re-instating these progressively into the society. This is actually the role of distributive justice. It should follow from the thesis that the best way and the best place to re-insert a person who is morally worthy into the society but materially miserable is principally through family structures. It is as if these people are re-inserted into society through working in the family structures of a society. By working in the family structures or any other artificial structures with similar characteristics they will naturally be reinserted into society and thereby provided self-sufficiency. If a family is enjoying the common good then it will naturally educate and provide skills to these unfortunate persons in order to educate them in virtue and to have the common good as their aim. However, the materially poor and the morally poor continue to be there just as it was in Aristotle’s time. His words were that “it is nothing but a fact that everywhere there are more poor than rich people” [*Politics*, 1279b34-1280a 6].

With regard to other levels of self sufficiency, that is in the village and in the polis we could say that there are two ways in which they arrive at a number which would ensure self-sufficiency. One is through the said servants and their families and the other is the new families that the offspring or children begin. In the first the multiplication is for the sake of the good of each family and in the second it is according to the nature of man and woman to be in a family. But each family maintains its intimacy relative to parentage and relative to provision of the daily good necessary for each family through servitude. We have also seen all have servitude towards one another in a well ordered society. In the manner of the two principles therefore a society grows into self-sufficiency. It is said to be self-sufficient in so far as all families in the society are able to provide the daily goods necessary for their members. The families and each member of the family and the whole society are happy if this is happens.

The value of servitude between a husband and a wife and with regard to their offspring is a 'gift'. It is not measured in monetary terms since it would be absurd that the wife monetarizes the work and love of and for her husband. Nor would it be the case of children. For we say that these are 'gifts' which have no value monetarily. However, some say that love can be bought. This is not entirely true because money cannot make one give their interiority or intimacy to the other as gift. Yet this giving of one's interiority to the other perfects the unity. For instance, there would be a difficulty in pricing the life of a child as a result of such intimacy.

The servant's work being in a despotic relationship with regard to the family can be monetarized more easily since it is in some way dispensable according to the satisfaction and needs of the master of the household. The servant's work is in reality often valued in monetary terms. This seems to agree with Aristotle concept that a servant is a type of property and servant is also the starting point of his analysis of *Oekonomia*. Money becomes a means of monetary exchange of human work of a servant. The reason is simple, the individual person or the family cannot multiply themselves physically to do all the work they need to do in order to be self-sufficient. Hence, they can sell their own produce or work or service at a value equivalent, as a whole, to the sufficient needs of their own family, less what they themselves provide with their own effort to their own family.

However, there is an element in the work of a servant which is difficult to value monetarily and often cannot be valued. That element is freedom or the dimension of a servant's work that has the moral good of the family in view. For example, while the servant can be employed and paid to clean the house, being a free person, the master cannot ensure that the servant will instruct the innocent children in virtue. Furthermore the servant's work, if only monetarily valued, is valued according to the material product or service needed by the family but not according to the moral virtue not intended in the material 'good'. Therefore, the master paying for the material good has no right of a non-intended moral virtue or good habits. For example, a master can pay a servant or a company to provide leisure for the sake of entertaining his family. But he cannot ensure that the all virtues will be lived in the entertainment act such as a movie or internet service or any plaything. Virtue is an act of deliberate and free human will and it is not possible to 'buy' it, except in an inaccurate manner of speaking or analogically. Work as a moral virtue for the sake of the other is always a 'gift' to the other. Over monetarizing human work therefore can destroy a fundamental element of work which is the consideration of the whole good of the whole person in every particular human production or service. The moral virtue considered here is prudence. Prudence is the virtue or habit by which one chooses the right means to achieve a good.

### **6.11 The Village**

Then with regard to the village, Aristotle explains that it is the first association made up of several households and to be distinguished from the *polis*. It is natural because it arises from the propagation of many from one domestic family. This also happens in animals. Accordingly the village is manifested by neighboring domestic households so the villagers are sometimes called foster brothers and children and grandsons. Villages arise because sons and grandsons have multiplied founding different households and have lived close to one another<sup>330</sup>. It is also distinguished from that of the domestic household or family, primarily because it has as its end

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<sup>330</sup> Aquinas, "COP", para. 28



**the good of the non-daily issues.** For the village mates **are not** *homosipuoi* (or companions of the cupboard) and *homokapnoi* (companions of the manger) as those of the domestic household are.

Thus in the village the families do not eat together daily (although they may have a common meal once and again) and they do not sit in the fire-place together daily in order to rest although this may happen from time to time. It is relevant to emphasize the importance of the daily meal and the daily get-together in the fireplace of the family as a sign of the unity of the domestic household. It is in these family habits that instruction, family history and fables, nutritional livelihood or nourishment and folklore among many things of the family and tribe are passed on to the children. The children are thereby inserted, as it were, slowly within the family environment into the ways of the society. However, this is neither a daily affair of the village nor that of the city. In the village they communicate with one another about things that are not performed daily.

When the community in motion towards the common good is at the level of the village, Aristotle says that, in the past, this type of city was ruled by a King. In the Athenian city the kings and tyrants at the beginning of the city state, such as Ion, Peisistratus, Solon and Draco are just examples of these<sup>331</sup>. The kings ruled this type of city bond by common parentage according to the order of eldership in the families. This habit continues in Monarchical structures like those of Spain, Denmark, Norway and England to name a few and also in the dynastic tyrannies still extant such as that of North Korea. Thus, he concludes that kingly rule in the city derived from kingly rule in the villages. This is exemplified for instance, by the fact that the Athenians (the Attican region) boasted of being ‘autochthonic’, or the original inhabitants of the Attica area, which during the Mycenaean period (1600 BC – c. 1100 BC), the Atticans lived in autonomous agricultural societies and the main places where prehistoric remains were found are the 12

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<sup>331</sup> Aristotle, *AC*, XLI.1-3. P115-7

communities<sup>332</sup>. Later as we know these villages, all ruled by kings, were united by Ion and this was the beginning of the city of Athens.

## 7. Good Governance and Parts of the State

We then turn to the Principles of Good Governance. The city-state in general includes many attributes but it is principally said of that society which is a community of families and aggregations of families in well-being, for the sake of a perfect and self-sufficing life [III.IX.1280b]. **Those governments which have a regard to the common interest are constituted in accordance with strict principles of justice, and are therefore true forms;** but those which regard only the interest of the rulers are all defective and perverted forms, for they are despotic, whereas a state is a community of freemen [*Politics*, III.VI.1279a]. A free man is one who can direct himself towards his end intelligently and is not constrained by any type of lack of freedom<sup>333</sup>. Hence, both Aristotle and Aquinas agree that every man has this principle power to direct himself or otherwise govern himself. In the perfect city it seems that city can be governed according to Kingly rule where the king of the city has all the powers of ordering and authority vested in him. It can also be governed by what Aristotle refers to as constitutional political rule where he who governs the city governs according to the constitution law. That means that he is restricted by the constitution. The governor in this case has his freedom and authority of governing restricted according to the way equal citizens would like to be ruled. When there is an excellent person or family, so pre-eminent over all others, then he should rule, for it is not right that he should be ostracized. This is because all systems of government whether royal, oligarchy or polity admit of excellence, and the only way they differ is in the manner they attain excellence in the common good. That is the reason too that all these types of government are simply different species of the same genus of unity in the common good. Unity in the

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<sup>332</sup> T. G. Palaima and J.-P. Olivier, "Edited Texts, Tablets and Scribes: Studies in Mycenaean Epigraphy and Economy in Honor of Emmett L. Bennett, Jr.," *Minos Supplement*, (Salamanca: Minos Supplement), 10

<sup>333</sup> Freedom is understood as the capacity to direct oneself intelligently towards an ordered end through good actions. Freedom is not leaving oneself free to the passions. Rather passions are an asset to be managed by the intellect. See Aquinas, *De Regno*, chp 1, para. 1.

common good is the substance that remains permanent while the manner of being can change according to the various influences and cultures and so on.

Virtue must be the care of a state which is truly so called, and not merely enjoys the name: for without this end the community becomes a mere alliance which differs only in place from alliances of which the members live apart; and law is only a convention, ‘a surety to one another of justice’. This can only happen where the citizens live in a common place and intermarry [*Politics*, III.IX.1280b]. Those who care for good government take into consideration virtue and vice in their own states. With regard to the constitutional state (or polity<sup>334</sup> or sometimes ‘democracy in the perfect sense’) the most common virtue among a majority of citizens who rule is to be found ‘valour’. Therefore, Aristotle says that in a polity (or a state in which many rule) the profession of arms will always have the greatest share in the government [*Politics*, 1279b]. Political society also exists for the sake of noble actions, and not of mere companionship (friendship). Hence they who contribute most to such a society are those who share most in noble actions and friendship [*Politics*, III.IX.1281a1-3].

By a self-sufficing city-state Aquinas explains that society will be more perfect with regard to how well it can procure itself the necessities of life<sup>335</sup>. Therefore the domestic family, village, city, province, nation and Kingdom are manifestations of distinctions arising from a human community’s history. Man’s advancement is in virtue of looking for self sufficiency

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<sup>334</sup> Aquinas, *De Regno*, Para. 12. Aquinas crystallizes the constitutional government of free men, each ruling and accepting to be ruled in turn as a Polity. In translating Aristotle’s *Politics*, the word sometimes used is Democracy and at other times constitutional rule and at other times polity. The word polity will be preferred with regard to the constitutional rule of many for the common good. However, Aristotle also uses the word state as meaning, “when the citizens at large govern for the public good”; see ‘*Politics*’, III,VII.1279a20-25. The word Timocracy (from *Timos* or rewards) is used by Aquinas in his commentary to *NE*. See Aquinas, *Commentary on Aristotle’s Nicomachean Ethics*, paras. 74-82, 511.

<sup>335</sup> Aristotle, *Politics*, I, 2: 1252b 9-30; Gerald Phelan translating Aquinas, *De Regno* (ed. 1949) explains that, the Aristotelian doctrine is here adapted to mediaeval realities in almost the same fashion as in some other earlier writings of Aquinas. In the later writings, Aquinas (a) more clearly emphasizes the fact that the Aristotelian city seeks the satisfaction of not only the material but also the moral needs of man: *NE*, prol. (Appendix2); Summa I-II, 90, 2; cf. infra 106. Moreover (b) he treats cities and kingdoms not as specifically different communities each having its own essential characteristics, but as formally equal and only materially, i.e., historically different realizations of the same idea of “perfect community”. Cfr. Aquinas, *De Regno*, chp 2, paras. 14

morally and materially. Therefore, to some extent, sufficiency can be said of the life in a *family of one household*, in relation to procreation and education of offspring. In the medieval environment in which Aquinas lived there were more advanced structures of the human community which he referred to as being Self-sufficient with regard to certain human goods. For example, “one *street*<sup>336</sup> with regard to those things which belong to the trade of one guild; In a *city*, which is the perfect community, it exists with regard to all the necessities of life. Still more self-sufficiency is found in a *province*<sup>337</sup> because of the need of fighting together and of mutual help against enemies. Hence the man ruling a perfect community, i.e. a city or a province, is antonomastically (analogically) called the king. The ruler of a household is called father, not king, although he bears a certain resemblance to the king, for which reason kings are sometimes called the fathers of their peoples”<sup>338</sup>.

A state cannot exist without the necessary offices. A state cannot be managed well without the offices and administration that is necessary to preserve harmony and good order. Small states with a few and large states with many [*Politics*, VI.VIII.1321b5-10]. The offices of a state are posts of honor; and if one set of men always holds them, the rest must be deprived of them. A state does not exist for the sake of **alliance and security** from injustice, nor yet for the sake of exchange and mutual intercourse; for then the Tyrrhenians (Etruscans of central Italy) and the Carthaginians, and all who have commercial treaties with one another, would be the citizens of one state. Not even if the citizens had the **right to intermarry**, one of the rights peculiarly characteristic of states. If men dwelt at a distance from one another, but not so far off as to have no **intercourse**, and there were laws among them that they should not wrong each other in their exchanges, neither would this be a state. Even supposing that such a community

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<sup>336</sup> Aquinas, *De Regno*, para 14. In each street, Aquinas says, “one craft is exercised, in one the weaver’s, in another the smith’s.”

<sup>337</sup> Gerald Phelan says that St. Thomas uses the word in 2 *Sent.*, 10, 1, 3 ad 3; 4 *Sent.*, 24, 111, 2 sol. 3; *Summa* II-II, 40, 1. Nothing is very definite about this notion except that, at any rate, a province is part of a greater and more comprehensive whole. The word is therefore characteristic of a properly mediaeval type of political thinking which still retains the memory of the Roman Empire. It was soon to be cast out of the political vocabulary. Aquinas, *De Regno*, para 14.

<sup>338</sup> Aquinas, *De Regno*, para. 14

were to meet in one place, but that **each man had a house of his own, which was in a manner his state**, and that they made alliance with one another, but only against evil-doers; still **an accurate thinker would not deem this to be a state, if their intercourse with one another was of the same character after as before their union.**

**Commerce** does not constitute a state. Suppose that one man is a carpenter, another a husbandman, another a shoemaker, and so on, and that their number is ten thousand: nevertheless, if they have nothing in common but exchange, alliance, and the like, that would not constitute a state. This principle is opposed to the position of Adam Smith's Capitalism and Emile Durkheim's and Weber's division of labor as the standard of a society.

Therefore Aristotle foresees certain elements that need to be taken care of by the offices of a good government. In many ways he speaks of the following aspects that need to be taken care of. Although this list may not be complete it contains the key dimensions that need to be taken care of so that the city state may be well managed: [*Politics*, VI.VIII.1322b30-1323a5]

- a. There were to be offices concerned with matters of religion. These included the appointment of Priests and guardians of the temples. The responsibilities included superintending of public worship, guardians of shrines, treasurers of the sacred Revenues, performance of public sacrifices, and since they were most important and belonged to the 'Hearth of the City'; symbolizing the foundation of Athens as a city-state, its construction forming an integral part of Theseus's legendary synoecism of Attica [Thuc. 2.15.2; Plut. Thes. 24.3]. Hence, this office belonged to the most important Archon or Kings or Prytanies. Sacrifices were offered where the city was thought to have had its foundation and therefore the cultural and historical center uniting the City state [*Politics*, VI.VIII.1322b20-25].
- b. The military offices were concerned with war. They were to be given to high ranking officers, requiring great experience and trustworthiness. There were different responsibilities in this general office. First, were City Guards and military offices (Armed Forces Department). The Armed Forces, necessary in times of war and of peace were to defend the walls and the gates and to marshal and gather the citizens for the city customary rights. The different departments could be separated into; light-

armed forces, Cavalry, Navy, and heavily-armed forces. They were to have their junior officers [*Politics*, VI.VIII.1322b1].

- c. There is an office responsible for the market and another responsible concerned with the revenue and expenditure. Among the necessary offices is to care of the market, inspection of contracts and maintaining order for in a state there will necessarily be exchange of goods and services to satiate the needs of people and it is the readiest way to make the state self-sufficient and so fulfill the purpose for which men come together into one state [*Politics*, VI.VIII. 1321b12-19]. Very closely related to this office was that of the tax office or Treasury. It was responsible for collecting and distributing revenue among the other offices and departments of the state [*Politics*, VI.VIII. 1321b33].
- d. The city administration – This takes care of the questions on boundary disputes (ministry of the interior). This is also sometimes called the office of the city-warden which has various departments as can be seen [*Politics*, VI.VIII. 1321b25]. It also included embellishment of public and private building, maintenance of roads and houses [*Politics*, 1321b20-23]. Included were offices concerned with the maintenance of harbors for the sake of merchants bringing in goods and chattels and for the sake of defending the city from any intrusions of foreign citizens or during war.
- e. There were offices concerned with the country that included maintenance of the country side away from the city walls. It is also referred to as the office having to do with the same matters outside the walls and in the country (Not exactly foreign affairs). There seems to have been the free country between cities which needed care. This office can be equated with the way a government manages the open seas pertaining to a state. Aristotle sometimes called them wardens of the country or inspector of the woods [*Politics*, VI.VIII.1321b25-30].
- f. Very importantly there were offices concerned with the courts of law. The magistrates were to hear and give judgement for the execution of some sentences. Especially those of the outgoing magistrates should be executed by the incoming magistrates.

When one court has given judgement another should execute the sentence. This often was the office of the internal police.

- g. Offices concerned with guardians of the law or police entrusted to the young when arranged in bands or guards and are linked to the justice department [*Politics*, VI.VIII.1322a20-25]. They were concerned with execution of sentences although this particular office would have been entrusted to the police once sentence was given by the judges.
- h. There were offices concerned with the registration and records of private contracts, court decisions, public indictments, sacred recorders and preliminary proceedings [*Politics*, VI.VIII.1321b35-40].
- i. Good government also needed to have offices concerned with custody of prisoners. We could call this the prisons department. It was the department involved in the execution of punishments, fines, custody of prisoners those who are posted up according to registers. This office is difficult to execute because of the odium attached to it. However, law is useless if it cannot be executed nor has no power of execution. If the society needs law then it cannot do without executing them [*Politics*, VI.VIII.1322a1-5].
- j. There were to be auditors and scrutinies of magistrates' accounts. The office of the auditor-general included; auditors, controllers, accountants and assessors of public application of funds. It was sometimes called sometimes the office of the 'Probuli' [*Politics*, VI.VIII.1322b10-15].
- k. There were those presiding over the public deliberations of the state. It seems that sometimes this was the office that convened the supreme authority of the state and Aristotle calls them the chief political officers.
- l. Aristotle thought that a good city state would have administration offices of guardians of women. This would have been rare in a democratic government. In peaceful and orderly states therefore are magistracies of Women, guardians of the Law, guardians of children and directors of gymnastics (including Dionysiac contests). Hence, we can

similarly think of Ministry of women, sports, judiciary, and children departments [*Politics*, VI.VIII.1322b35]. Very closely related to this were the suggestions that the good instruction of children in the gymnasiums was to be entrusted to offices concerned with guardians of children.

Of all the offices foreseen by Aristotle above there is no office of Education except gymnastics. If we research further about the training within an Athenian constitution the best source would be the very Athenian Constitution attributed to Aristotle and his students. In these papyri we find something akin to the following. When Athenians became citizens at the age of eighteen being persons of citizen parentage on both sides they were called cadets and were divided according to tribe. The other people of the city included women of citizens and their children, slaves and their families (generally this was hereditary) and aliens (of foreign extract). These particular groups did not have the right to decide to make decisions on governance, justice, religion, music and sports. Their masters represented them in the constitution. Except for women and children of citizens the rest were a type of property as we note in ‘*Politics*’. The fathers from each tribe held meetings by tribes and, after taking oath, elected three members of the tribe of more than forty years of age, whom they thought would best supervise the cadets. The young cadets were taught about the religion and worship and society, they were trained in Athletics, drilled as heavy-armed soldiers, and the use of the bow, the javelin and the sling [*AC*, XLII.3.p119-121]. It is therefore reasonable to conclude that educating in virtue and citizenship was principally bestowed on Father’s and therefore the family in general. This is because other than training in the gymnasium, the mothers were in charge of forming the children until they reached the age of citizenship.

From the foregoing it seems evident what type of government Aristotle understood would ensure, in the best possible manner, the common good. The key question he seemed to be answering was, should the best man rule or by the best laws? His answer to this question seems to be, that in a city-state where there are many decisions to make there should be an office of a ruler; even in a democracy, and it should have the best man possible (a sort of elected kingship); and he should be assisted by the best men (a sort of Aristocracy); and that he should be held responsible according to the law by the ‘happy people’ (a sort of constitutional democracy or



polity). It is neither Royal government as such, nor Aristocracy with a taint of Oligarchy, nor the Rule by the people (a polity which allowed all citizens to rule and be ruled in turn but not in the manner of a democracy defined as the poor oppressing the rich).

He seems to envision what is sometimes translated as a constitutional state or constitutional polity. His ideal state seems to waver towards a mixed constitution. This means that, he foresees a King's office and the King is to be the principle of unity and to be the link to the God the Unmoved Mover. He should have been the Priest per excellence overseeing the primary sacrifices to the God's and the ceremonies accompanying them. However, in order to ensure that the King did not turn into a Tyrant as the history of the Athenian people portended, there was to be division of governing responsibilities among the magistracies. These offices were akin to a selection of the best judges which had varied from one – ten (including the King), and therefore manifesting an Aristocratic dimension. All the Magistracies and key offices and sub-offices were to be elected in the Areopagus by the citizens. Here too were appointed all those who would take charge of the offices of good government. This dimension had a democratic tilt whose detail we shall not examine adequately here. The father's of families and citizens were entrusted with the training of the new citizens before they were given any responsibilities in government. The father's of families or master's of the households were to be divided into tribes which ranged from 4-10 according to the history of Athens. His system therefore ensures that every 'citizen' did play an important role in responsibilities of government although not all would necessarily have done so.

We now consider what the general parts of an Aristotelian State were. Aristotle's society had distinct parts or sometimes called classes. He believed in what we sometimes call a class society where there are different distinct levels to which the people belong. Generally speaking it seemed that only in very exceptional circumstances were people moving from one class to another. So far we have dealt extensively with the society as made up of two distinct parts or three if you will; the domestic household or family, the village and the self-sufficient polis. In the domestic Family we realize that there is a division of work but this is accidental with regard to the family unity and intimacy. Everyone in the family is treated equally with regard to daily life without counting the servants. Afterwards, when families unite with other families, a new entity

is created by which new parts of a distinct substance appear. Aristotle maintains that the parts of the states are to be arranged according to families. As he puts it “a city ought to be divided by families into different orders (or classes) of men; and that the husbandmen and soldiers should be kept separate from each other; which custom is even to this day preserved in Egypt and in Crete” [*Politics*, VII.X.1329b1-5]. Hence, it is the ruler(s) who divide the classes for the sake of the welfare of the city and to ensure that every necessity is accounted for. For the sake of this thesis we will only be interested in the new parts that Aristotle identified as manifesting the new self-sufficient state.

The natural parts of the Athenian community from Aristotle’s functional perspective manifested various parts all defined as helping the city-state be self-sufficient and that the citizens be happy. Some govern over the others. Those providing for the necessities of life, the military class, the magistracies or ruling class and public (civil) servants. Aristotle holds that these classes are different from each other, but within the same class the members are not different. In turn these groups could be viewed as either the wealthy who serve the state with their property [*Politics*, IV.IV.1291a35], the poor who were not free because he could not provide sufficiently, as a family head, for the common good of the family. There were the foreigners and then slaves [*Politics*, IV.IV.1290b1-1291b10]. He also says that there should be priests. “The priests, for these evidently compose a rank by themselves.” This is because “reverence to the gods is highly becoming every state: and since the citizens have been divided into orders, the military and the council, and it is proper to offer due worship to the gods, and since it is necessary that those who are employed in their service should have nothing else to do, let the business of the priesthood be allotted to those who are in years” [*Politics*, VII.IX.1329a25-30].

The military and the governing classes are to own land, while the husband men, in general should not and therefore should be separated from these. Aristotle believed in private property [*Politics*, VII.X.1329b25-35]. The Military and governing classes were each to have a piece of land near the city and another at the borders of the city ‘at the far end’ to ensure that they were both responsible for the care of the city and defended it against the foreign intrusion by taking care of the borders. There was land left for the sake of the common meals and for

religious worship. The slaves and foreigners and the rest were to belong to citizens who would take care of them. Among the husband men are to be considered, the food producing husbandmen, the merchants, the mechanics, and the artisans and so on. The food producing class [*Politics*, 1291a1], artisans, traders (merchants) and laborers [*Politics*, 1291a5] are described as those who provided for the necessities of life. The military [*Politics*, 1291a6] guarded the state from slavery. The judges (or magistracies) ruled or were in charge of the key offices of government. Among them were the Archons who held the highest offices, among them the King. Sometimes he also mentions them as statesmen but the difficulty is that men can combine different qualities in the same person [*Politics*, IV.IV.1291b1].

Since one can be not be rich and poor at the same time, then the rich and poor can be considered parts of the state [*Politics*, IV.IV.1291b10]. Whichever prevails over the other in power the government alternates between oligarchy (rich) and democracy (poor). A wealthy person could be called to fund the state during war or when its treasuries were empty. The public servants and administrators would have been the junior officers in the administration of the government.

Finally, there were those who he called slaves and foreigners, meaning those who could not be admitted to citizenship. Among these were the foreigners and those responsible for the manual work in the city and in the families. Each slave had a master who would be responsible for the rights and responsibilities of the slaves. Therefore foreigners and slaves were practically entirely the responsibility of households. However, he does admit that the administration of the city could employ some slaves for certain tasks. In this particular case the master of the slaves was the magistracy or office employing them. Among these, for example, would have been the prisoners of war, guarded in various ways and doing manual labour in the city. In order to understand Aristotle's perspective of good government it seems necessary to see what the good species and bad species of government were. This would help one understand why he was in practical advice inclined to a mixed government.

Aristotle complains that at certain times in the Athenian history "kings used to present foreigners with the freedom of their city, to prevent there being a want of men while they carried on long wars" [*Politics*, 1270a25ff]. This happened especially when the population was low.

Regarding the state and foreigners, Aristotle held the opinion that the introduction of foreigners into the state without due care would result in changes in constitution. The new elements would introduce new ways of life or customs and therefore cause revolts due to the lack of clarity in the customs. Hence he says that the Helots are always in revolt and that because of foreigners [*Politics*, II.X.1272b15-20]. The foreigners could become citizens if the ruler so wished although doing it may be unjust. An example was Clisthenes [*Politics*, II.X.1275b35]. Foreigners were sometimes employed in tasks similar to those of slaves or sometimes in the military. For example, mechanics, [*Politics*, III.V.1278a5-10] and the case of guards employed by tyrants. This is so much so that he says in another part that a city needs many ‘slaves, sojourners, and foreigners’ [*Politics*, VII.IV.1326a15].

What could capture Aristotle’s mind? It was clear to him that slaves could revolt. He therefore gives a clue to the manner in which they should be selected in order to avoid revolt. To quote him, “Could one have one’s choice, the husbandmen should by all means be slaves, not of the same nation, or men of any spirit; for thus they would be laborious in their business, and safe from attempting any novelties: next to these barbarian servants are to be preferred, similar in natural disposition to these we have already mentioned. Of these, let those who are to cultivate the private property of the individual belong to that individual, and those who are to cultivate the public territory belong to the public. In what manner these slaves ought to be used, and for what reason it is very proper that they should have the promise of their liberty made them, as a reward for their services”. There seems to be ambiguity in his mind, as if to say that the class of slaves is so ancient in human society and therefore unimaginable not to have them. Yet they should be freed. The only idea that remains constant is the common good. The slaves are useful for the common good which was to be enjoyed mainly by the citizens.

## **7.1 The Kingdom or Royal Government/Tyranny**

It now seems appropriate to deal with the good governance of a city state. Governance of a city-state is defined as the manner in which those who govern order the society towards the common good and seek the means to ensure the common good. A state which is governed by King for the common good is called a kingdom. If one rules with regard to the common interests we call it Kingship or Royalty [*Politics*, III,VII.1279a30-35]. Kingship according to a particular

written law of a city state is not, really speaking, a Monarchy as such since normally a King is the ruler and all rule is in his hands. It is not similar to democracy (constitutional rule of free men) or aristocracy. This is because under both constitutional rule of free men and of Aristocracy there could be an office, and usually there is, to hold for life and usually one person is made supreme over the administration of a state yet its Aristocratic or democratic nature does not change [*Politics*, III,XVI.1287a1-10]. Let it be understood from the onset that there is an asymmetrical problem in dealing with the different types of government. This is because, first of all, a government can be called by a certain name while in reality of government it demonstrates an opposite type. Hence, we do have even today Kingships called so according to law but which are really tyrannies or Oligarchies or tyrannical dynasties. However, this apparent difficulty should not delimit us from probing into the good and bad types of government according to Aristotle.

The perversion of Kingship is tyranny (because it has the interest of the monarch only). Where one person has an absolute and despotic power over the whole community and every member therein and governs not for the common good but his own. Aquinas pointed out to the King of Cyprus the simple definition of a King, one who should be “chief and that he be a shepherd, seeking the common good of the multitude and not his own”. Evoking a Christian principle, Aquinas meant literally, that the King should donate his entire life for the sake of the good of the people. On the contrary, a tyrant destroys a society because he destroys virtue. As Tullius says, “those who are despised by everybody are disheartened and flourish but little” [*Tuscul. Disp.* I, 2, 4]. Men brought up in fear, become mean of spirit and discouraged in the face of any strenuous and manly task. Aquinas concludes this by alluding to the experience of provinces in his time that had long been under tyrants. Therefore he calls a tyrant a kind of beast.

A Kingdom is ‘possible’ since it is possible to have a person who excels in virtue. He ought to rule and have supreme power. If he rules with tyranny excluding everybody else, then the subjects will be dishonored, for they will be treated like morally inept ‘slaves’. Morally inept slaves do not have a right to govern but to be governed. Where one best man should rule in an oligarchy that will make it a tyranny or is still more oligarchical (if he does so with his friends), for the number of those who are dishonored is thereby increased. That case as we will see is

usually called a tyrannical dynasty. One may say that it is bad in any case for a man, subject as he is to all the accidents of human passion, to have the supreme power, rather than the law. If the law promulgated by the people in the history of the state is itself democratic or oligarchic, it will not help to extract the tyrant and therefore the same consequences will follow.

In *Politics*, Book III, Part XIV, Aristotle admits royalty as be one of the true forms of government. There are many types that have gone by the name of royal governments, and the manner of government is not the same in all of them. There appears to be five kinds of royalties.

- a. First is the Monarchy of the heroic ages which was exercised over voluntary subjects, but limited to certain functions; the king was a general and a judge, and had the control of religion.
- b. The second is that of the barbarians, a hereditary despotic government in accordance with law.
- c. A third is the power of the so-called Aesynmete or Dictator; this is an elective tyranny.
- d. The fourth is the Lacedaemonian, which is in fact a generalship, hereditary and perpetual.
- e. The fifth form of kingly rule is one which corresponds to the control of a household. One has the disposal of all, just as each nation or each state has the disposal of public matters. For as household management is the kingly rule of a house, so kingly rule is the household management of a city, or of a nation, or of many nations.

In Book III, Part XV he reduces these five types to two; that of the perpetual generalship in Lacedaemonian (Sparta) and the Absolute Royalty (or Absolute Monarch); for the others are placed between these, which are as it were at the extremities, they having less power than an absolute government, and yet more than the Lacedaemonians. He says that it advantageous to the state that there should be a perpetual general. But then there arise certain questions; should the office be confined to one family, or open to the citizens in turn? Secondly, is it well that a single man should have the supreme power in all things? Should the best man or by the best laws?

There are difficulties with the concept of Royalty. The advocates of royalty maintain that the laws speak only in general terms, and cannot provide for particular circumstances; and that for any science to abide by written rules is absurd. It is therefore clear that government acting

'only' according to written laws is plainly not the best and therefore needs a ruler or King who can apply the law to particular cases. The ruler however, cannot dispense with the general principles which exist in law. Further that the best ruler is the one who which is free from passion.

The question arises as to whether the one who is passionate is better than one who is innate. First, whereas the law is passionless, passion will always sway the heart of man. Yes, but yet again it may be replied, that an individual will be better able to deliberate in particular cases. Aristotle concludes therefore that the best man, then, must legislate, and laws must be passed, but these laws will have no authority when they miss the mark, though in all other cases they retain their authority. But when the law cannot determine a point at all, or not well, should the one best man or should all decide? Aristotle argues that in his own time, democratic assemblies meet, sit in judgment, deliberate, and decide, and their judgments all relate to individual cases. It appeared to him that each individual was poor even though he may have been a wise man. When they were many deliberating together they made reasonable judgments much better than one wise man can. Besides he says the state is made up of many individuals and a feast in which all the guests contribute is better than the one furnished by one person. He concludes that a multitude is a better judge of many things than any individual. Again, the many are more incorruptible than the few; they are like the greater quantity of water which is less easily corrupted than a little. Hence, one can see that many fish live in the sea while few if any can survive in little water. When an individual is overcome by anger or by some other passion, and then his judgment is necessarily perverted; but it is hardly to be supposed that a great number of persons would all get into a passion and go wrong at the same moment.

Secondly, In a state of freemen, who never act in violation of the law, but fill up the gaps which the law is obliged to leave Or, if such virtue is scarcely attainable by the multitude, we need only suppose that the majority are good men and good citizens, which will be the more incorruptible, the one good ruler, or the many who are all good? Will not the many? But, many can be divided easily while one man is not divided against himself. To which we may answer that their character is as good as his.

If we call the rule of many men, who are all of them good, aristocracy, and the rule of one man royalty, then aristocracy will be better for states than royalty, whether the government is supported by force or not, provided only that a number of men equal in virtue can be found.

Even if it is maintained that kingly power is the best thing for states, how about the family of the king? Are his children to succeed him? If they are no better than anybody else, that will be mischievous. But, **says the lover of royalty, the king, though he might, will not hand on his power to his children. That, however, is hardly to be expected, and is too much to ask of human nature.**

If there is a monarchy, should a king have guards about him by whose aid he may be able to coerce the refractory? There is a difficulty about the force which he is to employ. How will he administer his kingdom? Even if he be the lawful sovereign who does nothing arbitrarily or contrary to law, still he must have some force wherewith to maintain the law. In the case of a limited monarchy there is not much difficulty in answering this question; **the king must have such force as will be more than a match for one or more individuals, but not so great as that of the people.** In the case of an absolute monarchy he is bound to fall into tyranny.

In Book III, Part XVI Aristotle asks, - What about the king who acts solely according to his own will? The so-called limited monarchy, **or kingship according to law, as I have already remarked, is not a distinct form of government, for under all governments, as, for example, in a democracy or aristocracy, there may be a general holding office for life, and one person is often made supreme over the administration of a state.** For the first time we note that the distinction between Monarchy, Aristocracy and Polity is not essential but in the 'offices'; in the species of decision making (or ruling with regard to particular law).

He also observes that absolute monarchy, or the arbitrary rule of a sovereign over all the citizens, in a city which consists of equals, is thought by some to be quite contrary to nature; it is argued that those who are by nature equals must have the same natural right and worth, and that for unequals to have an equal share, or for equals to have an uneven share, in the offices of state, is as bad as for different bodily constitutions to have the same food and clothing. Yet a King is the ruler if he is Monarch and therefore it will be difficult to avoid ruling according to his own



will. It is just that among equals that everyone be ruled and rule in turn, and therefore that all should have their turn.

We thus arrive at law; for an order of succession implies law. The rule of the law, it is argued, is preferable to that of any individual. On the same principle, **even if it be better for certain individuals to govern, they should be made only guardians and ministers of the law.** There must be magistrates too. Where there are cases in which the law seems unable to determine, the law trains officers for this express purpose, and appoints them to determine matters which are left undecided by it, to the best of their judgment. Further, it permits them to make any amendment of the existing laws which experience suggests. Therefore, he who bids the law rule may be deemed to bid God and reason alone rule, but he who bids man rule adds an element of the beast; for desire is a wild beast, and passion perverts the minds of rulers, even when they are the best of men. The law is reason unaffected by desire.

Aristotle interjects that some argue that sick people should call the physician and should not be treated by the book. Meaning that some people argue there should be a good man to rule and not the law (book). He answers them by saying that whereas the sick person goes to the physician, the physician has the end of curing and taking his fee. The magistrates nevertheless, can make many types of decisions some just and some unjust in the pretext that they are ‘rightly’ judging according to their duty. A physician only cures a patient and takes a fee; whereas magistrates do many things from spite and partiality. “And, indeed, if a man suspected the physician of being in league with his enemies to destroy him for a bribe, he would rather have recourse to the book”. Again nature has it that “physicians, when they are sick, call in other physicians; and training coaches, when they are in training... as if they could not judge truly about their own case and might be influenced by their feelings”.

Hence he concludes the argument by applying another law; that “it is evident that in seeking for justice men seek for the mean or neutral, for the law is the mean. Again, customary laws have more weight, and relate to more important matters, than written laws, and a man may be a safer ruler than the written law, but not safer than the customary law”.

It is by no means easy for one man to supervise many things; he will have to appoint a number of subordinates, and what difference does it make whether these subordinates always

existed or were appointed by him because he needed them. If, as I said before, the good man has a right to rule because he is better, still two good men are better than one: this is the old saying, two going together, and the prayer of Agamemnon, “Would that I had ten such councilors!”

So we go back to the question as to who should rule; by the best man or by the best laws? Meaning that in a city-state where there are many decisions to make there should be an office of a ruler; even in a democracy, and it should have the best man possible (a sort of elected kingship); and he should be assisted by the best men (a sort of Aristocracy); and that he should be held responsible according to the law by the ‘happy people’ (a sort of constitutional democracy or polity).

Therefore, if we argue that to govern should be according to God and right reason and therefore according to the best laws the types of governments are naturally mixed. It is argued that there should be many judges and not one only. For every ruler who has been trained by the law judges well; and it would surely seem strange that a person should see better with two eyes, or hear better with two ears, or act better with two hands or feet, than many with many; indeed, it is already the practice of kings to look for themselves many eyes and ears and hands and feet.

Furthermore, Kings make colleagues of those who are the friends of themselves and their governments. They must be friends of the monarch and of his government; if not his friends, they will not do what he wants; but friendship implies likeness and equality; and, therefore, if he thinks that his friends ought to rule, he must think that those who are equal to himself and like himself ought to rule equally with him. These are the principal controversies relating to monarchy.

In Book III, Part XVII, Aristotle poses whether this conclusion is practical and possible in reality. Does this happen all the time or is it true only in certain cases? He answer is that, there is by nature both a justice and an advantage appropriate to the rule of a master, another to kingly rule, another to constitutional rule (polity or democracy); but not to tyranny. Where men are alike (equal), if there is a king he is the law - he himself is in the place of law. Therefore, going by what Athenian history had manifested he concluded that neither should a good man be lord over good men, nor a bad man over bad; nor, even if he excels in virtue, should he have a right to rule, unless in a particular case, we will refer to later.

However since royal rule can be according to the common good the nature of community which is suited for government by a king is a people who are by nature capable of producing a race superior in the virtue needed for political rule are fitted for kingly government. When there is an excellent person or family, so pre-eminent over all others, then he should rule, for it is not right that he should be ostracized. To produce a race needed for political rule means to create, make, manufacture, construct etc. a race, that is, a family or group of people within another of different race(s) but forming a plurality of races in total, one race more fitting and others not so fitting to rule. Where this is a permanent condition then we are speaking of permanent nature of royalty. This for instance may be the case in a household or village level of a community. As we often see there is a master in all households and he or she is usually selected among the family members. His or her rule may or may not be absolute but is generally a kingly rule from a superior person such as father, mother or first born or most outstanding son or daughter. In the historical context of the making of the Athenian constitution it is evident that where such a rule was necessary the society is structured into classes. The King, the immediate family consanguineous relationships, the more extended consanguineous relations form the race. Then comes those employed as workers who have nothing to do with governance and in a sense will never have even if they are slaves of high category such as confidants of the master. Their responsibility is to maintain the chain or rule of governance. Hence, non-family members are always considered as workers or 'slaves' or 'alien' mercenaries because they can never rule and they never enter into consanguineous relationships with the ruling race. If that should occur, the one who has royal stork is often ostracized from the ruling race. The 'slave' acquiesces to his or her state and is happy with it if he or she is treated well. Some can be treated and have been treated with privileges almost near to those of the royal family or race although usually never has it occurred that they have changed their 'natural' servitude condition. Where they were maltreated by a master, revolts or riots often resulted. Hence, Aristotle says to the masters that they should treat their slaves well, that since they are human then can be admitted to a certain form of friendship and that the slaves should be governed in such a way as to ensure their freedom in the long run. The word 'Slave' a relative term as Aristotle says, that is, it demands that there is another term of the opposite condition to determine it. In this case slave is the

alternate term to master, and the latter demands slave by nature. This as we can see is necessarily the case in the household governance if we are apt in Aristotelian philosophy.

In Patriarchal societies where there is a relationship between God and men, it is always 'royal' and so is the relationship between father and children who are said to be his stork, his race, his family or his house. The relationship between Mother and children is one of belonging. The children so to speak take flesh and are principally nurtured by the mother. The mother belongs to the father as wife and belongs to his stork by marriage and not necessarily by birth as the children do. The opposite occurred in the case of Matriarchal societies with regard to the husband. This is the case for instance in the ancient Kikuyu tribe whose race system is established, according to legend by 9 women<sup>339</sup>. It seems evident that the Athenian societies were patriarchal given Aristotle's philosophy that the nature of the Man ruling over the woman is permanent in nature. The whole is naturally more than the part. One who has excellence above all others, as a natural permanent pre-eminence, is in the relation of a whole to a part. This perfectly describes God; in the case of a patriarchal family the father and in that of a matriarchal family, the mother. If so, the only alternative is that God and the household head should have the supreme power, and that subjects should obey him, not in turn, but always. These are the conclusions at which we arrive respecting royalty and its various forms, and this is the answer to the question, whether it is or is not advantageous to states, and to which, and how.

In Book III, Part X Aristotle discusses Tyranny. The Monarch with absolute power and a limited monarch who snatches absolute power can turn into a tyrant. There are two forms of tyranny; 1) among barbarians there are elected monarchs who exercise a despotic power; and 2) despotic rulers called Dictators. We may also add, as an aside, that God cannot be despotic because He has made his human creatures with freedom; that is with a capacity to decide based on reason. Nevertheless, he retains his absoluteness because He wisely bestows good things and 'desires' the best for all his creation. He sustains everything with a firm and wise hand leaving

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<sup>339</sup> Jomo Kenyatta, *Facing Mount Kenya* (Nairobi: Longmans Publishing, 1969), 30

the rational creatures to choose the good out of their virtue. He condones freedom whether it is used wisely or badly but he does not condone evil. The latter belongs to those who choose unwisely; they reap the benefit of their choice nevertheless which is to be away from God. In so far as freedom exists, and therefore the possibility of choosing unwisely it follows that 'darkness' is self-existent, because there is a choice that is not good as such. However, one admits that evil choice is always because there is a good choice. If good choice leads to perfect happiness then conversely, evil results in absolute 'unhappiness'.

What makes a royal rule good is the monarch ruling according to law (including and mainly custom and virtue as they are the basis of law) over willing subjects. They become tyrannical in so far as they are despotic and rule according to fancy (without virtue and law or good custom accepted by the entire community). This is so when the custom or virtue is said to be 'eternally enduring' as the case may be in relation to God. But with regard to man it is not so given his weakness. There is also a third kind of tyranny, which is the most typical form, and is the counterpart of the perfect monarchy. This is the arbitrary power of an individual responsible to no one, and governs all alike, whether equals or better, with a view to its own advantage, not to that of its subjects, and therefore against their will. No freeman, if he can escape from it, will endure such a government. This type is distinguished from the other two based on; lack of free men in the case of barbaric absoluteness and arbitrariness in the case of dictatorship, (i.e. dictator is not always absolute). In this particular case the moral is that the monarch governs for his own profit.

## **7.2 The Aristocracy and Oligarchy**

In Book III, Part VII-VIII, Aristotle discusses Aristocracy as that society in which more-than-one-person, but a few virtuous or men of excellence, rule the others. The rulers are rulers because they are the best men or because they have at heart the best interests of the state and of

the citizens. It is possible for one man or a few to excel in virtue. The Aristocrats are also called ‘Optimates’<sup>340</sup> by Aquinas. The types of Aristocracies seem to be the following.

The principle of the so-called aristocracy or government of the best is excellence, whereas that of Oligarchy, its nemesis, it is the principle of wealth [*Politics*, IV.VIII.1294a10]. They both appear in many different ways some of which will appear forthwith.

Aristocracy is sometimes called by the generic name of polity or constitutional government (or Free State) because it is akin to it [*Politics*, IV.VII. 1293b2]. Aristocracy is rightly applied to this form of government for it is a government formed of the best men absolutely. In the perfect state the good man is absolutely the same as the good citizen; whereas in other states the good citizen is only good relatively to his own form of government.

There are some other states called Aristocracies that differ both from oligarchies and free states, wherein not only the rich but also the virtuous have a share in the administration; and have therefore acquired the name of aristocracies. In them the magistrates are certainly chosen, both according to their wealth and according to their merit. The argument is that states which do not make virtue the aim of the community, men of merit and reputation for virtue [still] may be found [*Politics*, IV.VII.1293b9-15]. And so where a government has regard to wealth, virtue, and numbers, as at Carthage, that is aristocracy. But where it has regard only to two out of the three (virtue and numbers), as at Lacedaemon, and the state is jointly composed of these, it is a complementarity of the two principles of democracy and excellence (a virtuous democracy) [*Politics*, IV.VII.1293b15-17].

There is also a third species of Aristocracy which occurs whenever a free state inclines to the dominion of a few [*Politics*, IV.VII.1293b18-20].

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<sup>340</sup> The term Optimates has different meanings. 1) The word could mean the Best of Men, also known as the *boni*, the Good Men. 2) The term severally referred to the patrician ruling class in republican Ancient Rome, a right-wing or senatorial political party and also referred to Aristocrats in the medieval feudal ages; [wiktioary.org/wiki/optimate](http://wiktioary.org/wiki/optimate).

The term Aristocracy is applied to the polity if the polity inclines towards an oligarchy (i.e. appointment to key offices based on birth and education since normally these tend to be related to wealth) [*Politics*, IV.VIII.1293b33-35]. The constitutional government or polity may be defined as a fusion of oligarchy and democracy. But this term is usually applied to those governments inclined toward democracy.

The perversion of aristocracy is oligarchy because it has the interest of the wealthy. Oligarchy is when men of property have the government in their hands and rule for their own profit and not for the common good. It should not be confused with Aristocracy. It is not the rule of the few [*Politics*, VI.VI.1289a30-35].

The real difference between democracy and oligarchy is poverty and wealth. Wherever men rule by reason of their wealth, whether they are few or many, that is an oligarchy. But as a fact the rich are few and the poor many as has already been admitted.

If men met and associated out of regard to wealth only, their share in the state would be proportioned to their property, and the oligarchical doctrine would then seem to carry the day. The rationale usually is that it would not be just that he who paid one mina should have the same share of a hundred minae, whether of the principal or of the profits, as he who paid the remaining ninety-nine. Nevertheless, **the state exists for the sake of a good life, and not for the sake of life only: if life only were the object, slaves and brute animals might form a state, but they cannot, for they have no share in happiness or in a life of free choice.**

If it is just that the few wealthy people should be the rulers and therefore ensure their riches the other case of the poor majority taking the rulership will likewise be just. Aristotle does not doubt that all these things are wrong and unjust.

Aristocracy has certain advantages over royalty according to Aristotle. He says that if we call the rule of many men, who are all of them good, aristocracy, and the rule of one man royalty, then aristocracy will be better for states than royalty, whether the government is supported by force or not, provided only that a number of men equal in virtue can be found. Many good men are better than one good man.

It is by no means easy for one man to superintend many things; he will have to appoint a number of subordinates, and what difference does it make whether these subordinates always existed or were appointed by him because he needed them. If, as I said before, the good man has a right to rule because he is better, still two good men are better than one: this is the old saying, two going together, and the prayer of Agamemnon, “Would that I had ten such councilors!”

In Book III, Part XVII, Aristotle discusses the natures suited for an aristocracy. His answer is that it is a people submitting to be ruled as freemen by men whose virtue renders them capable of political command. This necessarily occurs where there are a race of people who have had Kingly or royal relationship and friendship but the King is no longer absolute or is no more. They have more wealth thanks to their former relationships. It may happen where there swells a rich minority able to access the best training over the many and therefore are suited for governance. Where there are for instance, land owners before Draco and Solon’s Athenian constitutions, also called the 500-bushel class based on their capability of wealth more than any other. These could be elected to the Council of the Areopagus. Those to be elected to the Cavalry needed to produce 300 bushels from their land. Where this occurs there is a natural tendency to retain a certain level of ‘slavery’. First because of the proximity between the Aristocracy to Kingship (i.e. a ruling race based on wealth) and secondly, because the Aristocrats necessary need to retain their riches and class at the expense of the majority. No new aristocrats should be admitted into the aristocracy. Where many are rich there is really no Aristocracy or ‘privilege of being wealthier’. In royalty, race was the defence for sustaining the ruling class and therefore the wealth of the land in the royalties’ hands. In Aristocracy the defence, so to speak is wealth. In being wealthy one retained the power to access privileges whether good or bad and also to be distinguished from the crowd. Where race and wealth are the foundations of the ruling privilege then necessary they have power over arms while the multitude does not. However, in so far as the wealthy look after the welfare of the people in general and the good of the whole there is no problem since every person except the slaves are happy. Where among the multitude, there are some who want privileges through their hard work and cannot get them then injustice ensues and ultimately there are riots or chaos. Therefore both the aristocratic and royal constitutions always made sure that the class of slaves was submitted to subservience under the yoke of the law. If the multitude in general can access good education and training in virtue then they can be free and



rule. It is therefore difficult to admit that the Athenian democracy was really a democracy if it entailed putting under the yolk people who were capable of acquiring right education and keeping them as slaves. The question is therefore, were the slaves kept under-privileged 'unnaturally' or were they vicious naturally. Any person capable of acting intelligently and with virtue should be given the chance to do so. But the Magistracies in Athens did not seem to have this as the rule. The rule was to subjugate the 'slave' multitudes and maintain a class society by law. Aristotle therefore, without expressing it directly provides the key to understanding this rationale while still maintaining the necessity of 'slavery' as natural to the savage or barbaric lot. One has to admit that there must have been a cultural barrier that made it expedient for him to say this, so that, during his epoch, there were people who would really not seem apt for education and virtue. An example could be the caste system in India still extant today. In this system the lowest class of people is subjugated by law and custom and they actually submit freely, in many cases, to that class system through the same means, i.e. law and custom.

A mutation of Aristocracy could occur where the poor are fewer than the rich, and have power in their hands because they are stronger. It is reasonable to conclude that we would still call it an Oligarchy if they rule to satisfy their own desires and not that of the whole. Wherever men rule in this way by reason of wealth, whether they are few or many, that is an oligarchy. As a fact the rich are few and the poor many. The rich claim power because they have a greater share in the land, and land is the common element of the state. They also claim that they are generally more trustworthy in contracts. The free citizens claim power in the same way as the noble; for they are nearly akin. The noble are citizens in a truer sense than the immoral and good birth is esteemed in human society. Those who are sprung from better ancestors are likely to be better men, for nobility is excellence of race. Those who base their claims on wealth or family might be thought to have no basis of justice on this principle, if any one person were richer than all the rest, it is clear that he ought to be ruler of them.

The greatest difficulty in the argument postulated in favor of an aristocracy, or government of the best, occurs when one citizen is better or more virtuous than the other members of the government. However good they may be, he too, upon the same principle of justice, should rule over them.

There is also the problem Aquinas poses when he postulates that “lesser evil follows from the corruption of a monarchy (which is tyranny) than from the corruption of an aristocracy”<sup>341</sup>. This is because many people ruling tend to produce more dissensions, and the tyrant though undivided has the lesser evil of only obstructing others from gaining power or similar ambitions. However, Aquinas does express that the tyrant can have an excess of tyranny and rage against all people therefore making him more despotic than a dissenting Aristocracy. Experience had shown Aquinas that most Aristocracies ended up being tyrannical while the Kingship not always [Aquinas, *De Regno*, chp. 6, para.39].

In Book IV, Part V, he discusses oligarchies of which there are at least four different manifestations, but of the same species. The key precept is that Aristocracy is generally a perfect government in which the appointment to office is based on the government of the best who normally would have wealth and property. The aristocrat would also often be descendants by birth of noble families having virtue and popularity. Oligarchy, on the other hand, occurs when constancy in virtue is omitted in any combination of Wealth, birth and Popularity or when demagoguery takes precedence as a basis for power. The types of oligarchies mentioned are explained below.

There is one where the legal or customary property-qualification in order to hold office eliminates the poor from taking office. Although, they form the majority, they have no share in the government, yet he who acquires a qualification may obtain a share. This is the first and most balanced of oligarchies. It is akin to a constitutional government. It often offers two standards of qualification; one high another low. The lower qualifications refer to the humbler yet indispensable offices and the higher qualifications for the superior ones. He who acquires the prescribed qualification should also have the rights of citizenship. The number of those admitted should be such as to make the entire governing body stronger than those who are excluded, and the new citizen should always be appointed from the better class of the people. This principle can

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<sup>341</sup> Aquinas, *De Regno*, chp. 6, para.36-7

be narrowed little by little until it gives way to a different form of oligarchy. This can continue until the oligarchy reaches the most cliquish and tyrannical of them all, similar to extreme democracy, and which, being the worst, requires vigilance in proportion to its badness [*Politics*, VI.VI.1320b22-34]. The worst forms of government require the greatest care [*Politics*, VI.VI.132035]. In the first form of Oligarchy the condition is that the majority of the citizens have some property, but not very much; and this allows anyone who obtains the required amount the right of sharing in the government. The sharers in the government being a numerous body, it follows that the law must govern, and not individuals. This will happen in proportion to how far removed they are from a monarchical form of government. In respect to property they have neither so much as to be able to live without attending to their own businesses, nor so little as to need state support, they must admit the rule of law and not claim to rule themselves.

When the principles above are contracted to the next level another sort of oligarchy emerges where there is a qualification for office, but a high one, and the vacancies in the governing body are filled by co-optation by friends of the oligarchs. If the election is made from all of the qualified persons, a constitution of this kind inclines to an aristocracy, if the qualified persons are actually only of a privileged class, the election inclines to an oligarchy. This happens, as has been intuited, if the men of property in the state are fewer than in the former case, and own more property, there arises a second form of oligarchy. For the stronger they are, the more power they claim, and having this object in view, they themselves select those of the other classes who are to be admitted to the government; but, not being as yet strong enough to rule without the law, they make the law represent their wishes.

The laws for qualification to offices can be contracted until another sort of oligarchy appears where the son succeeds the father in all the offices, especially the highest one. When the power of office is intensified by a further diminution of aristocratic numbers and there is an augmentation of more property, there arises a third and further stage of oligarchy, in which the governing classes keep the offices in their own hands, and the law ordains that the son shall succeed the father.

There is a fourth form, likewise hereditary, in which the magistrates are supreme and not the law. This can happen in a case where there is a monarchy and little by little the magistrates

assume more and more power. Hence, these type of oligarchies arise from monarchies. When, again, the rulers have great wealth and numerous friends, this sort of family despotism approaches a monarchy; individuals rule and not the law. This is the fourth sort of oligarchy, and is analogous to the last sort of democracy. An example of this is the tyranny of the North Korea dynasty. A democracy in which the rich are many, would be called an oligarchy. Democracy here is considered as the tyranny of the many. But what if the many are men of property and have the power in their hands? We call this government an oligarchy because in general and in most countries the rich are few and the poor numerous. This form of democracy, in fact an oligarchy receives the name of a dynasty (or rule of powerful families). Something of a similar nature still exists in our days in the dynasty ruling North Korea. There is nothing short-term about the North Korea's Kim Dynasty legacy of Kim Il-sung (15 April 1912 – 8 July 1994) of North Korea. He began his 46-year rule as a committed Marxist-Leninist but eventually created his own post-communist 'Juche' ideology of self-reliance. In the process, he perpetuated a personality cult and a savior dynasty. Upon his death his son Kim Jong Il inherited power. As we write this thesis North Korea officially calls itself the Democratic People's Republic of Korea (The DPRK)<sup>342</sup>. Hwang Jangyop, a key aid of Kim Il-sung, walked out on him in 1997. The Washington Post put it as similar to Goebbels walking out on Hitler. Hwang had started working in Kim Il Sung's private office in 1958, and he moved within the upper ranks of the world's most secretive regime for another 39 years. He was the chief ideologue and creator of the country's Juche philosophy, which had turned Kim Il Sung into a living god<sup>343</sup>. Depicted in one propagandist legend walking across a river on nothing more substantial than fallen leaves, Kim Il-sung, according to one defector, "was the object of a personality cult extravagant enough to rival that of Stalin or Mao Tse-tung, and indeed, even to outlive them."<sup>344</sup> Like other 20th-century communist leaders, Kim hated both capitalism and Christianity. He was a military

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<sup>342</sup> Young Whan Kihl, et al., Eds, *North Korea: The Politics of Regime Survival* (Armonk, NY: M.E. Sharpe, 2006), 3.

<sup>343</sup> Jasper Becker, *Rogue Regime: Kim Jong il and the Looming Threat of North Korea* (Cary: Oxford University Press, 2006), 64

<sup>344</sup> Jasper Becker, *Rogue Regime: Kim Jong il and the Looming Threat of North Korea*, 64-84

revolutionary hence, citizens needed to cultivate a fighter's mentality. Among the major villains are Christian missionaries, who are depicted branding Korean children with hot irons, taking their blood to sell overseas, and spying for their cunning masters in Washington<sup>345</sup>.

Aristotle gives other examples based on the Athenian history. The manipulating devices of Oligarchy in Athens were directed towards 5 principle institutions of government (i.e. whether the constitution was a democracy or not). These are (1) the assembly; (2) the magistracies; (3) the courts of law; (4) the use of arms; (5) gymnastic exercises [*Politics*, IV, XIII. 1297a15]. It should, be remembered that in many states the Aristocratic or Oligarchic or even royal constitutions established by law, although not democratic, owing to the education and habits of the people may be administered democratically, and conversely in other states the established constitution (a polity or constitutional state) may incline to democracy (in the anarchic sense), but may be administered in an oligarchical spirit. This most often happens after a revolution: for governments do not change at once; at first the dominant party is content with encroaching a little upon their opponents. The laws which existed previously continue in force, but the authors of the revolution have the power in their hands.

In Book IV, Part VI, Aristotle manifests the close relationship between democracies (as tyrannical) and Oligarchies. It can be safely inferred that there are so many different kinds of democracies and of oligarchies and some overlap between these two. For oligarchy to be effective in practice, the assembly is thrown open to all but is manipulated by ensuring the attendance of the wealthy through fines. They are the only ones fined or if everyone is being fined the rich are fined much more than the others. Thus only virtue can ensure the attendance of all [1297a18]. As concerns the magistracies the rich cannot decline appointments but the poor are let off with impunity [1297a20]. In the law courts the rich, and the rich only, are fined if they do not serve, the poor are let off with impunity, or, as in the laws of Charondas, a larger fine is inflicted on the rich, and a smaller one on the poor. [*Politics*, 1297a23-28]Another way is to

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<sup>345</sup> Jasper Becker, *Rogue Regime: Kim Jong il and the Looming Threat of North Korea*, 60

inflict heavy fines for not attending and thus through fear the poor do not register to the law courts for fear of defaulting in any meeting and paying a fine that would ruin them materially. Effectively they cannot sit in the law-courts or in the assembly.

Concerning the possession of arms and gymnastic exercises a similar type of legislation is enforced. The poor are not obliged to have arms, but the rich are fined for not having them; and in like manner no penalty is inflicted on the poor for non-attendance at the gymnasium, and consequently, having nothing to fear, they do not attend while the rich do [*Politics*, 1297a30-35]. Democracies use counter-devices to ensure the poor attend; only this time they pay them for attendance and they do not inflict a penalty on the rich for non-attendance. Aristotle thinks that the just thing is to pay the poor and inflict penalties on the rich for non-attendance. That would be a mix of the two [*Politics*, 1297a35].

Aristotle makes a psychological analysis of types of common people, of which he says there are four types and they correspond to the four military forces. Hence, farmers correspond to the cavalry and they are usually few. Artisans correspond to heavy infantry and therefore more than the husbandmen. The traders correspond to the light armed troops and the laborers correspond to the navy. A country adapted to any of these or having any of these as the key military power has affinity to distinct types of oligarchies. A country adapted to heavy cavalry is often suited for a strong oligarchy (see 3.20.1 above), because only rich men can afford horses [*Politics*, VI.VII.1321a5-10]. This is also the best tempered of the oligarchies. In a country adapted to heavy infantry then the second form of Oligarchy [13] (see 3.20.2 above).

Those adapted to the light armed and the navy are wholly democratic because these two military forces are numerous. When they quarrel the oligarchy is often vanquished in the struggle leading often to the anarchic democracy. The wise leader is he who combines the different forces mixing a significant group of light-armed forces with those of cavalry and heavy infantry. When the military is thus formed the light armed fight with advantage against cavalry and heavy infantry because they are light. They are nevertheless a danger to the state [*Politics*, VI.VII.1321a16-25].

To remain in power the oligarchy ought to yield a share in the government to the people, either, to those who have a property qualification, or, to those who have abstained for a certain

number of years from mean employments, or, to men of merit who are selected for their worthiness, whether previously citizens or not. This is the examples Aristotle got from Athen's history, Thebes and at Massalia respectively [*Politics*, VI.VII.1321a26-30].

Positions of high rank in the magistracies of the oligarchy should have expensive responsibilities and in the hands of the governing body. Then the people will not desire them and will take no offense at the privileges of their rulers when they see that they pay a heavy fine for their dignity. The magistracies should also offer munificently to the gods and buildings and in so doing the people will not desire a change in their government and the notables will have memorials of their munificence [*Politics*, VI.VII.1321a32-37].

### **7.3 The Polity, Democracy or Anarchy**

A constitution is the organization of offices in a state, and determines what is to be the governing body, and what the end of each community is. Laws are not to be confounded with the principles of the constitution. Laws are regulations or rules according to which the magistrates administer the state and proceed against offenders. That is, they teach the good life. However, we must know the type of constitution and therefore make laws accordingly [*Politics*, IV.I.1289a15-20]. Let it be understood here that all the natures of constitutions are included in this statement. It is not principally referring to polity.

When the citizens at large (the many) administer the state for the common good, the government is called by the generic name - a constitution. In this constitutional rule the free men can be rulers. The term democracy and constitutional rule of free-men will sometimes be interchangeable given the difficulty of separating good citizens and reasonable constitutional government of free men from the bad.

The forms of good democratic government according to Aristotle include;

In Book IV, Part IV Aristotle indicates that first comes that which is said to be based strictly on equality. In such a democracy the law says that it is just for the poor to have no more advantage than the rich; and that neither should their be masters, but both equal. In democracy, liberty and equality are said to prevail since the people are the majority, and the opinion of the

majority is decisive, such a government must necessarily be a democracy [*Politics*, IV.IV.1291b31-35].

The second is that in which the magistrates are elected according to a certain property qualification, but a low one; he who has the required amount of property has a share in the government, but he who loses his property loses his rights [*Politics*, IV.IV.1291b40].

Another kind is that in which all the citizens who are under no disqualification share in the government, but still, the law is supreme [*Politics*, IV.IV.1292a1].

In another, everybody, if he be a citizen, is admitted to the government, but the law remains supreme as before [*Politics*, IV.IV.1292a2].

A fifth form of democracy, in other respects the same, is that in which, not the law, but the multitude, have the supreme power, and supersede the law by their decrees. This is a state of affairs brought about by the demagogues. For in democracies which are subject to the law the best citizens hold the first place, and there are no demagogues; but where the laws are not supreme, there demagogues spring up. For the people becomes a monarch, and is many in one; and the many have the power in their hands, not as individuals, but collectively [*Politics*, IV.IV.1292a5-10].

The offices of the constitutions above (para. 3.41) show that all constitutions have three expedient elements a good lawgiver has to observe. One element which deliberates about public affairs (the Executive); secondly, that concerned with the magistrates (the Judiciary) - the question being, what they should be, what they should exercise authority over, and what should be the mode of electing to them; and thirdly, that which has judicial power [*Politics*, IV.XIV.1297b35-44].

Public affairs refers to the deliberative element of government and includes; determining matters concerning war and peace; making or breaking off alliances; to enact laws, to sentence to death, banishment (exile), confiscation of goods, and elects and audits the magistrates to account for their behavior when in office [*Politics*, IV.XIV.1298a5]. These powers 'must necessarily be entrusted to the citizens in general or all of them to some'.



There are many ways of making the citizens responsible for decisions of government (democratization). To entrust all to all is in the spirit of a democracy, for the people aim at equality [*Politics*, IV.XIV.1298a10-20]; either to one magistrate or more, some to one, and some to another, some to all, but others to some. Delegating these powers to the citizens at large can take different forms, one of which is to let them execute them by turn, and not altogether. One of these methods of delegating powers is to delegate to the boards of magistrates who meet and deliberate and come into office by turns. They are elected out of the tribes ensuring that the very smallest divisions of the state participate until everyone has served office. The citizens, on the other hand, only assemble for legislating, and to consult about the constitution, and to hear the edicts of the magistrates [*Politics*, IV.XIV.1298a15].

Another method is to make the citizens form one assembly which meets only to elect magistrates, to pass laws, to advise about war and peace, and to audit [*Politics*, IV.XIV.1298a20]. The other matters are left to experts elected from the citizens by vote or by lot from all the citizens.

Another is that the citizens meet about election to offices, scrutinies, and deliberate about war or alliances while other matters are administered by the magistrates with special knowledge, who, as far as is possible, are elected by vote [*Politics*, IV.XIV.1298a25].

Yet another is when all the citizens meet to deliberate about everything, and the magistrates decide nothing, save making preliminary inquiries. This is the last and worst form of democracy corresponding to the close family oligarchy and to tyranny. All these modes are democratic [30]. As a matter of fact the rich are few and the poor many and where this is inverted it is said to be an accident [*Politics*, III.VIII.1279b35]. Where the poor rule, that is a democracy.

At times in a constitutional government the fighting-men have the supreme power, and those who possess arms are the citizens [*Politics*, III.VII.1279b3]. Thus usually, where the military of a state is adapted to the light armed and the navy Aristotle says that they become wholly democratic because these two military forces are numerous (they are made up mainly of workers). When they quarrel the oligarchy is often vanquished in the struggle leading often to the democracy [*Politics*, VI.VII.1321a16-25]. While we may attribute the call to arms by the light

armed and the navy as the transitional episode to democracy, the fact of being stronger does not give one the 'right' to rule. The principle that supremacy is based on strength is faulty because if one man (a thief), or more than one (brigands), but not a majority, are stronger than the many, they ought to rule, and not the many. The principle of true constitutional rule by free-men does not rest in strength, although this may be a part of it, it lies in the principle that decisions made by many are more perfect with regard to the community than decision made by one person about the whole community [*Politics*, III.XI. 1282b10]. It cannot be overemphasized that, in a constitutional community, the constitutional method can only be guarded if the majority is 'war-like' not 'bellicose'. Otherwise, the tyrants, oligarchs, and demagogues, who use the strength of arms to gain power over the people, or even external invaders of the community, are going to destroy it. The 'war-like nature' in this case is primarily attributed to good decision making and order in the community more than to the strength of arms.

The perversion of constitutional government (or free-state) is democracy (as in the rule of the multitude devoid of law (anarchy), because it has the interest only of the poor or needy and not for the common good) [*Politics*, III.VII.1279b3]. Democracy in this case is said to be of the indigent and is said to be as bad as when the wealthy have the state in their hands or similarly when a tyrant takes power [*Politics*, III.VIII.1279b15-20]. It is a very difficult type of government because it is generally anarchical in the extreme. The first point to consider is that it arises from the poor desiring to share in the wealth of a state, especially where the conditions are unfavorable for them to obtain their own wealth; this occurs where there is a tyranny or oligarchy. In the free state or constitutional state (citizens born free and therefore not slaves or foreigners rule without regard to property but rather to the common good). However, the point is that the state is made up of many parts and of these parts there are rich and poor, and these two are mutually exclusive in the sense that one cannot be rich and at the same time poor. What happens is that the poor bearing light arms or in the navy demand to rule and share in the wealth of the rich. The rich too have arms; heavy arms and money. Hence, if the poor rule it has to be in form of a tyranny. And therefore Aristotle says that the tyranny of the poor is the same as that of the tyrant monarch since 'potter hates potter'. In fact, if the poor are to rule it cannot be a democracy as such although we often use that name. It has to be a tyranny much like the case of the Venezuela of Chavez (2009 to date) and that of the former ailing communist dictator of

Cuba, Fidel Castro. Tyrannies such as this often lead after some time to dynasties such as the case of North Korea. Few are normally well-to-do, whereas freedom is enjoyed by all, and wealth and freedom are the grounds on which the oligarchical and democratic parties respectively claim power in the state.

What is to be the supreme power in the state? Is it the multitude? If the poor, for their number, divide among themselves the property of the rich- is not this unjust? As tyrants, when in the first division, all has been taken, and the majority divides anew the property of the minority, is it not evident, if this goes on, that they will ruin the state? Yet surely, virtue is not the ruin of those who possess her, nor is justice destructive of a state; and therefore this law of confiscation clearly cannot be just. Solon is said to have confiscated the ill gotten property of the rich.

In Book III.IX, Aristotle considers the nature of oligarchy and democracy; but at the same time makes one of the most beautiful treatises on **the nature of a community**. With regard to the latter, one could surmise that **the community is such because the government and the citizens take into consideration excellence and defect in each other, that the community is for persons and the good life and that ultimately the end is not merely life only but the good life**. He says that both, democracy and oligarchy, desire that there is justice and **that justice is equality among equals**. He agrees with this definition and further points out that inequality is justice with regard to unequals but not with regard to equals [*Politics*, III.IX.1280a10-15]. But therefore both systems **omit** a certain part of society; of persons (or a person) and this leads to erroneous judgement because those judging are passing judgement on themselves and most judges judge erroneously with regard to their own cases. **Here the point is that those who are equals are like one person for they differ in nothing**. Yet justice implies a relation to persons as well as things and a just distribution. But this implies the same ratio between persons and things. People seem to agree about the equality of things but not of persons given the fact that they try to judge with partiality, i.e. with their own regard [*Politics*, III.IX.1280a20]. The rich being rich think that because they are rich with regard to the riches of the others they are unequal to them in everything else. The free of birth think that they are equal in everything to the others by virtue of their birth [*Politics*, III.IX.1280a23-24]. But they disregard the main point; viz, Oligarchy is wrong because those who govern do so with regard to wealth and not persons and

democracy in the bad sense is bad because it equalizes he who sacrifices more with the one who puts in less. But they forget that the community exists for the sake of the good life and not of life only. Happiness based on a life of choice belongs to persons not animals and he seems to say that this happiness is based on God. If things end in Life here below animals would form a society such as of men. Nor does a community come together solely for the sake of alliances and security from injustice, nor for exchange and mutual intercourse [*Politics*, III.IX.1280a30-35]. States may form alliances for these and many other possibilities but these agreements or exchange do not make a state. The only thing it does is to ensure that there is no injustice between two communities or persons. The citizens of one state do not help the citizens of another state become good or do no wickedness etc. Nevertheless, **those who care for good government care for excellence and defect of its citizens and this is what makes a community**. There is an interest for the good of the other [*Politics*, III.IX.1280b1-10].

What are the natural reasons supporting the good of a constitutional rule of free men? When the law cannot determine a point at all, or not well, should the one best man or should all decide? Aristotle argues that in his own time democratic assemblies meet, sit in judgment, deliberate, and decide, and their judgments all relate to individual cases. While each individual is poor in relation to the wise man, together when they deliberate can make reasonable judgments much better than one wise man can. Besides the state is made up of many individuals and a feast in which all the guests contribute is better than the one furnished by one person.

A multitude is a better judge of many things than any individual. Again, the many are more incorruptible than the few; they are like the greater quantity of water which is less easily corrupted than a little. Hence, one can see that many fish live in the sea while few if any can survive in little water. However, where there are few people it follows that **the best man, then, must legislate and govern**. The next stage then should be the Aristocracy since it will be better for a larger state many more good men [*Politics*, III.XI.1281b1 and III.XV.1286a31-1286b5].

The individual is liable to be overcome by anger or by some other passion, and then his judgment is necessarily perverted; but it is hardly to be supposed that a great number of persons would all get into a passion and go wrong at the same moment [*Politics*, III.XV.1286a33].

In a polity the state of freemen the city is made less corruptible because it is imagined that the citizens never act in violation of the law, but fill up the gaps which the law is obliged to leave. If such virtue is scarcely attainable by the multitude, we need only suppose that the majority are good men and good citizens and therefore will make government more incorruptible. But which is more realistic? The one good ruler, or the many who are all good? Will not the many? But, many can be divided easily while one man is not divided against himself. To which we may answer that their character is as good as his [*Politics*, III.XV. 1286a35-1286b1-3].

Many judges view a decision from many angles and therefore are better judges than a single man of music and poetry. One understands one part, and some another, and among them they understand the whole. Together they take a decision similar to the outstanding man. This principle may or may not apply to every type of democracy and to all bodies of men. Considering that after all the constitution of the people is engendered naturally from what all the people are and not necessarily the most excellent one of them (otherwise it would not be a constitution then this principle should apply most extensively to any association of men seeking the common good of the whole. The constitutions that Aristotle considers come after 'life' not before. That is, they are based on the people's customs and traditions and therefore knowledge of what is good in the community. Search constitutions have the authority and legitimacy of the people since the very people 'live' the constitution in their ordinary lives. The constitution is owned by the people. To strap the people with a constitution that does not fit their nature and body is bound to tear them apart since the constitution does not belong to them. When the decisions are taken in a democratic way according to the spirit of the people (which is their natural law or way of being) they should be prudent. This is called a 'collegial' government and founds its efficacy in the fact that the government is nothing more than an expression of the good life of the citizens.

Even supposing the principle to be maintained that kingly power is the best thing for states, how about the family of the king? Are his children to succeed him? If they are no better than anybody else, that will be mischievous. But, **says the lover of royalty, the king, though he might, will not hand on his power to his children. That, however, is hardly to be expected,**

**and is too much to ask of human nature.** When the decisions fall into the hands of one person or a ‘clique’ as in the case of an oligarchy, their judgments tend to be biased towards them. Since no one is a good judge of himself as we have seen, neither is one efficacious in considering himself solely able to see the good according to his own personal wisdom. Whereas it may occur now and again that the individual has capacity to know more than the rest (especially in the cases where technical matters are concerned) the general rule is that no particular person has more of ‘the perfect life’, culture, history and customs in the community than all the others. The cooperation of all is necessary and more so of the most able in society.

Freedom is an inalienable aspect of a person with a body and a soul and more so the soul – the intellectual and willful faculties. Freedom demands responsibility otherwise it ceases to be freedom and becomes anarchy. Without these two powers man cannot be distinguished from other animals. Freedom without responsibility is like making a good decision which is followed by a contrary action; a general characteristic of animal instincts. Yet, Freedom is perfected in intelligence and volition fulfilled in decision making and acting according to the good decisions made. When framing a community or constitution or government, any person of that community who is not entitled to participate – that is, to make decisions about what is good or bad in that community – is in a sense treated like a ‘slave’. A ‘slave’ should not think but rather do what the intelligent and ‘those who pertain to the house’ say. In effect, any constitution which does not have the free citizen in mind and has not incorporated the free citizen in decision making makes the term free-citizen in an oxymoron, a contradiction in terms. When one person rules it is easy for him to become a tyrant and despot. Thus, history speaks to us about those tyrants like Hitler or Luis Napoleon who envisioned in their own ‘wisdom’ the perfect Germany and France societies respectively. The consequences of their tyrannies are still vivid in our minds and more especially in the minds of those families and nations they harmed.

Historically, the first governments were kingships, they were small and men of imminent excellence were few. They were made kings because they were benefactors, and benefits should only be bestowed on good men. Later men of equal merit surfaced given the growth in numbers in society. The men of equal merit could not endure the pre-eminence of one being honored and so they called for a commonwealth set up by a constitution. The ruling men soon enriched

themselves out of the public treasury and this became a path of honour and so oligarchies naturally grew up. This passed on to tyrannies (dynasties) and finally to democracy. Greed of the leaders led the people to revolt against their masters. They established democracies and as the cities became bigger it was no longer possible to establish any other form of government [*Politics*, III.XV.1286b10-20]. It therefore can be concluded that although it would seem that an excellent state with many excellent, among them the king, is not possible because of the presence of vice in the citizens and in those who govern the communities.

It seems by nature that there must always be magistrates. The problem is that if that is the case men say that to give authority to any one man when all are equal is unjust. Besides if there are cases which the law is unable to determine, can one magistrate determine the right thing accurately? The democrats reply that the law trains officers for this express purpose, and appoints them to determine matters which are left undecided by it, to the best of their judgment. Further, it permits them to make any amendment of the existing laws according as experience suggests. Therefore, he who bids the law rule may be deemed to bid God and right reason alone to rule, but he who bids man rule adds an element of the beast; for desire is a wild beast, and passion perverts the minds of rulers, even when they are the best of men. The law is reason unaffected by desire [*Politics*, III.VI.1287a25-30].

What are the disadvantages of popular governments? One disadvantage is that there are technical matters in governing which are better decided by those who have technical knowledge, just as one would go to a good physician to get treatment. Yet just as there are many types of capabilities among the physicians so there varied types of citizens and their understanding of what constitutes them. Right election can only be made by those who have knowledge. But just as all types of physicians have the capacity to cure so do all the citizens have the capacity to know what is a good constitution though in different manners some much more perfect than others. if the people are not utterly degraded, although individually they may be worse judges than those who have special knowledge- as a body they are as good or better. Moreover, there are some arts whose products are not judged of solely, or best, by the artists themselves, namely those arts whose products are recognized even by those who do not possess the art; for example, the knowledge of the house is not limited to the builder only [*Politics*, III.XI. 1282a1-20].

A second disadvantage is that in a popular government inferior persons have weight over the superior. The answer to this question is similar to that of the preceding disadvantage. As Aristotle says the power does not lie in the person deciding (the judge, the member of the assembly or the magistrate) but ultimately in the three powers of government; viz, the council (executive), the assembly (legislature) and the court (judiciary) as a whole; of which the jury-man is only a part [*Politics*, III.XI1282a35]. Thus the many can claim authority over the few for the offices aforementioned are not dependent on one person but on many.

Is Democracy according to Aristotle sustainable? Keeping in mind what has already been said about democratization and delegation of powers to the people (para 4.11 and 4.12 above); and having considered the reasons why democratic decision making eliminates tyranny and tends towards what is just, at least more than decisions taken by one good man; having understood that the free-men have to be 'war-like'; it is appropriate to emphasize that Aristotle also thinks there are ways which would make the constitutional polity system sustainable [*Politics*, IV.VI.1292b22-1293a10].

As a summary the principle is the best law must govern and where it does not reach, the people must decide according to the many democratic ways already defined before. Whenever there are many people involved in decision making it conversely follows that the law is supreme for otherwise it would be complex. There are exceptions, the worst being demagoguery without virtue.



## Chapter II

### 1. Modern State as Instrument in Thomas Hobbes

#### 1.1 Introduction

In the 4<sup>th</sup> Century BC, Aristotle called the Athenian city-state a community (koinônia) constituted by the people, based on their tradition, cultural, customary, religious and geographical history. He wrote in his work on ethics and politics that the principle object of constituting a community is for the sake of the ‘common good’ or in other words, a community is politically constituted to be ‘self-sufficing’ as whole and with regard to every particular citizen of the state. This perception has been well documented and illustrated many authors. In what manner does the Western European modern society or post-modern age deviate generally from the Aristotelian way of thinking? At this juncture one may turn to the fact that some people consider ‘generalizing things’ as folly since there really no universal truths or in this particular case every community has its own spirit and timbre. However, many too consider that there are universals from whose basis man can often compare and contrast. We choose this path when we consider that together, the world sometimes offers a beautiful ensemble intoning harmonious sounds borne of the different but complementary cultures and habits of the many communities. Now and again, one experiences that terrible elegy of war and civil unrest. Tragedy sometimes seems the common dissonance of an otherwise blissful melody. Yes, blissful because community and communion between and within peoples throughout the world often engender contentment and happiness among its chorus.

If we speak of a post-modern age it is because we are now in the twenty first century and we have a two-century’s perspective of the so called modern-age in Western European political thought. We at the same time acknowledge that the nature of the transition will become clearer with more time. It is nevertheless, generally accepted that modernism came in the wake of medieval feudalism and the period of transition was the end of the seventeenth century and early eighteenth century. There was a radical change in many facets of society, albeit, a consequence

of ‘currents’ dynamic within the very medieval age such as the growth of the famous ‘bourgeoisie’ class in the cities. There was a radical change in the manner of living and in the manner of thinking and in the manner of governing; in economics, government, philosophy, science, art, state and military. What can capture that fundamental change? Probably, the most expressive consideration of that ‘metanoia’ is the death of God and the birth of empirical science as the true foundation of science and society. ‘God’ so to speak gave way to philosophy without metaphysics, to state authority without the Papacy, to morality without religion, to human art without the ‘sacred’, to economics moderation, to an architecture of shapes and ‘abstract’ nature and to a hazy ethical relativism that was relative in itself. Post-modernism is described as what comes after modernism. Hence, it depends on what is being discussed as modern. It can be anything from theology, art, history, philosophy, culture to empirical science itself. In the Western European sense it may be represented by the overarching technology of modern life as the most important fundament of advancement of society and political authority. More than the denial of God, agnosticism has taken preference, confirming that even if God were present nothing would change; after all ‘truth’ cannot be ascertained. Man and woman are essentially open to reconstruction and gender is a relative cultural frame that can be technologically modified. To summarize it, there is no common denominator in nature, truth, God, or the future except man and his technology. In political philosophy, what concerns us most is the radicalization of democracy understood as the minimization of government and maximization of individual freedom<sup>346</sup>.

The so called ‘communitarian’ theory has aptly helped capture the nature of this post-modern political thought profile and its effects on society. However, Communitarianism as a philosophy will be discussed later in the second chapter of our thesis. For the moment it would be interesting is to consider the foundational philosophical premises of the co-existence and ambivalence we observe in societies manifested by a desire for a strong ideological state

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<sup>346</sup> Rafael Alvira, “Lógica y sistemática de la sociedad civil”, 63-82. See also Stephen White, “Post Modernism and Political Philosophy”, *Routledge Encyclopedia of Philosophy*, (London: Routledge, 1998), 590-593.

(‘absolute’ as in Hegel or Hobbes or a ‘necessary conjunction’ of autonomous individuals as in Locke<sup>347</sup>) and the opposite desire for absolute individual freedom or Laissez faire as in David Hume and Adam Smith<sup>348</sup>. To venture into the diagnostic is complex. If we imagine a ‘continuum’ in the form of a connection between these extremes; one being the powerful state distinct from civil society as such and the other of absolute individual freedom, we will find philosophers along almost every part of that continuum. The fact that there are other variables of social life touching on other notions anthropology, economics, sociology and every scientific perspective makes things all the more complex. There is nevertheless, a certain concordance among historians and philosophers that in Hobbes’ ideas of liberalism and government<sup>349</sup> one finds almost every element of the modern philosophical underpinning of western political thought<sup>350</sup>. The second important philosopher (more than economist) we will consider is the Scotsman, Adam Smith and his *laissez faire* doctrine. Adam Smith posits man as *homo economicus* and from there constructs society. Both Adam Smith and Thomas Hobbes were interested in re-establishing the principles of society and government from basics and there is no doubt they were deeply affected by their environment in its entire ambit. However, what interests us more specifically would be their concepts of man’s autonomy viz-a-viz the state.

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<sup>347</sup> Rafael Alvira, “Lógica y sistemática de la sociedad civil”, 63-82

<sup>348</sup> P Rosanvallon, *Le libéralisme économique: Histoire de l’idée de marché* (Paris : Seuil, 1989), 138, in Raquel Lázaro, “El capitalismo de Adam Smith: Raíces antropológicas de su pensamiento económico y político”, *Revista Portuguesa de Filosofía*, vol. 65, 1-4, Braga, 425-443

<sup>349</sup> Leo Strauss, *The Political Philosophy of Hobbes* (Chicago: University of Chicago Press, 1963), 1. According to Strauss’ words, others before him had tried to get the modern answers to man and state, but it was he, Hobbes, who found the *nouva Scienza*.

<sup>350</sup> Alfredo Cruz, *La sociedad como artificio: El pensamiento político de Hobbes* (Eunsa, Pamplona, 1986), 33, 47. Professor Alfredo Cruz, not only sees Hobbes as the primogenitor of the modern state but adds that Hobbes’ political philosophy is the very *spirit of modernity*. He acknowledges that modernity was also steeped in the *Bourgeoisie spirit*, but since Hobbes is not bred by the bourgeoisie, rather by the nobility, he arrived at the same spirit following the distinct path of reason and not that of sociology. In him therefore one finds ideas both in concordance with the bourgeoisie and at the same time contrary.

## 1.2 Autonomy, Civil Society and ‘Leviathan’ in Hobbes

Hobbes’ principal views are set forth in the *Leviathan*, published in 1651, and in *De Cive*. These are concerned mainly with the origin of the state and civil society and the necessary conditions for assuring their stability. He begins his philosophical works by giving an account of natural bodies and then to ethics, and finally politics. The *De Corpore*, however, appears late, in 1655 when Hobbes was already sixty-seven years of age, and it appears after the political works. The order of Hobbes’ main works is as follows: In 1650 appeared *Human Nature* with its companion volume *De Corpore Politico*; in 1651 appeared *Philosophical Rudiments concerning Government and Society (De Cive)*, and in the same year *Leviathan*; *De Corpore* appeared in 1655 (with an English translation in 1656 entitled *Elements of Philosophy, the first section, Concerning Body*); finally *De Homine* appeared in 1658, dealing with the second section<sup>351</sup>. For our thesis on the key principles of the State, ‘Leviathan’ is the best work and has almost every idea developed in all of Hobbes’ works.

In his introductory letter of *De Cive*, addressed to the Right Honourable, William, Earle of Devonshire, Hobbes is emphatic that “Man to Man is a kind of God; and that Man to Man is an arrant Wolfe”<sup>352</sup>. Man to man is a kind of God compares citizens amongst themselves and the second is applied to a comparison between cities. Between cities there is brutal rapacity but between citizens there should be an analogy of similitude with God in the twin-sisters of justice and charity; between cities there exist the daughters of war, deceit and violence<sup>353</sup>. These two principles form a genesis and synthesis of his entire works. His thesis of man and state starts from the parts and moves towards the universal, in a de-construction followed by a reconstruction method. To do this he disowns the Greeks and the Roman philosophers having failed in providing an appropriate structure of human society and human beings. His disclaimer

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<sup>351</sup> R. I. Aaron, “A Possible Early Draft of Hobbes’ *De Corpore*”, *Mind New Series*, Vol. 54, No. 216, 1945), 342-356

<sup>352</sup> Hobbes, *De Cive (The Citizen): Philosophical Rudiments Concerning Government and Society*, Ed., Howard Warrender, (Oxford: Clarendon Press, 2002), 23.

<sup>353</sup> Hobbes, *De Cive*, 24

of previous philosophies nevertheless appears to be general, thereby implying that his own philosophy is the absolute starting point of any political and human philosophy. His wisdom, ‘the perfect knowledge of the Truth in all matters whatsoever’ is derived from balanced reason more than from what he calls *suddaine acutenesse* which we freely translate as upon a ‘sudden awareness’ or ‘immediate knowledge’ derived from an experiment or intuitively as it were<sup>354</sup>. According to him this is philosophy and it is the balanced reasoning of moving from ‘particular things to the inference of universal actions’<sup>355</sup>. He denies progress towards truth in the philosophies that preceded him declaring that in order to philosophize one cannot start from any point in a circle. Rather one has to start by what he calls the Principle of Tractation which John Mackinnon Robertson translates as the ‘satisfying principle of deduction’<sup>356</sup>. Reasoning begins from the darkness of the unknown wherein ‘the Clue of Reason’ resides and by the benefit of this clue we are led by the afore-mentioned principle into the clearest light, so that the Principle of Tractation is to hold us as if by hand from the darkness of the unknown. This principle is the light to help irradiate doubts. Hobbes philosophy is therefore complete on its own. “As often therefore as any writer doth either weakly forsake that Clue, or willfully cut it asunder, he describes the footsteps, not of his progress in science, but of his wonderings from it”<sup>357</sup>. His first reflections, based on this principle of deduction started, spontaneously, from justice. It was an accidental encounter with the starting point that happened in the darkness of ignorance. Here he concludes that justice arises from ‘consent’ (for what nature first laid forth in common, men did afterwards distribute into severall Impropriations,...his inclosure; And I found the reason was, that from a community of goods, there must needs arise contention whose enjoyment should be greatest, and from that contention all kinds of calamities must *unavoydably* ensue, which in the instinct of Nature man is taught to shun’<sup>358</sup>. One could also suggest that this starting point in justice also presupposes an assumption; that assumption being that he recognizes man in a kind

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<sup>354</sup> Hobbes, *De Cive*, 24-25

<sup>355</sup> Hobbes, *De Cive*, 25

<sup>356</sup> J.M. Robertson, *A Short History of Morals* (New York, Lennox Hill, 1970), 215

<sup>357</sup> Hobbes, *De Cive*, 26

<sup>358</sup> Hobbes, *De Cive*, 27

of society since justice cannot be lived within oneself. In the individual, it turns out later, there is absolute license to please oneself and to gain and to preserve one-self as far as possible from pain and death. The limit of this freedom being the ‘other’ individual who may be stronger than the previous and therefore destroy him and take his property.

Every action of man is therefore made utilitarian by Hobbes. He admits two principles; one is that man’s actions have two terms, the desire to appropriate the things in which all others have a joint interest and the other arising from the rational desire for joint-interest arising from fear of the other. The latter principle of reason advises man to avoid the natural tendency to ‘natural-dissolution’ through violence (hence by nature man is violent, an *arrant wolfe*). This agreement is reached through the absolute necessity of “*Leagues and Contracts*” and from there derive the “*rudiments of both morall and civill prudence*”.<sup>359</sup> We agree with Alfredo Cruz Prados, Jesseph and Watkins opinions that Thomas Hobbes that the principles above point to influence from the School of Padua, especially, the mathematical principles of motion from Galileo Galilei<sup>360</sup>. Jesseph argues that the Galileo influence on Hobbes is well developed in his work on *De Corpore*, in which Hobbes enjoins Galileo’s theory on natural philosophy and intends, in his work on *De Corpore*, to extend it<sup>361</sup>. If one is to summarize what all these implies in view of our topic on an ‘artificial’ political society as opposed to a natural political society, then it would be that society is formed by citizens who are essentially like atoms. Call it atomism. The parts of society are enjoined through the force of state power but are naturally meant to be separate pieces. State power and society is therefore meant to be the ‘cake’ from which each eats his part and immediately goes back to his solitude.

Hobbes is radically rationalist. Jesseph’s substantial work on Galileo’s influence on Hobbes allows certainty as to the depth of impact of Galileo’s laws of motion on Hobbes.

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<sup>359</sup> Hobbes, *De Cive*, 27

<sup>360</sup> Alfredo Cruz Prados, *La sociedad como artificio. El pensamiento político de Hobbes*, 66. See also Michael Douglas Jesseph, “Galileo, Hobbes, and the Book of Nature”, *Perspectives on Science*, Vol. 12, No. 2, MIT Press, (2004), 191-211

<sup>361</sup> Michael Douglas Jesseph, “Galileo, Hobbes, and the Book of Nature”, 191-211.

Hobbes having literally understood law of motion as the principle underlying any corporeal movement and nature, Jesseph concludes that Hobbes had found the key to unlocking the ‘complete account of nature’. To wit, “all phenomena, from qualities like temperature or color, to mathematical objects like proportions or parabolas, to the very nature of human reason itself must be understood as arising from the motions of material bodies”<sup>362</sup>.

Hobbes is essentially a Deist of the kind that accepts man as the definitive representative of God on earth. Religion is a series of sayings from which each individual is to interpret what he finds fit. He is totally against any supernatural principles or as it were religious organization *per se*. Hobbes thinks that there is no intrinsic value in things and more so in moral apothegms (witty sayings). Therefore, the only way to uphold morality is to turn to religion, an unquestionable authority which by its powerful word grants what is right and wrong. Even then this authority is arbitrary in application since it has to be open to individual interpretation regulated by general human conduct towards survival. Customs and, in general, the conventional rule is void of meaning for it is entirely reduced to its material mechanical dynamics – laws of motion<sup>363</sup>. Very exuberant about his thesis on the deductive model based on geometry, he now has the tools to deconstruct and the *reconstruct* a society based on a true ‘political science’. Thomas Hobbes of Malmesbury generally takes for granted human society. If he starts from Justice spontaneously it is also true that it is because he presumes society. Specifically, in reference to England and Europe he holds that the gross disorder was the result of *ignorance*. Its history on the other hand was a mere registry of human actions based on the laws of motion. Political science therefore is the corner stone on which human society is to be constructed a new always keeping in mind that reality has to be ‘calculated’, by human reason. Otherwise, it would not be a true political science and, not being a true effective political science, society will but remain in disorder and chaos.

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<sup>362</sup> Michael Douglas Jesseph, ‘conclusions’ of “Galileo, Hobbes, and the Book of Nature”, 208

<sup>363</sup> Alfredo Cruz Prados, *La sociedad como artificio. El pensamiento político de Hobbes*, 92

Hobbes feared chaos; he needed order and assured safety. He mentioned that when his mother gave birth to him prematurely, she bore twins, Hobbes and fear. He needed assurance of peace and safety. Such a political science would provide the assurance of an orderly state. The Spanish Armada at the time of his birth and the English Civil War (1642–1651) right at the time he wrote his ‘Leviathan’ were to him problems of constructing society using equivocal methodology<sup>364</sup>. Human reason is able to, and should, overcome internal social strife and human suffering. When society dissolves itself internal strife, as it were, from intestinal disorder, the problem squarely lies in those who are govern, construct or order society. Thus he says in Leviathan, to quote, “though Sovereignty, in the intention of them that make it, be immortal; yet is it in its own nature, not only subject to violent death, by forreign war; but also through the ignorance, and passions of men, it hath in it, from the very institution, many seeds of a naturall mortality, by Intestine Discord”<sup>365</sup>.

Hobbes religion has no signs, nor ‘fruit’ except that of man; so that when we believe we believe in a man<sup>366</sup>. Man is *but like an object moved according to the laws of motion*. Society is the conjunction of free autonomous individuals. There is really no profound value of things beyond their names (nominalism)<sup>367</sup>. The foundation of all effects is in the law of motion (geometry) and that ethics is relative to man’s interpretation and to be based on the free

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<sup>364</sup> G.A.J. Rogers and A. Ryan, *Perspectives on Thomas Hobbes* (Oxford: Clarendon Press, 2002), 1. Rogers tells us that Hobbes wrote his autobiography when he was 84 years old. He wrote it in Latin verse.

<sup>365</sup> Hobbes, *Leviathan*, The English Works of Thomas Hobbes of Malmesbury, Ed. E.W., Molesworth, vol. III, (London: John Bohn, 1966), II.XXI, 208

<sup>366</sup> Hobbes, *Leviathan*, 94

<sup>367</sup> Hobbes, *Leviathan*, 22-23. See also, Stewart Duncan, “Thomas Hobbes”, *The Stanford Encyclopedia of Philosophy* Edition, (2009), ed. Edward N. Zalta, <http://plato.stanford.edu/archives/spr2009/entries/hobbes>. Stewart explains that Hobbes is a nominalist because he believes that the ... word ‘tree’ is a universal or common name that names each of the trees. There is one name, and there are many trees. But here is not, Hobbes argues, some further thing that is the universal tree. Nor is there some universal idea that is somehow of each or all of the trees. Rather, ‘tree’ names each of the trees, each of the individuals to which the term applies (not, note, the collection of them). What matters, Hobbes says, is that “we remember that vocal sounds of this kind sometimes evoke one thing in the mind, sometimes something else”.



interpretation of an authoritarian sovereign (religion). History<sup>368</sup> and customs are no more than a mere registry of past physical movements without deeper meaning. One therefore understands Hobbes' desire to construct a society voluntarily, in which a sovereign should 'move' all things in one accord by his totalitarian authority without question and all should submit to that authority considering that without it there is no peace. But how does one define such a state? Addressing himself to Francis Godolphin, brother to his friend Sidney Godolphin (1610-43), who had dedicated £200 upon his death bed<sup>369</sup>, Thomas Hobbes called his society 'Leviathan' and his discourse is 'my discourse on the commonwealth'.

His commonwealth is defined as "One Person, of whose acts, a great Multitude, by mutuall Covenants, one with another, have made themselves every one the 'Author', to the end he may use the strength and means of them all, as he shall think expedient, for their Peace and Common Defence."<sup>370</sup> In another place he describes this 'Leviathan'<sup>371</sup> as that civil society where "the Multitude so united in one Person, is called a Common Wealth, in Latin Civitas". Malcolm studies a Parisian Capuchin, Jacques Boldoc as having possibly played an important role in suggesting Hobbes' manner of thinking with regard to the name 'Leviathan'. As it is Boldoc suggests that in the biblical book of Job the word Leviathan was to be understood as Leviathan was to be understood as the totality of fishes and scaly creatures; or as an animal whose scales were closely joined together; or because it was the phenomenon of many fishes coming together in the sea; or because it was an animal which acts like the 'chief and king' of

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<sup>368</sup> Hobbes defined two kinds of knowledge; viz, knowledge of fact (nothing but sense and memory or history) and of science or philosophy which is the Knowledge of Consequences. Of history there are two kinds, natural history of facts without dependence on will and civil history of voluntary human actions. There are two kinds of sciences therefore; consequences from accidents which he calls natural philosophy and consequences from accidents of politics which he calls civil philosophy. Hobbes, *Leviathan*, 71-73

<sup>369</sup> Hobbes, *Human Nature and De Corpore Politico* (Oxford: Oxford University Press, 1994), 284

<sup>370</sup> Hobbes, *Leviathan*, 158

<sup>371</sup> Noel Malcolm, "The Name And Nature of Leviathan: Political Symbolism and Biblical Exegesis", *Intellectual History Review*, 17: 1, 29-58, 2007). Malcolm's research on why Hobbes chooses the name 'Leviathan' derives an extrinsic influence on Hobbes mainly from Jacques Boulduc Boulduc, *Commentaria in librum Iob*, 2 vols., Paris, vol. 2, (1637). Boldoc sees the name as referring to 'the joining together and, as it were, union or sticking together of them', with 'of them' in the feminine standing for the neuter, meaning 'of many things'. See Jacques Boulduc, *Commentaria in librum Iob*, 2 vols., Paris, vol. 2, (1637), 927

innumerable fishes, and ‘brings with it a remarkable entourage and a distinguished accompaniment, for its majesty’s dignity’<sup>372</sup>. Other important analogies of the word Leviathan in Christian biblical and Jewish traditions coalesce in the idea of Leviathan being a representation of the Devil or the Dragon in the form of a twisted sea or land creature<sup>373</sup>. In short, there are several authors who believe that Leviathan is a word representing a primeval creature militating against the true God.

His political theory is meant to generate and sustain a great Leviathan, or rather that “Mortal God”, to whom we owe, our peace and defence. For by his Authority, “deriving from every particular man in the Common Wealth, he hath the use of so much Power and Strength conferred on him”, that by terror he can form the wills of all citizens. Only in this way will there be to peace at home and mutual help against common enemies abroad. The multitude is formed of individuals who in concord want to defend themselves from the invasion of foreigners, and from the injuries that may arise from co-existence. Once this peace is achieved each man in that society will enjoy the fruits of his own individual work, “and by the fruits of the Earth, they may nourish themselves and live contentedly”<sup>374</sup>

It is to this way of thinking that we owe Thomas Hobbes the original Social contract theory one finds in John Locke and Jean-Jacques Rousseau and many other enlightenment philosophers. It is a central pillar of modern liberal democracy. Society, ‘*civitas*’ is a contract between the citizens and the King. Citizens are individuals who have a ‘natural’ liberty. Gordon Schochet (1967) reminds us of Hobbes’s famed classic description of natural society as “mere objects in a brutish state”. Brutish in nature but retaining hope in the absolute King who rules his citizens with fear to ensure that order is sustained in society. Hobbes is the savior of the people who in their natural state have, “no Arts; no Letters; no Society; and which is worst of all, continuall feare, and danger of violent death; And the life of man, solitary, poore, nasty, brutish,

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<sup>372</sup> Noel Malcolm, “The Name And Nature of Leviathan: Political Symbolism and Biblical Exegesis”, 928.

<sup>373</sup> Noel Malcolm, “The Name And Nature of Leviathan: Political Symbolism and Biblical Exegesis”, 928

<sup>374</sup> Noel Malcolm, “The Name And Nature of Leviathan: Political Symbolism and Biblical Exegesis”, 928

and short.”<sup>375</sup> This is the natural condition of mankind and his destiny, which really is not the perfect destiny but the only solution to the evil state in which man finds himself as an individual: a state very different from the original state of man which must have been happier. Gordon Schochet quotes John Bramhall (1655)<sup>376</sup>, Maine, Henry Sumner<sup>377</sup> (1906) and Gooch G.P. (1946)<sup>378</sup> who all agree with Sir Robert Filmer, in opposing the Hobbesian theory of original and natural freedom and equality<sup>379</sup>.

Recent research on Hobbes shows that he was probably the father of Empiricism. He was also a materialist and a nominalist against Plato, Aristotelian and Cartesian models. He influenced Leibnitz, Hume and Locke. Hume’s has a close resemblance to Hobbes's view about decaying sense and has modeled it significantly on Hobbes Elements of Law. Locke's empiricism (i.e. anti-nativism), his attention to language and its workings and related errors, his granting at least the possibility of materialism being true, and his skepticism about revelation is close to Hobbes.<sup>380</sup> Locke’s connections to Hobbes, though perhaps not obvious, are there<sup>381</sup>.

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<sup>375</sup> Hobbes, *Leviathan, or the Matter, Forme, & Power of a Common-Wealth, Ecclesiasticall and Civill*, ed. W.G. Pogson Smith (Oxford: Oxon Univ Press, 1909), 97, 94, 98; in Gordon J. Schochet, “Thomas Hobbes on the Family and the State of Nature”, *Political Science Quarterly*, Vol. 82, No. 3, (Sep., 1967), 427-445

<sup>376</sup> John Bramhall, *A Defence of True Liberty from Antecedent and Extrinsicall Necessity*, (London, 1655), 107

<sup>377</sup> Henry Sumner Maine, *Ancient Law: Its Connection with the Early History of Society and Its Relation to Modern Ideas*, ed. Frederick Pollock, (New York, 4th American ed., 1909), 250. He wrote, “It is some shifting sandbank in which the grains are Individual men, that according to the theory of Hobbes is hardened into the social rock by the wholesome discipline of force.... But Ancient Law, it must be repeated, knows next to nothing of Individuals. It is concerned not with Individuals, but with Families, not with single human beings, but groups.”

<sup>378</sup> G. P. Gooch, *Political Thought in England: Bacon to Halifax* (London, 1946), 34. He has said against Hobbes’ conception, that “the unit of primitive society was not, as [Hobbes] imagined, the individual, but the family or some other group.

<sup>379</sup> Robert Filmer, “Observations Concerning the Originall of Government”, ed., Peter Laslett, *Patriarcha and Other Political Works* (Oxford, Oxford Univ. Press, 1949), 241. Robert Filmer could not understand how this right of nature can be conceived without imagining a company of men at the very first to have been all created together without any dependency one of another, or as mushrooms (fungorum more) they all on a sudden were sprung out of the earth without any obligation one to another, as Mr. Hobbes’s words are in his book *De Cive*, chapter 8, section 3; the scripture teacheth us otherwise, that all men came by succession, and generation from one man: we must not deny the truth of the history of the creation.

<sup>380</sup> P. Russell, “Hume’s Treatise and Hobbes’s The Elements of Law”, *Journal of the History of Ideas*, Vol. 46, (1985): 51–64. See Stewart Duncan, “Thomas Hobbes”, *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, <http://plato.stanford.edu/archives/spr2009/entries/hobbes/>

<sup>381</sup> G.A.J. Rogers and A. Ryan, *Perspectives on Thomas Hobbes* (Oxford: Clarendon Press, 2002), 184-204

Rogers and Ryan (1988, 2002, 194) explore the fact that Locke never really escaped the shadow of *Leviathan*, and was accused by Newton of having *Hobbes'* tendencies. Locke would have agreed with Hobbes that our belief in God arises from God's *irresistible power* (power in the sense that it inspires fear)<sup>382</sup>.

Aristotle explains that society has its primordial inception in the union between man and woman, who cannot by nature live one-without-the-other; that they make a family and out of this a village ensues, and finally the self-sufficing state. Thomas Hobbes uses a deductive method of deconstructing society and, through a reductionism, explains the family structure based on the same principles as those of the state. After doing this he then attributes the family spirit analogously to the state<sup>383</sup>. Schochet (1967) holds that Hobbes did not see the society having a patriarchal genesis in the family. Hobbes nevertheless, did admit of the pre-social family borne of a patriarchal power. Hobbes did admit analogies between the family and the state. He says, in his little known, 1666, dialogue between a Philosopher and a Student of the Common Laws of England, that the beginning of all dominion, has its ancient source in families. In the family the father is absolute lord of his wife and children (one would presume even slaves but it does not add anything to the argument). Not only is the father of this family absolute lord, but that he made the laws, was judge of all controversies, was not answerable to any one as judge and followed no law but his own. Private property was whatever land the man sat upon. He made use of it for his own good and that of his family through the law of first possession or the law of war depending on whether the land had no inhabitants or if it had any the father won it by war. Any possessions they took and in particular the people who lost the war became servants (here the term 'slave' is substituted by the term 'servant'). Other servants came to dwell in the same land because they offered their artistic capabilities or praxis in substitute for security. They came to

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<sup>382</sup> G.A.J. Rogers and A. Ryan, *Perspectives on Thomas Hobbes*, 204

<sup>383</sup> Hobbes, *Leviathan*, E.W., Vol. 3, 190. Hobbes says that, "in sum, the rights and consequences of both paternal and despotical dominion are the very same with those of a sovereign by institution...for the sovereign is absolute over both alike".

dwell in the family for protection, became their subjects, and submitted themselves to the laws of the family<sup>384</sup>.

Hobbes attributed many of the characteristics of sovereign rule to the primitive father. Patriarchal rule however is not a monarchy. Even though he accepted that Adam may have been the first family and that he lived primordially in a society this society was no scientifically structured. The reason is simple; Hobbes holds that this is religion and we know that he held religion to be generally superstitious and a belief in the ignorant laws other men had placed as history. That is, religion is based on, opinions of ghosts, ignorance of second causes, devotion towards what men fear and the taking of things causal for prognostics<sup>385</sup>. In *Leviathan*, he holds that the family was a small kingdom. With regard to the Rights of Sovereignty, a great family, if it is not part of some Commonwealth, is of itself, like, a little Monarchy. This is so regardless of whether that Family consists of a man and his children; or of a man and his servants; or of a man, and his children, and servants together: wherein the Father or Master is the Sovereign. The Family is not properly a Commonwealth unless it has the power of numbers and has been subdued without the hazard of war<sup>386</sup>.

There was patriarchal sovereignty but not as a result of procreation otherwise the mother would have the same power as the father. Philip Abbott also holds that Hobbes desire to reconstruct the family at the basis of a society, which is actually based on extreme rationalist individualism, is at best ambiguous. His family is based on the contractual theory which does not allow equality and is concerned with members who reluctantly enter into the conventional contract as a result of fear. In both the state and the family, the individual is cut out as one seeking reluctantly for a society where he will find pleasure and avoid pain and the absolute ruler is cut down to one who forces the members of society to submission<sup>387</sup>. The first ambiguity is

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<sup>384</sup> Hobbes, *Dialogue Between a Philosopher and a Student of the Common Laws of England*, E. W., vol. VI, 147.

<sup>385</sup> Hobbes, *Leviathan*, E.W., Vol. 3, 98

<sup>386</sup> Hobbes, *Leviathan*, E.W., Vol. 3, 157.

<sup>387</sup> Philip Abbott, "The Three Families of Thomas Hobbes", *The Review of Politics*, Vol. 43, No. 2., (Apr., 1981), 242-258

that Hobbes refuses to insert the ‘child-son’ wholly into the frame of his contractual theory. He is however, pre-Freudian in the sense that he deconstructs the family and reconstructs it as the post-primal crime family. This means that the only reason that the child, upon reaching the age of reason, should not kill his father and take over the property is that if there are many children then they are equal and therefore none can take the property. Otherwise they would all be dead. Abbott points out that Freud, in ‘Totem and Taboo’<sup>388</sup>, the totem or law of incest is supplied by the same reason<sup>389</sup>.

A clear Ambiguity arises here because while he seems to agree that the pre-society is made up of many families and that coming together is confronting the fear of an imminent threat, the first society is derived from a multitude sufficient-to-confide-in for the sake of security being equally strong or higher in number in comparison with the enemy. There is no doubt that if there were pre-society families then the society naturally had families even though he denies this very specifically<sup>390</sup>. Another ambiguity is that although Hobbes is a rational individual who submits to a sovereign for the sake of pleasure and to avoid the pain of the natural brutishness, the state of nature is composed of tightly organized household units that face one another in a condition of war. The Patriarch has to subdue all and submit them to his rule. Lets us keep in mind that in Hobbes motherhood is all the time a possession and therefore does not really offer any discussion. Hobbes nevertheless, did not bring anarchy into the family household after deconstructing the society into rational individuals. The members of the household are subdued individuals, and at best an empty shell<sup>391</sup>. Hobbes’ axiom that “all society is either for gain, or for glory; that is, not so much for love of our fellows, as for the love of ourselves”<sup>392</sup>. On the same note he opines that while God ordained equal authority in both parents, he left it to them to

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<sup>388</sup> Sigmund Freud, *Totem and Taboo*, trans. A.A. Brill (New York, 1946), 146; in Philip Abbott, “The Three Families of Thomas Hobbes”, 242-258

<sup>389</sup> Philip Abbott, “The Three Families of Thomas Hobbes”, 248

<sup>390</sup> Hobbes, *Leviathan*, E.W., 154

<sup>391</sup> William J. Goode, “Family Disorganization”, in *Contemporary Social Problems*, eds. Robert K. Merton and Robert Nisbet (New York, 1976), 543, in Philip Abbott, “The Three Families of Thomas Hobbes”, 242-258

<sup>392</sup> Hobbes, *Man and citizen*, E.W., 112-113; Philip Abbott, “The Three Families of Thomas Hobbes”, 242-258

determine the locus of authority for “no man can obey two Masters.” At this point the reasoning becomes confused. States normally recognized paternal authority as resting in the father “because for the most part Commonwealths have been erected by the Fathers, not by the Mothers of families.”<sup>393</sup> This logic helps him avoid the theory of a ‘necessary creation’ and ‘necessary law’ historically and therefore a society sustained by God the Supreme Being. God did create, but he left ‘Leviathan’ manage the affairs of the earth.

Hobbes believes in natural equality of man and thus man should be humble, meek, and content with equality<sup>394</sup>. To divide property shall be according to number and that this will be a decision by the one that is mighty. Equality is a law of nature, although human pride would not have it that way for comparisons arise and after this provocation. Every man is his own judge by nature and everyman’s strength and mind for his own use. Every man has a right to all things and therefore men by nature are in a state of war. As soon as there is inequality such as arises from war and victor, the might is right. This deduction which explains how peace is to come about makes peace the result of reason. The four powers of the natural human body are strength of body, experience, reason and passion<sup>395</sup>.

### **1.3 Hobbes Concept of Civil Society and Social Anthropology**

However, there are certain distinctions regarding the state between Locke and Hobbes. Locke saw in the development of the body politic of civil society the form of a state that would safeguard the rights to life, freedom, and property on the basis of an application of the law of nature that was more consistent than that of the state of nature. Hobbes and J. J. Rousseau presented the state of nature as either arbitrariness or the absence of property, and they depicted the state as the subordination of the population to the Sovereign or to the General Will<sup>396</sup>. Hobbes perceives civil society as entailing ‘the protection of individual rights and the needs of

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<sup>393</sup> Philip Abbott, “The Three Families of Thomas Hobbes”, 242-258

<sup>394</sup> Hobbes, *De Corpore Político*, E.W., vol. IV, I.V, 113

<sup>395</sup> Hobbes, *De Corpore Político*, E.W., Vol. IV. I.I. 82

<sup>396</sup> George F. McLean, “Civil society as Democratic Practice”, Eds. Gueye Perez, F. Yang, VII, vol. 22, (2005), 13  
<http://www.crvp.org/book/Series07/VII-22/front.htm>

the rich in order to secure freedom in economic, social and cultural arenas'. Hobbes also describes civil society as the 'economic, social and cultural activity outside state control or coercion'. For him civil society is insuperably inserted in the state by discarding ones natural rights and entering into a contract renouncing all natural rights in favor of the sovereign, who has then the power of ruling over all members of society. That having been said, Hobbes understood that "the Originall of all great, and lasting Societies, consisted not in the mutuall good will men had towards each other, but in the mutuall fear they had of each other". "We doe not therefore by nature seek Society for its own sake, but that we may receive some Honour or Profit from it"<sup>397</sup>. This leads us back to the question of liberty and freedom in Hobbes.

According to Russell Hittinger, Hobbes perceives man as the sole power who generates the pre-moral or amoral claims of rights.<sup>398</sup> Man is not born fit for society but solitude, on the other hand, is an enemy. It is the fear of this enemy that compels man into making bonds with others through 'faith and contracts'; and this in turn make men social necessarily. But, by human nature society is not present as such because at infancy man is inept for society and some indeed, remain so the whole of their lives<sup>399</sup>. Man without fear and dominion by another, voluntarily accepted by each individual in society, is not able to live freely or with liberty. He is at the mercy of enemies. Therefore, he holds as nonsensical the Aristotelian notion that man is *homo politicus*<sup>400</sup>.

A human natural right is based on the fact that every man has to protect his life and that of his [physical body] members. It is in vain that man has the natural right to the end and not the means to achieve it. Therefore Hobbes believes that the end justifies the means. In his own words, "it is in vain for a man to have a right to the end, if the means be denied him, it follows,

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<sup>397</sup> Hobbes, *De Cive*, E.W., vol. 2, 2

<sup>398</sup> Russell Hittinger, *The First Grace: Rediscovering the Natural Law in a Post-Christian World*, xix

<sup>399</sup> Hobbes, *De Cive*, E.W., vol. 2, 2

<sup>400</sup> Hobbes, *De Cive*, E.W., vol. 2, 2



that since every man hath the right to preserve himself, he must also be allowed the right to use all the means, and do all the actions, without which he cannot preserve his life”<sup>401</sup>.

By nature, furthermore, every person has a right to everything, before there are any covenants or bonds (societies), to do what he would, and against whom he thought fit, and to possess and use and enjoy all what he would or could get. What man wants is because he wills it. This also illustrates that Hobbes was an adept in voluntarism. In human beings the cognitive capacity of understanding is a sort of imagination; that is, the faculty of imagining is responsible for understanding. Humans can also understand the “conceptions and thoughts” of others. The mind contains sense, imagination, and the workings of language, and no further rational faculty, such as the Cartesian immaterial mind that can grasp natures by clear and distinct perception<sup>402</sup>.

Alfredo Cruz Prados affirms that Hobbes’ voluntarism is also based on his affirmation that the human character is irretrievably determined by passions<sup>403</sup>. In the Aristotelian classical sense passions played a significant role in the process of forming one’s character or virtues, but the passions were always guided by the will or volition of a person in a concomitant way with the intellect. That is, the intellect knows the good and the will seeks that good in action with the passions as the last instance. However, in Hobbes this idea is reversed. Hobbes reduced the cognitive function to the sensible or to the senses. Hence, in tandem with this thought all human appetite leading to human action is reduced to the sensitive appetite. If Hobbes accepted that the sensible appetite follows knowledge of the good as Aristotle points to, it is not because the intellect has a natural tendency towards the good, but rather he had reduced cognition to

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<sup>401</sup> Hobbes, *De Cive*, E.W., vol. 2, 9

<sup>402</sup> Stewart Duncan, “Thomas Hobbes”, *The Stanford Encyclopedia of Philosophy* Edition, (2009), ed. Edward N. Zalta, <http://plato.stanford.edu/archives/spr2009/entries/hobbes>

<sup>403</sup> Alfredo Cruz Prados, *La sociedad como artificio. El pensamiento político de Hobbes* (Pamplona: Eunsa, 1986), 175-198.

imagination. The imagination is the first internal beginning of all voluntary motion<sup>404</sup>. The voluntary motions evident in animals according to Hobbes are the vital and the animal motions.

The vital motion begins at birth and continues throughout life uninterrupted and is what we would normally refer to as the human autonomic nervous system which is the conditioned part of the nervous system that is not under conscious control and that regulates the internal organs. It includes the sympathetic, parasympathetic, and enteric nervous systems. The first, which connects the internal organs to the brain via spinal nerves, responds to stress by increasing heart rate and blood flow to the muscles and decreasing blood flow to the skin. The second comprises the cranial nerves and the lower spinal nerves, which increase digestive secretions and slow the heartbeat. Both have sensory fibers that send feedback on the condition of internal organs to the central nervous system, information that helps maintain homeostasis. The third division, embedded in the walls of the stomach and intestines, controls digestive movement and secretions. In Hobbes these are simply described as pulse, breathing, the concoction, nutrition, excretion and so on<sup>405</sup>.

Animal ‘motions’ are strictly voluntary motions deriving from conscious human actions; such as talking, walking, and moving any part of the body according to the imagination or too use his words according to the “manner as is first fancied by our minds”<sup>406</sup>. Many of these external movements are common to both human beings and animals as Prados explains<sup>407</sup>. Imagination therefore remains closed to theoretical discussion and totally open to sensible appetite. This is truly what we call voluntarism; acting according to fancied imagination, according to ones sensual desires and that action has its value ‘immediately’ upon acting according to our desires. Deliberation in the mind is the sequence of disparate appetites or passions. At once there arise appetites and aversions all at the level of the imagination. There are

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<sup>404</sup> Hobbes, *Leviathan*, E.W. vol. III, 39, in Alfredo Cruz Prados, *La sociedad como artificio. El pensamiento político de Hobbes*, 175

<sup>405</sup> Hobbes, *Leviathan*, E.W. vol. III, 38

<sup>406</sup> *Ibid.*

<sup>407</sup> Alfredo Cruz Prados, *La sociedad como artificio. El pensamiento político de Hobbes*, 176

also hopes and fears in relation to one and the same thing and also diverse good or bad consequences in doing or omitting to do any proposed action. All this accost our minds until a thing is done or considered impossible.

These aversions, hopes, desires and fears arising in the mind are what we consider deliberations. They are passions and can be classified as appetite, desire, love, aversion, hate, joy, and grief<sup>408</sup>. The will (ultimately a sensual desire or reaction to an imagination evoked by sensible experience) comes last after the ‘deliberation’ of all these passions or appetites in the mind. Hence, he says that the last appetite or aversion after deliberation is what we call ‘will’. Thus one arrives at the same conclusion already mentioned before, that volition in man is nothing more than appetites, the last chain link in the ‘deliberative’ process of the passions; and secondly we also conclude that by nature man is amoral.

The ultimate consideration ‘alights’ upon the definition of liberty, emptied of all cognitive value and subjected totally to the mechanical processes of ‘deliberating’ passions in the mind, the last of which is volition – when an act is accomplished or omitted. In Chapter 21 of ‘Leviathan’ the principle that liberty and necessity are consistent is established. When one proceeds according to his will he necessarily is acting freely, much like a river follows its cause necessarily. Actions realized are immediate and final and there lies our liberty. His words are very religious when he says “and therefore God, that seeth, and disposeth all things, seeth also that the Liberty of man in doing what he will, is accompanied with the Necessity of doing that which God will, and no more, nor lesse”<sup>409</sup>. When an action, willed in the Hobbesian sense, does not encounter any impediment it is free. If therefore, the impediment is also willed mechanically, Prado concludes that there is unavoidable determinism in Hobbes.

We cannot really change the mechanical circumstances which impact on us and therefore the law of motion remains constant. Human action as animal motion is therefore ‘determined’ by

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<sup>408</sup> Hobbes, *Leviathan*, E.W. vol. III, 43

<sup>409</sup> Hobbes, *Leviathan*, E.W. vol. III, 197

objects and motions external to the individual. Hobbes' materialism is coherent to the extremity of confusing liberty with determinism. In a similar way fear and liberty are consistent because the fundamental reason for all human action is the fear of death or of the enemy outside. Freedom is in the 'doing' not in the 'choosing' and when one does not follow this notion of liberty by determinately following the chain of imagination or 'deliberation' he is said to be ignorant and in danger of perishing from external enemies. Liberty or freedom is relative to mechanical movement and since this is a physical law as such, freedom is equal among all men. Since freedom is according to doing an action, and power is a property or condition of agency, then one can be said to be most powerful when one overcomes any obstacle indisposed to one's action or will.

#### **1.4 Hobbes Moral Theory and Justice**

From appetites derived from sense passions caused by external objects impacting (law of motion) on our imagination, one can also derive from them the moral theory of Hobbes. Volition as we have concluded is ultimately self conservation, from fear - the source of all human covenants. It is therefore not an action leading to perfection but to conserve from fear. It is to do or act immediately for self-conservation and humans have very little they can do to control this process of 'deliberation'. Deliberation in Hobbes as Prados points out is fundamentally conclusive<sup>410</sup>. The twinning of mechanical movement and liberty also leads one to the conclusion that any existent object or phenomena is as free as a human being is free. A stone Prados says for just by 'being' or existing is not less free in relation to man.

Starting from fear, the act of two human beings willing to mutually convey their rights to each other is called a contract. Where there is recognition given that one to perform an action according to the contract in future, that is called covenant or promise. In covenants we give our rights away by words signifying the future. Liberty ceases where obligation begins and there one

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<sup>410</sup> F.S. McNeilly, *The Anatomy of Leviathan*, Macmillan (New York, St Martin's Press, 1968), 23, in Alfredo Cruz Prados, *La sociedad como artificio. El pensamiento político de Hobbes*, 181

must be trust the other. This he terms the second law of nature; viz, to perform contracts or to keep trust<sup>411</sup>. By nature men desire what is good for them and avoid that which is hurtful. Yet, the greatest mover of choice in man, that is, his voluntarism is the fear of death. Therefore, man does everything in his power to preserve his own body and limbs from death and pain. This understanding all takes place within the realm of words and understanding and speech as explained above. The question of whether it is good or evil does not really arise. In fact, it is good for the sake of the individuals in a selfish way. That is, the covenants are but the desire to take advantage of the peace that ensues and to pursue ones individual desires freely<sup>412</sup>. An injury to another only applies to two or more who have entered into a covenant or contract. One cannot injure someone who is not part of the contract to form a society. Hence, with this it follows that another country or nation or community is naturally an enemy until a contract is signed between the two states.

Justice in Hobbes was his first step in search for true moral philosophy of human society and activity. It is a word he stumbled upon as he says in *De Cive*, in his prolog addressed to the Right Honourable, William, Earle of Devonshire, from the darkness. Having stumbled upon this word he was led to the light as it were from his principle of Tractation. In that light he understood that the principle of justice is as a result of consent among men and not by nature. This consent is further derived from two maxims of human nature; that of the concupiscible appetite which desires to appropriate to itself the use of those things in which all others have a common interest; and that of the rational which is the instinct for self preservation. Regarding the last he says, “the *rationall*, which teaches every man to fly a contre-naturall Dissolution, as the greatest mischief that can arrive to Nature”<sup>413</sup>. Justice between men is divided into that of men and that of actions<sup>414</sup>. Just and unjust or justice and injustice are equivocal he continues, for they signify one thing when attributed to persons and another when attributed to actions. As we have

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<sup>411</sup> Hobbes, *De Cive*, E.W., vol. 2, p 29

<sup>412</sup> Hobbes, *De Cive*, E.W., vol. 2, 30

<sup>413</sup> Hobbes, *De Cive*, E.W., vol. 2, vii

<sup>414</sup> Hobbes, *De Cive*, E.W., 32

said above there is no justice or injustice in the state of nature, that is, where there are no covenants because human nature is not societal but needs society. It is brutish.

“The definition of injustice is simply the non- *performance of covenant*. Whatsoever is not unjust is just.”<sup>415</sup> However, there may be obligatory covenants in the state of nature; viz, those “Covenants entered into by fear, in the condition of mere nature”<sup>416</sup>. Commenting on McNeilly and Watkins, Prados’ concludes that obligation to the law in Hobbes is as a result of fear. The law in Hobbes is but an utterance of the doing or not doing as explained above. The doing or not doing is voluntary according to the mechanical deliberation of passions or appetites in our minds. Therefore the law uttering what is to be done or avoided is but an utterance of what man would have done anyway in order to survive. In this sense McNeilly and Watkins conclude that the law acts like an exigency of our freedom<sup>417</sup>. It gives an impulse to what our freedom would have anyway led us to – and that is primarily – to survive.

In this sense a human right is defined as the doing or not doing while obligation to fulfill or obey a law is only an exigency of freedom which we desired in order to survive or alternatively for fear of death or harm or the brutish state. If Hobbes agrees to Plato’s definition of justice (which is also in accord with Aristotle and Thomas Aquinas), ‘to give to each his due’, referring though to the thought “that any man should call anything rather his *own*, than *another man’s*”. He answers that this justice can only happen where there is a contract. And we have already seen that he concludes this because, for what nature at first laid forth in common, men did afterwards distribute into several *impropriations*.<sup>418</sup> Justice is therefore equality but does not include the concept of equality of ‘proportional allocation of rights’ in Aristotle. It is a mathematical equality based on an atomic or materialistic concept of man.

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<sup>415</sup> Hobbes, *Leviathan*, E.W., 15

<sup>416</sup> Hobbes, *Leviathan*, 14.27 and 15.5

<sup>417</sup> Alfredo Cruz Prados, *La sociedad como artificio. El pensamiento político de Hobbes*, 192

<sup>418</sup> Hobbes, *De Cive*, E.W., Vol. 2, vi

We propose in this thesis and agree with Alfredo Cruz Prados that Hobbes used the same terminologies as Plato, Aristotle, Aquinas and the classical Aristotelian philosophy. However, while the terminology remained identical, the meaning of the concepts altered. In this sense it seems as if Thomas Hobbes is the ‘vengeance’ of Thomas Aquinas. There seems to be a parallelism between the two starting right from the names of their works. Hobbes principal work is called ‘*Leviathan*’ and Aquinas work is called ‘*Summa Theologiae*’. The two names refer to some sort of ‘unity’ of community one earthly in dimension and the other Theological. Aquinas used Aristotelian metaphysics and ethics to justify Theology and Christian asceticism while Hobbes uses scripture to negate the content of the classical concepts of Aristotle. For example, Hobbes effectively eliminates moral freedom as we have seen already. For Aristotle, human virtues have to do with pain and pleasure as signs of whether one has virtue or not. However, Aristotle’s pleasure refers to the pleasure of being in the state of virtue and therefore doing good even though it may be sometimes arduous. Pain of the senses arises from the lack of the habit of reigning in our passions (temperance) or the result of evil. In Hobbes however, the pleasure in the passions is what is to be followed and the pain in the senses to be avoided because that would be contradictory to sense experience from which we get our imagination. Virtues have to do with actions and passions.

In Hobbes there is only amoral action or volition. Virtue does not really arise except, if we may, in reference to knowing and not knowing. Virtues and vices are mere utterances just as any other words since only certain passions are traditionally called virtues or vices and there are many passions not referred to in the same way. Fear in Aristotle is instilled by the magistracies or father in order to correct a wayward person. Fear in Hobbes is the very source of human action and civil society. The fear of avoiding death given that there is no *summum bonum*<sup>419</sup>. In Aristotelian classical tradition man has to control his passions and direct them towards the good.

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<sup>419</sup> Alfredo Cruz Prados, *La sociedad como artificio. El pensamiento político de Hobbes*, 200. Alfredo Cruz points out that Hobbes (in *Leviathan*) believes that there is no ultimate end or highest good. Eric Voegelin also highlights the lack of order resulting in the loss of the principle of highest good, leading Hobbes to amorality. The only thing that remains is therefore material self preservation.

In this way man controls his animal instincts in the passions and therefore acts like a free person; free from the bondage of the passions. In Hobbes man must release himself to the promptings and consequences of passions. The very fact that they are present is because they are from the author of nature and therefore should be followed; and this is what manifests man as most human.

Hobbes is a moral or ethical consequentialist. He considered man's actions as inevitably consequential to the 'deliberation' of passions and sense appetites in the mind. To 'do' or to work is the principle criteria for human action since the final cause, the highest good or ultimate end are eliminated and there is no. In the same sense everything man does therefore is according to a natural instinct. Reason as we have seen is emptied of its Aristotelian sense of deliberation-in-search-of-the-objective-good. Therefore, reason cannot establish moral order. Consequently there is no foundation for judging good or evil in human actions. The actions of hate, lust, ambition, and avarice are criminal because they are sicknesses of the mind, of ignorance attached to man and all other living creatures. To eliminate them one has to apply an extraordinary capacity of reason or severe punishment for there is nothing more man can do. Hobbes denied 'universal concepts' as we have seen earlier. Hobbes interpreted Aristotle from his own canon and therefore the only appetite that remained was the sensible and not the objective good *simpliciter*<sup>420</sup>. For Aristotle, the good simpliciter, the summum bonum is the primary appetite of the intellect. The summum bonum is so universally; that is, it applies to every human person. In denying universality of principles and emptying concepts of meaning (generally referred to as 'Nominalism') Hobbes denies universal truth. Truth becomes relative to the definition given to each concept by the individual.

Ethical action is determined by laws promulgated in 'Leviathan' (the government) and this is the furthest one can reach in relation to morality. It is legal positivism. That is to say that the foundation of morality is artificial and is described as justice or injustice in obeying or not

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<sup>420</sup> Alfredo Cruz Prados, *La sociedad como artificio. El pensamiento político de Hobbes*, 210



obeying the law promulgated by the government respectively. Morality arises only when there is a contract and an absolute government erected which will promulgate laws. Prior to government human action is amoral or indifferent to morality. Justice or injustice arises from the promulgation of he who governs the state and hence he is the sole moral judge. The state in turn has to be purely rational just as in geometry and just as mathematics morally neutral<sup>421</sup>. However where the law cannot reach good and evil is defined by the will of an individual man. This is the zone of freedom and liberty left to man beyond which in a civil society is the absolute monarchy. At this point it is necessary to reiterate what is explained above, that man's will is totally at the mercy of his passions or appetites. The good or bad or despicable action is said in relation to what each individual calls good as the object of his desire; or bad as in the object of odium or object of aversion: In summary according to our appetite or aversion. Different men can have different appetites or aversions depending on their different cultures, customs and doctrines<sup>422</sup>.

The science of ethics is calculation based on our rationalization of consequences which in turn are purely based on the greatest pleasure and the least pain to our members. They are in a sense to be calculated according to the principles of the law of motion or geometry. Our passions form the variables of the equation well constructed to produce a good action or an ethical action. If it has negative consequences then it is because it was badly calculated<sup>423</sup>. Hobbes laments that moral philosophers before him had not seen the need to apply the 'idoneous principle of Tractation'; meaning the principle of mathematical or rational deduction<sup>424</sup>. He points out that inexperienced men or men who are not experts generally do not pay sufficient attention to the long run consequences of their actions. They accept what appears good without noticing the evil enjoined. Hence, they are superficial<sup>425</sup>. For example, Hobbes derived the ethical norm of absolute obedience to one man using his own principle of Tractation. This sort of obedience is

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<sup>421</sup> Alfredo Cruz Prados, *La sociedad como artificio. El pensamiento político de Hobbes*, 206

<sup>422</sup> Hobbes, *The Elements of Law*, E.W., vol. I.VII, 3

<sup>423</sup> Alfredo Cruz Prados, *La sociedad como artificio. El pensamiento político de Hobbes*, 225

<sup>424</sup> J.M. Robertson, *A Short History of Morals* (New York: Lennox Hill Pub., 1970), 216-7

<sup>425</sup> Hobbes, *The Questions Concerning Liberty, Necessity and Chance*, E.W., Vol. 5, 191

not a matter of Divine right or nature but the result of a logical necessity (that of self-preservation)<sup>426</sup>.

In conclusion, one can surmise that Hobbes anthropology is eminently individualistic. If man's will is not a faculty but an act; an act determined by the mechanical deliberation of passions in the mind; and that these passions represent the desires generated by our senses; and that the key desire is self-conservation; then man's action is intrinsically individualist. Self-conservation does not permit actions for the good of the other. The individual human act of self-preservation is the 'good action'. Good is said of an action in so far as it is selfishly directed to self preservation as all human desire is defined by the principle of self conservation. Any good of another is really an evil because the definition of 'good' presupposes self-conservation or security. If one amasses those 'goods' belonging to others then they are good because that means one is amassing one's power or capacity for his own security. When the 'good' of another remains outside the grasp of one's power of appropriation, it remains a danger to his security. To live is therefore to exist purely and factually without any mediation. Reducing man's life to factual existence therefore only radicalizes one's individuality and in a sense the real enemy that cannot fall into the hands of a powerful man is death. As such death is the greatest enemy since man cannot mediate.

The only reason for living in a community is to preserve oneself from total destruction arising from the desire of men to possess the good of another or to possess all within one's power. Therefore, society is not an end in itself, in the sense of communion. Man is not social by nature but by consent, in order to preserve himself. Having arrived at these conclusions, it remains to say that the society or community is something artificial. Even when we turn to the pre-social families that Hobbes conceives existed before the manifest society he lived in and men live in, the family was sort of reduced to one person, the paterfamilias. Society is the fruit of human calculation; an artificial construction of man's rationalism. Politics and ethics are not to

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<sup>426</sup> J.M. Robertson, *A Short History of Morals*, 217

be deliberated with right reason in order for there to arise a reasonable decision based on good reason. No. They are a priori and demonstrable. The natural maxim of self-conservation and the reason of self-preservation demonstrate the need for any law promulgated by the one who rules with power. The one who rules with power cannot fall, therefore, under the law, for he is the source of that law and he cannot be wrong. All in society have accorded him that authority.

In Hobbes ones finds a political society delinked from its historical, cultural and customary timbre. It is rationalized and its laws are a priori and demonstrable. The end is self preservation and the conservation of the state according to the social contract theory. The state is totally de-linked from religion as a result of its break from tradition and culture. The only obedience that Hobbes considers rational is obedience to a man who has the absolute authority to govern over others members within the same contract or covenant. God's is obeyed so to speak through the human 'Leviathan'.

The Political government is also de-linked consequently with civil society and with each individual save obeying an absolute monarch absolutely. This is the extent of the moral philosophy; beyond the law, the state of nature rules. That is absolute liberty. But it is absolute liberty in an absolute state. Hence, without the state human society will fall back to the law of nature which is the self-destruction of society for it is the state of man against man. To ensure this does not happen, the monarchy has to be in-perpetuity and absolute. He has to have the absolute power of punishing the itinerant. He who controls violence in man is the most powerful and it is he who rules – the law of the mighty. State and society overlap and the government has the power to maintain the society. Beyond obeying orders in society through fear of punishment and fear of self-destruction, the individual is free to seek everything for his own selfish goals. As it is by nature, man is not actually a social animal and man is found in society for self-preservation against the ferocity of other men who want his property, given that, that is the result of the state of nature without government.

All this is diametrically opposed to the Aristotelian classical understanding of human anthropology and human ethical action in society. In Aristotle, when a person acquires virtue and lives virtue in society he is sharing the common good. He is participating in the common good and happiness of his society as a whole while at the same time fulfilling his own personal good.

The society on the other hand is the fruit of human culture, tradition, custom, religion and history. It is a consummate acquiescence of a people in the state which is governed for the sake of the flourishing of the state in all its components and the happiness of each individual. The state is therefore an organic result of human relationships and human customs. Its laws reflect what human experience and interaction have borne as good and sufficient for human flourishing. The good man or the good men rule because they have the capacity of using power benevolently in choosing the good for all citizens according to the customs, tradition and history of the people. He is not 'alienated' from the people is so to speak the people personalized. Although we distinguish the civil society and the government we do not separate them. It is important to distinguish in order to have order. Each part has to play its role just as every organ in the body plays its role for the sake of the whole. But after distinguishing each part is for the whole or the universal and the whole or universal is in each part.

Western society has changed spectacularly since Thomas Hobbes. Over the two and half centuries between, most people in Europe have moved from the rural areas into the cities. In the past most people depended on agricultural production and were reasonably static from a geographical mobility perspective. Customs tended to be clear and well imparted from one generation to the other. There was little anonymity among the village people. The populations were not so high. Since then most of these aspects have changed. Most people now live in cities, the communities have grown into nation states of magnitudes difficult to have envisioned neither in the state of Aristotle nor in that of Hobbes. Mobility is the 'in thing' in European mentality while in the past it belonged to few of the Aristocracy who could afford it. The frequent periodicals that John Henry Newman lamented have become electronic, thanks to the invention of the computer and electronic data transmission. This makes the gratification of information and spurious information instantaneous. The difficulty now facing most families is that of the advent of the imaginary world. With higher and higher hours of watching television and playing computer games and fulfilling some of the social obligations through electronic data transmission methods, human contact and interaction has suffered a jolt. Mobility from region to region, city to city and state to state has resulted in a global world that seems smaller and smaller every time. Information and communication infrastructure make it easier to transmute from one place to another. The effect of this is an ever increasing association of life, the expanse of the

capitalist model of Adam Smith in the world and the spread of democracy throughout the world. This has sharpened after the fall of the wall of Berlin and the fall of the former communist powers. Ideological war has slowly been superimposed by the all important political economy.

The effect of all these changes, as Michael Walzer puts it, is a spreading sense of insecurity. As he says “Our cities are noisier and nastier than they once were. Familial solidarity, mutual assistance and political like-mindedness – all these are less certain and less substantial than they once were. Other people, strangers on the street, seem less trustworthy than they once did. The Hobbesian account of society is more persuasive than it once was”<sup>427</sup>. The insecurity is even wider as it is slowly infiltrating the realm of constitutions. With a cosmopolitan and global culture intermingling in the society, there is insecurity regarding which customs, tradition, history or culture in general to emulate in constituting society. Who is the true citizen if tradition, culture, family history and so on are not factors to take into account any longer? It becomes more difficult to have a fixed constitution. The trend is to fix a new written constitution because the new constitution is alien to the very citizens it constitutes. Precisely, it does no longer represent the culture and customs of the people and the people have slowly alienated themselves to the law making processes from where the experts build constitutions.

Can the new ‘alien’ constitutions become the unifying identity of a people in the long-run? Can the slow insertion of alien laws and principles of life now infiltrating constitutions from international conventions and bodies be accepted as part of the identity of the local societies they inform? Unity cannot be based on superficial analysis at an expert level which then is imposed on the people. That only increases social insecurity for it touches the very root of a society’s foundation. When the constitution becomes alien and far from the aspirations of the people then it may be that Hobbes principle of power has meaning. Only force can induce people to obey; as it did in the colonies before. Is history going to repeat itself and civil unrest result as it did with

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<sup>427</sup> Michael Walzer, ed., *Toward a Global Civil Society* (Oxford: Berghahn Books, 1995), 8

the colonies? The key value uniting people away from their customs and traditions seems to be money. Money has become the core element around which political economy is revolving.

### **1.5 Hobbes' Society and Common Good**

We elaborated above what the common good is in Aristotle; a state in which the society is 'self-sufficing' for the sake of a good life, that ensures the happiness in-the-life-of virtue in every person, and which cannot be found outside the civil society. We have seen that generally there are many constitutions which we can consider good and appropriate for a self-sufficing society. These good constitutions can be divided into three main types of good constitutions; namely, the Monarchy (also referred to as a kingship or royalty), Aristocracy and the Constitution of free-men (sometimes referred to as a type of democracy in Aristotle). We have also indicated that in Aristotle the good constitutions above have their contraries or perversions; namely, Tyranny, Oligarchy and Democracy (in most cases in reference to the government of the poor over the rich which can also be defined as an Oligarchy). A Monarchy is really not a constitution because the ruler is the law and rules in cases of arbitrary decision. The perversions arise from the fact that those who rule in the rule either for the common good of all or for the good of those who rule primarily. Hence the tyrant will rule in order to amass his power and wealth; the oligarchs will rule to safeguard and augment the wealth of the rich ruling and consequently stop others from amassing wealth or rising to the Aristocratic level. Democracy is contrary to good governance when the poor share the riches of the rich among themselves in order to ensure equality.

In Aristotle it is evident that good constitutions historically arise in two primary ways. The first is family or royalty. The master of the household has a royal rule and rules the family and the servants or slaves with the law of love. This rule is in perpetuity for as long as there is a head of the household; the head rules. As he says royal rule is really not constitutional rule because the ruler is the law and gives rules for the common good and the people obey. The second method is through constitutional rule and this arises from an agreement between the people about who the ruler should be; whether a few (aristocracy) or many (polity or constitutional rule). The ruler or rulers become so according to the natural, customary, traditional and historical common life of the people. He is or they are to govern according to the law based

on the customs of the people, agreed between them with regard to the good or virtue. Thus, the law is all justice comprehended and justice is all virtue comprehended. The highest good for all citizens means that the rulers govern with the view of promoting virtue and eradicating vice. Only in those who are not docile to government is punishment meted with a view to instructing in virtue. When one cannot be taught virtue then he is to be eliminated from society.

Hobbes on the other hand believes that the laws of nature are not sufficient to preserve peace and that the laws of nature in the state of nature are silent. Therefore the security of living according to the state of nature consists in the concord of many persons and this is not constant enough for a lasting peace.<sup>428</sup> Natural laws do not secure the person's preservation since the starting point of Hobbes' society is the state of war. It is the state of man against man. So long as man understands that "a war as is of all men against all men"<sup>429</sup> then he is prepared to seek peace through contract or concordance among men. Each man has to provide for his own safety in search a way that the other who wants to be rapine of his property may fear to do so seeing that the other is well defended. At the natural law level the strength of this security grows when more and more men come together in agreement to defend themselves against the warring minority<sup>430</sup>. However, among those who are agreed on forming a concordance for security purposes then the problem arises when there is rapine within themselves. Hobbes answer is that "if they agree well enough to some one action through hope of victory, spoyle, or revenge, yet afterward through diversity of wits, and Counsels, or emulation, and envy, with which men naturally contend, they will be so torne and rent, as they will neither give mutuall help, nor desire peace, except they be constrained to it by some common feare"<sup>431</sup>. Therefore, a society resulting from mutual help cannot obtain the peace they hope for in the end and they have to do something else in order to obtain and sustain their common good<sup>432</sup>. This is Hobbes concept of common good, the mutual

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<sup>428</sup> Hobbes, *De Cive*, E.W., vol. 2, 63

<sup>429</sup> Hobbes, *De Cive*, E.W., vol. 2, 64

<sup>430</sup> *Ibid.*, p 65

<sup>431</sup> *Ibid.*, p 65

<sup>432</sup> *Ibid.*, p 66

concordance to secure peace or to defend the many that come together from destruction arising from without the society. The only way to sustain this common good is but instituting ‘fear’ so that no one through their private interest shall appear discrepant from the common good and therefore may never break that concordance<sup>433</sup>. By the sword of justice and the sword of war a tyrant maintains peace. Hobbes would have advised the King of Cyprus in a different way to that of Aquinas. He would have told the King to understand that the only way to ensure peace is to remember that ‘men hide from tyrants as from cruel beasts and it seems that to be subject to a tyrant is the same thing as to lie prostrate beneath a raging beast’. The subject in deathly fear is the spring of peace in a society.

This perception differs from Aristotle’s principle that man is a political animal. Aristotle says that man is a political animal unlike all other types of animals. To live in a community is not the same as living in a group like all other animals. The state is a creation of nature<sup>434</sup>, meaning that the society arises from two people who cannot live without each other by nature, viz, man and woman and from their family they grow or develop into a village and then a self-sufficing society. Here every family is ruled by the eldest and each one gives law to his children and to his wives<sup>435</sup>. The elder induces virtue according to the good norms of the particular people. It is human association through the use language; communication with one another about what things are beneficial and what things are harmful; the moral judgement of the difference between good and evil, just and unjust; these things make a family and a city. It is these things that make us different from the ‘groupings’ of other animals; language, communication, judgment of right and wrong, and in relation to right and wrong the expedient and the inexpedient. The sounds we find in animals is not is an indication of pleasure and pain “for their nature tends to pleasure and pain and imitation of them to one another and nothing more<sup>436</sup>.

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<sup>433</sup> Ibid., p 66

<sup>434</sup> Aristotle, *Politics*, I.II.1253a1, 1987

<sup>435</sup> Aristotle, *Politics*, 1252b20-25, 1987

<sup>436</sup> Aristotle, *Politics*, 1253a10-15, 1988



Hobbes interprets Aristotle as having described ‘political’ society of all animals. To use his words Hobbes says “Aristotle reckons among those animals which he calls Political, not man only, but divers others; as the Ant, the Bee, &c. which though they be destitute of reason, by which they may contract, and submit to government, notwithstanding by consenting, (that is to say) ensuing, or eschewing the same things, they so direct their actions to a common end, that their meetings are not obnoxious unto any seditions. Yet is not their gathering together a civill government, and therefore those animals not to be termed politicall, because their government is onely a consent, or many wills concurring in one object, not (as is necessary in civill government) one will”<sup>437</sup>. The only reason this may be so is that civil community is seen by hobbes as nothing more than groupings for the sake of peace and the bond whereof that grouping is perpetual is ‘fear’. But there is a deeper question which we have already discussed in the previous chapter regarding psychology in man and animals. Hobbes continues his interpretation of Aristotle saying that in creatures living only by sense and appetite, their consent of minds is so durable<sup>438</sup> for nothing more besides sense and appetite is necessary for them to agree on peace than barely their natural inclinations. This exposes the mind of Hobbes. The natural inclination is conceived as an inclination without sense and appetite while sense and appetite is a rational occurrence in animals. In fact, he will attribute the same capacity to man as no different from other animals – human minds it turns out are no different from those of animals. They cannot make moral judgments and their function is primarily determined by the same senses and appetites as those of animals. Man’s action is consequential for it derives from a will to carry out what the appetites dictate; and that is first preservation from warring peoples and then pleasure and avoidance of pain.

What would be the distinction between man and animals so that man and his society naturally tend towards conflict while animals do not? Hobbes points out the following; first there is among men a contestation of honour and preferment; while in animals there isn’t. This gives

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<sup>437</sup> Hobbes, *De Cive*, 66

<sup>438</sup> *Ibid.*

rise to hatred and envy, out of which arise sedition and war among men [E.W. Vol. 2, pp 66-7]. Secondly, creatures have a conformable appetite which makes them desire the common good which is also at the same time their private good. Man on the other hand scarcely esteems anything good except to enjoy more than others are enjoying [E.W. Vol. 2, p 67]. Note that with regard to animals he attributes the term ‘conformable’ as an adjective modifying the noun ‘appetite’. The synonyms for conformable could be adaptable, alike, compliant, consistent, docile, harmonious, obedient, orderly, proper, regular, resembling, similar, submissive, suitable.

Thirdly, creatures that do not reason see no defect and hear no comparisons. But men need to pray, so to speak as Socrates did, and as quoted in Phaedrus, ‘Oh dear Pan and all the other Gods of this place, grant that I may be beautiful inside. Let all my external possessions be in friendly harmony with what is within. May I consider the wise man rich. As for gold, let me have as much as a moderate man could bear and carry with him’<sup>439</sup>. The problem according to Hobbes is that human beings do not remain static. They innovate new things and this leads to competition, a mere distraction and civil war<sup>440</sup>. This portrays man as one who is looking to excel his ‘other’ whom he considers an enemy and therefore any innovation by one is detriment for another. Our capacity to develop ourselves is always seen by Hobbes as an attempt at gaining more power to restrain another and most of all to stand unequal, which is the natural state animals do keep very well. They are equal because they do not innovate.

In the fourth place Hobbes imagines the animal sounds as affectionate remedies to their kith and kin and their sounds make for the truth there is in the natural motions of their minds appear as it is without variation. Words necessary come from the motions of the mind Hobbes tells us. Human beings on the other hand use words to lie, making things appear exaggerated in a good or evil way from the real truth of the matter. In this way men preach war and sedition. Hobbes is almost angry when he says that giddy men are given to arousing controversy. Here he quotes Pericles who extended the democracy of Attica. Hobbes assertion here is questionable

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<sup>439</sup> Plato, Socrates’ Prayer in Phaedrus, 279

<sup>440</sup> Hobbes, *De Cive*, 66

given the history of the Athenian Constitution, for it says that “Pericles (463 BC) advanced the leadership of the people and therefore democracy after auditing Cimon, a general<sup>441</sup>. After Pericles Athens suffered the rulership of Cleon son of Cleaenetus, who is thought to have done the most to corrupt the people by his impetuous outbursts, and was the first person to use bawling and abuse on the platform, and to gird up his cloak before making a public speech while all the others were orderly<sup>442</sup> [AC, XXVIII.3. p83]. In his introduction to the work of *De Cive*, Hobbes mimics Pontius Telesinus flying out with words in his encounter with Sylla saying “out, *That Rome her selfe, as well as Sylla, was to be raz'd; for that there would alwayes be Wolves and Depraedatours of their Liberty, unlesse the Forrest that lodg'd them were grubb'd up by the roots.*”<sup>443</sup> If the tongue of man is a trumpet of war, then it is because man is wolf to man. These objections between men are not natural according to him because through our mind’s imagination we are able to mirror the other “beholding their own actions in the persons of other men, wherein, as in a Mirror”, all things that appear on the right are plainly on the left. He is convinced that the natural right of self-preservation is irrepressible because of the “Dictates of Necessity”<sup>444</sup>. Man has a natural tendency to seek self-preservation in society although this will not make him happy. By nature man is a solitary being much like animals.

Animals cannot distinguish between injury and harm. Between being hurt and being hurt by the other. They are tranquil as far as they suffer no harm. Men however seek to harm their fellow men and especially those who are enjoying the leisure of having good things. These people who have leisure were never a nuisance when they were seeking their well being away from the basic necessities of hunger and thirst. Once they have achieved it though, they turn to their fellow men seeking political controversy. If men who are busy working, seeking their basic necessities (slaves at work in part), are not contentious, then the conclusion would be that the ruler should keep his subjects in that state of need and want of basics. Something like this

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<sup>441</sup> Aristotle, *AC*, XXVII.1, 79

<sup>442</sup> *Ibid.*, XXVIII.3. p83

<sup>443</sup> Hobbes, *De Cive*, i-ii

<sup>444</sup> *Ibid.*

happened in the history of the Athenian Constitution. When Peisistratus took power in Athens around 528 BC his tyranny was rather genial and moderate, and more constitutional than tyrannical; he advanced loans of money to the poor for their industries, so that they might support themselves by farming. In doing this he had two objects; to prevent their stopping in the city and make them stay scattered about the country; and to ensure that they had a moderate competence and were engaged in their private affairs, so as not to desire nor to have time to attend to public business<sup>445</sup>. Nevertheless Peisistratus was a tyrant, but that would not make any difference in Hobbes argument. The Absolute Monarch must rule absolutely and he does so once the citizens not only consent to the union to establish the peace of men but the Union is in fact the right of all men conveyed to one<sup>446</sup>. If they are in the main slaves, this makes the world of ‘Leviathan’ much easier.

Hobbes points to what a civil society is. It is artificial, that is, it is not natural. Consent in brutal creatures is natural but for men it must be by contract. In this sense man, the human being exceeds the animals. “Wherefore consent, or contracted society, without some common power whereby particular men may be ruled through fear of punishment, does not suffice to make up that security which is requisite to the exercise of natural justice”<sup>447</sup>. Natural justice as we saw is to no avail anyway given that there is no singular rule based on fear of punishment where pre-societal groupings occur. If this natural consent of groups does not suffice to provide lasting peace it is necessary that all men adhere to one will. To achieve the gathering in which men are to make the contract to entrust to one their rights, it is necessary that they give it first to a man or a council. The man’s or council’s task therefore is to find the common good of all men.

Once men have given their authority to this one man or council they can no longer resist his will, nor stop him from using his wealth and power to subdue anyone in order to defend

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<sup>445</sup> Aristotle, *AC*, XVI.3, 47. This policy will be found expressed in general formulae in Aristotle, *Politics*, 1311 a 13, 1318 b 6, 1319 a 30, 1320 b 7.

<sup>446</sup> Hobbes, *De Cive*, 63

<sup>447</sup> *Ibid.*, 68

himself against violence<sup>448</sup>. Subjugating ones will to the one ruler or to the ruling council is called Union, which is to convey the other the right of strength and faculties. Here the common good begins. For the will given to the one is just the beginning of voluntary actions. This union is the civil society or polis. Hence he defines the polis, as the “one person, whose will, by the compact of many men, is to be received for the will of them all; so as he may use all the power and faculties of each particular person, to the maintenance of peace, and for common defence”<sup>449</sup>.

This is very distinct from Aristotle’s perception of the state or polis. As he says it is evident that the state is a creation of nature, and that man is by nature a political animal. And he who by nature and not by mere accident is without a state, is either a bad man or above humanity; he is like the “Tribeless, lawless, hearthless one”<sup>450</sup>. For even if the end is the same for a single man and for a state, that of the state seems at all events something greater and more complete whether to attain or to preserve; though it is worthwhile to attain the end merely for one man, it is finer and more godlike to attain it for a nation or for city-states<sup>451</sup>. In another place Aristotle points out that a city-state is made up of a constitution encompassing all the communities and not merely a greater or lesser extent of the number of their subjects. Besides for him the state arrives at its nature naturally when several villages are united in a single complete community, large enough to be nearly or quite self-sufficing. The state comes into existence, originating in the bare needs of life, and continuing in existence for the sake of a good life. We have already discussed the good life in Aristotle and the common good and unity in his philosophy. Suffice it to say that the state cannot be one person or be run by one person in Aristotle. Even in the case of a Monarchy, Aristotle insists that the ruler rules according to the paternal law for the good of all and for the virtuous development of all. This means sharing the offices of governance as we have seen. Reducing the rule to the self defence of the person ruling

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<sup>448</sup> Ibid.

<sup>449</sup> Ibid., 69

<sup>450</sup> Aristotle, *Politics*, I.II.1253a

<sup>451</sup> Aristotle, *NE*, I.II.104b5-10

or to his mere desire and power is called a tyranny and therefore a perversion of good government.

In Hobbes the various covenants made by civil persons such as companies of merchants and other associations of a similar kind are subordinate to the will of the ruler of the city. He can therefore decide on his own what he wills about the company. That ruler has dominion over all in the city-state. All civil persons 'grow' (a term in mal-usage) into a city by natural power through desire not to be overcome or slain when this has not occurred yet; they grow into a city through Counsel when they fear being slain because they have already been vanquished in war. The first manner receives its beginning from natural Power, and may be called the natural beginning of a City; the latter from the Counsel and constitution of those who meet together, which is a beginning by institution. Hence it is, that there are two kinds of Cities, the one naturall, such as is the paternall, and despotically; the other institutive, which may be also called political.<sup>452</sup> While both cities come into being from fear, their distinction lies purely in the fact that in the one called the political institution, deriving from counsel and consent, because it is rational in Hobbes sense. If, as we have seen before in this thesis, rationality in man is but an action deriving from human voluntary action 'determined' by objects and motions external to the individual then one finds it hard to draw the line between human voluntary actions that are rational and those that are not since both derive from passions natural to man and animals. The only thing one can imagine is that Hobbes certainly retains no respect for the parts of a society especially that of the family. As it is individualism has received its apt consequence, which is to derive the nature of man from first principles without regard to the gifts that nature has granted except the 'mind'.

Security in the society is maintained by punishment and not by contracts<sup>453</sup>. The sword of justice<sup>454</sup> is the right to punish another when everyone else has consented not to assist the one to be punished. It is therefore given to the person or council that rules. This man or council also has

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<sup>452</sup> Hobbes, *De Cive*, E.W., vol. 2, 70-71

<sup>453</sup> Hobbes, *De Cive*, E.W., 75

<sup>454</sup> Ibid.

the power of beginning or stopping a war. This right is called the sword of war. In Hobbes absolute power rests absolutely in the one who rules in such a way that he was able to say 'in vain do they worship peace at home who cannot defend themselves against foreigners'. In effect the family without peace is no family at all. That is to say that the real family is the 'brotherhood' arising from common consent granted to a ruler. There is no other authority as such. Since the society is rational according to the will of man, then the supreme authority by right punishes and compels all men to all things which he himself wills<sup>455</sup>.

The family as an example of other social institutions is useless without the ruler and his rule. By this dictum love is ruled out since the law of love in Aristotles, born by a father or master of the household is replaced with the sword of justice and the sword of war which both are in the hands of the ruler. Upon these two swords lies the basis of all unity in the city and at the same time all security from danger. One can also conclude that beyond the rule of the one who rules everyone is totally free to take up arms against his brethren for the only relationship admitted between citizens is fear of the ruler which unites the city and keeps it in peace. In effect, that is tantamount to saying that all 'worship' belongs to the ruler. God has left everything to man and the man who rules the world and it is this one who has the swords of justice and war. Hobbes points this out when he says that good and evil, just and unjust, profitable and unprofitable, what is honest and what is dishonest are equivalent to what is 'mine' and what is 'yours'.

My right (meaning a material right that confers power) when it belongs to me, is good; and that any right belonging to 'the other' (giving the other a power which he can use against me) and belong to the other in such as way that I am not able to acquire it is an evil to me. All controversies arise from the fact that opinions of men differ concerning "*Meum & Tuum, just and unjust, profitable and unprofitable, good and evill, honest and dishonest, and the like, which every man esteems according to his own judgement; it belongs to the same chiefe power to make*

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<sup>455</sup> Hobbes, *De Cive*, VI.VI. 75

some common Rules for all men, and to declare them publicly, by which every man may know what may be called his, what anothers<sup>456</sup>. To understand this fact it is necessary to quote Hobbes directly once again. Put in another way human action derives from voluntary actions which are in fact opinions of men. There is no judge or teleology in an individual's action. Further, "the actions of all men are ruled by the opinions of each". It is therefore evident and necessary to conclude that it is in the interest of Peace, that no opinions or doctrines be delivered to Citizens giving them a right beyond that which is given by the ruler. Men cannot resist or avoid or reduce punishment or distinguish between the "good" and "bad". Therefore it is irrelevant whether one is good or bad, obedient or not obedient. All men have the same equality to be punished by the ruler whether they are good or bad whether they obey the laws of the city or not.

Hobbes acknowledged the 'imperium theory', that is, one sole secular and ecclesiastical authority on earth. And this should be the tyrant. His rationale was that, if one commands a thing to be done under penalty of natural death (the ruler), and another forbids it under pain of eternal death (God), both these penalties are what grant personal rights to men. The right to anything is either in God or in the ruler. Accordingly only God or the ruler can punish according to their own Right. It follows then that the Citizens, although innocent under any one of these two rulers, are by Right punishable by two different rulers and this brings about the demise of the City itself. It is altogether dissolved. One cannot serve two Masters. Here Hobbes 'makes the leap' of making the ruler of the city 'transcendental' as well. He restates that the Master whom we believe we are to obey for fear of damnation is greater or more than he whom we obey for fear of temporal death. The he concludes that it logically follows therefore, that the one who gives temporal punishment also metes out eternal damnation. "Whether Man, or Court, to whom the City hath committed the supreme Power, have also this Right, that he both judge what 'opinions' and doctrines are enemies unto peace, and also that he forbid them to be taught"<sup>457</sup>. Therefore Hobbes binds the two cities, of heaven (if there is such an opinion in him) and that of the earth

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<sup>456</sup> Hobbes, *De Cive*, E. W., VI. IX., 78

<sup>457</sup> Ibid.



under the ruler of the city. No other way is plausible. An example to serve as an explanation of this is the traditional opinion used by Henry VIII who usurped the authority of the Church of England from the Pope<sup>458</sup>. The argument defending the usurpation of power over the church from the Pope is well explained by Charles Du Moulin (1500-1566)<sup>459</sup>. The power of the realm (*potestas regni*) or of the associated bodies is always one power and never many just as one soul and not many rule the physical body. The administrators of this supreme power can be many (council), so that individuals can each take on a share of the function of governing, but not the plenitude of power. Citizens are not themselves in control of the supreme power. They all jointly acknowledge such a power in the consent and concord of the associated bodies. The rights of sovereignty and of the realm (*jura majestatis et regni*) are indivisible, incommunicable, and interconnected, so that whoever holds one holds them all<sup>460</sup>. Therefore, the King was ‘the source of all justice’, holding all jurisdictions and enjoying full ‘*imperium*’. This authority included power over the secular and ecclesiastical lords in ‘the exercise of their jurisdictions and lordships’<sup>461</sup>. This imperium theory had not yet been defined in association with the subjugation

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<sup>458</sup> In order to succeed to the throne of England after Arthur’s (his brother) death, King Henry VIII the eighth had married his late brother’s widow, Catherine of Aragon daughter of King Ferdinand and Queen Isabella of Spain which had taken place on 11 June 1509. In 1527 he wanted to divorce her for various reasons one of which was to marry Anne Boleyn. He had received advice ratifying this opinion of divorce from the English, French and most of the Italian universities, but unfavorable answers from Germany, while a large number of English peers and ecclesiastics, including Wolsey and Archbishop Warham, joined in a memorial to the pope in support of Henry’s cause. Catherine’s health gave way, her death taking place on the 8th of January 1536  
[http://historymedren.about.com/od/centries/a/11\\_cat\\_aragon\\_3.htm](http://historymedren.about.com/od/centries/a/11_cat_aragon_3.htm)

<sup>459</sup> He was a descendant of a noble family related to Anne Boleyn, the mother of Elizabeth of England.

<sup>460</sup> Charles Dumoulin, *Consuetudines Parisienses*, tit. 1, art 8, glos 4, (1539), num., 16 ff.; Diego Covarruvias, *Practicarum quaestionium*, 4; in Johannes Althusius, *Political Sovereignty and Ecclesiastical Communication, Politics Methodically Set Forth and Illustrated with Sacred and Profane Examples*, ed. and Transl. Frederick S. Carney, (Indianapolis: Liberty Fund, 1614). <http://oll.libertyfund.org/index.php>.

<sup>461</sup> Regarding the ‘old order’, i.e. authority of the Catholic Church vested in the Pope, Christ’s representative on earth, which St. Thomas More and Bishop John Fisher (Saints in the Catholic Church) defended, A month before Anne Boleyn’s coronation in 1533, More had published ‘*The Apology of Sir Thomas More*’, a long book defending the old order in the Catholic Church. More advised ‘every good Christian man and woman’ to ‘stand by the old, without the contrary change of any point of our old belief for anything brought up for new’. He urged all Henry’s subjects ‘to stand to the common well-known belief of the common-known Catholic Church of all Christian people, such faith as by yourself, and your fathers, and your grandfathers, you have known to be believed, and have (over that) heard by them that the contrary was in the times of their fathers and their grandfathers also taken evermore for

of overseas provinces or colonies, although Henry VIII, like Edward I, initiated a vigorous policy of centralization within the British archipelago and pursued an aggressive diplomacy, claiming suzerainty over Scotland and asserting his sovereignty over his possessions in France. The crux was that the powers of emperors were 'whole' and 'entire'. Kings who were 'emperors' recognized no superior within their realms. All rights, jurisdictions, preeminence and feudal privileges were derived from the 'imperial' crown.

The imperium theory in Hobbes is not the Monarchical principle for the common good in Aristotle. Rather 'hatred' and not 'good will' is the substance of society. Mankind is by nature disposed to hatefulness of his 'neighbour'. When Hobbes talks of opinions and doctrines of peace founded in the imperium, he is rationally convinced beyond doubt that the only solution to peace lies in absolute authority being vested in the emperor. Thus the word 'opinions' is used in a pseudo-technical manner. It means a desire that does not come from the ruler. He derives this from the principle of irreparable disposition or tendency of man towards conflict or in the most extreme extent 'hatred of the other'. This arises simply because one has more of anything than the other which results in one more power over the other. The only solution to this is a common consent to give power to one or a council. We conclude this principle from the Hobbes own words; first, "There is scarce any Principle, neither in the worship of God, nor humane sciences, from whence there may not spring dissentions, discords, reproaches, and by degrees war"; Secondly, neither doth this happen by reason of the falsehood of the Principle, but of the disposition of men"; thirdly, in appearing wise to themselves they "appear such to all others"; fourthly, "such dissentions cannot be hindered from arising"; and finally he concludes that "they may be restrained by the exercise of the supreme Power, that they Prove no hindrance to the public peace".

We reiterate that in Hobbes the citizen's rights do not derive from natural law, borne by customs, tradition and history of the community and gained by virtuous actions. Man's rights in

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heresy'. See Thomas More, "The Apology" in *The Complete Works of St. Thomas More*, J. B. Trapp, Yale Ed., Vol. 9, (1533).

society arise from the fear of eternal punishment and therefore obedience to what the emperor declares to be their rights. Their rights are imposed according to the will of the one who rules. Since the ruler is above the law, therefore his will is absolute regardless of the will of the people as a community save in giving consent to his rule. In this way peace is maintained.

Man is not in his perfect state a social animal but a pessimistic individual who lives for himself (cap II). At the beginning of his work on the “De Cive - Philosophical Rudiments Concerning Government and Society”, he had rejected the concept of *Zoon politikon*, meaning that man is a social animal and therefore born to live in society. He is in fact directly attacking Socrates, Aristotle and Plato’s principles being the key Greek philosophers who erect the principles of society from the idea that man by nature has been born for society. Hobbes could not admit this because man by nature is primarily ‘a wolf’ to man. It is therefore false. Society is artificial. Hatred of ‘the other’ intensely rooted in the mind of man, that part which he called ‘Wits’, cannot allow natural society. *Zoon Politikon* is a superficial understanding of society to Hobbes. Aristotle realised that man by nature is a political animal because of two key principles; the first being that man and woman cannot by nature live without each other and therefore from the family they form a society ensues over time. The second is that of happiness. That is, man is happy and finds his happiness greatest in the society. His good is in existing in the society. Hobbes dissents to these principles. He says that if we experience happiness in community it is merely an accident. The substance is hatred. How?

The principle of utility is what ‘moves’ (the motor) individuals to form society or community because by nature they are not formed for society but for their own selfish pleasure. Happiness or the greatest pleasure is mainly made up of the honour and profit we obtain for ourselves in society. We seek first and foremost our own individual ‘Honour or Profit’ and since this is somehow found in society then we form society artificially. The argument is potent because he supports it with the following facts; first, when men meet for commerce, they seek their own interest (utility from society); second, if to discharge the duties of an Office, a certain ‘Market-friendship’ is begotten, which hath more of Jealousy in it than True love (this means that one carries out his duties in society based on a ‘economic market’ mentality of finding those who have something he is jealous of and wants to acquire what they have. To acquire what they

have therefore it is necessary to hypocritically make the relationship of friendship and thereby gain profit from ones friends.

Friendship is a relationship that arises out of jealousy. In Aristotle it arises out of the desire of sharing ones 'goods' with others for the sake of happiness. For Hobbes it is a pretext for utility. Friendship is not True Love as explained by Thomas Aquinas. There is no love in the relationship between men; only the desire of utility for honour and glory. As Hobbes points out factions therefore sometimes may arise, "but Good will never" (cap II).

The liberty of the people in the community cease where the will of the ruler begins. There should be no doctrines wherewith Subjects can deny the sovereignty of the ruler once consent is given to his rule. No obedience is due by Right (fear) to oppose, and fight against the chief Princes, and dignities. There are to be no opinions "those, which whether directly, and openly, or more obscurely, and by consequence require obedience to be given to others beside them to whom the supreme authority is committed". The power ascribed to the head of the Catholic "Church of Rome" or "elsewhere out of that Church", is void. Last of all, "on that liberty which the lower sort of Citizens under pretence of Religion" challenge themselves is void. All civil war, according to Hobbes grew from, or was nourished by, this Root. Judgement of doctrines therefore, "whether they be repugnant to civil obedience or not, and if they be repugnant, the Power of prohibiting them to be taught, I doe here attribute to the civill authority; for since there is no man who grants not to the City the judgement of those things which belong to its Peace, and defence, and it is manifest, that the opinions which I have already recited do relate to its Peace, it follows necessarily, that the examination of those opinions, whether they be such, or not, must be referred to the City, that is, to him who hath the supreme authority."<sup>462</sup>

The social contract, once consented to, calls for total submission of the subjects to the power in the sovereign and in this consists the civil society as explained before. However, consent and concordance only brings about the social contract in a somewhat mathematical

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<sup>462</sup> Hobbes, *De Cive*, E.W., 78-79

manner. Submission to the ruler in civil society is the activity in which the subjects promise as part of the contract. Submission to the ruler is to accept to be in perfect unity under the ruler as one and in a uniform way. This way the definition of a civil society, or city state, as one person, of whose acts a great multitude, by mutual covenants, one with another, have made themselves everyone the author...[the ruler] may use the strength and means of them all, as he shall think expedient, for their peace and common defence<sup>463</sup>.

Hence, Hobbes is totally consistent in the principle that all men are equal except the ruler. This equality is what Aristotle thought in fact would result in no society but a household. The Athenian history had demonstrated that this would only result in a despotic and tyrannical rule. Hobbes agrees that in the state of nature, that is, before the social contract, the patriarchal family was despotic and tyrannical. However, in the rational society Hobbes takes us to the very same or similar structure of society so that the only difference is the consent given to the new ruler in the social pact. Hobbes describes the promise that the subjects undertake, ‘everyman with every man’ as “I authorize and give up my right of governing myself, to this man, or to this assembly of men, on this condition, that thou give up thy right to him, and authorize his actions in like manner”<sup>464</sup>.

The agreement is not only with the sovereign but also between every man with every man. They unite into one. Alexis de Toqueville suggests that when “an innumerable multitude of men all equal and alike, incessantly endeavoring to procure the petty and paltry pleasures with which they glut their lives” they lose the vigorous and profound consciousness the nation at large. In time the government takes over the principle concerns of the society. This process in time “renders the exercise of the free agency of man less useful and less frequent”. Then finally, “The will of man is not shattered, but softened, bent, and guided: men are seldom forced by it to act, but they are constantly restrained from acting: such a power does not destroy, but it prevents existence; it does not tyrannize, but it compresses, enervates, extinguishes, and stupefies a

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<sup>463</sup> Hobbes, *Leviathan*, 158

<sup>464</sup> *Ibid.*

people, till each nation is reduced to be nothing better than a flock of timid and industrious animals, of which the government is the shepherd.”<sup>465</sup> He was talking of a democratic situation in which the subjects are all equal and the officials lose vigilance over the ruler. Renouncing this responsibility on the part of the multitude and officials of the state is similar to Aristotle’s principle that when the parts of a community are made identical or uniform this only leads to a type of numerical equality and lack of freedom and efficacy. The parts are not uniform in Aristotle except in so far as they are all looking for virtue and that they are harmonious and symbiotic for unity to subsist. Each part contributes to the whole and indeed this means that there is one who rules. Not like a Hobbes sovereign, but like one who is best suited for governance and therefore has the possibility of uniting the parts. If he were to take any one of the responsibilities, to carry out that responsibility well, he cannot at the same time take leadership of the whole. Secondly, the ruler must always submit to audits by the people. In this lies the difference between the Hobbesian ‘submission’ and the Aristotelian ‘unity’ in one. Hobbes perceives the political state as the unifying principle of society which otherwise would be destroyed. Therefore his unity is really a submission to the other and to the sovereign. Most of all it is conscientious submission to the sovereign because he has power to punish any deviance from him. As a result one cannot but judge that the submission of all men under one in a social contract is inevitable because if it were not then the one with the power would destroy any deviation. Hence, whether a person, who is weaker, does not agree-to-agree with the others that there is peace, he will be destroyed by the other who has more power. In Aristotle, the unity in the one develops as a result of family, history and the social nature of man to consent to one as head starting from the family to the self-sufficing state. They do not submit because of fear of the other. They want unity because it is good in general and it results from virtue.

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<sup>465</sup> Alexis de Tocqueville, *Democracy in America*, Vol. 2, (1840), Book IV, Chp. VI: “What Sort of Despotism Democratic Nations Have To Fear?” [http://www.gutenberg.org/files/816/816-h/816-h.htm#2H\\_4\\_0001](http://www.gutenberg.org/files/816/816-h/816-h.htm#2H_4_0001). While accepting that there could be despotism in modern democratic nations, de Tocqueville also opines that if there are despots, they will tend to be mild because “this same principle of equality which facilitates despotism, tempers its rigor.”

If in Hobbes each gives up their self to the sovereign for the sake of the peace and self-preservation, based on his anthropology that all men's actions are for the sake of self-preservation, of life and the bodily members, then giving this right to the state means giving every right to personal freedom. Freedom in Hobbes is the 'absence of internal and external opposition'. By opposition he means any physical or sensible impediment of motion applicable to both irrational animals and rational creatures<sup>466</sup>. Freedom is "he that in those things, which by his strength and wit he is able to do, is not hindered to do what he has a will to"<sup>467</sup>. Now if freedom is also consistent as he says with fear and necessity and that God wills the necessity of man to depend upon man's will then man's freedom or liberty is God's command.

There is no inconsistency therefore that all actions of man depend on one man; the sovereign. With this conclusion, the ambit of religion falls wholly under the sovereign's rule. Was this a conclusion foreign to the environment in which Hobbes finds himself? Our opinion is that it was not a novelty on the part of Hobbes. First, there was Caesaropapism<sup>468</sup> in the time of the Roman emperor Constantine (edict of Milan, 313). Then there was the hierocracy; better explained by Martín de Agar as the merging of civil society and Church society into a single, homogeneous *respublica christianorum* or *christianitas*.<sup>469</sup> At the beginning of the 1<sup>st</sup> millennium Hugh of St Victor has said that "because spiritual life is more worthy than the earthly and the spirit more than the body, so the spiritual power precedes the worldly power or secular power in dignity and honour"<sup>470</sup>. Nevertheless, although the principle was that spiritual power preceded secular power in dignity and honor, at the time of Kings Henry the VII and VIII, Secular and ecclesiastical, powers were intertwined and competed for supremacy. The

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<sup>466</sup> Hobbes, *Leviathan*, E.W. vol. 3, II.XVII., 196

<sup>467</sup> *Ibid.*, p 197

<sup>468</sup> Emperors were still being given the role of religious leaders; convene councils, settled dogmatic disputes; appoint bishops. See Martín de Agar, *et al*, *A Handbook on Canon Law* (Montréal: Wilson & Lafleur, 2007), 295-310

<sup>469</sup> Martín de Agar, *et al*, *A Handbook on Canon Law*, 295

<sup>470</sup> Hugh of S. Victor, *De sacramentis fidei christianae*, L. Migne ed., 217, col.418, in Martín de Agar, *et al*, *A Handbook on Canon Law*, 296

ecclesiastical offices are also often charges politicians<sup>471</sup>. This meant that contentions such as the aforementioned conflict of marriage law between the pope and the King Henry VIII turned into conflicts of power. Hobbes answer to these dissensions is that the sovereign of the state precedes the Pope in making laws over the people; including religious laws. Therefore, he justified once more what Machiavelli had proposed a generation earlier.

In the introduction by Henry Cust (then a Member of Parliament), to Machiavelli's work, 'The Art of War' (1520) and 'The Prince' (1532, 1<sup>st</sup> written 1513)<sup>472</sup>, he quotes Machiavelli as saying "authority must spring from love or fear". It would be good to combine both motives to engender obedience but that is impossible. "The Prince must remember that men are fickle, and love at their own pleasure, and that men are fearful and fear at the pleasure of the Prince. Let him therefore depend on what is of himself, not on that which is of others... When he must punish let him kill."<sup>473</sup> He separated morals from political decision making to the extent that "a Prince must learn in self-defence how to be bad... what evil he does must be deliberate, appropriate, and calculated, and done, not selfishly, but for the good of the State of which he is trustee. There is the power of Law and the power of Force. The first is proper to men, the second to beasts... A ruler must be half lion and half fox, a fox to discern the toils, a lion to drive off the wolves. Merciful, faithful, humane, religious, just, these he may be and above all should seem to be... He should, if possible, practice goodness, but under necessity should know how to pursue evil"<sup>474</sup>. Thus the ruler has no other authority above him. He should learn "(as did William the Silent, Elizabeth of England, and Henry of Navarre) how to subordinate creed to policy when urgent need is upon him. In a word, he must realise and face his own position, and the facts of mankind and of the world. If not veracious to his conscience, he must be veracious to facts. He must not be bad for badness' sake, but seeing things as they are, must deal as he can to protect and

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<sup>471</sup> Martín de Agar, *et al*, *A Handbook on Canon Law*, 295. The Roman Pontiff was a territorial ruler, and remained one until the end of the Papal States in 1870.

<sup>472</sup> Niccolò Machiavelli, *The Art of War, and The Prince*, Vol. I.

<sup>473</sup> Niccolò Machiavelli, *The Art of War, and The Prince*, Vol. I.

<sup>474</sup> *Ibid*.



preserve the trust committed to his care.”<sup>475</sup> We cannot judge Hobbes or Machiavelli since one is not able to imagine the political circumstances they were couched in. However, the principles can be judged and both do away with the authority of God in the pretext of human Endeavour and power. Granted that it was difficult to find virtuous people even among those meant to be examples, still, two erroneous principles cannot generate a right principle. In both Machiavellian and Hobbesian principles dialogue between religious principals and political civil governance suffer a fatal lesion. Not only this, but human nature is viewed as irreparably inclined towards hate and selfishness.

The Aristotelian perspective is that man can be taught virtue and where this totally fails and the person is a liability to the society, then that person can be eliminated from society. The human will is a capacity directed towards the ‘good as known’ by the intellect using the appropriate means which are also good or explaining it in another way both the end and means need to lead to a happy life. However in Book X lecture XII, Aristotle explains that prudence, which is the virtue of applying the right means towards the right end and moral virtue which are good habits are connected and inform one another. The principles of prudence are taken from moral virtues and the rectitude of the moral virtues from prudence<sup>476</sup>. Aristotle explains that “if happiness is activity with excellence it is reasonable that it should be in accordance with the highest excellence” [NE, J.B., X.VII.1177a10-20, p 1860]. Aquinas explains that the best activity follows from the best faculty, and in man the best faculty is his intellect<sup>477</sup>. This is so because the intellect is practically able to rule and control all the other elements of the body, both the irascible and the concupiscible appetites. It presides over these by what he calls a quasi-political power, though the passions can resist reason to some extent. However, thinking of the autonomic nervous system, the physical members obey the intellect blindly without contradiction. Besides, it is only the intellect which understands things noble and divine and it tends towards these noble

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<sup>475</sup> Ibid.

<sup>476</sup> Aquinas, *Commentary on Aristotle's Nicomachean Ethics*, 631

<sup>477</sup> Aquinas, *Commentary on Aristotle's Nicomachean Ethics*, 623

and divine things with a natural affinity. This is different in everyman given the different levels of understanding.

Aristotle considered the intellect a part of the soul and the most divine of all things in man. Its activity exists without a bodily organ or in spite of the bodily organs. Therefore it is imperishable. Happiness properly speaking necessarily belongs to this best element according to its virtue. Yet the perfect activity required for happiness can only come from a power perfected by habit making the activity good. If therefore this power lies in the intellectual activity then it follows that contemplation constitutes the highest virtue of man. However, contemplation, the intellectual activity of understanding the good and the excellent in man cannot subsist without the body because man is made up of body and soul<sup>478</sup>. Aristotle also shows that contemplation is consistent with leisure (intellectual activity viewed as such without the activities necessary for bodily external and internal goods) and therefore happiness consists in this leisure. The rationale is that war is waged in order to attain peace and we are busy in order to have leisure, i.e. in order to contemplate.

Aristotle also shows that practical virtues are exercised in political and military affairs but they do not lead to rest or leisure [*NE*, J.B., X.VII.1177b4, p 1860]. Warlike activity, similar to that experienced in the 15<sup>th</sup>-17<sup>th</sup> century and which Machiavelli and Hobbes lived, was not an 'end' in itself. It was not war for the sake of war for that would be called murder. Statesmanship on the other hand does not seem to be an end in itself, for it aims at honour and power apart from participation in politics in itself. Hence although war and politics stand out as the activities that demand the most noble and great moral virtues, they are without leisure and aim at some other end and are not desirable for their own sake. On the other hand intellectual activity is demanding and serious and noble both in no end beyond itself and in possessing a proper pleasure which increases in activity. It is self-sufficient or leisurely; it does not demand physical labor as far as humanly possible [*NE*, X.XI.1177b4-1178a8]. This makes it divine like and higher than the

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<sup>478</sup> Ibid., p 624

material ends of man. It is the highest divine life that human life can espouse. He even lauds the man who seeks immortality as far as this differs from the composite nature of man. He exhorts therefore that man should assert himself with all his effort to strive with all his power to live according to the intellect and a life of contemplation. This surpasses all else in power and value. To live according to the bodily desires is therefore to live according to the poorer principles of our human composition and to be less of a happy man. The other way leads to the highest happiness possible in human life. Therefore, at the root of his metaphysics man's virtues can be divided into the moral virtues that refer to the bodily or material activity and intellectual virtue which appertains to that small part of the soul we call the intellect.

However, moral virtues give way to a secondary happiness arising from their activity. This is the happiness acquired by the one who follows the dictates of the virtue of prudence which directs all other moral virtues<sup>479</sup>. Wisdom, the preeminent virtue of man, encloses other speculative habits and in a like manner man's activity (active living) manifests happiness according to the moral virtues which rest in the virtue of prudence. Prudence which is practical wisdom is "a reasoned and true state of capacity to act with regard to human good" [NE, VI.V.1140b20-25]. Practical wisdom or prudence itself cannot be said to be perfect, for the excellence lies in the particular activity or art. Therefore, prudence is a state of excellence and not an art. He who is excellent in an art is said to manage things, within the art, with that prudence. It is manifested in prudent activity more than the mere knowing (episteme) of the art whereby one is said to be an artificer.

Therefore, a politician who wants to make men better by his care in the *polis* must try to become capable of legislating, if it is through laws that we can become good. He must know and must have demonstrated his capacity in whatever manner with regard to 'making men good' [NE, J.B., X.IX.1180b20-25]. After dealing with moral science, (in Aristotle this is the practical science of the acquisition of virtue), he shows that man should endeavor to be a good law maker;

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<sup>479</sup> Ibid., para 2111, p 632

he should learn to legislate. He demonstrates this in the last lecture in *Nicomachean Ethics*, lecture XV, paragraph 1180a24-1180b28. Legislation is needed in the education and in the activities of men in general. For instance, he mentions the necessity of legislating well in children's education, which he says, only happens in Sparta, and the regulation of conduct.<sup>480</sup> Since this is neglected each private person should do it by helping his children become virtuous. To make good laws anyway is a skill. To organize the city, public servants have to do it according to the law prevailing. However, he emphasizes that to make citizens good one needs good laws not just any laws willed by the 'civil servants'. The question of whether it is written or not is irrelevant; whether a prince rules according to the written law or a father with verbal admonition is tantamount to the same thing; both must be good laws. A father's precept does not have full coercive power but the prince has it. However, although the royal decree is powerful because it can coerce, that of a father is yet even more powerful by way of love. This way of love appertains to those who have the capacity of being admonished and becoming virtues and not for those who are totally corrupt and are difficult to make virtuous<sup>481</sup>. In Aristotelian society there are found those who cannot obey the law because they do not want to and therefore are not teachable in the ways of virtue. To this the most perfect law is the coercive law of the prince. We can therefore conclude that in Machiavelli and Hobbes' societies the person is perceived in this second sense, i.e. the person is wholly incapable of virtue (moral action directed to the good of the other and of the self) or to follow the law of love. Citizens must therefore be under an absolute prince with absolute powers as explained before.

Instruction in virtue varies from person to person. This is a crucial issue. We see in medicine, that the treatment for the same illness is somehow different for each person and, in athletics, the tactics of competition vary from opponent to opponent. Hence, it is the same with the legislator. Each person will require special attention in order to acquire what is suitable for each. In this respect family education is defended. However, there is something universal among

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<sup>480</sup> Aquinas, *Commentary on Aristotle's Nicomachean Ethics*, 643

<sup>481</sup> Aquinas, *Commentary on Aristotle's Nicomachean Ethics*, 644

all deceases and in every athletic completion. Hence, the father of a family and the mother will train the children if they generally know what the universal principles that belong to all men. They are best suited in tailoring the law of instruction to each of their children. The state can only reach the general level for it lacks the knowledge of the particular situations. The parent nevertheless is near enough the particulars of each child and therefore can instruct them more effectively. Therefore, 'he who proceeds from universal knowledge can best care for an individual case' but it is difficult for he who cares for the universal or general situation to care for the particular case. And so many judges are appointed to assign the general law to the particular cases. These judges are like the parents who should move from the universal law to the particular case; tailoring the universal to suit the circumstances of the individual person. This is Aquinas' commentary on Aristotle's legislative science. If there were to be enough judges to rule particular cases effectively then the judges would be parents in a sense. It follows that the state should carefully take into account the nature of the family and the law of the family for it is here that true instruction meets the individual person effectively or should. There could also be the case, as an exception that someone is qualified to treat himself but is not qualified to treat others<sup>482</sup>. If a person must govern the others well it is necessary that he acquires universal principles and not simply what he himself wishes or according to his 'voluntary' ambitions.

To be scientific in political science helps a ruler or public servant give reasons why they make certain laws and such a politician can teach others the science of good statesmanship. It is evident in Aristotle that the ruler or public servant needs more than just moral virtue to govern well. The ruler needs political science wherein he will learn political prudence. Political Legislation is similar to architectural design. It is an art. However, political science has something distinct from the other arts and sciences; that is, the others seem to necessitate good understanding of the principles of the particular knowledge. Others such as the practical arts of medicine seem to require practical capability, that is, knowledge acquired from the study of the principles and from experience or customs. Political science nevertheless necessitates Intellectual

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<sup>482</sup> Aquinas, *Commentary on Aristotle's Nicomachean Ethics*, 645

discernment (science) of the general common good and not just practical wisdom. To teach another this art of statesmen is the most useful thing one can teach their best friends<sup>483</sup>.

Experience can be useful and can contribute a lot to good statesmanship. Nay, political experience is necessary for those who want to know something about the science of statesmanship. Political science is not just about judgments as the sophists or the Hobbes 'will' would have us understand. Neither is it to collect laws from the others and choose the best of them. Collection of laws may help but each practical situation necessitates a new law; a universal law modified to suit the particular situation; and the statesman makes a new law in order to educate citizens in the right virtues or arts pertaining to that particular situation. Hence, communities or societies are not identical or uniform and the mannerisms and customs of the different peoples are different. Therefore, they need different laws according to their specific situation. Aristotle even foresees that a nation having one type of constitution can change it in time to another species of constitution if the particular situation calls for it. For example, Aristotle mentions that where the community is small and like a family, monarchy is usually the best constitution. When the community grows into a complex community it may be necessary to change the constitution to one of a constitution of free-men or what we now call a good democracy polity. When one knows the particulars one makes the right judgement of the requisite law. Hence, it is difficult for an inexperienced person to be a good ruler. Laws are framed for the sake of the activities of a state or community. If one does not know the particular ends or objectives of a particular community he cannot rule well.

Regarding the 'making' of a state or a political community, Aristotle does not foresee a particular formula for inserting one or more constitutions. Rather political constitutions arise and change as the community grows into a self sufficing state. There are indications nevertheless of good constitutions for particular situations. For example, Aristotle begins the fifteenth lecture in Book three examining whether it is more advantageous to be ruled by the best man or by the best

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<sup>483</sup> Aquinas, *Commentary on Aristotle's Nicomachean Ethics*, 648

laws [*Politics*, III.XV.1286a5]. He answers the question in many ways but in Book IV, lecture VIII he says that it seems that it is impossible for a community to be well governed “which is governed not by the best citizens but by the worst” or “that when a state is ill governed should be governed by the best”. In a well governed community “there are two parts of good government; one is the actual obedience of citizens to the laws, the other part is the goodness of the laws which they obey. If they are good laws then the best men are governing the state, making good laws. On the other hand the citizens can obey bad laws as well as good, but it is better that they obey good laws making them good virtuously. If there are good laws, citizens may obey either the best laws which are attainable to them, or the best absolutely” [*Politics*, IV.VIII.1294a1-8].

Another example regarding constitutions and the rulers is that, distribution of offices according to excellence is a hallmark principle of Aristocratic government [*Politics*, IV.VIII.1294a10]. In another place, he says “A people who are by nature capable of producing a race superior in the excellence needed for political rule are fitted for kingly government; and a people submitting to be ruled as freemen by men whose excellence renders them capable of political command are adapted for an aristocracy; while the people who are suited for constitutional freedom are those among whom there naturally exists a warlike multitude”. In Monarchy and Aristocracy the multitude is capable of being ruled by men whose virtue is appropriate for political command and in the constitution of free-men (democracy or polity good sense, not anarchy) the multitude is able to rule and to obey in turn by a law which gives office to the well-to-do according to their desert.” [*Politics*, J.B., IV.XVII.1288a8-15]

There is however no doubt that if any of the rulers in a kingship, aristocracy or constitutional state rule for his own private interests instead of the common good the governments change into tyrannies, oligarchies and anarchies (sometimes referred to as the democracy of the poor ruling over the rich equivalent to the worst type of oligarchy). These perversions are exactly what Hobbes and Machiavelli taught and more especially, that of tyranny. For tyranny is described as the rule of a king for his own benefit or put in another way according to what he finds fitting to himself. Although as we have seen above Aristotle believed in the best man (best citizen and best ruler) and the best laws (the best that can be legislated or the best absolutely (this can only be in reference to God); it is also clear that the best citizens

ruling as many can make decisions much like the best man and more prone to be consistent doing so. The best man can fall prey to capricious behavior and therefore Aristotle also advised the best men even if they are few (aristocracy) or a constitution of free-men. The latter can deteriorate but it would be difficult and if it does degenerate to a group of the poor ruling over the rich this is better than a tyrants rule since less virtuous men can make better judges than a tyrant arrant.

A person does not bring himself into existence but comes from the action of another. Once born and educated, at an appropriate time he becomes independent of his parents. Then the person is free and is supposed to be responsible for his own good. A community comes into being, not from an intellectual ideological fabrication of the citizens themselves but rather from natural, cultural, historical, traditional and current realities of common life. This is a principle alien to the notion of 'nation' as an ideology. Whenever an 'external' notion of community is superimposed on a nation's traditional and cultural identity structure, the experience of the years has shown that wars of 'liberation' are inevitable. Many wars in the nineteenth and twentieth century were based to some extent on this principle; for example, all the wars of independence of countries in South America, Central America and Africa against colonization. The Second World War is the result of Hitler's desire to impose one ideology in the whole of Europe. In the 18<sup>th</sup> century the United States of America fought for autonomy against the British. The Spaniards fought 8 centuries to rid themselves of the yoke of Islam, between the 7<sup>th</sup> and 16<sup>th</sup> century. The list is endless if we were to look into history more critically. When a person is born, it is called to a life in common with others, especially beginning with those who brought it into being and later by education. That is, the family, the Father and Mother and then the society that gave the family its possibilities of union providing the relationship of the couple, life, development, licitness and validity of their relationship; of the new cell of society. In reality, only a society can give the fundamental reason for the person and the family. This follows from the principle of non-contradiction but also from reality. However, the question as to where the original family came from is the cause of the cause of 'belief' or 'certain knowledge without a complete science'. Since both man and woman have not created themselves it is necessary to define that there is a cause beyond them. Society has variously called that first cause God, and most religious beliefs in the world define that God is not created. Therefore, He is eternal. This is Aristotle's general



perspective when he defines best laws absolutely in politics. Besides in order to change a society's culture and traditional laws Aristotle seems to suggest that the best way is to inform the intellects of the inhabitants (education) and dialogue with them about the new truths. Thus, new truths are assimilated into the society.

Hobbes (1588-1679) mainly reflected on philosophy and political theory. He lived in a historical moment in which inter-monarchical wars were the norm of social life in most of the European states and the renaissance was at its zenith. During his time the science of economics as we know it did not exist. Rather the founder of the classical school of economics was Adam Smith who published his treatise on the Nature and Causes of the Wealth of Nations in 1776. Some authors like William Archibald Dunning (1905) describe Hobbes' economics as quaint<sup>484</sup>. Some consider him a Mercantilist. Could it be that Hobbes did not consider economics important? If we were to define 'economic management' simply as the management of scarce resources and the market exchange of such resources, then it would be naïve to imagine that Hobbes did not have it as a key factor in ensuring the prince's power; especially so in a time when European states were at the throes of major overseas explorations.

Shepard Bancroft Clough and Richard T. Rapp, (1986: 129-151) try to explain the historical context of 15<sup>th</sup> to 17<sup>th</sup> century Europe and the crisis it underwent. In chapter 7 of their book, *Historía económica de Europa*, they emphasize the core elements of this crisis. European transition to the modern age took place around the end of the 15<sup>th</sup> century and the beginning of the 16<sup>th</sup> century. During this period Europe experienced the development of the humanism; the development of the empirical scientific method as a means to advance knowledge; entry of the protestant movement; establishment of national states and growing sentiments of nationalism; European geographic expansion and economic hegemony overseas; and the spread of Christianity and western cultural values to the new lands. Humanism as an ideology refers to the focus on humanity and the earthly material luxuries away from theology and scholastic

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<sup>484</sup> William A. Dunning, *A History of Political Theories from Luther to Montesquieu* (New York, 1905), 292

philosophy. The Europeans in the modern age appeared more interested in social, political and material realities than God. As Clough and Rapp explain, it substituted religious objects with paintings, classical Greek and Roman translations into modern languages sprinkled with narrations of the real life, such as the *Decamerón*, of Boccaccio, and *Praise of Madness* by Erasmus. In architecture, greater emphasis was given to secular buildings, palaces of spiritual and temporary princes, and public monuments, such as the *Palazzo dei Medici* in Florence, the *Louvre* in Paris, and the *Rathaus* in Bremen. Acquisition of wealth and material luxuries dominated their minds<sup>485</sup>.

The “science” of constructing bridges, roads, boats and mining became a sign man’s civilization and dominion over material things. New religious sects such as that of Calvinism appeased their minds by preaching frugality within riches. Natural Ethics substituted theology and the doctrine of sacraments. The notion was that nations could dominate others with science not theology. The concept of nationalism, exemplified by the transformation of dynastic nation-states such as Portugal, Spain, Italy and Germany among others, spread throughout Europe. The national state was characterized by a political union of people, ordinarily united by a similar language; bound by common historical traditions and sharing similar Literature, music and art. This nation-state tended to move away from cohesiveness based on loyalty to the principle of “*rule by divine right*”, towards solidarity along populist lines based on emotional loyalty towards national and social norms. The new nation in turn proffered better security to the citizens, unified mercantile law, abolished local barriers to commerce and the standardized weights, measures and currencies. This nation-state would later become the decisive force behind the spread of western culture and propagation of Christianity. On the other hand, during the process of the formation of nation-states, wars to amass or consolidate national dominions or to demonstrate economic dominion often broke out; and these wars were resolved through peace

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<sup>485</sup> S.B. Clough and R.T. Rapp, *Historia económica de Europa. El desarrollo Económico de la Civilización Occidental* (Barcelona, Omega, 1986), 129-151. A translation of the original Work in English by the same authors, S.B. Clough and R.T. Rapp, *European economic history; the economic development of Western civilization* (New York, McGraw-Hill, 1975)

treaties, such as that of Tordesillas between Spain and Portugal, arbitrated by Pope Alexander VI, of Spanish birth<sup>486</sup>.

Hobbes lived this crisis in its zenith and the crisis was both internal in the state and external with regard to the wars for dominions. England and no longer Spain and Portugal were the pivotal power of Europe<sup>487</sup>. Turning the coin over, away from wars during the changes that took place from medieval life to modern life, one needs to consider the social and economic life in Europe then. To summarize the idea in a nutshell, the 18th century Europe is often considered the hour of the Bourgeoisie<sup>488</sup>. The latter is a term used to signify or define a social class whose seed was planted in the medieval age and saw its fulfillment in the cultural, social-political and economic changes in Europe by the end of the 18th Century. Changes from medieval feudal systems to modernity certainly re-organized the status quo in favor of the Bourgeoisie. It is now well known that over the centuries from the 12<sup>th</sup> to the 18<sup>th</sup>, the bourgeoisie became a significant force of change in Europe, especially in France. The term bourgeoisie still proves very difficult, even today, to define given the different forms it took over this long period of time. They are generally considered to have comprised of; Merchant and businessmen, financiers, industrialists, rural bourgeoisies, intellectuals, professionals, civil servants and finally teachers and lecturers in the Universities and colleges. It would be wrong to assume that all the people who held these positions were part of the Bourgeoisie as explained in the note attaching. These people did not share the privileges of the nobility class of their countries. They are considered the protagonists of European economic transformation; they loathed the power the Church and the monarchy exercised over them, they questioned the status quo of beliefs and social norms; they wanted to share the power of the highest classes yet at the same time they wanted to be left free to carry out

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<sup>486</sup> S.B. Clough and R.T. Rapp, *Historia económica de Europa. El desarrollo Económico de la Civilización Occidental*, 129-151

<sup>487</sup> Ibid.

<sup>488</sup> R. L.M. Enciso, *La Europa del siglo XVIII*, (Barcelona: Península, 2001), 113. The term bourgeoisie had various definitions over the history of Europe. Luis Miguel Enciso mentions that in the 12<sup>th</sup> Century, they term referred to those inhabiting the cities. In the 16<sup>th</sup> century however, the Savary dictionary describes them as « *ceux qui ne sont ni du nombre des nobles, ni du nombre des ecclesiastique* » simply translated here as “are not numbered among the nobility or among the ecclesiastics”.

their professional work without certain legal, political or religious limitations; they wanted to be differentiated from the lower classes and be considered among the nobility. As such they neither formed the ordinary class of people nor the nobility in turn. They were a power that changed Europe. Enciso explains that the nobility on the other hand considered them a lower class of people, they needed them to carry out all sorts of functions financing, investment, merchant, tax collection and civil service functions. The nobility deemed themselves above these functions and at the same time needed them. Not all these functions came through the patronization of the nobility. The bourgeoisie prided themselves as self made workers who had grown through the ranks of poverty and class to deserve respect and share the responsibilities of governing the nation. They had their spirit; the “*espíritu burgues*” – The Bourgeois Spirit<sup>489</sup>. Thus Charles Moraze (1913–2003), would consider in his work “The Triumph of the Middle Classes”, that the 18<sup>th</sup> century was the hour of the bourgeoisie<sup>490</sup>.

Where would one insert Hobbes in this historical panorama? Hobbes was born to a noble family and though not raised by his father, a clergy man, his guardian was a rich uncle. When Hobbes wrote *Leviathan* sometime 1651, sovereignty in England was in contention there being a civil war as mentioned earlier and sovereignty under siege<sup>491</sup>. Anarchy prevailed and Hobbes work aimed at a political philosophy that would turn the desolate state imbued in a “dissolute multitude of men, doing everyone what his own reason or imprinted light suggested”<sup>492</sup> into a perpetual peaceful, prosperous and powerful state. Thus he says that, where there is civil war there are no laws, nor commonwealths, nor society, but simply “multitudes of lawless men” each following “his private interest, without any obligation of conscience.”<sup>493</sup> Hobbes’ wrote *Leviathan*, Ashcroft contends, not because the commonwealth of England had dissolved, but that

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<sup>489</sup> R. L.M. Enciso, *La Europa del siglo XVIII* (Barcelona: Península, 2001), 111-144

<sup>490</sup> R. L.M. Enciso, *La Europa del siglo XVIII*, 111

<sup>491</sup> M. M. Goldsmith, *Behemoth*, New York, 1969); in Ashcraft Richard, “Ideology and Class in Hobbes’ Political Theory”, *Political Theory*, Vol. 6, No. 1, (Feb., 1978), 27-62

<sup>492</sup> Hobbes, *Human Nature: or The Fundamental Elements of Policy*, E.W. Vol. IV., 287; in Ashcraft Richard, “Ideology and Class in Hobbes’ Political Theory”, 27-62

<sup>493</sup> Hobbes, *The Questions Concerning Liberty, Necessity and Change*, E.W., (London: Molesworth, 1839), vol. 5, 184; Ashcraft Richard, “Ideology and Class in Hobbes’ Political Theory”, 27-62

it was still in the state of nature<sup>494</sup>. He reminds us that in Hobbes' very words "Leviathan was written in defence of the King's power, temporal and spiritual"<sup>495</sup>.

Comparing Hobbes to Locke, Hobbes was born to a noble family and though not raised by his father, a clergy man, his guardian was one of his rich uncles. Locke on the other hand was born to an English rural bourgeoisie landed family rich enough to educate him at Oxford. The two had very distinct cultural, family and basic education. It is necessary to understand the context of their environmental surroundings in order to perceive their distinctive philosophical features. Hobbes is eager to demonstrate the power of the ruling class and Locke wants to liberate his bourgeoisie predicament, through the all important defense of the right to individual property based on natural law. Since man is noble by nature he does not need the state to create a society. Society is a conjunction (much like atoms) of variable individuals living together and relating to one another. For Locke civil society does not need an external guardian to coerce peace. It only needs a minimum of governance to ensure that laws are kept. These laws form the nature of relationship among individuals. Locke proposed a social contract theory in his second treatise on government published in 1690 but written in the 1680's. He understood the nature of monarchical government in the same way that Hobbes did with a little bent to it. That is, he thought that government derived from an agreement among men to give up their natural 'individual' rights in favor of life in a political or civil society.

The government much as Hobbes had put it would guarantee their life, liberty, and private estate. Locke's emphasis on a social contract that protected natural rights shaped the views of the American revolutionaries. He points out that "Man being born, as has been proved, with a title to perfect freedom and an uncontrolled enjoyment of all the rights and privileges of the law of Nature, equally with any other man, or number of men in the world, hath by nature a power not only to preserve his property—that is, his life, liberty, and estate against the injuries and attempts of other men, but to judge of and punish the breaches of that law in others, as he is

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<sup>494</sup> Ashcraft Richard, "Ideology and Class in Hobbes' Political Theory", 27-62

<sup>495</sup> Hobbes, *Human Nature: or The Fundamental Elements of Policy*, 407

persuaded the offence deserves... [it]”<sup>496</sup>. He further emphasizes that “no political society can be, nor subsist, without having in itself the power to preserve the property, and in order thereunto punish the offences of all those of that society, there, and there only, is political society where every one of the members hath quitted this natural power, resigned it up into the hands of the community in all cases that exclude him not from appealing for protection to the law established by it...”<sup>497</sup> Hobbes and John Locke arrived at the same conclusion that the political society was ‘artificial’ and they arrived at this conclusion having come from two different family and historical backgrounds.

Ashcroft points out that Hobbes is close to Machiavellian principles; “an intellectual *agent provocateur*. Questions of “natural law, the nature and origin of property, and the power of the state over economic enterprise-problems” underpin his economic perspectives leading to future political and economic theory<sup>498</sup>. In Chapter 24, of *Leviathan* entitled “Of the Nutrition and Procreation of a Commonwealth” appear the key economic perspective of Hobbes. In the aforesaid chapter, after explaining the necessity of material wealth, deriving from the ‘two breasts’ of mother earth, the sea and the land and deriving from man’s labor (‘concoction’), he ambiguously proscribes the principle of liberty in economic activity stating that the distribution of material necessities for the pleasure of man is in the hands of Sovereign power. He is quite clear that “the Distribution of the Materials of this Nourishment, is the constitution of Mine, and Thine, and His, that is to say, in one word Propriety; and belongeth in all kinds of Commonwealth to the Sovereign Power”<sup>499</sup>. Mine, Thine and His, in this context is referring to the “Right” which as he says is granted by the sovereign. Having seen that every human action derives from human volition based on passions and imagination, and that the sovereign governs all citizens according to his particular will, then it is obvious that even economic activity falls

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<sup>496</sup> John Locke, *Two Treatises on Civil Government*, Henry Morley ed., (George London: Routledge and Sons, 1884), 230–40

<sup>497</sup> *Ibid.*

<sup>498</sup> Richard Ashcraft, “Ideology and Class in Hobbes’ Political Theory”, *Political Theory*, Vol. 6, No. 1, (Feb., 1978), 27-62

<sup>499</sup> Hobbes, *Leviathan*, E.W., vol. 3, I.XXIV

under his absolute power by the fact that it is in the Sovereign that the civil society is construed. Outside of it is war of man against man. In the state of nature there would be economic uncertainty. Quoting Cicero, Hobbes points out that “take away the Civill Law, and no man knows what is his own, and what another mans.” One must remember nevertheless the nature of civil law in Hobbes. The problem is not in the term ‘civil law’ as used, but in that the law is the ‘individual’ will of the sovereign.

Once this right to economic activity is given then as Aaron Levy says the ruler’s intervention is indirect but present<sup>500</sup>. Property Hobbes says is the “the act onely of the Sovereign; and consisteth in the Lawes, which none can make that have not the Sovereign Power.”<sup>501</sup> In this also rests justice for justice is to give to each his due...his property. Yet one may argue that if all belongs to the absolute King then only he can grant ownership rights or put in another way, only the king can distribute property with justice in civil society. He makes the laws, he makes the customs and he decides pragmatically what property is and to whom it belongs to. This is Hobbes’ perspective precisely.

The King therefore in Law, equitably distributes land according to his own judgement. His defence of this principle is that “Eleazar the Priest, and Joshua their Generall: who when there were twelve Tribes, making them thirteen by subdivision of the Tribe of Joseph; made neverthelesse but twelve portions of the Land; and ordained for the Tribe of Levi no land; but assigned them the Tenth part of the whole fruits; which division was therefore Arbitrary.”<sup>502</sup> Even if he does something contrary to his conscience and inequitably Hobbes says “It is true, that a Sovereign Monarch, or the greater part of a Sovereign Assembly, may ordain the doing of many things in pursuit of their Passions, contrary to their own consciences, which is a breach of trust, and of the Law of Nature; but this is not enough to authorise any subject, either to make warre upon, or so much as to accuse of Injustice, or any way to speak evill of their Sovereign;

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<sup>500</sup> Aaron Levy, “Economic Views of Thomas Hobbes”, *Journal of the History of Ideas* Vol. 15, No. 4, , (Penn: University of Pennsylvania Press, Oct., 1954), 589-595.

<sup>501</sup> Hobbes, *Leviathan*, E.W., vol. 3, I.XXIV

<sup>502</sup> Ibid.

because they have authorised all his actions, and in bestowing the Sovereign Power, made them their own”<sup>503</sup>.

The monarch should control the money and the public riches. If he fails in doing this there arises the danger of costly wars. The other principle is that commonwealths (by which he means the Sovereign) cannot have their land limited by a ‘Diet’ or rather, they should be allowed to obtain as much as their appetites demand according to “the emergent occasions shall require”<sup>504</sup>. However, once the land is distributed to private use none should remain ‘as public land’. It either belongs to the King for his good leisure whenever he needs it and to the persons individually to whom he has allotted. Land is at his pleasure directly, whenever, wherever and however the sovereign deems fit because he has the power to acquire it. If it is not his then it belongs to the person to whom it has been assigned. There should not be such thing as public land left without ownership. Rather using Hobbes argument, it is in vain that there is such thing as public land reserved for management by the government and the government’s representative. “It is therefore in vaine, to assign a portion to the Commonwealth; which may sell, or give it away; and does sell, and give it away when ‘tis done by their Representative.”<sup>505</sup>

The same principle applies to the distribution of rights to economic activity. “The places and matter of traffique depend, as their distribution, on the sovereign.”<sup>506</sup> If this were not the case then the private use of the land and chattels that come from it may be used against the sovereign or the commonwealth. Therefore too, the sovereign approves the places and matter of traffic. In completing his theory to these principles Hobbes delegates upon the sovereign the right to provide the law upon which contracts may arise between citizens. Economic exchange is to be determined by the law the sovereign promulgates. Although the Sovereign has sweeping powers over land and chattels, Hobbes political philosophy allows for the possibility of private

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<sup>503</sup> Ibid.

<sup>504</sup> Ibid.

<sup>505</sup> Ibid.

<sup>506</sup> Ibid.



ownership of land and the right, albeit given by the sovereign, to private mutual contracts and exchange.

“Gold, and Silver, and Mony” are equivalent to the “concoction” of Hobbes. He allows that this is the ‘blood’ of the commonwealth to enable citizens to move from one place to another and afford the nourishment granted by the location they find themselves<sup>507</sup>. The sub-paragraph in chapter 24, where he deals with this concoction, as he calls it, is titled, “Mony The Bloud Of A Common-wealth”. Money is the ample measure of exchange of “all commodities, Moveable, and Immoveable, are made to accompany a man, to all places of his resort”. It functions like the blood in the human body “and goes round about, Nourishing (as it passeth) every part thereof; In so much as this Concoction, is as it were the Sanguification of the Common-wealth.”<sup>508</sup> Money is the blood of the artificial man that makes him correspond to the natural man, and in like manner the government of the sovereign is the heart of the artificial person<sup>509</sup>.

Hobbes astutely understands that it is not advisable for one man or council to place the value. First because it depends on the very matter that signifies its value, secondly because the ‘base money’ or money in the black market can be enhanced or abased at will and therefore could become stronger than that which is controlled by the sovereign. Money helps commonwealths move, stretch out their armies into foreign countries when necessary and supply the needs of the citizens. He reiterates that money which has its value in the stamp of the sovereign is apt for abuse and to the detriment of those that hold it since it is the prey of any changes in the law<sup>510</sup>. How is money to be availed to public use? In taxes paid to the government and in public payments to which the Treasury is responsible<sup>511</sup>.

Man’s labor is a commodity and can be sold for benefit. In the first paragraph of Chapter 24, he says that “for a man’s Labour also, is a commodity exchangeable for benefit, as well as

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<sup>507</sup> Ibid.

<sup>508</sup> Ibid.

<sup>509</sup> Ibid., see the paragraph on “The Conduits And Way Of Mony To The Publique Use”, Cap XXIV.

<sup>510</sup> Ibid.

<sup>511</sup> Ibid.

any other thing: And there have been Common-wealths that having no more Territory, than hath served them for habitation, have neverthelesse, not onely maintained, but also encreased their Power, partly by the labour of trading from one place to another, and partly by selling the Manufactures, whereof the Materials were brought in from other places.”<sup>512</sup> Man’s labor can be used in the sovereignty or in colonies that fall under the power of a sovereign. Everyone is to work and is allowed to sell his produce to whomever he likes. Hence the state survives “partly by the labour of trading from one place to another, and partly by selling the manufactures whereof the materials were brought in from other places”<sup>513</sup> In the way the Sovereign provides the citizens “their civill happinesse then that being preserved from forraign and civill warres, they may quietly enjoy that wealth which they have purchased by their own industry.”<sup>514</sup>

Now Aristotle and Aquinas direct the use of money to the natural needs for the sake of the ultimate good which is the first and absolute good. Nevertheless money is an unnatural or ‘artificial’ power of exchange for a natural need (good). This means that man makes money for the sake of acquiring natural goods necessary for happiness rather than power to apprehend the ‘others’. Natural needs when acquired are a certain wealth. “All material things obey money, so far as the multitude of fools is concerned, who know no other than material goods, which can be obtained for money. But we should take our estimation of human goods not from the foolish but from the wise: just as it is for a person whose sense of taste is in good order, to judge whether a thing is palatable. But not so spiritual things”<sup>515</sup>. The desire for natural riches is not infinite; because they suffice for nature in a certain measure. But the desire for artificial wealth is infinite, for it is the servant of disordered concupiscence, which is not curbed, as the Philosopher makes clear (Aristotle, *Politics* I.III). Yet this desire for wealth is infinite otherwise than the desire for the sovereign good (highest good and greatest happiness). “For the more perfectly the sovereign

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<sup>512</sup> Ibid. See the paragraph on “The Nourishment Of A Common-wealth Consisteth In The Commodities”, Cap XXIV.

<sup>513</sup> Hobbes, *Leviathan*, ch. 24, p. 161.

<sup>514</sup> Hobbes, *De Cive*, E.W., ch. 13, articles VI, XIV.

<sup>515</sup> Aquinas, *S Th*, I-II, q2, a1

good is possessed, the more it is loved, and other things despised: because the more we possess it, the more we know it”<sup>516</sup>.

To intentionally give more money in exchange for a need is a sign of friendship – a type of love that belongs to the relationship between people of different households or families or nations. It takes the nature of a ‘gift’ – that is to give to someone without asking for something equal in return, but hoping for a free response of friendship in return (May El Shaddai move the man to be kind to you). When there is love, and depending on the extent of the love between persons, what is mine becomes yours. There is very little distinction between the self and the other with regard to wealth. Love in its most perfect state seeks full identity with the other, as for example a woman and a man totally in-love. This lack of distinction between the one and the other one loved, is not a material equality, rather it is a constant state of desiring the self in the other. For instance, for Love to really exist each has to have their own personality which they give to the other and therefore Love is dynamic not static. One cannot love if he does not have what is his own as distinct from the other. Therefore when money is given in equal exchange for something there is no Love between one and the other. This applies to any kind of exchange. Hence, stating that the rational action is rational to the extent that it is (selfish) is a converse principle to love. The gift of love is consummated when received and love reciprocated. Money, the ‘artificial’ power to acquire or to have, can be a treasure; that is a ‘store’ of good things in so far as the owner is virtuous. Money is a defence if one encounters the vicious or lives among vicious people (enemies).

There is a certain sense in which Aristotle agrees with Hobbes and that is in the consideration that money is owned by a ‘certain’ person; it is not general but private. Hence, money by nature has a real owner, the one who uses it in virtue or vice. Potentiality in money is but indeterminate. The one who determines it is the true ‘owner’ of virtue. The one who can supply to the needs of the others gets in exchange all their money and their selves as slaves with

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<sup>516</sup> Aquinas, *S Th*, I-II, q2, a1

regard to a particular commodity; and vice versa. To work for another is to be his 'slave' in a manner of speaking; for we work to satisfy our needs and these needs we cannot do without (although one can opt to die unnaturally). In other words we become slaves of each other. Hence, we can derive some types of slavery; when one is over-powered and forced to slavery by the victor; the second is the one who provides for the needs that we cannot do without; and thirdly, the needs we cannot do without make us slaves to all the others. If the master could be considered a god, then there are three gods; the one who is most powerful and can subdue us completely, the one who provides all our needs (for he who subdues us also has to provide for all our needs) and our needs. The highest need, from the perspective of society, which begets all other needs, is conscious living and concern for the good and correction of the other (the common good) as we have seen before. And the later is also love. The former one is the particular good and the latter the common good of society. Seen from this sense one can interpret Hobbes as having a portion of truth when he says that money is to be used for the exchange of goods. But other than that his very principles are inverted in comparison to the same terms in Aristotle. No state or sovereign can provide all things needed for the sake of the good life. No ruler can have the capacity to art and work for the needs of all the society. No ruler can own all things. Rather the medium of exchange, money, is roundly founded on the material natural goods necessary for the satisfaction of good living and this is not infinite. In Hobbes there is no place for this sense of meaning for he says that the common-wealth or sovereign cannot know diet because the natural needs are either at his will which cannot be contested or that natural material needs are to be acquired from the pragmatic conditions acquiescing.

Money equalizes when it is impossible to share a natural good we possess in common and there is no love between two parties. Further, in Aristotle one sees the cohesion that institutions contribute powerfully to the common good when they respect, internally and externally, the internal order of the different spheres and categories of society. The economic category cannot be the first in that order or be politics for that matter. It is not just to subordinate

the work of people who deposit their money in banks to certain political partisanship which the banks may be used for<sup>517</sup>. In addition, Aristotle differentiates the true art of commerce from greed for money by articulating a limit (*peras*) to the acquisition of money. That limit is the goal that household management imposes on acquisition. While the goal of household management is the self-sufficiency that makes flourishing family life possible, moneymaking in Hobbes can be used for greedy reasons or based on unlimited desires. It makes no sense to destroy one's household in pursuit of unlimited wealth and possessions, for these goods exist as a means to a happy home, not the other way around. In this way, the goal of household management sets limits on acquisition<sup>518</sup>. The nature of human will or desire is to be without limit (*apeiros*) as Aristotle observes. Men are always demanding more and more (*Politics*, 1267b1-5) and the "greatest injustices" are done because of such excess (*Politics* 1267a12-3). If the common good is to come about, each citizen must undergo a radical conversion. According to Aristotle, moderation is the cure for some excessive desires [*Politics*, 1267a10]. This cure entails forming reasonable people (*epieikeis*) so that they will not surrender to unlimited external goods [*Politics*, 1267b6- 8].<sup>519</sup>

Aaron Levy points out certain ameliorating principles in Hobbes. In particular Hobbes calls for the ruler to enact "laws against idleness"<sup>520</sup>; laws to encourage "all manner of arts . . . and all manner of manufacture that requires labour"<sup>521</sup> stating that "for such as have strong bodies . . . they are to be forced to work"; for slavery when he suggests that those who "have strong bodies . . . they are to be forced to work."<sup>522</sup> He also recognizes over population as a cause of unemployment and advises that for "the multitude of poor, and yet strong people still

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<sup>517</sup> Rafael Alvira, "Bien Común y Justicia Social en las Diferentes Esferas De la Sociedad", 61-79

<sup>518</sup> Thomas W. Smith, "Aristotle on the Conditions for and Limits of the Common Good", *The American Political Science Review*, Vol. 93, No. 3, 625-636, <http://www.jstor.org/stable/2585578?origin=JSTOR-pdf>

<sup>519</sup> Ibid. Moderation also involves structuring things so that base people will be unable to overreach. Aristotle's pessimism, so to speak, regarding the education in virtue of some people turns into vivid eloquence when he alludes that those who cannot be formed in virtue should be ejected from the community. Cfr. Alejo J.G. Sison, and Joan Fontrodona, "The Common Good of the Firm in the Aristotelian-Thomistic Tradition", (June, 2008).

<sup>520</sup> Hobbes, *De Cive*, E.W., ch. 13, arts. VI, XIV

<sup>521</sup> Hobbes, *De Cive*, E.W., 227

<sup>522</sup> Ibid.

increasing, they are to be transplanted into countries not sufficiently inhabited,...” and suggests to those who have ‘procreated’ colonies, “not to exterminate those they find there; but constrain them to inhabit closer together, and not to range a great deal of ground, to snatch what they find; but to court each little plot with art and labour, to give them their sustenance in due season.”<sup>523</sup> He is aware of the evils of monopolies, the limitations of colonies since the new colonies have to form their own artificial societies and may therefore prove difficult to administrate. Hobbes points to the problems of over population by saying that “when all the world is overcharged with inhabitants, then the last remedy of all is war; which provideth for every man, by victory, or death.” This foreboding is no less than a reversion of man to a state of nature<sup>524</sup>.

With regard to slavery, Aristotle is for the idea that the slave is in relation to the master like the body is to the soul. The master has to ‘master’ the slave and the slave be the one who carries out the order of the wise master. For the slave does not, as such, have the capacity for prudence or contemplation. However, both are working for the good. Nevertheless, Aristotle and Hobbes seem to coincide in the certain view of calling for war to ensure that the good state surmounts the uncivilized barbarian in the state or in other nations. Regarding over population both agree in a sense on control although Hobbes does not exactly call for control but war when there is over-population. Aristotle calls upon the legislator to ensure that only the right sorts of couples procreate and that he ensures the population of citizens is round about 5040 as explained before.

Hobbes defines the role of what we now define as the Welfare-state. For those who through misfortune or accident are unable to work, Hobbes prescribes public charity<sup>525</sup>. Levy explains it vividly when he says that “He not only denies that the care of the poor should be left to private charities, but by making it the responsibility of the state he also removes the poor from the jurisdiction of the Church, which had administered all forms of charity in the Middle Ages.

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<sup>523</sup> Ibid.

<sup>524</sup> Hobbes, *De Cive*, E.W., ch. 13; *Leviathan*, 151-152 and 227

<sup>525</sup> Hobbes, *Leviathan*, E.W., 227

To Hobbes care of the poor becomes a political matter, for poverty leads to unrest and, if sufficiently widespread, to sedition”<sup>526</sup>. Everyone should have come to believe according to Hobbes in *De Cive*, Cap XII, paragraph IX, that “riches are gotten with industry, and kept by frugality”. Levy interprets *De Cive*, Cap XII, paragraph IX-XIII as Hobbes intent on “that the care of the poor should be left to private charities, but by making it the responsibility of the state he also removes the poor from the jurisdiction of the Church, which had administered all forms of charity in the Middle Ages. To Hobbes care of the poor becomes a political matter, for poverty leads to unrest and, if sufficiently widespread, to sedition”. Hobbes is so strong in warning that those who raise sedition are among those who are not responsible for the common good and describes them as those who being idle “are invited by their vacancy sometimes to disputation among themselves concerning the Common-weal, sometimes to an easie reading of Histories, Politiques, Orations, Poems, and other pleasant Books; and it happens, that hence they think themselves sufficiently furnisht both with wit, and learning, to administer matters of the greatest consequence”<sup>527</sup>. His conclusion in nutshell is that they do not know what they are doing if they do not understand that authority must lie in the hands of the ruler. Now in Aristotle, every person, family and social institution should be responsible for the good of the others. Hobbes sees this as impossible achieve.

Human work wherein human beings manifest their being as such, is benevolent by nature. Aristotle insists that benefactors love the recipients of their favors even if they are not useful to them at the moment. He says that such a relationship is more analogous to the love craftsmen have for their work, the love poets have for their poems, or the love parents have for children. “The cause of this is that being is choice-worthy and lovable to all. We all exist in activity for [we exist] by living and doing. Now in a way, the work is the ‘maker in act’”. So [the

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<sup>526</sup> Hobbes, *De Cive*, E.W. ch. 12, art. IX; in Aaron Levy, “Economic Views of Thomas Hobbes”, *Journal of the History of Ideas*, University of Pennsylvania Press, Vol. 15, No. 4, (Oct., 1954), 589-595.

<sup>527</sup> Hobbes, *De Cive*, E.W., ch. 12, art. X

benefactor] loves the work [i.e., the recipient] since he loves being. And that is natural, for that which is potentially the work discloses in activity (NE, 1168a5-9)<sup>528</sup>.

Hobbes considers such people as Aristotle naïve when they attribute to the King the role of living according to just laws. Right from the start of his introduction to *De Cive*, Hobbes attacks the lack of depth in Socrates, Plato, Aristotle, Cicero, and other philosophers, Greek and Latin philosophers as “counterfeit and babbling” and vulgar. “Yet this Errour hath great props, Aristotle, and others; who, by reason of humane infirmity, suppose the Supreme Power to be committed with most security to the Lawes onely; but they seem to have lookt very shallowly into the nature of Government, who thought that the constraining Power, the interpretation of Lawes, and the making of Lawes, (all which are powers necessarily belonging to Government) should be left wholly to the Lawes themselves.”<sup>529</sup> He attacks Aristotle foundational principle of governance, which is the best man who makes the best laws; or in other words virtuous persons. This he calls ‘ignorace’. Aristotle argues for a substantive common good in politics based on the principle of *philia*, seeking the good of the other and correcting the other for the sake of making him good, “as both a diagnostic and a normative tool of analysis”. Besides the term “community” (*koinonia*) is used in a generic way for all social groups. Thus the term comprises the political constitution and any social institution families, commercial partnerships, and the different kinds of political communities. In Hobbes the diagnostic and normative tool of all civil society and political community (*Leviathan*) is fear and self-preservation. In both these are contained all the passions that arise in an individual based on the effects of motion received externally.

If we are therefore to speak of ‘common good’ as a concept in Hobbes, the only thing that rallies close to Aristotle’s is peace and security. For Hobbes points out, in confrontation to two of Aristotle’s distinct forms of good government, viz, Monarchy and Democracy, that with regard

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<sup>528</sup> Alejo Sison, and Joan Fontrodona, “The Common Good of the Firm in the Aristotelian-Thomistic Tradition”, IESE Business School

<sup>529</sup> Hobbes, *De Cive*, E.W., Ch. 12, art. IV



to subject and King “the first and greatest benefit [is], Peace, and defence, is common to both, for both he that commands, and he who is commanded, to the end that he may defend his life, makes use at once of all the forces of his fellow-subjects; and in the greatest inconvenience that can befall a City, namely the slaughter of subjects, arising from Anarchy, both the Commander, and the Parties commanded, are equally concerned”<sup>530</sup>. Hence, Hobbes does not think these two forms are really distinct. In fact he sneers at Aristotle’s intent on showing how Monarchy came about and seems out of order in insinuating that Aristotle’s main principle form of government is Monarchical. However, since this is Hobbes very opinion he goes ahead to install the absolute ruler or absolute assembly (or in Aristotle’s terms, tyrants). The good king in Aristotle would be the result of an agreement among the people and that he is a wise law maker. Royal rule would happen if there is an excellent person among the people, usually in a small community, and therefore Royalty is a true form of government.

A people who naturally have within them a race superior in the virtue needed for political rule are fitted for kingly government. When there is an excellent person or family, so pre-eminent over all others, then he should rule, for it is not right that he should be ostracized. To produce a race needed for political rule means to create, make, manufacture, construct a race, that is, a family or group of people within another of different race(s) but forming a plurality of races in total, one race more fitting and others not so fitting to rule. Where this is a permanent condition then we are speaking of permanent nature of royalty. This for instance may be the case in a household or village level of a community. A state which is governed by one person for the common good is called a kingdom. If one rules with regard to the common interests we call it kingship or royalty [*Politics*, III,VII.1279a30-35]. The perversion of the Kingship is tyranny yet in Hobbes there is no such distinction. Tyranny is all we have since the ‘King’ will never be perfect and was never perfect in the first place. Hobbes started with the principle that man is wolf to man (in the natural state) and man is god to man (in the artificial society). Hence the only common good is the peace and the security that prevails with the contract among citizens to have

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<sup>530</sup> Hobbes, *De Cive*, E.W., Ch. 10, art. II

a king. That he governs for the common good is irrelevant to Hobbes since whatever he does is pragmatic and he is the only judge of Good and Evil. In the state of nature “*That the knowledge of good and evil belongs to each single man*”; But in civil society the civil laws dictate what is *good* and *evil*, *just* and *unjust*, *honest* and *dishonest*; “the Legislator commands, must be held for *good*, and what he forbids for *evil*”; and the Legislator is ever that Person who hath the supreme power in the Commonweale, that is to say, the Monarch in a Monarchy.”<sup>531</sup>

Hobbes’ artificial man is apparently complete. The whole citizenry united by consent to one head becomes one with the sovereign as the head. The heart of the artificial person is the sovereign’s government that does whatever the head wants and however and whenever he wants it. The blood of the artificial man is gold, silver and money. The cells of the body are the laborers who can be disposed as the sovereign wishes. The organs of the body and tissues are the various contracts or associations free men enter with one another strictly recognizing the head – the sovereign. As it is we have a plausible artificial man upon whose basis Hobbes develops the artificial state equivalent to the natural man. It is in this concept of the “complete artificial man” that Hobbes proposal becomes rather credible. Everything fits except his anthropology. His anthropology we will recall was based on a completely flawed ‘natural man’. The natural man is completely amoral and does whatever he will by his power. And so does the artificial man whom we otherwise refer to as the state. This artificial man is completely free from all morality except the actions he desires and is completely selfish. Later philosopher’s who came after such as John Locke and Adam Smith would try to correct the unacceptable tyranny of the absolute prince. Theirs would be a similar philosophy to that of Hobbes, save for reducing the Prince’s power and increasing the freedom of the individuals in the state. And here we have a common premise that we often find in modern governments. That is, the desire to reduce the power of the king or whatever form of government and distribute his power among his equals (the citizens). Adam Smith relegated the Prince’s responsibility to the role of ensuring ‘justice’ understood as the right to individual freedom (Hobbes’ freedom) without harming the others.

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<sup>531</sup> Hobbes, *De Cive*, E.W., Ch. XII. I.

## 2. Smithian Capitalism and Market Economies

### 2.1 Basis for Disillusionment in liberal democratic capitalism

The overarching spirit of modern societies may be ascribed to a handful of overarching terms, frequently used to gauge good political policies. These include liberalism, democratic capitalism and free 'mercantilism' in western society. These structures inform virtually every institutional framework and are used as diagnostic principles of both ailing economies and successful livelihoods. To these principles have been attributed the phenomenal growth of economies over the last century. One can almost say that we are experiencing the 'wealth of the nations'. On the other hand, there is an incessant perpetration of injustice on man and a destruction of the moral fabric of societies. Much literature in business ethics attributes injustices in capitalistic societies to unbridled self-interest manifested in the selfish pursuit of material wealth (profits) among business institutions, owners and managers of businesses at the expense of the common good of society. Although part of "the business of business is to make profits for the shareholders" it is clear that a business is formed in partnership with many other people other than the owners. All these 'stakeholders' require the business to act in their interest. Businesses are institutions needed by society to enable it achieve the common good. Therefore, a business should contribute to the good of the immediate stakeholders first and secondly enable the society it operates in achieve the common good.

In questioning the thought processes or theory of 'capitalism' as a system, it turns out rather appropriate to associate it with Adam Smith. Many consider him the founder of the classical school of modern capitalistic thought<sup>532</sup>. Over the years, firms have grown in size and nature. They have evolved from the prevalence of the cottage industry to large multi-national firms many times larger than national economies. Many people, such as Michael Novak, Isaiah Berlin, John Rawls, perceive this to have been the result of democratic capitalism and free

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<sup>532</sup> Miguel Alfonso Martínez-Echevarría, *Evolución del pensamiento económico* (Madrid: Espasa-Calpe, 1983), 27

market systems. Novak alludes to the watershed of democratic capitalism in 1776 (the year of Independence of the United States of America) as coinciding almost simultaneously with Adam Smith's "An Inquiry into the Nature and Causes of the Wealth of Nations"<sup>533</sup>. Novak characterizes the world economic environment before this watershed as a general 'disaster'. Historically for him, the political economy was mainly mercantilist, steeped in famines, plagues and general malaise. Novak notes that in 1780, 90 percent of the economies devoted themselves in supplying bread to stay alive. Life expectancy in 1795 France was 27.3 years for women and 23.4 years for men. Income earnings in Germany were so low that fewer than 1000 people enjoyed a salary above USD \$1,000<sup>534</sup>. Novak's diagnosis is that at the onset of democratic capitalism, the concept of development only existed in Adam Smith's book<sup>535</sup>. It was a 'mostly torpid world' then.

Besides poor economic structures in 1800, self-government was also uncommon and only existed in Great Britain and the United States of America. Novak proposes that the invention of the market economy in Great Britain and the United States of America 'more profoundly revolutionized the world between 1800 and the present than any other single force before. Real wages quadrupled between 1800 and 1900 and since at the same time population in Great Britain quadrupled, it means that the economic growth within a century was 1600%. In addition, there was a considerable increase in the liberty of personal choice, 'in a varied diet, new skills, and new vocations'. All the while, according to Novak, the powers in the Christian church did not understand the foundations of the new economic order and chose instead 'to douse the new fire'<sup>536</sup>.

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<sup>533</sup> Michael Novak, *The Spirit of Democratic Capitalism* (New York: Simon and Schuster, 1982), 16.

<sup>534</sup> Michael Novak, *The Spirit of Democratic Capitalism*, 16

<sup>535</sup> Michael Novak, *The Spirit of Democratic Capitalism*, 17

<sup>536</sup> Michael Novak, *The Spirit of Democratic Capitalism*, 17

Milton Friedman, a proponent of the free market system, suggested that “to speak of social responsibility is subversive”<sup>537</sup>. Others, such as Enrique de Sendagorta Aramburu, (a renowned Spanish naval engineer, businessman of vast exploits and a leader), contend that an entrepreneur’s work is arduous. It involves choosing, renouncing, sacrifice, battle, taking risks, commitment to one’s word, and every action in which man exercises his values, vital principles and freedom. The entrepreneur therefore cannot turn away from ethics nor narrow his interests to the unique objective of measurable economic parameters. Sendagorta is convinced that man in society is not purely the ‘homo economicus’ of Adam Smith<sup>538</sup>. Man is also called to ‘virtue’ or ethical action and this dimension of man in society is not necessarily ‘measurable’ in purely economic parameters used in today’s economic predisposition. This is because the firm impacts several aspects of society. Among the interested parties of a business are, employees, investors, financiers, suppliers, insurance companies, employees’ families, customers, interested groups, governments, communities, cultural institutes, ecologists, schools, universities, means of communication, the world of art, religious institutions, foundations and others. The interested parties can either directly or indirectly impact or are impacted upon by businesses. Hence, the business of business cannot be purely business as Friedman says. There is a common good or universal good to which it is called to serve. Business qua business is not an end in itself, least of all the objective of maximizing economic benefits regardless of the consequences.

## **2.2 The ‘Civic Faith’**

There are those who try to sanctify ‘capitalism’ in its classical sense. That is, they try to correct the misunderstanding over the nature of capitalism. According to Novak, Smith’s system called for nations as well as individuals to seek the development of their own wealth. It awakens, he says, individuals and nations to their own capacities for imagination, self-improvement and growth. Hence, the ‘prudence’ of ‘selfishness’, of solely seeking one’s own benefit in economic

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<sup>537</sup> Enrique Aramburu de Sendagorta, *El afecto a la empresa* (Madrid: Ediciones Internacionales Universitarias, 2004), 18

<sup>538</sup> Enrique Aramburu De Sendagorta, *El afecto a la empresa*, 18

activity ultimately results in the economic development of nations. How? Michael Novak identifies the breeding of cooperation from selfishness to Jacques Maritain's concept of civic or practical faith. This should happen because Capitalism glories in divergence, dissent, and singularity. It invents practical principles embodied in institutions and jealously guarded by rival interests, each of considerable power, by which social cooperation is achieved without prior agreement on metaphysical, philosophical, or religious presuppositions<sup>539</sup>. This is the novel concept of 'secular faith or civic faith' used by Jacques Maritain<sup>540</sup> and interpreted by Michael Novak. According to Maritain, "Secular faith" or "Civic faith" is the practical principle of cooperation among citizens such as is found in the United States of America. It consists in the 'convergence' of people with different or even opposite metaphysical or religious outlook (Novak, 1982). Convergence arises from an analogical similitude in practical principles and in the sharing the same practical secular faith, founded in truth and intelligence, human dignity, freedom, brotherly love and absolute value for the moral good<sup>541</sup>. It is to be distinguished from ...theoretical justifications... or philosophical or religious creeds which propose these practical conclusions through the use of reason<sup>542</sup>.

### **2.3 The Foundations of Liberal Capitalism Ethics**

Adam Smith's expounded the 'market place' morality in his "Theory of Moral Sentiments" published in 1759. Born in Kirkcaldy, Scotland, and having studied at the University of Glasgow, he later took up the chair of Logic in 1751 and that of Moral Philosophy in 1752, at the same university. He authored *An Inquiry into the Nature and Causes of the Wealth of Nations* in 1776 and in 1778 he was appointed Commissioner of Customs in Scotland. He was one of the founding members of the Royal Society of Edinburgh. His most important thesis and widespread honour lies in his explanation of how rational self-interest in a free-market

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<sup>539</sup> Michael Novak, *The Spirit of Democratic Capitalism*, 65

<sup>540</sup> Michael Novak, *The Spirit of Democratic Capitalism*, 65

<sup>541</sup> Michael Novak, *The Spirit of Democratic Capitalism*, 66

<sup>542</sup> Michael Novak, *The Spirit of Democratic Capitalism*, 66. See also Jacques Maritain, *Man and the State*, Chicago: University of Chicago Press, 1951), 111

economy leads to economic well-being. According to his pupil in Glasgow, John Millar, Smith's was most interested in natural theology, ethics, jurisprudence, and economics<sup>543</sup>.

Moral science in Adam Smith has nothing to do with good or evil as may be indicated by the intellect through speculative or theoretical reason. Man's life is a conjunction of various primary passions and reason is not an important part of it. Smith explains that "whatever may be the cause of sympathy, or however it may be excited, nothing pleases us more than to observe in other men a fellow-feeling with all the emotions of our own breast; nor are we ever so much shocked as by the appearance of the contrary... We should have indulged, we say; perhaps, have approved of the violence of his emotion, had the cause been in any respect proportioned to it",<sup>544</sup>. We hold the thesis that Adam Smith's *Theory of Moral Sentiments* was the theoretical underpinning of the *Wealth of the Nations*. The theory therefore comes before the practical application. According to Smith man has to stop cheating himself through his imagination; man does not look towards virtue but towards his self-interest materially speaking, because he thinks the rich are happy and wants those riches. For society to achieve peace, Man has to do business simply looking for his own self-interest and obtain the desired material riches he is looking for. According to him we have to disregard spiritual wealth and only maintain the minimum necessary not to destroy society and facilitate free commerce of self interest. His economic theory in the *Wealth of Nations* is really an attempt at establishing a philosophy that will ensure civilization and well-being. He is imbued in his own Scottish tradition. This tradition is the 'enlightenment' following the modern period which understood that human peaceful socialization is not obliged to religion; Europe is no longer understood in terms of a Christian unity. Peace among men is to come through a market society. The science of wealth is to be understood as a science of the administration of modern civil society in the context of a state of law.

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<sup>543</sup> David R. Henderson, ed., "Adam Smith 1723–1790", *Fortune Encyclopedia of Economics*, <http://www.econlib.org/library/Enc/bios/Smith.html>

<sup>544</sup> Adam Smith, *The Theory of Moral Sentiments*, eds. A.L. Macfie and D.D. Raphael, (Indianapolis: Liberty Press, 1982)

Smith explains that, “It is thus that man, who can subsist only in society, was fitted by nature to that situation for which he was made. All the members of human society stand in need of each other’s assistance, and are likewise exposed to mutual injuries. Where the necessary assistance is reciprocally afforded from love, from gratitude, from friendship, and esteem, the society flourishes and is happy. All the different members of it are bound together by the agreeable bands of love and affection, and are, as it were, drawn to one common centre of mutual good offices”<sup>545</sup>. Man at the mercy of passions was a very wide-spread doctrine by the end of the 17th century. We see it in David Hume, Roschefoucauld, Maneville, Bentham and Helvetius among others. For Adam Smith, the word sympathy is used to denote that “fellow feeling with any passion whatsoever”; a feeling of both pity and Joy; and it is “only by the imagination that we can form any conception of what are his sensations”<sup>546</sup>.

Adam Smith was preoccupied with the concept of man as a social being<sup>547</sup>. However, his preoccupation was to observe the laws that give rise to human actions in society much like Newton searched for the laws of physics. This idea forms the underlying principle in all his works both specific and general. Since economics presupposes man as the protagonist in economic activities and as the end objective of economic actions<sup>548</sup>, man’s protagonism in the market place, for Smith, is primarily as a ‘spectator and sympathizer’. As a spectator, man imagines (makes an ‘impression of his own senses’) the agent. Thus, Smith explains that, “we enter as it were into his body, and become in some measure the same person with the agent”<sup>549</sup>. When “we feel with the other”, what we do is to approve or disapprove of the other’s situation. This over time forms the basis of our moral judgment, because in time we realize we are judging an action when we ‘sympathize’ with the other.

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<sup>545</sup> Adam Smith, *The Theory of Moral Sentiments*.

<sup>546</sup> Adam Smith, *The Theory of Moral Sentiments*, p1, s1, Chp. 1

<sup>547</sup> Ch. J. Berry, *Social Theory of the Scottish Enlightenment* (Edinburgh: Edinburgh University Press, 1997)

<sup>548</sup> Raquel Lázaro, “El capitalismo de Adam Smith: las ideas antropológicas que articulan sus planteamientos económicos y políticos”, *Revista Portuguesa de Filosofía*, Braga, Vol. 65, 1-4, (2009), 425-443

<sup>549</sup> Alexander Broadie, “Scottish Philosophy in the 18th Century”, *The Stanford Encyclopedia of Philosophy* (Fall, 2009 Edition), Edward N. Zalta (ed.), <http://plato.stanford.edu/archives/fall2009/entries/scottish-18th>



This principle of ‘empathy’ (empathy, describes more perfectly the nature of Smith’s sympathy) is inscribed in our human nature, and therefore men unfailingly socialize. From Imagination, one derives the principle of analogy. The principle upon which one is able to judge the situation of the other objectively, taking into account the context and therefore approving or disapproving of the situation. Smith had two typologies of man; the first being men who show themselves as virtuous (the benevolent) and secondly those who form the gross mass of humanity.

The virtuous or benevolent people are very few in society. They aspire to perfection and aim at the divine model. This for him is proper to God and not to men. The second group, by far the greatest majority of men, simply tries to reach “correctness” in their actions; so that they are approved by the others by not being too outstanding or on the other hand too bad. They are not searching for divine wisdom or virtue. They just want to reach the level of social acceptance and seek no more<sup>550</sup>. This is Smith’s prudence. The greater masses of society have to practice Prudence. It is the care and effort made in achieving our self-interest; above all fortune, health, fame, and career progress. The greater majority of men are occupied, in fact, in trying to fulfill their own self-interest. The Smithian economy is the philosophical solution proposed based on anthropological categories of the society he lived in.

In Smith the virtue of justice limits us by enabling us not to do anything prejudicial to others. He understands justice in a negative way. It is not a virtue which helps us to serve others actively, but rather one that “watches” over us not to do harm to others. It is not defined by our effort to be good to others but rather it is observed in our avoiding doing evil to others. From here one can deduce that the principle motive that guides most men in Society is self-interest. This self-interest acts as the motor regulating social harmony. When everyone is concerned with achieving their own self-interest (prudence) and they do not injure others (justice), then social conflicts are avoided.

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<sup>550</sup> Alexander Broadie, “Scottish Philosophy in the 18th Century”.

Smith, much like our contemporary capitalist, was disillusioned by the ill beneficence and practicality of religious institutions. His theory of moral sentiments emphasizes that Justice is the key virtue to be lived in society in order to have peace. Putting it another way, when the principle of universal Christian Love, “love others as I have loved you”, is stowed away as impracticable, it has to be replaced by another which is “love others as they love you”. Universal love is therefore substituted by an egoistic, calculating love. In general man is motivated only by his self-interest and very rarely motivated for the good of the other. Moral measurement, that is, the knowledge that one is or is not being approved by the others, serves to limit his self interest. This is necessary since man is primarily a dependent being and thus needs the others in society in order to be able to count on their help and not to be excluded from their dealings.

Unlike Hobbes, who sees man as a ‘victim’ of society and who requires the moral figure of the absolute sovereign, as the only way to overcome that irremediable egoism, Smith esteems man as able to coexist with the others because of this self interest. He only needs to learn how to use it in favor of another and of his society. Rosanvallon insists that the science that Adam Smith produces is a science of “the civil society and from the civil society”<sup>551</sup>.

## **2.4 The Foundations of Free Markets in Adam Smith**

Civil society is a market society (*homo economicus*) where everyone is interested in the exchange of goods and services for self-profit and utility. Man is principally a social being who acquires and owns property through commerce and the true society for him is the market economy. The regulating mechanism of the market is prudence and justice as Smith construes them. If there is an excellent or benevolent man, his benevolence is something gratuitous. Smith is not a theoretical founder of an independent economic science. He is a philosopher imbued in his own Scottish tradition in the ‘enlightenment’ period which understood that human peaceful socialization is not obtained by religion. The Europe of his time was no longer understood in

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<sup>551</sup> P Rosanvallon, *Le libéralisme économique: Histoire de l'idée de marché* (Paris : Seuil, 1989), 138, in Raquel Lázaro, “El capitalismo de Adam Smith: Raíces antropológicas de su pensamiento económico y político”, *Revista Portuguesa de Filosofía*, vol. 65, 1-4, Braga, 425-443

terms of a Christian unity or a political unit. Rosanvallon is once more on target: “the science of wealth is understood as a science of the administration of modern civil society in the context of a state of law”<sup>552</sup>. The Smithian economy is a philosophical solution based on the anthropological categories and the society he lived in. For society to work it is enough that man uses his enlightened pride. This system is also Smith’s solution for the distribution of wealth among people. If wealth is not properly distributed, there will not be peace in society.

Distribution of labour arises because to produce the different conveniences of the most basic needs the assistance and cooperation of many is needed<sup>553</sup>. For distribution to take place Smith makes use of the principle of the division of labour. Opulence extends itself to the least of the members of a well governed society through as a consequence of division of labour. Man becomes much like a machine and therefore more efficient. Specialization at the work place breeds the need for more labour and therefore most people find themselves employed. As Smith explains it in the *Pin Factory*, a variety of distinct tasks even though small are needed to provide accommodation even to the least of the members of the society. He also gives the example of the woolen coat of the day laborer as the result of the work of the shearer of the sheep, the sorter of the wool, the wool comber, and so on. As Rachel Lázaro<sup>554</sup> puts it, Smith’s division of labour presupposes that there is a great amount of work to be done such that it is impossible for one man or a few to do it. Hence, man will always desire to work among his ilk, otherwise he cannot be efficient and highly productive. Secondly, the vast majority of workers are simply workers who follow orders; thirdly, there will be some, distinct from the ordinary workers, who will innovate new machines to improve work efficiency and accelerate productivity. Finally, every man in society, in one way or the other, buys from or sells goods or merchandise to the others. This results in the distribution of wealth since one prince cannot own all the merchandise<sup>555</sup>.

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<sup>552</sup> Ibid.

<sup>553</sup> Benjamin A Rogge, Ed., *The Pin-Factory (by Adam Smith)*, in *The Wisdom of Adam Smith* (Indianapolis: Liberty Fund, 1976), 81-86

<sup>554</sup> Agustín González Enciso (ed.), *Más allá de la división del trabajo* (Pamplona: Eunsa, 2007), 37-50.

<sup>555</sup> Adam Smith, *Wealth of Nations*, 43

Man dedicates long hours to work in exchange for a wage and he hardly has time to himself. Nor do demands on him to cultivate his mind prosper. This continues until a point when he becomes clumsy and susceptible to numerous superstitions due to his lack of education. This last idea makes Smith provide new solutions. The first is a standard public education to ensure a minimum technical and cultural formation. Secondly, men should have some form of religion, not for its supernatural or salvific content, but because religion in principle always contributes to a certain moral code of behavior that favors good social order. Finally, he suggests entertainment as one more means to avoid superstition and to occupy the little time man has away from work. All these form the roles which government should undertake; that is besides its role in ensuring the success of the law of self-interest in the market place.

### **2.5 Adam Smith's Theology**

From the foregoing it can be concluded that Adam Smith is 'pessimistic' of a moral ethic based on reason and religious principles. He was critical of 'great religions' which enjoyed state support. He prefers a nation where there are many 'sects' in the market place so that their teachings are rendered rather ineffective and therefore do not trouble public tranquility. In the 5<sup>th</sup> chapter of the 'Wealth of Nations' his statement is rather clear. "if we consider the matter more closely, we shall find, that this interested diligence of the clergy is what every wise legislator will study to prevent; because, in every religion except the true, it is highly pernicious, and it has even a natural tendency to pervert the true, by infusing into it a strong mixture of superstition, folly, and delusion." He further says that, "the interested and active zeal of religious teachers can be dangerous and troublesome only where there is, either but one sect tolerated in the society, or where the whole of a large society is divided into two or three great sects... But that zeal must be altogether innocent where the society is divided into two or three hundred, or perhaps into as many thousand small sects, of which no one could be considerable enough to disturb the public tranquility. The teachers of each sect, seeing themselves surrounded on all sides with more adversaries than friends, would be obliged to learn that candor and moderation which is so seldom to be found among the teachers of those great sects, whose tenets, being supported by the civil magistrate, are held in veneration by almost all the inhabitants of extensive kingdoms and

empires, and who therefore see nothing round them but followers, disciples, and humble admirers.”<sup>556</sup>

Actually, Smith’s ideas on religion are significantly affected by the philosophy of David Hume, whom he refers to as ‘by far the most illustrious philosopher and historian of the present age’. He teaches that there should be a free market place for religion where everyone chooses as they wish, and in the end... prove advantageous to the political interests of society.” [David Hume, *History of England*, ch. 29.]<sup>557</sup> For Smith, religion is to be equated with superstition and it is only useful to encourage suitable human conduct in social life. It is irrelevant that this belief is true or false. In every religion, and in every superstition that the world has ever beheld, accordingly, there has been a Tartarus as well as an Elysium; a place provided for the punishment of the wicked, as well as one for the reward of the just.”<sup>558</sup>

James Alvey analyses Smith’s concept of teleology and proposes that one can infer in Smith’s *Theory of Moral Sentiments*<sup>559</sup>, that God’s wisdom (design) is demonstrated throughout the universe and the means being nicely adjusted to produce self preservation and procreation. Smith confirms that the human constitution also follows this design.<sup>560</sup> Alvey’s argument is confirmed by Lisa Hill<sup>561</sup>. The uniformity of the design suggests that there was a single designer who drew up a grand blueprint of the universe before creating it in accordance with the plan<sup>562</sup>. Human beings have been provided with the means of survival and self propagation gratuitously by nature. These are the instincts of drinking, eating, having sex, and so on. Smith sees these

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<sup>556</sup> Adam Smith, *Wealth of Nations*, book 5, chp. 1, p 3, art. 3

<sup>557</sup> Adam Smith, *Wealth of Nations*.

<sup>558</sup> Adam Smith, *Theory of Moral Sentiments*, book II, part ii, Article 3.12, 91

<sup>559</sup> James E Alvey, “The Secret, Natural, Theological Foundation of Adam Smith’s Work”, *Journal of Markets and Morality*, Vol. 7, No. 2, (2004), 335-61. Referring to Smith’s teleology, that the “two great purposes of nature, the support of the individual [self-preservation] and the propagation of the species.” Adam Smith, *Theory of Moral Sentiments*, 87 (II.ii.3.5); cfr. also Adam Smith, “Early Draft of Part of the Wealth of Nations,” in *Lectures on Jurisprudence*, ed. R. L. Meek, D. D. Raphael, and P. G. Stein (Oxford: Oxford University Press, 1978), (ii.23). 571

<sup>560</sup> Adam Smith, *Theory of Moral Sentiments*, 77

<sup>561</sup> Lisa Hill, “The Hidden Theology of Adam Smith”, *European Journal of the History of Economic Thought*, Vol 8, 1, 1–29, (Spring 2001)

<sup>562</sup> James E Alvey, “The Secret, Natural, Theological Foundation of Adam Smith’s Work”, 335-61

means fulfilling the instincts of the passions; “hunger, thirst, the passion which unites the sexes, the love of pleasure, and the dread of pain...” Therefore, the instincts drive us to adopt the appropriate means “without any consideration of their tendency to those beneficent ends, which the director of nature [God] intended to produce by them.”<sup>563</sup> Thus, God is the designer and only that. Having designed the world, God left it to be guided by human actions primarily driven by instincts or passions.

## 2.6 Applying Smith’s Religious Principles in the Market Place

Alvey adds three other ends of man’s nature according to Smith; the order of the world, and the perfection and happiness of human nature...and to some extent human freedom<sup>564</sup>. For instance, Smith says that, “[Without trade restrictions] the obvious and simple system of natural liberty establishes itself of its own accord. Every man...is left perfectly free to pursue his own interest in his own way.... The sovereign is completely discharged from... the duty of superintending the industry of private people, and of directing it towards the employments most suitable to the interest of the society.”<sup>565</sup> Although the ends of man are only known rationally, that rationality is inherent in our instincts which direct us to these ends. Man’s reason has little or no role to play since the design is God’s and not that of man. As Alvey explains, it seems that nature was wisely created by the director of nature, God, to achieve these ends. Teleology is immanent in the human constitution...<sup>566</sup> Lisa Hill, asserts that Smith’s hidden theology can be “made evident by examining and disclosing the workings of his spontaneous generation or ‘invisible hand’ arrangement and by exploring its most important constituent elements; a “faculty psychology and natural theology<sup>567</sup>. Jacob Viner on the other hand has contested this claim holding that, owing to the secularization of the disciplines of economics and ethics, Smith’s

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<sup>563</sup> Adam Smith, *Theory of Moral Sentiments*, II.i.5.10, 78

<sup>564</sup> James E Alvey, “The Secret, Natural, Theological Foundation of Adam Smith’s Work”, 338

<sup>565</sup> Adam Smith, *The Wealth of Nations*, (London: Elctric Book Co. Ltd., c 2001, 1776), IV.IX, 914

<sup>566</sup> James E Alvey, “The Secret, Natural, Theological Foundation of Adam Smith’s Work”, 339

<sup>567</sup> Lisa Hill, “The Hidden Theology of Adam Smith”, 1

system has been stripped of its ‘integral’ Providentialism (Viner 1972: 81–2)<sup>568</sup>. That be as it may, does not dissolve the inherent mind and ‘secret’ religion of Smith qua Smith and his works.

## **2.7 Synthesis of Smith’s Concept of Person and Society**

Summarizing Smith’s philosophy of society, one can say that, human ethics is the ethics of human instincts as modified by natural justice. Natural justice, as previously alluded to, is the justice of respecting others and ‘sympathizing’ with their good or sorrow. What renders a human being social, and consequently gives the rationale to society, is this natural, a priori, capacity in our instincts to ‘feel with the other’ (sympathy). The highest level of achievement for the gross masses in society is to arrive at being acceptable and respected in society’. Virtuous people, who act according to the virtue of beneficence, are few and are an exception and therefore do not fall within the gross mass of humanity. One therefore has to find a genuine law or solution for the general masses; and this according to Smith is prudence, to act according to their selfish needs, and justice, respecting other’s rights through the medium of ‘sympathy’. That system has come to be known as “capitalism”, or “laissez faire” system, in which natural human passions are left to moderate and develop market place.

Further, human beings have to be prudent; which means freely acting according to the instinct of self preservation and self-propagation. Man’s instincts or passions simply and naturally aim at the perfection of the individual man himself and alone; not society. However, the society is no worse for it since Man, is “led by an invisible hand to promote an end which was no part of his intention...By pursuing his own interest, he frequently promotes that of the society more effectually than when he really intends to promote it.”<sup>569</sup> The outcome is self-perfection, social order and happiness in society without the medium of reason. The government is there to ensure the freedom of each individual to do exactly as his ego dictates and to ensure that anyone who contravenes this mode of practical behavior is punished to serve as an example

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<sup>568</sup> Ibid.

<sup>569</sup> Adam Smith, *The Wealth of Nations*, Book IV, Chapter II.

for others. The government, in addition, has to provide for education to ensure that the great masses of workers are trained; this in turn should increase efficiency in the work place. The little time spent away from work should be sprinkled with planned entertainment spots to keep the stress of the working class under control. As for the religious foundation of this mode of behavior, Adam Smith leaves us the ‘profound’ insight that there is an author of the Universe, God, and that this creator has inserted the teleology of the world he created embedded in human instincts, which are to help man reach his natural end, individual happiness, self preservation, propagation and therefore order, perfection and happiness in society. If Paul Russell<sup>570</sup> sees Adam Smith’s most eloquent tutor, David Hume, as ‘*irreligious*’ then given the religious interpretation above, Smith has similar inclinations, save that he seems to believe in one ‘supreme architect’ rather than the polytheistic inclination of Hume<sup>571</sup>.

All these lead us to the conclusion that man is the sole steward of his destiny. In reality, how should man exercise this capitalist economic formula? From Smith’s perspective, man acquires his rights in his individual ‘pre-society’ state, before entering into a contractual agreement with the society. In the logic of capitalism, man is inserted into society through the social contract. Salvador Giner expounds this idea lucidly; the spine of social convivence is the social contract in the sense that each one, from the ‘time’ so to speak, becomes a member of society he or she is obliged to fulfill their part of the contracts entered between them and the state and with other citizens. This is what is important. Failure to do so would prompt the juridical arm of government to take corrective measures. The entrepreneur is not interested nor is he or she to be preoccupied with the actions of his colleagues at work outside working hours in the firm. He does not have a right to even interfere<sup>572</sup>. That in short is to say that individualism reigns supreme above every norm of social life.

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<sup>570</sup> Paul Russell, “Hume on Religion”, *The Stanford Encyclopedia of Philosophy (Winter, 2008 Edition)*, Edward N. Zalta (ed.), <http://plato.stanford.edu/archives/win2008/entries/hume-religion>

<sup>571</sup> Ibid.

<sup>572</sup> Salvador Giner, *El destino de la libertad. Una reflexión frente al milenio*, (Madrid: Espasa-Calpe, 1987), 33-39, in, Alejandro Llano, *La Nueva Sensibilidad*, 147.



### 3. John Rawls - Justice in Defence of Political Liberalism (PL)

#### 3.1 Justice as Fairness (1971) and Political Liberalism (1993)

3.1.1 We now consider John Rawls as one of the most influential Harvard Professors in the History of 20<sup>th</sup> century and more precisely in the Anglophone world. He believed in liberal democracy, equality and the ‘artificial’ state. His extensive intellectual works cover political philosophy, the philosophy of law and moral philosophy. Rawls’ enigmatic intellectualism made Robert Nozick opine that no intellectual work on political philosophy can remain indifferent to him<sup>573</sup>. Among his most important works are; *A Theory of Justice (TJ, 1971)*, *Political Liberalism (PL, 1993)*, *The Law of Peoples: with the Idea of Public Reason Revisited (LPPRR, 1999)*, *Justice and Fairness (2002)* and in addition to these all his lectures on moral philosophy and political philosophy and his arguments with Habermas. In the *TJ* he deals with ‘justice as fairness’, and in *Political Liberalism* he offers a more updated and focused, empirical and pragmatic basic structure of society, re-elaborating some of his earlier theories. We think it is relevant to ask; what philosophies did John Bordley Rawls commonly teach in Harvard since it is reasonable to assume that they did affect conceptualization of his own personal philosophy. According to the title, *John Rawls: Lectures on the History of Political Philosophy*, edited by Samuel Freeman<sup>574</sup>, the latter, who is an authority on Rawls, indicated that in the 1960s – 1970s, our Harvard professor would teach his own theory of *justice as fairness* together with the philosophies of Hobbes, Locke, Hume, Mills, Marx, Sidgwick, Berlin and Rousseau among others. But the latter were the main ones and sometimes he would interchange them depending on his emphasis. These lectures revealed how ‘Rawls conceived of the history of the social contract tradition, and suggest how he saw his own

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<sup>573</sup> Robert Nozick, *Anarchy, State and Utopia* (Oxford: Blackwell, 1974), 183

<sup>574</sup> Samuel Freeman, *John Rawls: Lecturers on the History of Philosophy* (Cambridge: Harvard University Press, 2007), ix-xi

work in relation to that of Locke, Rousseau, and Kant and to some degree Hobbes”<sup>575</sup>. Moreover, Rawls own words in *Political Liberalism* are; that there is a “fundamental difference between *A Theory of Justice* and *Political Liberalism*. The first explicitly attempts to develop the idea of the social contract, represented by Locke, Rousseau and Kant, a theory of justice that is no longer open to objections often thought fatal to it, and that proves superior to the long dominant tradition of utilitarianism”<sup>576</sup>. *PL*, on the other hand considers how religious and non-religious comprehensive doctrines can hold a reasonable political conception of justice that supports a constitutional democratic society. He answers this question by showing that political ideas considered individually can be liberal and self standing and therefore the Church or the Bible can accede to these ideas. However, religious doctrines may be comprehensive but not liberal [*PL*, p 490]. To be democratic and liberal the Church or religious comprehensive doctrines need to acknowledge that they are not liberal and therefore accept an external principle or idea that can be defined as appertaining to democratic polity. In effect, there is no way the Church or the Bible can be democratic unless it agrees to abide by another law beyond itself called ‘public reason’ of a democratic polity. *TJ* and *PL* are therefore asymmetrical conceptions linked by the idea of democratic ‘public reason’. In *TJ* ‘public reason’ is developed as a comprehensive liberal doctrine of individuals and non-public institutions or associations and in *PL* ‘public reason’ is developed as a principle of political values shared by equal and free citizens and this principle does not trespass the comprehensive individual doctrine of the non-public and free citizens so long as the free citizen is consistent with democratic public reason.

- 3.1.2 Rawl’s starting point is justice in society and he defines *justice* as *fairness* as opposed to utilitarianism. In *A Theory of Justice*, published in 1971, Rawls initially did not

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<sup>575</sup> Samuel Freeman, *John Rawls: Lecturers on the History of Philosophy*, x

<sup>576</sup> John Rawls, *Political Liberalism*, (New York: Columbia University Press, 2005), 489

distinguish between moral and political philosophy or moral and social contract theory<sup>577</sup>. In *PL*, he decided to change his thesis by showing a distinction between non-public (not private) and political morality, which he claims arose from a fundamental problem with *Stability*, as he had construed it in *TJ*. In *TJ*, Rawls develops the theory of *justice as fairness* based on the two principles of *liberty and difference*. The principle of liberty states ‘that each person is to have an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for others’ [*TJ*, p 53]. The second states that Social and economic inequalities are to be disposed in such a way as to be of greatest benefit to the least-advantaged members of society and offices and positions should be distributed according to the principle of fair equality of opportunity [*TJ*, p 303].

- 3.1.3 In *TJ*, He believed that individual plurality and public consensus are possible and therefore a good civil society can be demonstrated. In *PL*, he changes from simple plurality to reasonable plurality of democratic culture. The key question to guide the thought process by which one can understand Rawls is: why should one obey a command from authorities in a civil society when this command goes against their opinion? Written in a different way: Can we reconcile public and non-public (note that, he says this term does NOT mean private<sup>578</sup>) interests so that there is a reasonable public basis of justification of fundamental political questions? Rawls thinks that Political Liberalism has to link or characterize the distinction between public reason and many non-public reasons and to explain the nature of public reason. *PL* therefore has to be impartial in this sense. In *PL*, he manifests what he calls the ‘torturing question’ he had to answer; namely, ‘can democracy and comprehensive doctrines, religious or nonreligious, be compatible? And if so, how? His answer to the specific conflict between democracy and religion is to declare that any religious doctrine resting on the authority of the Church or

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<sup>577</sup> John Rawls, *Political Liberalism*, xv

<sup>578</sup> John Rawls, *Political Liberalism*, xix

the Bible is not ‘a liberal comprehensive doctrine’ as compared to that of Kant or Mills [PL, 485-486]. The democratic liberal society is more comprehensive and any Church can subscribe to its political public reason, belonging to the public category.

- 3.1.4 Rodrigo Soto Morales’ doctoral thesis on John Rawls’ theory of justice, (*La configuración de lo justo en la teoría de John Rawls*), postulates that John Rawls attempted to answer the question of appropriate distributive justice<sup>579</sup> in society. It also appears to Rodrigo Soto that Rawls attempts an answer to the conflictive concepts of justice as meritocracy and justice as equality<sup>580</sup> through the perspective of liberal morals and practical experience. His is not a metaphysical but a political analysis of justice where politics is treated within the ambit of morality. Politics specifically refers to socio-economic and political institutions. Political morality is also dispossessed of any particular religious, cultural or traditional doctrine whatsoever. Its goal is political institutions in an environment of free and equal reasonable persons in democratic polity.
- 3.1.5 Most importantly, Rawls is opposed to the Utilitarian principles of Henry Sidgwick (1838-1900) which hold that, when the most important social institutions are disposed in such a way as to ensure the greatest net equilibrium of satisfaction distributed among all its members, the society is properly ordered and is just<sup>581</sup>. However, the problem is not the ends aimed at, that is, what is good and just for society, rather his contention is that the just *net* equilibrium of order in society is to be achieved through the Smithian principle of free election among individuals in such a way that, this free election, unhampered, always brings us to the same end an efficient administrator would<sup>582</sup>. Since

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<sup>579</sup> Rodrigo Soto, *La configuración de lo justo en la teoría de John Rawls* (Pamplona, Universidad de Navarra, 2009), 65

<sup>580</sup> Rodrigo Soto, *La configuración de lo justo en la teoría de John Rawls*, 66

<sup>581</sup> Rodrigo Soto, *La configuración de lo justo en la teoría de John Rawls*, 73. According to H. Sidgwick, *The Methods of Ethics*, (1907), 371-382, utilitarianism is based on the three principles of justice, prudence and rational benevolence. Just actions ought to be *selfish* or willed as universal by the self in the Kantian sense. Prudence is the condition of temporal neutrality in which the good that a person wills at the present moment is equal to and not different from the future. Rational benevolence means that someone’s good is equal to another’s good so one should aim at being generally good rather than a part of the good, so far as it is attainable by once efforts.

<sup>582</sup> John Rawls, *Theory of Justice* (Cambridge Massachusetts: Harvard University Press, 1971), 38

the social contract in reality is difficult, Rawls suggests that the only way individual decisions can be fair is if the choices are made within a “thick” veil of ignorance. In this veil of ignorance, persons are ignorant of their position, status, class, fortune, intelligence, strength and the like in society. He assumes that “the parties do not know their conceptions of the good or their special psychological propensities. The principles of justice are chosen behind a veil of ignorance” [TJ, p 12]. The members of the decision party are equally or symmetrically situated [TJ, p 116]. The veil of ignorance also eliminates contingencies or chance.

- 3.1.6 His theories take for granted the assumptions that there is freedom in society, religion, person and society. His starting point is the undeniable fact of a pluralistic and individualistic society and his object is to find out how such a society can be organized to ensure acceptance by the people (we assume he means the majority of people) and stability. The ‘stage’ for his theory of justice and political liberalism is a closed society and only afterwards does he try to define these principles from the perspective of a global society. To organize society he concludes that its primary variables are moderately scarce material resources and principles which he calls ‘primary goods’. Primary goods are basically individual rights, liberties, opportunities or powers, and conditions which ensure self respect<sup>583</sup>. In this respect, Jürgen Habermas, his contemporary, finds Rawls’ philosophical foundations rather simplistic<sup>584</sup>. Habermas accuses Rawls of making simplistic assumptions based on the force of older contractualism theories such as those of Hobbes, Locke and Rousseau. Rawls tries to insert the Utilitarianism of Jeremy Bentham and John Stuart Mills without sacrificing ‘individualism’. Habermas also accuses him of ‘sanctifying’ his simplistic theory with Kantian principles and at the same time emulating the ultimate common good in Aristotle. Rawls has made all these assumptions in order to defend liberal democracy within a comfortable position in which

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<sup>583</sup> John Rawls, *Theory of Justice*, 123

<sup>584</sup> Jürgen Habermas, “A Historical Critique of John Rawls’ A Theory of Justice: Failure to Communicate the Tradition”, *Frankfurt Lectures*, (July, 2003)

no hard decisions have to be made such as rejection of religion or the primacy of reason viz-a-viz that of an ultimate truth. In fact Rawls oscillates between these two principles without noticing the self-contradiction they present. Habermas himself believes in the capability of human reason deciding the ultimate good. Rawls does not believe that there is an objective cohesive ‘good’ of society; except his own theory. Yet he presents his opinions as truths or ‘opportunities’ on the basis of reasonableness and rationality as Henry Richardson points out<sup>585</sup>. Being reasonable and rational however, presuppose a comparison with something past or present that is reasonable or unreasonable. To avoid this difficulty, Rawls posits that there is self-justification of moral laws using such theories as “Kant’s categorical imperative procedure, Adam Smith’s impartial spectator, and Rousseau’s general will”; they provide a good escape since moral laws should not and cannot be justified. Habermas accused him of avoiding the necessary reflection regarding why he has to break away from his political history and culture. In order to avoid facing the repulsive encounter with past historical, cultural and philosophical predicaments of his predecessors, Rawls decides to construct the edifice of social and political justice on the weak base of a hypothesis; that hypothesis is what he calls the ‘Original Position’ (OP).

3.1.7 He sets out to improve the “The theory of Social Contract”. He is Critical to Utilitarianism (Sidgwick) and in favor of Kantian Deontology (Kant). However, we cannot belabor these aspects as they are not the topic of this thesis. In his *TJ*, The most appropriate beginning is to consider the primacy of Justice and its meaning. He is principally concerned with distributive justice as the key to improve on the theory of social contract as we have understood it primordially in Hobbes and in the Capitalism of Adam Smith. Justice is organic and it is to be studied from the perspective of the whole and from the perspective of the parts with regard to the whole. With regard to the part,

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<sup>585</sup> Henry S. Richardson, “Rawlsian Social Contract Theory and the Severely Disabled”, *Journal of Ethics*, 10, (2006), 419-462

Rawls understands the citizens as fulfilling justice with regard to the whole. This he defines as legal justice. With regard to the whole, that is the government in civil society, it fulfills the role of justice through the provision of public health, education, communication infra-structure and all those things that appertain to the government's responsibility towards the citizen. This he calls distributive justice. The latter is defined as the principal mode of assigning rights and duties through public institutions. The institutions are to be divided among those that belong to the Political system, those of the legal system, those of the economic system and similar structures. The preceding analysis demonstrates the basic structure of justice in Rawls.

- 3.1.8 On what principles are these structures to be based? Rawls understands the principles of justice as emanating from the 'OP' where rational and free individuals within the veil of ignorance elect to agree upon the order of society. This is the social contract. In so far as the hypothetical *OP* is made up of parties who install the principles of justice which may be alien to the individuals who constitute the society (by the mere fact that society is plural) it can be termed an artificial state. An example to demonstrate this is the American government establishing the law in Afghanistan after forcefully eliminating its 'fundamentalist' and unreasonable government. This leads us to the conclusion that the social contract in Rawls can be called an artificial state. It was fundamental for Rawls to determine what Public justice was since it is his core thesis in *PL*. Although people may have different conceptions of justice, he felt that it was possible to arrive at a common principle and criteria<sup>586</sup>. He sketches the outlines of the term justice as *equity or fairness*. Before going into what the *OP* is, it is necessary to state that before manifesting this hypothesis it would have been logical for Rawls to discuss historicism in Marx or Nietzsche or any other consequentialist since they make it questionable whether an undertaking such as Rawls's is possible at all. Historicists insist that justice is relative to time and place; the dialectic process between 'equality and inequality' would make

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<sup>586</sup> John Rawls, *Theory of Justice*, 19

justice in one place and time irrelevant in another period of time and place. In other words there is no true comprehensive justice about human ends and justice seems to be intelligible only by being concerned with necessarily transient matters. Rawls arguments presume after all to tell us what must be true about justice in every circumstance. If this is the case then he is invariably suggesting that there are universal truths. As Rodrigo Soto observes, Rawl's *PL* has a definite *telos, definition and meaning*<sup>587</sup>. If this is the case then his morality is flawed since he believes in a sort of middle path between subjectivity and objectivity. Habermas objects that Rawls takes it for granted that we are all egalitarians. And if we are not that, then we are unreasonable and irrational, much as Kant's principle of the 'categorical imperative' would have suggested. According to Rawls Aristotle is both admissible and inadmissible and the reason given is that government has to distribute what Aristotle called external goods<sup>588</sup> thereby seeking the just welfare distribution system. Yet at the same time roles does believe that a government molds characters of its citizens because it follows the principles of the hypothetical Original Position. In other words all political systems and subsystems are just in so far as they follow the principles of Rawls *OP*. Conversely, it is unclear whether our egalitarianism is a result of the revelation of the fact of men's equality or whether it is just what we happen to like today. Finally, the hypothetical judges who elect what they like and what those they represent like, are to do so in such a way that their decisions are publicly accepted. This seems untenable from the outset but that is what Rawls presents to us.

- 3.1.9 Freedom or liberty is descriptively and normatively determined by basic liberal principles such as freedom of conscience, of thought, free choice of work, of self expression among others. These form common ends of man in society and they are to be defended by the government to ensure personal and common liberties. Social institutions form a system which is the basic structure of society. For the institutions in this social system to ensure

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<sup>587</sup> Rodrigo Soto, *La configuración de lo justo en la teoría de John Rawls*, 171.

<sup>588</sup> Jürgen Habermas, "A Historical Critique of John Rawls' A Theory of Justice: Failure to Communicate the Tradition", (July, 2003)



justice as fairness, there should have been founded on a fair distribution of advantages by the government. The principles of fairness are to be found in the *OP* which we describe in the following manner.

- 3.1.10 The *OP* is an attempt by Rawls to hypothesize on what the original “social contract was”<sup>589</sup>. That is, “to combine into one conception the totality of conditions which we are ready, upon due reflection, to recognize as reasonable in our conduct towards one another”<sup>590</sup>. Within the *OP*, there are a number of conceptions of justice, readily evident in Western societies. These include intuitionism<sup>591</sup>, utilitarianism, perfectionism, rational egoism, justice as fairness, libertarianism and any other conception of justice the reader prefers. A list is presented in the *TJ*, 124/107<sup>592</sup>. Thomas Pogge considers that Rawls accepted the theory of the categorical imperative in Kant, especially in the consideration that there in the social contract, the choice of moral principles was to be according to rational choice. Through a sort of winnowing process the parties to the social contract look for the order in the most rational ethical principles. As Samuel Freeman further explains, this selection of ethical principles “is best conceived as a kind of rational selection process wherein the parties’ deliberations are constrained by the background conditions imposed by the original position as well as the list of conceptions of justice provided to them. They are assigned the task of agreeing on principles for designing the basic structure of a self-contained society under the circumstances of justice”<sup>593</sup>.
- 3.1.11 There seems to be a problem in the double conception of the term ‘rational’ in Kant as explained earlier. In the first place the parties to the *OP* are said to be rational, in as much

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<sup>589</sup> Samuel Freeman, “Original Position”, *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, (Spring, 2009), <http://plato.stanford.edu/archives/spr2009/entries/original-position/>

<sup>590</sup> John Rawls, *Theory of Justice*, 514 and 587

<sup>591</sup> *Intuition* consists of immediate intellectual grasping of the nature or form of an object. Rawls acknowledged that every ethical premise rests ultimately in the intuition where our capacities find a stable foundation in the natural, effective and existent without having recourse to constructivism. Cfr. Rodrigo Soto, *La configuración de lo justo en la teoría de John Rawls*, 81-82.

<sup>592</sup> Samuel Freeman, “Original Position”, <http://plato.stanford.edu/archives/spr2009/entries/original-position>

<sup>593</sup> *Ibid.*

as they seek to maximize their individual interests. In the second place the parties need to rationalize in a mutually disinterested manner. This gives rise to the difficulty which Habermas rightly points out; Rawls does not succeed in “showing in any convincing way that the individual interest and the public interest are identical”. This arises because *the rational person* corresponds to Kant’s “*hypothetical imperative*” to maximize their individual interests; “*the reasonable person*” corresponds to Kant’s “*categorical imperative*”, the moral law that demands that the parties act in a mutually disinterested manner. These two concepts are seemingly contradictory unless they could be reconciled in the total surrender of individual choice to consequentialist ethos. That is to say, that individual choice should be rational in so far as it enjoins the desires of the totality or public whole (keeping in mind that the notion of public is initially conceived as a closed society). But even if this were the case, what would enjoin the parties to the *OP* to co-opt these higher-order interests of ‘the whole’ in order to be just? What in other words would make the *just* man and the *best* man and the *happy* man? This question is very close to Aristotle’s questions about who should rule, the best man or the best law? And secondly, when is the best or just man identical with the best citizen? The answer is that the best or just man and the best law should rule because there are present in society virtuous citizens and only in these conditions is the just man and the best citizen identical. A person in these circumstances is *happiest* and most of society will enjoy a delight in belonging and living in that society. Kant avoided the goal of happiness so he did not need to answer these questions. Once more we find Rawls leading towards a contradictory path in which he concedes to an ultimate good which would result in a sort of the Aristotelian *Eudaimonia* in society. Freeman summarizes this Aristotelian dimension in Rawls thesis thus; “people normally find activities that call upon their developed capacities to be more interesting and preferable to simpler tasks, and their enjoyment increases the more the capacity is realized or the greater its complexity” [*TJ*,

326/374]. The greatest complexity is in this case that of political deliberation in pluralistic and egalitarian society.

3.1.12 Habermas, a critique of modernity through a “reconstructed Marxist social theory”<sup>594</sup> finds Rawls in great difficulty. Liberalism ideally should not permit moral preferences; egalitarianism denies that some goods are of a higher order than others. Rawls however, needed to avoid relativism and nihilism<sup>595</sup>. To avoid this relativism and nihilism which would be the result of his contractualism, he may have had recourse to Hobbes, Locke, and Rousseau’s principle of ‘self-preservation’. In other words, for the latter philosophers human passions would never allow the reasonableness of Rawls’ contractual principles. Therefore, they proposed tyranny or absolute governments defining what the rules of social organization should be, this could be termed the contrarianism theory as opposed to Rawls contractualism theory. In effect they add up to the same thing ideally. Nevertheless, Rawls does not have recourse to these philosophers; he has recourse to Aristotelianism<sup>596</sup>.

3.1.13 Rodrigo Soto observes that universal justice in Aristotle teaches an equality of freedom among citizens in so far as they are subjects of rights and duties (in the common good we may add). This universal justice of the *polis* has priority over particular justice since it refers to the general distributive and commutative justice. This Aristotelian principles, he points out are found in Rawls lexicographical order extracted from his principles of justice. These include Rawls’ precedent rules of priority in society; namely, a) Liberty which is limited to the love of itself and b) Priority of universal justice over efficiency and welfare. The latter rule is prior to the former. In Aristotle distributive justice is possible if, prior to it, the citizens comply with universal justice in the common good or

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<sup>594</sup> Donald J. Moon, “Rawls and Habermas on Public Reason, Human Rights and Global Justice”, *Annual Reviews, Political Science*, vol. 6, (2003), 257–274. Moon and Seidman agree that Habermas, on the other hand, endorses the public use of reason, which provides criteria determining the universal validity of moral norms, though it does not itself ground substantive norms.

<sup>595</sup> Cfr. Jürgen Habermas, “A Historical Critique of John Rawls’ A Theory of Justice: Failure to Communicate the Tradition”, (July, 2003)

<sup>596</sup> Ibid.

common interest. In *TJ*, Rawls explains that it is possible for reason to determine ends and that the individual has this sense of justice. Having said that, he proposes that the principles we derive from our individual sense of justice, as in the *OP* creating the social contract, are for the sake of the society that allows and embodies these principles (this he calls public reason). Hence, in a sense he arrives at the conclusion that the very end and good of individual justice is the ‘common good conceptions of justice’. But one might also opine that these “common good conceptions of justice” are opposite to the political liberal conception of justice prevalent in a pluralistic western society and certainly very opposed to his modified Kantian morality; He mixes the hypothetical imperative with the categorical imperative. Nevertheless, as Rodrigo Soto says, having recourse to Aristotelian common good helps strengthen Rawls’ desire to ensure a more just society<sup>597</sup>.

3.1.14 One has to remember that the social contract in the *OP* is a unique and irrevocable choice where the parties decide the basic structure of their society. Rawls is therefore pointing to principles of justice that will be the foundation of all future decisions of justice in society. From this perspective Rawls is aware that the principles of justice in the *OP* need to be such that they can form an ‘eternally’ just society. This is the key assumption the individuals in the *OP* are sure of, according to Rawls. His principle of justice as fairness then leads him to suggest that the best rule to use when choosing principles of justice is the “maximin” approach which would be that by which “a person would choose for the design of a society in which his enemy is to assign him his place” [*TJ*, Sections 26-28]. This is contrary to the utilitarian position in which the choice would be that of “average or aggregate utility or consequentialist principles”<sup>598</sup>. Rawls feels that this utilitarian aggregate utility fails to respect the individuality in the ‘maximin’ principle. In effect

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<sup>597</sup> Rodrigo Soto, *La configuración de lo justo en la teoría de John Rawls*, 304

<sup>598</sup> Samuel Freeman, “Original Position”, (Spring, 2009), <http://plato.stanford.edu/archives/spr2009/entries/original-position>

Rawls superimposes the tyrant (enemy) over the average utility condition. This is the Hobbesian stand point.

- 3.1.15 An irreconcilable position in the principle of justice as fairness is how that hypothetical position changes according to every personal distraction and at the same time keeps fixed to this ‘public reason’, that is the ‘ultimate good’, that is the just society. Putting it in another way, can all the ‘irrationalities’ of private and non-public social realities, including war, powerful evil passions, envy, or injustice as such, be accounted for in the parties making the social contract? Those parties in the *OP* are so confined by the ‘veil of ignorance’ that they can no longer see these externalities in their ‘rational disposition’. Rawls promises these parties that they should reach the just and fair principles that will enable them flourish within a disparately ‘liberal’ society where there is such diversity of opinion and counter opinion and justice and injustice. It is to be a contradictory society in which at once there will be egalitarianism among comfortable men who would be happy to remain indifferent to the simple diverse perversities found among them. But what if there arise significant disruptions in society? In *TJ*, Rawls presupposes that the principles decided in the *OP* will be stable so that just institutions will eventually be restored. However, he reverses this position in *PL*. What will re-establish the order and stability? It is not clear since Rawls at once tries to rest in a common good of society while at the same time leaves out any possibility of a metaphysical concept of society. In other words he cannot have recourse to norms which would bring back to stability such disrupted society. The only clear principle he has resort to is overlapping consensus which requires the condition that the government has coercive force. That notwithstanding he still retains the *OP* as hypothetical and irrevocably so. The only principle we left with is that a disruptive action in society supervening over the just and fair principles is *anti-social* and therefore unreasonable and should be quelled by coercive force. It would be an action that disrespects the condition of free and equal individuals. Pragmatically, Rawls had already given a ‘solution’ to this. Rawls starts from the *intuitive idea* that reasonable and rational persons who regard themselves as free and as equals ought to be able to freely accept coercion by the authorities. “Stability “for the right reasons” requires that people support society for moral reasons of justice; society’s basic principles must respond to

reasonable persons' capacities for justice and engage their sense of justice"<sup>599</sup>. This principle is evident in Henry Richardson too when he says that Rawls accedes to public justification and the legitimate, democratic use of collective coercive power while accepting that pluralism<sup>600</sup>.

3.1.16 If we accept the assumption that society is irreconcilably pluralistic and that at the same time free and equal citizens can accept the presence of irrefutably unifying principles of 'public reason' then Rawls accepts that there are conflicts that can still divide citizens. These he points out are; a) when there are irreconcilable comprehensive doctrines, for example, when some citizens believe in a Hobbesian tyranny while others want a Smithian *laissez-faire*; b) conflicts of class, gender, profession and status differences among citizens in society; and finally, c) conflicts of burdens of judgement [*PL*, pp 387-488]. Public reason is a 'fundamental idea' that defines a 'political society'. It is a capability present in a just and well-ordered democratic society. In autocratic and aristocratic regimes decisions are made by 'rulers' and not the public. It is 'public' reason because; a) it is the reason of the free citizens sharing equal citizenship as such (which could be understood as the 'citizen' in Aristotle); b) the subject of their reason is the good of the public by the public; c) its nature and content is public and this content is given by the society's (public's) conception of political justice [*PL*, pp. 212 ff]. Therefore, we may conclude, the citizen's moral responsibility at the non-public level is guided by *justice as fairness*, and at the time of politicking becomes more focused or fixed to the public reason or public moral 'good' which is the *conditio sine qua non*, of a democratic liberal society. Let us keep in mind that, all the while Rawls etches these principles in a stable form, this stability is always inclusive of plurality.

3.1.17 How can these conflicts be reconciled? Rawls' answer is that from a liberal democratic perspective hope of reconciliation lies in conflictive comprehensive doctrines sharing

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<sup>599</sup> Samuel Freeman, "Original Position", <http://plato.stanford.edu/archives/spr2009/entries/original-position>

<sup>600</sup> Henry S. Richardson, "Rawlsian Social Contract Theory and the Severely Disabled", *Journal of Ethics*, 10, (2006), 419-462

‘another’ kind of ‘reason’ which he calls ‘public reasons given in terms of political conceptions of justice’. If we are not wrong this is principally going back to the *OP*. But we already presupposed that the *OP* was unrepeatable. Now that *OP* is repeatable it is either that Rawls believes that the *OP* is always present in society (Western democratic Society) or that the *OP* has to be repeated to remind the public where they should be going. We do not know and we cannot guess the correct answer. We can only postulate that there is a permanent ‘ultimate good’ in western society called ‘public reason’. In that case we rule out the possibility of plurality with regard to this principle as we rule out plurality with regard to the hypothetical imperative in the *OP*. If we do so then the ‘ultimate public reason’ that unifies all other comprehensive public and non-public doctrines in conflict is very similar to the common good in Aristotle although arrived at from a foreign philosophical path to that of Aristotle. Rawls is very noble in what he wants to resolve; the co-existence of liberty, equality and conflicting comprehensive doctrines in a democratic liberal society. Everyone should be free to think what he wants and he cannot be judged as good or bad. If that person is rational and if taken away from his cultural and traditional and experiential circumstance, then that person can choose public reasons similar to others. These public reasons (defined in content as principles of primary goods and moderately scarce material resources) become in the long run (in the *PL*) a type of unifying good above all other comprehensive doctrines religious or otherwise. They resolve any type of class, gender, racial, positional or professional conflicts too. Public reason ‘must’ be embodied and defended in social and political institutions. If that rule is kept then the justice as fairness principles prevail over any sort of racial, class or positional conflict and the burden of conflict at the non-public level. As Rawls says, ‘there are many non-public reasons and but one public reason’ [*PL*, p 220]. This ‘one public reason’ is that which, over the ‘enlightenment’ philosophy; in Hobbes, Locke, Kant, among others; has replaced the ‘*ancien regime*’ which confounded religious power with state power [Cfr. *PL*, p 221].

## 3.2 Critique of the Idea of 'Overlapping Consensus'

3.2.1 Political Liberalism is the well-ordered democratic society founded on the principles of justice as fairness. For it to endure and preserve unity and stability while maintaining the reasonable pluralism characteristic to it depends on three key concepts and conceptualizations. The first is overlapping consensus, the second is the priority of rights and ideas of the good, and the third is the idea of public reason. 'Overlapping Consensus' is a term already coined in *TJ* to weaken the possibility of civil disobedience, but is modified in meaning and scope in *PL*. This term 'overlapping consensus' is another way of justifying the unchanging 'one public reason'. Whereas in a nearly-just-democratic-system the individual concedes with 'wholehearted acceptance' to the one public reason; and whereas that individual retains certain reasonable conditions of civil disobedience when the regime is corrupted; the conceptualization of 'overlapping consensus' strengthens the condition of more freedom and equality co-existing with the 'one public reason'. In other words this sounds the death knell of civil disobedience. Justice as fairness begins from a particular political tradition which is the modern period western civilization, represented more specifically by Western Europe and the United States of America. As we have already seen the concept and conception of justice as fairness, is equality in the distribution of primary good and the principles and criteria for deciding what is fair among individuals and parties. Justice and fairness is conceived in a democratically just society over time from one generation to the next. The context is free and equal persons living in a society which is effectively regulated by a political conception of justice [*PL*, p 14-15]. The term overlapping consensus consists in the reasonable opposing religious, philosophical, and moral doctrines developing in quantity and quality while at the same time co-existing in a more or less just constitutional regime, a regime which the criterion of justice arises at the time the political disposition is made manifest. It is not a *modus Vivendi* but a stable moral object and ground upon which the reasonable pluralistic comprehensive doctrines support this overlapping consensus based upon their 'own reasons' [*PL*, pp 146-8]. Justice as fairness may allow the institutions mentioned above to arrive at an overlapping consensus is an 'educated conjecture' which will depend on the practical circumstances and conditions the non-public institutions find



themselves [*PL*, p 15]. In a sense Rawls suggests here that, practically the only way to arrive at a just political society is overlapping consensus. This is possible because there is 'one public reason' which reasonable persons adhere to always. It also seems reasonable to conclude that the one public reason is present as a principle in the conceptualization of Justice and fairness arrived at in the *OP*.

- 3.2.2 Why did we need to arrive at an 'overlapping consensus' anyway? What is so imminent about plurality in society? Why did the plurality need the consensus? Rawls envisions a society in which individual 'leap' from nothingness (by birth) into basic institutions of society such as the family and only through death do we exit from them. We arrive into this world according to our good or bad fortune. From nowhere means that before our birth we have no public or non-public identity and we have no volition in entering or leaving it. In this sense political society is closed. What about an immigrant who enters into this 'closed' political society? The answer is that even if emigration laws allow a foreign entrant, what really makes that immigrant adhere to authority effectively is freedom of thought and liberty of conscience. In effect, the nature and form of the family is totally ignored in Rawls. Unlike Aristotle's concern of primacy of the family with regard to the child who is formed therein to become a good citizen, Rawls perception rests on Kant's concept of 'immaturity', which is really the stage of childhood in which the child accepts to be lead by another into areas where the use of reason is called for. When one depends on a book to understand (thus the book takes the place of our understanding), when a spiritual director takes the place of our conscience, when a doctor decides what diet is necessary for us; these constitute immaturity. One therefore needs to be 'enlightened' by daring to think by himself leaving out all previous doctrines he has received and to have his own conscience justify himself to himself. That emptying of 'authority' is his critique of pure reason, and the daring to reason in a particular situation, morally, is Kant's critique of practical reason. This enlightenment modifies the

relationship between will, authority and one's intellectual capacity. Michael Foucault says that Enlightenment is to be considered both as a process in which men participate collectively and as an act of courage to be accomplished personally<sup>601</sup>.

3.2.3 Good is therefore reduced to the individual person and becomes that which a person calculates based on his experience and after having emptied himself of any 'authority' previous to his own daring intent upon determining what is right and wrong and what is good and bad. Morality becomes secularized in the individual person. The person in this sense deals with the question of contemporary reality, or what we may also refer to as pragmatic experience. The individual is not seeking to understand the contemporary in its historical or eschatological context. He is seeking to understand the difference that today brings with it and act accordingly. This is what releases us from 'immaturity'. But reasoning to arrive at a good in Kant, or to arrive at justice as fairness, is reasoning for the sake of reasoning. This reasoning is to be done when one is obedient to authority. As Michael Foucault explains, it is like saying 'obey, and you will be able to reason as much as you like'. For example, paying taxes forthrightly to the government but at the same time being able to argue against the imposition of that tax regime. Another example could be, to be a pastor and fulfill all the duties of being a pastor, but at the same time being free to argue for or against any dogma of faith. This is the meaning of freedom of conscience in the way that Kant and Rawls understand it to be.

3.2.4 In the public arena one is expected to do the same. To continue reasoning freely as he would drive himself to. The only issue is that the public in this case is a reasonable public that can understand the universal principle of 'one public reason'. In this case the use of reason should be free and public. But since political society is closed, and we enter and live it involuntarily then the universal, the free, and the public uses of reason are superimposed on one another. We must remember yet that political power is, according

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<sup>601</sup> Michael Foucault, What is Enlightenment ? ("Qu'est-ce que les Lumières ?"), in P. Rabinow, ed., *The Foucault Reader* (New York: Pantheon Books, 1984), 32-50

to Rawls, always coercive power backed by the government's use of sanctions. Government alone has the right to use force [PL, p 136]. But how can a citizen with free rein of conscience freely accept what the constitutional government has imposed? It is good to remark here that Rawls seems to use the term constitutional government in the same sense as Aristotle uses the same term or as translated by the word '*polity*'. This becomes clearer with the answer that Rawls gives. We quote him verbatim; "our exercise of political power is fully proper when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason" [PL, p 137]. The polity or constitutional rule in Aristotle is so because the citizens are free and have the same rights in the society. They are so because they have been part of the society's families or they have been incorporated as citizens by one who has authority. However, the end of the constitution is properly the 'common good' which is more or less achieved according to the good constitution, good ruler(s), good rules, and virtuous citizens. These elements are all necessary. The end of the constitution and the rule(s) is to make the citizens virtuous primarily and secondarily ensure the conditions necessary to attain the material and human goods. In Rawls, virtue is neither here nor there. Happiness is not the end of a constitution, but reason itself according to itself in each and every one of the free and equal individuals is what gives the constitution its legitimacy. There is not measure of the objective human act but the rule of justice as fairness and the one public idea. It therefore seems that the citizen in Rawls liberal state is in principle a slave who must obey two rules; accept the general agreement on what is justice as fairness and accept government authority on the basis of the one public reason. Once under these two principles the person can do whatever he or she likes. Not only that there is no other moral requisite besides these two. Finally, virtue is thrown out of the contention since there can be no such thing in pluralistic society.

- 3.2.5 There may seem to be a difference between Hobbes' concept that only a powerful tyrant can impose order through law after the establishment of an artificial government, and Rawls' democratic overlapping consensus. However, let it remain clear that this consensus also justifies the democratic government's coercion. Hence, the distribution of

power among the comprehensive doctrines, though it does not rescind the initial consensus can maintain that consensus by coercion. This is a possibility and is often called 'tyranny'. It is tyranny because its sole reason for choice of consensus with regard to opposing doctrines is that the others are reasonable as opposed to unreasonable. Therefore, if they were to declare that any of these is unreasonable or they did so at the time of the social contract, then only a civil uprising can destroy this sort of government. If the conditions for civil uprising were allowed in justice as fairness principles, with overlapping consensus they are literally obliterated. Simply because the 'democratic' government has the right to use coercive force. Furthermore, if the initial comprehensive doctrines actually reduce in power and political diffusion what would make them remain stable source if an unreasonable comprehensive doctrine should grow in power instead? This is left in a vicious circle in Rawls since the reply is that it is not possible since the principles of justice as fairness would not have allowed it. A more concretely that an overlapping consensus should not revert into a tyranny and that in normal *Modus Vivendi* it actually a tyranny of the so called comprehensive doctrines.

3.2.6 In Political Liberalism Rawls reduces all individuals to the rule of 'non-public' associations of comprehensive doctrines and the comprehensive doctrines to the democratic government arising from arriving at an overlapping consensus. These two are stable conditions and once set up, should not be rescinded. These two principles weaken Rawls argument against utilitarianism; especially with regard to the '*maximin*' rule over that of utilitarian aggregate average. If we reduce all individuals to non-public comprehensive associations then one needs to know how they arrive at a stable consensus if not through self-effacement of their particular 'unreasonable' moral judgments and moral grounds. 'Unreasonable' is a judgment in view of another which is reasonable. That reasonable judgment is the Liberal, democratic and equal political doctrine. It is a doctrine and no matter how much freedom of expression there is beneath its 'patronage', it will deny political authority to any other doctrine, even if it were a better doctrine. There is no other better doctrine other than this one. It is therefore the highest law.

## Chapter III

### 1. At the Threshold of the Feudal and Modern Man

#### 1.1 Introduction to Post-Modern Development of Liberalism

The doctrine of liberalism lies at the threshold dividing the feudal and modern man. We have seen Liberalism from three main perspectives of Hobbes, Smith and Rawls, although we have also had an insight into the minds of other modern philosophers such as Locke, Kant, Hegel, Nietzsche and Habermas. One can distinguish a certain difference between the liberal individualist movement in Hobbes and Locke and that of the latter American Liberalists such as Rawls, Nozick and Berlin. Classical Liberalism appears as a theory of Law founded on an individualist anthropology<sup>602</sup>. As professor Concepción (Conchita) Naval<sup>603</sup> explains, Liberal Individualism presents itself as universalism by virtue of the postulate of equality whose meaning is abstract depending on the definition given to it by its agents. This leads to two almost distinct perspectives of liberalism; first, there is a belief in the sacred inherent dignity of an autonomous individual. In this sense individualism can be traditionally explained from the perspectives of the bible, the republic, the individual utilitarian and the expressive individualist traditions<sup>604</sup>. Secondly, a belief that the individual possesses a principal reality second to none and in tandem with this reality, in second place, is society. Thus society belongs to a second order, derived or artificially constructed in what one could call an ontological individualism sharing the same characteristics of the expressive and utilitarian individualist.

Macpherson considers yet another perspective of liberalism which we may call possessive individualism. This is a sort of radicalism of liberal thought. In it the individual is

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<sup>602</sup> S. C. Kolm, *Le liberalism Moderne. Analyse d'une raison économique*, (Paris: PUF, 1984), in Concepción Naval, *Educación ciudadana, La Polémica liberal-comunitarista en educación*, 29-47

<sup>603</sup> Concepción Naval, *Educación ciudadana, La Polémica liberal-comunitarista en educación*, 29-47

<sup>604</sup> R. Bellah, *Habits of the Heart* (Berkeley, California: University of California Press, 1985), 304

considered as an autonomous moral agent who has absolute administration over his capacities which he uses to satisfy his own desires and choices<sup>605</sup>. Hence, an individual is an *existent* who is complete and who desires to maximize his advantages through free, voluntary and rational personal choices without the influence, experience, contingencies and social-cultural norms and contexts. By their nature individuals autonomously possess inalienable and necessary rights – pre-political rights. There is no “pertaining to” that can act as something constitutive of the individual save an attempt against individualism. However, from the social contract perspective there is a contradiction. Rawls points out that before birth into society man is not an entity. This can be considered as reasonable except where a person commits suicide before entering into society, because that would mean he is actually an entity who can define his own limits. But then, that means one enters into society without one’s volition and upon maturity is expected to enter into a contract with an authority he or she had no opportunity to grant consent to. Yet, this same individual is asked to come into a social contract freely. Liberalism and democratic principles solely allow voluntary contractual associations as a result of the will of the agents in pursuit of their interests. They preach an ontological priority of rights indicating that these rights (laws) cannot not be alienated even if their proprietors do so desire, save when they can claim greater welfare or satisfaction, that is, greater *utility* than they actually are enjoying. In addition, liberalism rarely speaks of duties of the individual given that the rights of the individual are primary, natural and pre-political. These arise when there is a contract and therefore the society always has more duties towards the individual and should always guarantee them.

Christopher Dawson sees the change from feudalism to modernity from another perspective. He sees two great European revolutions in the 16<sup>th</sup> century; a revolt carried out by the Italian enlightenment *humanists* to purify culture and the German revolution *reformists* to purify religion<sup>606</sup>. The *humanists*<sup>607</sup> and the *reformists* coincided in aggression against the *middle*

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<sup>605</sup> Macpherson, *Democratic Theory: Essays in Retrieval* (Oxford: Calderon Press, 1973), 199. See also K.A. Strike, “Community Individualism: Two Views, *Studies in Philosophy and Education*”, *An International Quarterly, Democracy, Community and Education*, 12/1, (1993), 11-19.

<sup>606</sup> Macpherson, *Democratic Theory: Essays in Retrieval*, 5

ages for different reasons. They were not identical movements. The Calvinist *reformists* often clashed with the exuberance of the *humanist's* cultural revolution. He holds that, were it not for the mediate zone between the Calvinists and the Catholics, such as Lutheranism or Anglicanism or Jansenism, Europe would have been divided into two different and independent cultures alien to one another as Islam is from Christendom [Dawson, 1955, p 9]. The feudal system had become very oppressive in the sense that it had to a large extent left no freedom of expression and opinion. Authority in the feudal system had become suffocating for society as a whole, leaving no space for individual freedom and opinion. The Schools and Universities were evidently the fortresses of authority and tradition and had the role of producing mere 'gentlemen' as John Henry Newman<sup>608</sup> put it. On the other hand Blaise Pascal, the mathematician and physicist saw the greatest enemy of Catholicism as the easy going, light hearted and skeptic humanist philosophers and not the Protestantism or metaphysical error [Dawson, 1955, p 13].

The ideas that seem to stand out in this whole theory of the movement from feudalism to modernity include very specifically, the end or object of the society as the free individual, the end of the society as material welfare of the person, amorality or in its stead agnosticism with regard to any concept of God as the absolute foundations of morality and ethics. This amorality and agnosticism is now so entrenched in every sphere of our western social lifestyles that rarely do social institutions, outside the religious institutions, want to give honour and recognition to the creative and unifying principle of the last end of the universe, which is also the first beginning of the order of the universe. According to Aristotle nevertheless, it is proper to the

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<sup>607</sup> Michael Foucault, What is Enlightenment ? ("Qu'est-ce que les Lumières ?"), in P. Rabinow, ed., *The Foucault Reader* (New York: Pantheon Books, 1984), 32-50. Some have opined against this perception of humanism which Dawson points out here. Foucault, although always remaining at the level of the interpretation of history for the sake of the prudent action present before us, says that humanism is a theme or rather a set of themes that have reappeared on several occasions over time in European societies and that the humanistic thematic is in itself too supple, too diverse, too inconsistent to serve as an axis for reflection. And it is a fact that at least since the seventeenth century what is called humanism has always been obliged to lean on certain conceptions of man borrowed from religion science or politics. He even calls Marx a humanist as opposed to Dawson here.

<sup>608</sup> John H. Newman, *Discourses on the Scope and Nature of University Education*, (Dublin: Catholic University of Ireland, 1852), xiv

wise man to consider the highest causes<sup>609</sup>. Man prefers his rationalism to the truth of revelation. In fact the situation is so bad in postmodern society that to quote the scripture as a historical, scientific or anecdotal source is viewed with suspicion; live alone to assent to its truth which demands faith in historical truth.

At the level of daily social life in a state, the freedom of the individual is to be defended by a perpetual order of authority and law which is called the liberal democratic disposition of government. Names and leaders of this democratic disposition can change but the disposition itself is absolute in its premises. Anyone who does not see this as the best and most appropriate doctrinal context of human society is not reasonable and rational according to Rawls. That political disposition was once and for all set up at the threshold of the feudal and modern man and should go on as is; as an end in itself. This attitude can be challenged as a type of utopist concept of liberalism and democracy. It is a political disposition that attempts to provide a doctrinal solution for the definitively perfect earthly city. That disposition was once and for all started sometime in what we now know as the beginning of the *modern period* posterior to the feudal or medieval period. Since most of the world seems to agree to this as opposed to the situation at the beginning of the modern period, then that definitive global orientation has allowed us the possibility of envisioning a *post-modern period*.

The key motor of cohesion for this type of political society is the Market place. The market place is the virtual or physical space and rules allowing the free exchange of goods and services. This is the motor of the society, the key activity, and the source of the power of the state through taxation. It is a source of the power of the state because from the market place ‘fluid’ money is generated. Therefore, the government can tax the merchandise and the money generated. In fact, economy, defined from an Aristotelic ‘Chrematistic’ perspective, is the key measure of the goodness and civilization of the modern world. Totally free economic activity, based on a minimalist justice, calls for a government that defends the free selfish interest of each

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<sup>609</sup> Aquinas, *Summa Contra Gentiles: Of God and his Creatures*, transl. Rickaby Joseph, (London, Barnes and Oates, 1905), Book I, I



individual in the market place. This is the only cogent *raison d'être* of government in post modern society. In consequence all other aspects such as religion, morality, cultural norms, political dialogue and most recently international relations should be left to two variables in an uneasy concordance; namely, the free (or *relative*<sup>610</sup>) global market place and authoritative government (in the case of inter-state relationships there are international bodies that have a certain level of authority). This uneasy *salsa* between the concepts of absolute individual freedom with a minimalist government and an authoritative state creates certain predicaments which the very doctrine(s) do not seem to provide an answer to. If one were to attempt answering these predicaments based on the doctrine one cannot but help remain very superficial, relativist, rationalist and agnostic.

One of the most important predicaments of liberalism is that it has lamped the concept of 'good authority' with that of tyranny and the consequence is that modern society continues experiencing the infraction of parental and government authority in the pretext of individual freedom. The problem is that it admits that freedom should and can co-exist with tyranny as we see in Nozick. A tyranny without moral authority is a menace whose ugly head is just emerging, given that the only way to *order* a person or a society towards peace is the use of the famous Hobbesian 'swords'. From an Aristotelic perspective on the other hand, when one orders something towards perfection, that perfection should be decided on the basis of truth, scientific facts and a moral dimension of the person. That moral dimension is the ultimate common good of society and the most perfect common good (without blemish) is the city of God.

Another predicament arises when one acknowledges that every part of society should follow true scientific knowledge. If one admits that the parts of society follow the division of *intellectual* labour, and that this in turn determines the *academies* or arts or techniques of professional excellence, one would also admit that there should be order and an end to which all

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<sup>610</sup> Freedom in modern liberalism thought is relative to what each person defines as his or her '*good*' and generally this is not really a moral judgement in the Aristotelic sense. It is a free act of a *willing* individual. Philosophically it can be understood as Kant's *Categorical Imperative*.

intellectual disciplines and work is directed. The end to which all intellectual disciplines and labour are directed should in turn be appropriately the object of the state and the university as such. This should be the case unless we admit that the highest human institution of learning should be a multiplicity of parts and therefore by definition not the highest. We arrive at this conclusion given that the parts cannot be considered prior to the whole nor an end in themselves.

Just like parts of a body demand a soul that unifies and vivifies the body, so academies of intellectual disciplines should concede that there is a 'soul' that unites them into a cohesive whole. The 'soul' that unites intellectual disciplines in a university include theology and philosophy. These unite human sciences and revelation; faith and reason. Revealed religion, John Newman<sup>611</sup> held, furnishes the empirical sciences with facts about the highest Truth, that the very sciences would not be capable of ever acquiring. Indeed that is why Theology is the study of *revealed* science. But likewise, without revealed science, empirical sciences would end up imagining ultimate truths. That is what we see happening due to the *power* that technology has become. In our days technology makes morality relative; for example, technology makes it easy to do an abortion or to do foetus stem-cell research and by that very fact both abortion and foetus stem cell research are considered legitimate. Furthermore, it is common in modern society that the mere fact of electronic transmission of knowledge appears to invite the transmission of any misconceived moral inclination on the pretext of freedom of expression. An example of misconceptions of moral values through electronic transmission is the proliferation of child pornography in the internet. Should society police every aspect of individual freedom? The answer is negative unless one admits of despotism. Should society try to educate its citizens and to make laws so as to reduce this type of carnage? If the answer is yes, then the best way to do this is to return to the principal sciences which give a strong basis for morality in society. Otherwise it would be difficult, if not impossible, to have a basis of order in society.

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<sup>611</sup> John H. Newman, *Discourses on the Scope and Nature of University Education*, 105

In order for man to control and order his society to an end, the measure of control and order must be taken from the end in view; and the proper end of everything is something good. Thus Aristotle expounds the hierarchical nature of sciences. If a particular art or science governs over a subordinate art or science, the subordinated science or art belongs to the governing science since in a hierarchy the highest end is that to which all adhere to. Thus medicine governs that of pharmacy, because health, the object of medicine, is the end of all drugs. The highest arts or sciences are strictly responsible for the ‘master-building’, or ‘masterful arts’; and the ‘master-builders’ are the ‘wise men’. Since a science or an art can have a particular thing in view without attaining to the general end of all things, persons can be ‘wise in this or that particular thing’. The name of ‘wise’ without qualification nevertheless is reserved for him alone who deals with highest good and the most unifying good. The perfect last end as we have seen is also the first beginning of the order of the universe. “Hence, according to Aristotle, it is proper to the wise man to consider the highest causes”<sup>612</sup>. Aristotle developed an extensive intellectual work. He nevertheless was very clear that all his intellectual work led to *Ethics* and *Politics*. For the sake of *rest* he investigated poetry and music. These disciplines impress upon the mind ‘the idea of science, method, order, principle, and system; of rule and exception, of richness and harmony’<sup>613</sup>. However on the pretext that many of these disciplines are not *empirically* scientific as such, or better still, since empirical scientific knowledge apparently leads to new utilitarian discoveries, many do not admit in essence the need of reconciling knowledge to a unifying principle of motion, generation, preservation and change according to reason. They cannot arrive at this synthesis using reason anyway, in view of the fact that their position has become irretrievably ‘separated’ from any semblance of such a unifying principle. They deny the very principles of metaphysical unity and admit that the world is in turn universally atomized.

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<sup>612</sup> Aquinas, *Summa Contra Gentiles: Of God and his Creatures*, transl. (1905), Rickaby Joseph, London, Barnes and Oates, Book I, I (The functions of the wise man).

<sup>613</sup> John H. Newman, *Discourses on the Scope and Nature of University Education*, xxiii

The principle of motion is yet another unsolved predicament in liberalism. In order to contextualize this predicament it is necessary to understand that the principle of all motion in Aristotle is God, the unmoved mover, the uncaused cause. In *Politics*, Aristotle proposes that the principle of order and therefore motion should be the best man, the virtuous citizen and the best law aiming at perfect happiness in the common good. For him happiness can only be found in a virtuous state or community<sup>614</sup>. But he himself admits that there seems to be, beyond the best man and the best law, an absolute good which is the most perfect mover. Thus he says in *Eudemian Ethics* that the starting point is “as in the universe, so in the soul, God moves everything” [E.E., 1284a25-27] and in *Ethics* he says that one ought to love truth above all given that all love of our fellow man, friendship, is on account of perfect truth and perfect virtue<sup>615</sup>. Now truth is a most excellent friend of the sort to whom the homage of honour is due. Aquinas admits of this too. Alluding to Aristotle he says that it is true that the best man who rules is not beyond the natural law that a person ought to look for his own proper good. Nevertheless, this is not the end and the satisfying principle of a good ruler of the polis. Rather, that ‘among all earthly goods the chief good, it seems, is this, that men bear testimony to the virtue of a man’. Further, virtue itself has an end not in itself but in happiness. Therefore, since the good ruler and the intellectual nature desire the universal good, and this universal good is reachable, and since happiness is called the perfect good inasmuch as it comprises in itself all things desirable, then it is reasonable to conclude that this happiness is not an earthly thing. No earthly material thing can be this happiness. One can go on a little further, and conclude that since every desirable perfection and therefore happiness is dependent on something higher and more perfect, and that all earthly things obey the human mind, it can be rationally concluded that there is no earthly thing which could make man perfectly happy, nor is any earthly thing a sufficient reward for a king. We call a person a good ruler because they choose to rule their passions rather than the nation. This mode of reasoning manifests that the best ruler rules for the sake of the love of

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<sup>614</sup> Aristotle, *Politics*, I.I.1252a

<sup>615</sup> Aquinas, *Commentary on Aristotle's Nicomachean Ethics*, paras. 74-82, pp 24-27

absolute happiness. This can only be found in a state of being most perfectly at rest and in contemplative possession of the highest good. This is God, who creates the soul and to whom the soul directs all its desires.

This is far from the principle of motion in a liberalist and individualist perspective, which turns out to be the state's coercive power or authority. The peace of common life in society becomes an end in itself without any further perfect principle beyond it. The principle of an eternal God to whom this peace or happiness of a state is due is elusive and unknowable. What then can be the perfective principle of such a peace? Hobbes gave us an answer he *divined* as fear. Adam Smith suggested that the purpose of government is to maintain peace and order, ostensibly through coercion since individuals do not have the wherewithal to solve the highest conflict between selfish beings. Rawls etches the same law and principle of a plurality without a unifying principle, except that of a reasonable human, rational authority and its legitimate coercive power. Hobbes, Locke and Rawls, without possibly intending it, coalesce in Hobbes. Tyranny remains, the mode of bringing it about. This also occurs within the most radical socialism, especially that of Marx, even though the intention of the revolutionary process has other objects. In reality communism has manifested itself as one of the most fearfully authoritarian and totalitarian governments of the 20th century as exemplified by the former communist Soviet state and the currently evolving Chinese Communist State. If the sovereign's or the state's coercive power is the principle of all motion in society, then it cannot be the social contract at the same time, unless we admit that the social contract is a tool of the sovereign by virtue of his absolute power.

Going further in liberalist thought, the highest and most *reductive* powers of modern society crystallize into the *Republican state*, *money* and *technology*. The state retains monopoly over the 'sword of justice', the 'sword of war' and authority over money. To borrow Hobbes' terminology, another sword, the 'sword of technology', has become the 'Frankenstein' that

augments state power and limits individual freedom<sup>616</sup>. Russell Hittinger and Christopher Dawson suggest that it is neither the enlightenment religions nor liberalism that endangers Christian culture, it is technology. Dawson feels that liberalism as a philosophy is transitory in nature and it is a philosophical culture that will not last more than a century. If, technology on the other hand is the use of ‘lower’ things to conquer and rule the world of man [Hittinger, p 244], and if indeed there are signs that it may be the case, what will remain in the wake of a dying concept of liberal individual freedom in a democratic state? The answer is the powerful state making use of the most powerful instruments of ‘fear’. Bill Clinton lauded John Rawls in his time as having salvaged the argument for liberal democracy. Could it be that, the 42nd President of the United States of America (1993 to 2001) had foreseen its dearth just as Russell suggests?

## **1.2 The Rapture of Feudalism and Modernism**

Feudalism began to give way to state power and modernist tendencies around the fifteenth century onwards. This movement was intended to overthrow the coercive tyrannical powers of the existent Monarchies which in turn were aligned structurally to the religious institutions. The philosophical bulwark of the feudalist political and moral system lay in what was known as scholastic philosophy. It was easy to confuse the moral and the political dimensions because tyrants and vicious men could use philosophy to justify their license and greed for power. In order to justify the removal of tyrannical power, some modernist philosophers preferred to change the moral structures in order to remove any justification of tyrannical power. By doing so the ‘new’ philosophies justified any political and moral power whatever, so long as it had no political inclination towards the Christian God and so long as each individual submitted to the political authority. Scholastic philosophy was irrationally deprecated for the simple reason that it afforded a search for the unity of faith and reason.

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<sup>616</sup> Russell Hittinger, *The First Grace: Rediscovering the Natural Law in a Post-Christian World*, 244.

As Joseph Louis Perrier elaborates, the Greeks used the word *scholastikós*, to denote a man devoted to study. He further elaborates that in mediaeval schools, *scholasticus* became the instructor, and the system of thought expounded in the cathedra, the Scholastic philosophy<sup>617</sup>. However, he lets us know that at the beginning of the modern era, and with changes in philosophical perspectives which were no longer those espoused in the medieval ages, scholasticism lost its strong hold and “the term acquired a definite meaning, and was henceforward exclusively applied to denote Mediaeval speculation” [Pierre, p 16]. Modern era philosophers such as the French encyclopedist of the eighteenth century, Diderot, Bruker, Taine and Hegel had a contemptuous attitude towards that philosophy. Hegel actually concurred with this shallow contempt by opining that scholasticism was not a philosophy [Ibid., p 19]. They called this period of medieval philosophers the ‘dark ages’. A deep veil of ignorance has since then covered the eyes of many a philosopher with regard to this period. Among the problems that have formed the fabric of that veil of ignorance is the attribution of Christian religion and in particular the over-reliance on Thomistic philosophy. We already know that St Thomas Aquinas was well founded in Aristotelian philosophy. This accusation nevertheless failed to give weight to a very legitimate task the medieval philosophers were so desirous of; that of uniting faith and reason.

Mediaeval philosophy was not a single system; in fact, it is evident that not all acceptable philosophies were founded on Aquinas or Aristotle. Platonist abounded, such as Duns Scotus, Pico de Mirandola, Isaac the Blind, and the Jewish Neoplatonic philosopher Solomon ibn Gabirol. Nevertheless, medieval philosophy was heavily indebted to Christianity. That notwithstanding and even though philosophy was considered the handmaid of theology the great philosophers such as Aquinas did not evade reason and subject it to revelation, but in the case of a conflict between the two, they subordinated reason to faith. Modern philosophers failed to agree to this and rejected the primacy of Christian religion in Europe. The result was that

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<sup>617</sup> Joseph L. Perrier, *The Revival of Scholastic Philosophy in the Nineteenth Century* (New York: Columbia Univ. Press, 1909), 12-25

philosophy necessarily fell into materialism. A materialism that was already evident in the tyrannical powers and their excesses. But political tyranny did not necessarily mean a decadent moral dimension in Christianity. If Christianity may have been misused, that does not justify calling morally bankrupt. Doing so would be at the risk of justifying a new religion or unifying principle or unifying morality; the morality of plurality sustained organizationally by and in an authoritarian regime.

Just as any philosophy begins from what a philosopher experiences as a person and as a protagonist in a definite historical process it is necessary to accept that materialism, liberal individualism, totalitarianism and absolutist tendencies, democratic tyrannies and similar movements, distinct from feudalism, had developed slowly even starting from the medieval ages. Why did Scholasticism give way to modernism? Joseph Pierre<sup>618</sup> says that the reasons were both internal and external. Among the external ones Pierre points out that, a humanistic cultural movement whose motor was a renewed curiosity in the literary beauties of the pagan classics, concentrated more on the form of words rather than their content. This was directly opposed to the manner of the Scholastics. Secondly, the development of natural sciences based on new research naturally undermined their antecedents. The only thing is that this condemnation extended to the metaphysical principles with which this system was only accidentally connected. Accordingly the metaphysical foundations of human moral action and consequently the metaphysical principles underlying the natural sciences began their severance with natural sciences and rationalism taking the upper hand. There was also the rise of Protestantism which rejected Papal authority. This also led to the search for philosophies that would defend this rejection of the principle of authority. The problem as we have seen is the growth of the idea of individualism. Only with a thick veil of individualism can we hide from the principles of authority naturally evident in the family, society, Church and in any human institution. There was also the invention of printing which made, previously inaccessible books and information, available to those who had the means. The effect was the movement from oral instruction in

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<sup>618</sup> Joseph L. Pierre, *The Revival of Scholastic Philosophy in the Nineteenth Century*, 157-9



philosophy at the university, to philosophy for all and sundry. New philosophies, systematically opposed the scholastics, began to develop.

The roots of materialism seem to imbibe a platonic and neo-platonic rhyme. Kant, Hegel and Ludwig von Feuerbach precede Marx's philosophical dispositions. No one can deny that these great German philosophers had reverently intoned Platonic idealism. In Marx 'the idea' lost its charm and what remained were the raw dregs of materialistic dialecticism. But communism seems to be an 'idea' too; Karl Marx's idea. Feuerbach, his contemporary, replaced the 'eternal idea' of a personal God with man. But going further back, were Duns Scotus and René Descartes also in agreement with basic platonic tenets? I think they were. As we have already seen, Duns Scotus laid the philosophical foundations curtailing reason in such a way as to always remain subjected to the will and in consequence to what we now refer to as 'freedom'. William of Ockham perfected Scotus' by emphasizing man's voluntarism and the insignificance of reason<sup>619</sup>. He provided the philosophy in which every individual person is to be considered a singular species of his own. According to him there are no common essences (genres).

This processes that history enables us to discern had an effect. Alasdair MacIntyre speaks to us of an all pervading emotivism of modern culture as opposed to the moral objectivity or the Aristotelic *telos* in character formation<sup>620</sup>. Emotivism is revered as affecting feelings and emotions in others so as to obtain consent. But that it does not include any rationality. Through feelings and emotions we can give a clear account of all moral judgments. This is said to be better than an interminable rational argument. Its main proponent is CL Stevenson<sup>621</sup>. Other emotivists say that to say that something is good is like saying Hurrah for this! These are feelings or attitudes of approval between one person and another. He says that moral debate in our times is 'interminable' given its irrationality or rather the fact that there is "no rational terminus' of moral arguments; because of their "conceptual incommensurability" or the impossibility of

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<sup>619</sup> Rafael G. Corazón, *Agnosticismo, raíces, actitudes, y consecuencias*, 32

<sup>620</sup> Alasdair MacIntyre, *After Virtue*, 6

<sup>621</sup> Alasdair MacIntyre, *After Virtue*, 12

weighing one argument from another. One experiences the “paradoxical contemporary moral disagreements” and the wide variety of ethical “*historical origins*”. For example, the utilitarian argue for a just war unless the good outweighs the evils of engaging in war and combatants and non-combatants can be distinguished clearly. But this also permits a consequentialist approach of the end justifies the means. Prevention of potential enemies gives reason to enlarging armament, although they say that these arms cannot not be used unless in defence against an aggressor. There is also the lesser evil argument or relativity argument. Wars between great powers are purely destructive but wars waged to liberate oppressed groups are justified, especially in the third world<sup>622</sup>. One can use for example, Aristotelian objectivity, the Machiavellian Utilitarian approach, or the practical consequentialism in Marx and Fichte. Lockean antecedent is opposed to Kantian recognisability as opposed to Thomistic morality. Finally we also have Adam Smithian society as an exchange of liberties totally individualized.

Alasdair MacIntyre reminds us that, Emotivism was born in the wealthy European social context as portrayed by Henry James in the figures of the Touchetts and Gilbert Osmond (*The Portrait of a Lady*). The same can be said of the ‘A’ in Soren Kierkegaard’s, *Either/Or*<sup>623</sup>. These wealthy aesthetes are also be found in the life of contemporary organisations and government agencies among those responsible for finding the ends to which they could apply the corporation’s means at their disposal. Thus in the words of MacIntyre, it is in corporations that we can apply the enduring concept of “bureaucratic rationality of matching means to ends economically and efficiently”. This bureaucratic dimension is symptomatic of Max Weber who embodies, broadly speaking, that ethical system of modern emotivism. Weber is blind to the idea of objective ends and means. One chooses values as demonstrated by whichever, party, class, nation, ideal or causes that one finds himself or herself. To choose means is to select according to ones conscience subjectively speaking. Hence the Bureaucrat, the Aesthete, the individualist,

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<sup>622</sup> Ibid., 6-10

<sup>623</sup> Ibid., 24

the egotist (Hobbes, Hume, Smith), all merge into an agnostic whole. In brief Stoicism substituted Aristotelian and Christian teleology<sup>624</sup>.

From a political perspective, Alasdair MacIntyre sees that the move away from Monarchical Regimes to the Republic (*Res Publica*) was also linked to the movement from Feudalism to modernity. The Republic attempts to restore the classical tradition of the monarch. The true monarchy had earlier turned into absolute despotism or tyranny. From MacIntyre's perspective, Republicanism tried to inherit from the institutions of the medieval and renaissance republic the passion for equality. The ethos of the Guild, the political *party* and the militia were egalitarian. The members bore equal obligations to society as opposed to the feudal and monarchical class conception of society. MacIntyre further points out that the concept of Aristotelian friendship combined with the concept of Christian charity galvanized the concept of *fraternity*. The Republican concept of liberty was Christian too for its main tenet was that "the greatest among you will be your servant". Thus MacIntyre concludes that what the Christian said about God the republican said about the Republic<sup>625</sup>.

It is fitting therefore to discuss the unanswered questions which arise from the evident crisis between the 'artificial' liberal democratic states (or the *Republic*), technology, the liberal individual and religion. If the Aristotelic scheme proposes a good state with coercive power and if liberalism and socialism crystallize in powerful coercive states, where is the difference? This thesis will also consider the solutions that Socialism and Communitarianism intend to offer. Aristotle's philosophical tradition will remain our critical reference point and we will conclude our thesis in the light of his teachings. The manner of discussion will be, first, to discuss the nature of individual freedom and technology based on Aristotelian tradition, then the state, then the answers given by socialism and communitarianism and finally the conclusions in the light of Aristotelianism.

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<sup>624</sup> Alasdair MacIntyre, *After Virtue*, 217

<sup>625</sup> Alasdair MacIntyre, *After Virtue*, 220-221

### 1.3 The Predicaments and Vicissitudes of Liberalism

Prior to discussing Hobbes we said that we would endorse him as a type of 'Father of modernism'. We re-emphasize this and we repeat what we said before for the sake of ease of reference. We said that generally modernism came in the wake of medieval feudalism and the period of transition was the end of the seventeenth century and early eighteenth century. There was a radical change in many aspects of European society, albeit, a consequence of 'currents' dynamic within the very medieval age such as the growth of the famous 'bourgeoisie' class in the cities. There was a radical change in the manner of living and in the manner of thinking and in the manner of governing; in economics, government, philosophy, science, art, state and military. What can capture that fundamental change? Probably, the most apprehending muse of that 'metanoia' is the death of God and the birth of the free autonomous individual at the altar of the imperial sciences (rationalism) as the true foundation of knowledge and action in society. 'God', so to speak, belonged to an interior metaphysical world that cannot be known to man and with the full dawn of agnosticism it became irrelevant whether God is or was not. Man is now 'Superman' because, as Nietzsche cries out in Zarathustra, we killed God.

The modern man broke away from the feudal man by accepting a philosophy without metaphysics and state authority separated from religion or without the dominance of any 'comprehensive doctrine' except its own rationale according to Rawls. Man intends a 'morality' according to the religion of the political state disposition called liberal democracy. Beyond this level human art, without the 'sacred', merely expresses abstract material feelings. Economics is the soul of the state as Hobbes envisioned. The architecture of our habitat turns to shapes and 'abstract' nature without the 'divinized' humanism that once galvanized it. By 'divinized' humanism I mean the attitude marked by the desire of art imitating human nature in its most perfect form or manifesting the most divine principles of Christianity. The modern man accepted ethical relativism, which is relative in itself, becoming the rationale of liberal individual voluntarism and its will to power. The effect is what we are now experiencing as post-modernism. Post-modernism is defined as 'what comes after modernism'. The very idea of post-modernism, just as modernism itself, encompasses anything from politics, sociology, economics,

theology, art, history, philosophy, culture, and the empirical natural sciences to any novel intellectual discipline one may devise.

With the loss of a cogent unifying *principle of being* which metaphysics had tried to develop, divisions in the realms of knowledge became autonomous and therefore hardly reconcilable. The reality of the individual person has ended up being defined in a manner that is almost irreconcilable to 'community'. The human being's 'will to action' is the only reasonable meaning of freedom and it has become almost universally accepted that the community and social institutions are a distinct level from the government of the state and are only instruments of that state. Thus social institutions are merely considered from their utilitarian by the state. The necessity of social institutions to the individual person is almost irrelevant, (at least given the Kantian *critique of reason* and *categorical imperative*). The same divisiveness has evolved towards the realm of the study of the natural sciences in our modern times. One cannot but notice that each natural science such as, medicine, physics, astronomy, paleontology, history, education, sociology, and so on, 'reduce' the universe and social realities to their own distinctive perspectives. Each distinct natural science has become and continues to be more specialized with time. The result is a sort of process of self disintegration. As this happens each distinct science becomes more and more alienated with the others. Any attempt at communication among the *specialized technicians* of every field is irreconcilably muddled for lack of a unifying metaphysical principle. But this is the plurality enshrined by the 'liberalists'.

As a result Liberalism as a theory and practical doctrine has a number of predicaments. The theory has become almost *internally* self-contradictory in a post-modern western society setting with regard to the concept of individual freedom and the concept of authority. Given that a person is born involuntarily into society and dies, leaving society also involuntarily, why is individual consent for *perpetual* authority necessary? The concept of authority among liberals is a social *sine qua non*? On what premises or infallible principles, is an individual *forced* into making a contract? Since liberalism emphasizes individual desire, individual rights and an infallible rational of a coercive authority, has the society's dimension of being a 'living organism' of communal identity been lost forever? Are all social associations and natural institutions other than the state purely utilitarian for the sake of a liberalist political authoritarian

disposition? Liberalists defend the concept of totally free individuals who do not take into account the social bonds and the social belonging as part of their 'self'. They disdain traditions and customs in the name of abstract equality and universalism. Buchanan accuses them of disdaining the fundamental and irreplaceable intermediary institutions of society.<sup>626</sup> Another predicament of Liberalism is that between reality of family and the individual as to which is prior to the other. Man is born in a society yet he is ostensibly 'pre-social' according to the liberalists. Is the relationship between the individual members of the state, especially the family, purely and morally based on economics or distributive justice? Under the apparent intention of neutrality the society generates a sense of moral skepticism, making social belonging, common values and shared destinies irrelevant. In this case the family has historically served as the source and fountain of moral values that shape persons as members of society. Yet the family is almost an irrelevancy in the social disposition of a liberalist state. In this case what is the difference with Marx's Communism if both admit of a radical equality in materialism to the exclusion of any spiritual morality? Equality in the sense that liberalist propose would result in no state at all or the erosion of differentiated life since everyone is equal, unless of course the dominant association of men is led by a tyrant. If so, society is therefore purely utilitarian and admits that the nature of people is totally dissolute with regard to communing for the sake of anything other than selfishness. There is no reason for *Gift* and friendship for the sake of community. Conchita Naval points out that there are many critics of Liberalism<sup>627</sup> in our present day global community. Among the critiques of liberalism are M. Sandel, A. MacIntyre, Charles Taylor, and M Walzer. Others include R.M. Unger, John Finnis, M.A. Glendon, A. Etzioni<sup>628</sup>, Fukuyama and Amartya Sen. There is a third group that could include such people as R.N. Bellah and C Lasch. Some others are termed Liberal Communitarians such as Richard Rorty and Joseph Raz.

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<sup>626</sup> A. Buchanan, "Assessing Communitarian Critique of Liberalism", *Ethics*, 99, (1989), 852-882 and S. Holmes, *The Anatomy of Anti-liberalism*, (Cambridge Harvard University Press, 1993)

<sup>627</sup> Concepción Naval, *Educación ciudadana, La Polémica liberal-comunitarista en educación*, 39ff.

<sup>628</sup> Amitai Etzioni, *Rights and the Common Good; a communitarian perspective* (New York: St Martin's Press, 1995). He mentions that the key communitarian works are those of Charles Taylor, Hans Joas, Jonathan Boswell, Adam Swift, Michael Sandel, Michael Walzer and Philip Selznick

If liberalism has not become self-contradictory and therefore leading to anarchy then the ‘Liberalist philosophical and social movement’ is still in the process of self-realization towards an end that is still unclear. Is there any reason why liberalists should continue to seek more than the attachment to civil liberties, reason, individual opportunities, private property, the rule of law and even more pluralist democracy? What will ‘flogging’ the government and civil society for more openness to allow more participation of the citizenry lead to? What is the limit of political participation among the members of civil society? Or if the ‘Liberalist dogma’ has already been achieved (according to Rawls it seems that all reasonable and rational men live and accept this perfect system), why is it that the average interest in public policy, authority and voting is nothing to write home about? As we have already seen, Tocqueville had already opined that the state of radical liberalism can give in to a certain ‘bent of despotism’ because, over time, persons in liberalist and democratic dispositions can be the victims of triumphalism. During the transition from feudal systems towards liberal democracy, one could argue that Liberalism presented individual, social, economic and political development opportunities. At first, the imposition of a liberal concept of society, as represented by Hobbes, needed the tyrant who would use absolute force to restore order. He then mollified that totalitarianism with a social contract theory to reinvent society in the true principles of individual liberty under one tyrant authority. Once an artificial social contract ‘authority’ was established to ensure a transition away from any moral or religious or metaphysical ‘power’, to one where liberal power was supreme it was easier to talk about the ‘authority’ of the ‘social contract’. In Locke, ‘authority’ of a society begins from the Almighty God who somehow by the law of nature has ensured authority on earth so that man rules himself with reason and common equity<sup>629</sup>. But how does this authority come about? It is evident that in Locke, Divine Monarchy had a right to government and within this monarchy a democratic disposition. To what was owed the Divine order of authority? Locke grants that it is nature’s disposition that every man has *a Right to punish the Offender, and be Executioner of the Law of Nature*. But which is this state of nature or law of nature? His answer is less convincing

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<sup>629</sup> Locke, *Second Treatise on Government*, paras. 8-9

although more potent than that of Hobbes. If Hobbes believed the natural man is in a state of a ‘man eat man’ society, Locke answers that governments of independent communities need to form a ‘compact’ in which independent communities within the nation are united under a single authority. To prove the existence of the state of nature in which equality of men and their individual right to punish, leads to chaos, Locke gives a vague defence. He says that “since all *Princes and Rulers of Independent Governments* all through the World, are in a State of Nature, ‘tis plain the World never was, nor ever will be, without Numbers of Men in that State” [Ibid., para 14]. By this process Locke gives more rights of decision to propertied classes but does not eliminate the tyrant. The tyrant can well agree to more rights of a section of civil society so long as he retains absolute power.

The democratic disposition is a type of consent between the sovereign and the citizen. The citizen should enter into this social contract because every man is naturally free, and only his own consent is able to put him into subjection to any earthly power, according to Locke. According to Hobbes, that consent or compact is necessarily brought about by the one who has the most power over the others – there is no alternative but to have a contract. But who is the citizen who can enter into this consensus to have a common body politic that is not an independent community in a state of nature? Two ideas lead to the answer to this question. The first is that the citizens who enter into this compact are the propertied classes and secondly, any person outside this compact is not within the jurisdiction of the resultant government. Furthermore, the social contract is perpetual. Political sciences thus became the study of that ‘*Consent which makes any one a Member of any Commonwealth*’ [Ibid., para 122].

Once the social contract is established in a body politic, the question of ‘authority’ is therefore once and for all established into perpetuity. The rest of the contractarians or contractualists only need to speak about the social contract and ensure in the meantime that the authority they deem appropriate has coercive power. This also means that the problem of political science now would be to philosophize about the manner of elections, the power residing in government to make laws and sanction them, the rights of the individuals and if we agree with the communitarians, also of some communities. If Rousseau was not respectful to the authority of the *ancien régime* it was because the right order of *equality* and *amorality* with regard to the



individual and the polis had not yet been established in France. We already know the excesses to which the new French revolutionary governments went into in order to eliminate the Church. Let it also be clear that before the French revolution of 1789, as Christopher Dawson comments, it was the 1776 American Revolution that gave impetus and that justified the European Enlightenment thinkers such as Rousseau<sup>630</sup> and Lafayette. So we reiterate the question; if Western Europe has already attained the liberal, equal, democratic consensus and political disposition of that ideal, what is left for it to do but remain as such? The antiquated monster of the *ancien régime* has been conquered. Yet, if the fathers of this revolution accused the feudal regimes of having been in the ‘dark ages’; of illegitimately using the principle of ‘the Divine Right of Kings’; of corruption, of superstition, of poverty, and of barbarism, has our modern society eradicated these ailments?

#### **1.4 Creator, Family and Society in the Complete Sense**

In *Politics* Aristotle did not separate the political, economic and moral spheres. His *Ethics* (moral philosophy) called for and needed *Politics and Economics*. Politics and Aristotelian *oikonomicos* (household management) were the objects or ends of the virtuous person and in that sense virtuous society. Consequently, one could say that Politics and Economics determine morality since they are metaphysically *a priori*. One could also say that since human intellectual nature understands the universal principles first and the particular things or the parts after; in that case politics and economics should manifest good morality. Ontologically nevertheless the one man and one woman come first. Therefore, necessarily a predicament arises; that is whether ethics or morality should determine the political and economical or vice versa. If his *Ethics* described the human character necessary for the good life, he understood that that good person can only be found in the polis or city-state. Therefore, he says that “the state or political community (society), which is the highest institution in society, and which embraces all the rest, aims at good in a greater degree than any other, and at the

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<sup>630</sup> Christopher Dawson, *The God's of Revolution*, (London: Sidgwick and Jackson, 1955), 51-53

highest good". Therefore, the state is by nature prior to the family and to the individual, since the whole is of necessity prior to the part: For example, if the whole body be destroyed, there will be no foot or hand, except in an equivocal sense. Going back to *Nicomachean Ethics*, if every human action follows from a certain human knowledge and human action is directed to the chief or perfect good, and political science is the knowledge (science) that deals with the highest good, then he concludes that all knowledge (sciences) should be directed towards the political good. Aristotle also concludes, in opposition to the modern liberal thought, that politics uses all the other practical sciences to organize the best society and lays down rules as to what men are to do, and from what to abstain. The object of political science is the best society and the best citizen. The best society and the most excellent citizen are the objects of the rest of the sciences. Even though perfect happiness and perfect good coincide for both the person and the state, the good of a whole nation and communities is generally nobler than that of the individual person and of the family household. This is the common good as we have seen. Therefore we can conclude that morality demands a good society and a good society necessitates good citizens or the good man.

Aristotle understood that by nature there are noble forms of society, viz, the Monarchy, the Aristocracy and the Polity. It has already been made manifest that these political forms or organizations of society depend on the general nature of the people. However, they can be manipulated by tyranny, which is selfish rule. Tyranny would lead naturally to a disaster of a nation because it tends to destroy the basis of virtue, which is the common good. However, Aristotle does not think that even the worst type of tyranny is not useful for a nation. To make a good government is a process. Hence, the good citizens should always be in search of that good government. This attitude seems very clear when one sees that Aristotle discusses the forms of government as if the most perfect or the best government is almost unreachable. Thus he moves seamlessly between, aristocracy and oligarchy, between the monarch and the tyrant and between the polity and democracy. Although he defines the perfect forms, his scientific study of political science is astutely aware that the line between the monarch and the tyrant is the line between the virtuous and the vicious person. Since therefore it is impossible to have a perfect person then it is equally difficult to have a perfect state. He who bids man rule bids the beast to rule. Therefore, there is no definitive perfect system in human society. If man has not destroyed himself it is

because there must be another variable holding in order ALL things. The Creator holds all things together despite man's all too frequent viciousness, predicaments and vicissitudes.

The history of our world leaves no doubt that tyranny is a constant. It happened in the medieval ages and it happened in the seventeenth, eighteenth, nineteenth and twentieth centuries. Let us recall that the tyrant is the one who usurps the common good for himself or herself and who does not reward virtue; rather the tyrant or oligarchy does away with the most virtuous men to avoid multiple power bases. Tyranny and its misuse of Aristotelian philosophy was one of the causes of the *exodus* away from Aristotle often through the *via Platonica*. The feudal structure itself often had evidence of parts of this tyranny. In this structure the spheres of society were made sometimes into a rigid class structure. For instance, the Aristotelic and platonic different metaphysical gradation of beings and substances was sometimes applied to the society. In consequence, many injustices were meted out in society without recourse to justice for the simple reason that nature provided the order of birth and ancestry and social class. If there was one problem the so called European bourgeoisie class wanted to get rid of, it was the privileges enjoyed 'undeservedly' by the nobility and the lack of privileges suffered by the 'hardworking' citizen classes in the cities. The problem however, as we have seen was not solved through a call for moral change or development, but rather through the destruction of the moral foundations in religion and community which often granted the privileges to the nobility and monarchy. The destruction of these moral foundations in the religious reformation or enlightenment equalized all citizens and therefore would have made available the privileges to all citizens. But this did not happen. Very often the immoral part of the feudal authorities was replaced by other types of tyrannies with one difference; that there was no objective foundation of religious or moral grounding. The severance of politics and ethics in Machiavelli and in Thomas Hobbes although maintaining the two side by side for the sake of maximizing the power of the sovereign, was a significant 'nail' on the coffin of an objective religious foundation of community, politics and norms (or law).

Aristotle had delivered his political analysis aiming at the best man and the best ruler. If this is possible, then the perfect ruler will seek the most perfect organization of men and responsibilities aiming at the best life in a society. By organizing an orderly society that develops

and seeks constantly the *delight* of the citizens, then naturally, the sciences are thereby organized. We saw that the key responsibilities that the government organizes start with justice, for Justice is the bond of men in a state; but justice in Aristotle is the goodness or all virtue of citizens or the majority of them. The administration of law is the principle of order in political society. This responsibility encompassed legal sciences, taxation, court administration, judges, advocacy and so on. Aristotle also concludes that other activities are crucial for the polis. Among these one could add; religion which calls for the science of theology. Let us emphasize, because we have already seen it, that this religious responsibility was normally given to the most important Archon or Kings or Prytanies.

There was also the military (which demands military sciences and all that falls into the definition of armed forces; it also included the prisons); there was the market (this demanded economic sciences, auditing, assurance, accounting and so on); Political administration (this responsibility included various types of sciences; viz, administration, architecture, all types of engineering, marine sciences); there was Agriculture (agricultural sciences, forestry, landscaping and so on); there was Registry and record keeping which can be equated with archiving and library sciences in our societies); there was above all those responsible for Political administration and therefore needed political science most. These sometimes were responsible for convening the supreme offices of the state and ordering the meetings. If we keep in mind that these responsibilities were specifically the role of *all citizens* and positions were elected through democracy in the latter Athens, then it is obvious that there was no distinction between the so called civil society and the government. The separation of the government from civil society is a monster that modern man has created at the behest of the social contract theory and an individual without history, traditions and morals.

From the above it becomes obvious that if a government is well ordered it would lead ostensible to the good ordering of the sciences. The sciences in turn will generate healthy social institutions. Hence, the institutions will be the parts that together form a whole whose head is the political institution. Just like the master sciences organize the technical sciences or arts or in general the more specific and practical sciences, so the political institutions should order the other subsidiary institutions of society. This conclusion will be studied in another paragraph of

this thesis later. The reason is simply that good government looks for the best ordering of society in every aspect of the ends of man and the ends of the common good which is the delight of men. When we say government here it should not be understood as one person ordering all things alone and in a tyrannical way. Rather, it is the work of all citizens united under a good ruler or rulers. Ordering a nation in this manner does not mean being tyrannical but yes, it demands authority; the authority of a good government and the obedience of freedom. That is, the evil man should obey and submit to the good even if this demands coercion, while the good man is already obedient because his mind and that of the good ruler or rulers is one. This is distinct from the obedience that comes from fear of the punishing sword of the sovereign. From a Hobbesian perspective every man is irreparably malicious or ill intentioned towards war. Hence, this type of man is obeying because there is one stronger than him. However, it is interesting to see at the same time how Hobbes inverted all the Aristotelian perspectives by simply denying objective morality and good history and good norms based on objective reason. Aristotle may not have experienced the concept of personal freedom as perfectly as modern society may now see it in the common good sense. Nevertheless, if Athenian power in his time is something to go by and if modern society still retains Greek philosophical roots then we cannot deny the greatness of that philosophy and scientific spirit. We only need to look at Aristotle's, sometimes unwilling pupil, Alexander the Great, who conquered a significant part of the known world. Aristotle and Alexander the great are our predecessors, together with the Romans, in the management of *international* institutions and in that sense globalization. There is a lot to learn from them of the philosophical underpinning of principles of globalization.

## **1.5 Man's History and God**

There is something sustaining good society despite man's imperfection and the ruler's imperfection. We have stated that this is God. In addition, there is a case for discussing how the individual appears on earth and his responsibility towards that history if any. There is a case for discussing the dilemma between the individual autonomous person and the man having a history in religion. Hobbes, Locke, Adam Smith and many other Liberalists acknowledge an agnostic understanding of God's creation. Hobbes points out that it is impossible for man to avoid the question of religion. It is Hobbes who points to both the originality and the utility of religion for

the sake of political power. In Rawls religious doctrines are considered comprehensive doctrines. Radical individualism can therefore co-exist with this acknowledgement of religion. The comprehensive work of Professor Montserrat Herrero<sup>631</sup> on Hobbes' theology highlights his utilitarian use of religion.

In Hobbes the democratic state and a Christian religious sovereignty can co-exist. In Hobbes religion is one of the powers necessary to ensure fear. The sovereign who controls the interpretation and authority of religion has excellent possession of the powers of instilling fear. Religion becomes an instrument in the hands of a Christian sovereign. Montserrat Herrero explains that although the political philosophy of Hobbes is a *new science* that enables the constitution of a powerful and orderly political society, nevertheless what is necessary is prudential knowledge<sup>632</sup>. Science is demonstrated by the use of reason, prudence is knowledge derived from experience. Experience only needs the memory and the senses. This experience is not able to arrive at universal truths and all that can derive from it are names which simply indicate common experiences. These experiences include both the past experiences and the future ones giving the sovereign a certain sense of certitude in ruling. Science is something merely hypothetical and thus conditional. It can never be certain and is not natural to man unlike prudence. Further, Montserrat explains that for Hobbes, man is born to live using his five common senses as his individual prudence demonstrates. The past experiences give someone knowledge of what will unfold in the future. The process of demonstrating a decision of what prudent action to take is a syllogistic process of analysis. Rawls acknowledges the same analysis of possibilities to arrive at the just and fair principles or decisions in the 'original position'.

Social institutions are the praxis of the truthful sciences from which they spring. Animals do not have social institutions because they do not reason. Thus as Aquinas explains of Aristotle's *Physics*, our knowledge has its origin from the senses, and he who lacks one sense,

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<sup>631</sup> Montserrat Herrero, "Tres argumentos de utilidad en la teología política del Leviatán de T. Hobbes", *Telos, Revista Iberoamericano de Estudios Utilitaristas*, XV/1, (2006), 9-26. Professor Montserrat Herrero is a professor of Political Philosophy at the University of Navarra.

<sup>632</sup> Montserrat Herrero, "Tres argumentos de utilidad en la teología política del Leviatán de T. Hobbes", 9-26

lacks one science just as the lack of eye sight results in a lack of the knowledge of colour. He further explains against Avicenna that no science proves its own principles. However, from what is evident one can arrive at the unknown in so far as it is true, that is, it has being and a principle of motion. In the same way we can know the principles of motion in human society because human society is self evident. Man comes into and lives in a society. In Aristotle the term *man* is used to represent both male and female. We have also shown that it is evident that the principle of motion in a society is necessarily a relationship between man and woman and this we have called the family. We have also shown that in any manner of speaking of the nature of society, a relationship of paternity, maternity, filiation and servanthip is presupposed. Since these principles are knowable then it can be called a science. Moreover, the principle of managing the cohesiveness or unity of a family and a society is called politics. Therefore, politics is a type of science. That science is precisely, Aristotle's *Politics* and *Ethics* and these as we saw are significant sciences of society. As mentioned earlier, where there is a significant science there is a significant institution. Any true element, dimension or principle can be the object of a science. Now all elements, dimensions and principles are ordered first according to the whole universe and secondly according to human society. The latter is so from the principle reason that man orders his own society. Society in turn is what the universe grants to man gratuitously through the substances (subject), form and matter. But since the universe is not its own principle cause, then the principle cause of the universe is the principle cause of all sciences. This is God according to Aristotle. Therefore, any created nature can be the object of science since it is part of the universal order of creation. Therefore, there is an infinite possibility of sciences and likewise of institutions that can develop from this. However, that there are many sciences and institutions means, in Aristotelic terms, that there is an ordering of institutions to one. Therefore there is an order in the sciences from an Aristotelic point of view and the first is that relating to the immutable subsistent substance, God.

In Adam Smith, each passion has its role which is, on the one hand, a part of the instrumental reason – what many will no doubt call the *informed reason*. It allows us to regulate ourselves in order to obtain our self interest and not harm other people's; and on the other hand, an imagination able to invent “an impartial spectator”, a fictitious personage, who acts as an arbiter of one's own conduct before the supposed approval or reprobation of another. Therefore,

in Smith, first comes the acknowledgement of the other and then afterwards acting in self interest. But the calculation of what is right is not a type of moral analysis of good or bad. It is a calculation of utility. But how is religion to be inserted into this mode of acting? Hobbes tells us that the furthest an individual can get with regard to faith is ascertaining that it occurred in the past as a fact of knowledge and nothing more. One can believe in religion as a historical fact but one cannot explain anything factual with regard to its content. In order to understand Hobbes perspective it is necessary to remember that he holds that religion happens in the past when man is in the state of nature. Therefore it forms what he calls the sacred history of man. This sacred history can only serve as a guide to man's prudent action. But it has already done so in the sense that history is a process in which man has arrived at the position of scientifically determining his own prudent action. Faith is knowing that a historical religious action happened and nothing more. Besides, in Hobbes, Christian history has already determined that a sovereign Christian ruler (s) will be the one best occasioned to govern. Hence, this conclusion perfectly co-exists with agnosticism<sup>633</sup>. But why should one maintain a perspective on religion even though it really does not have any necessary impact on ordinary life? Hobbes points to the perpetual anxiety arising from the insufficiency of our knowledge making it necessary for us to hold on to a religious conscientiousness. Man needs to rule over his action and needs to question the causes of the reality around him. In consequence, this questioning leads to a perpetual cycle of causes which leaves man uncertain about the causes. Man confides in others, who are more knowledgeable, to answer those causes he cannot particularly experience or know. Besides the causes that he experiences at the moment would lead to other consequences which he cannot calculate. All these lead to anxiety and a state of fear with regard to what is to come. The only sure way is ensure adequate power which can have recourse to religious explanations of

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<sup>633</sup> Montserrat Herrero, "Tres argumentos de utilidad en la teología política del Leviatán de T. Hobbes", 9-26. Other authors have been quoted in agreement with this interpretation of Hobbes religion. Among them are John G. Pocock, *Time, History and Eschatology in the Thought of Thomas Hobbes, Politics, Language and Time: Essays on Political thought and History* (London: Atheneum, 1972), 156. Maurice Cranston, *Hobbes and Rousseau: A Collection of Critical Essays* (New York, Double Day, 1972), 85-108. Michael Hunter and David Wooton, Eds., *Atheism From the Reformation to the Enlightenment* (Oxford, Clarendon Press, 1992), 111-130



occurrences beyond ones reach. This is the recourse to the invisible power or agent<sup>634</sup>. But all that imagination of incorporeal or immaterial things is mere fancy and opinions that man cannot in reality imagine except as in a dream. It is this imaginations that lead men to arrive at the one Infinite, Omnipotent, and Eternal God. Hence this is not a dogma but is arrived at by men's meditations so as to lie to themselves of a pious history different from the grossness of humanity or visible bodies. This he calls man's piety, made up from dreams and not knowledge. In other words although he holds that religion can be useful for the sake of power, this religion is a fancy and actually does not exist. The scripture is to be interpreted in anyway the sovereign sees expedient. Other than this religion is mere superstition.

Hobbes' conclusions are that religion is an instrument to be used by the Sovereign who is the Vicar of Christ on earth (not the Pope!). It is to be used to instill fear since *words* are rather weak for the sake of obliging men. It precedes the civil society since it follows from the law of nature. When two people who have not any compact between them want to agree then they will necessary call to mind what they already superstitiously hold. That is, they would have recourse to the superstitious belief in God whom they fear. This fear arises from the fact that god can superstitiously, give basis to one or the other in the compact, to override or break the compact. However, once men make a compact and keep the agreement, the sovereign is more feared than God as reality and truth should be. The sovereign nevertheless should never forget that he can have recourse to this 'imaginary' power of God to undersign the agreement through fear among men. Explaining it in another way, and making use of the phraseology applied by John Pocock and Montserrat Herrero, God is really the sovereign of the common wealth because the sovereign is the *Leviathan* that God has left on earth to master and manage the earthly city. Beyond this there is nothing more. Using Hobbes' graphic words, 'the Kingdome of God was yet to come, in a new world; so that there could be no authority to compel in any Church, till the Commonwealth had embraced the Christian Faith'<sup>635</sup>. The Commonwealth is the Kingdom of God

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<sup>634</sup> Hobbes, *Leviathan*, 102

<sup>635</sup> Hobbes, *Leviathan*, Chp. XLII, "Of Power Ecclesiastical: What Offices In The Church Are Magisterial", 480

according to Hobbes. If that is the case then clearly the King or Sovereign is ‘*God*’ or only he solely interprets who God is and what God says. This sovereign according to the Commonwealth’s history is Christian. Hence, the Eschatological dimension in Hobbes is an ascendancy in time from the base of a natural religion and myth to the moment a Christian Sovereign is constituted<sup>636</sup>. Here the Kingdom of God is properly established. This is in agreement with his introductory statement in the twelfth chapter on Religion in which he points out that ‘there are no signs, nor fruit of Religion, but in Man alone’. There is also no doubt from this analysis that Hobbes is a radical atheist using religion for political ends.

Hobbes compares the historical processes of heathen religions with that of the manipulation of religion by self imposed Christian exegetes and authorities. He decries the fact that upon the implanting of the Christian faith in Rome the heathen ‘Oracles ceased in all parts of the Roman Empire’. The success of Christianity is according to Hobbes, mainly because ‘the Priests of the Gentiles of that time had brought themselves disrepute, by their uncleanness, avarice, and juggling between Princes’. Surprisingly he then says that, and I quote liberally, “the Religion of the Church of Rome, was partly, for the same cause abolished in England, and many other parts of Christendom; insomuch, as the failing of virtue in the pastors, made faith fail in the people: and partly from bringing of the philosophy, and doctrine of Aristotle into religion, by the scholastics; from whence there arose so many contradictions, and absurdities, bringing the Clergy into a reputation both of ignorance, and of fraudulent intention; and inclined people to revolt from them, either against the will of their own Princes, as in France, and Holland; or with their will, as in England’. His religious science should therefore be the epitome and summit of scientific development far superior to that of Aristotle (and Aquinas as a result). He is quite happy to equate all religious practices as superstitious except that of the sovereign’s interpretation of scripture.

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<sup>636</sup> Montserrat Herrero, “Tres argumentos de utilidad en la teología política del Leviatán de T. Hobbes”, 9-26

They are all superstitious in so far as the interpretation of the relationship of divine life and mankind is concerned. The only truth is therefore the interpretation of Christian revelation and tradition by the sovereign authority. Let it be accredited to Hobbes that he did believe in a Christian God creating the world. He also believes in Jesus Christ saving the world from death and sin by dying on the cross [Leviathan, Chap XLIV, 'Errors From Misinterpreting The Scriptures, Concerning The Kingdome of God']. However, he says in the same passage, that after Moses there is no other Kingdom of God until the second coming of Christ. The first Kingdom of God was instituted by the Ministry of Moses, over the Jews only, and ceased afterward upon the election of Saul, when they refused to be governed by God anymore; and God consented to this. Since that time he concludes, there is no other Kingdom of God, in the world, by any Pact, or otherwise, than *he ever was, is, and shall be King*, of all men, and of all creatures, as governing according to his Will, by his infinite Power. He continues by saying that the Kingdom of God shall come again a second time and this has not happened yet. In the mean time he suggests that all men are under civil sovereigns (*Leviathans*) as demanded by the people who asked for Kings similar to those of other peoples distinct from the Israelites.

Aristotle says in the final part of Book IV of *Metaphysics* that "it is not the case that all things are at rest or in motion sometimes and nothing for ever; for there is something which always moves the things that are in motion, and the first mover is unmoved". It is evident from his *metaphysics* that there is a substance which is eternal and immovable and separate from sensible things [*Metaphysics*, 1073a5]. He also says in Book XII of *Metaphysics* 'that the first mover exists of necessity; and in so far as it exists by necessity, its mode of being is good, and it is in this sense a first principle' [*Metaphysics*, 1072a25]. The first mover the can exist only in a single way and without it the good is impossible. He also concludes in lesson 7 of Book XII that "If, then, God is always in that good state in which we sometimes are, this compels our wonder; and if in a better this compels it yet more. And God is in a better state. And life also belongs to God; for the actuality of thought is life, and God is that actuality; and God's self-dependent actuality is life most good and eternal. We say therefore that God is a living being, eternal, most good, so that life and duration continuous and eternal belong to God; for this is God". In short, our life owes its reality to God's thought and the fact that we are in the process of seeking perfection is a sign that we are in motion towards that most perfect and better life.

Aristotle's insight into what makes it excellent to live and to think is that this necessarily demands God. Nature is sometimes good and blissful because precisely that is the nature of God's thought. As he says in the same lesson 7 of book XII, on God as the first principle of motion 'depend the heavens and the world of nature'. Our life on earth sometimes manifests this eternal joy and pleasure because the first principle and also the object of life is God who is always in this constant state of joy and pleasure. For this same reason are man's desires to be awake, to perceive and think most pleasant, and hopes and memories are so also on account of these. Thinking in itself deals with that which is best in itself, and that which is thinking in the fullest sense with that which is best in the fullest sense. This divine substance can have no magnitude, but is without parts and indivisible; for it causes motion for an infinite time, and nothing finite has an infinite power. One also does not predicate of it potentiality and is unalterable; for all the other kinds of motion are subsequent to local motion [*Metaphysics*, 1073a5-10]. Therefore we can conclude that it is reasonable to talk of God's eternal existence and that his power over the civil society continues. In this there is no fundamental distinction between Hobbes and Aristotle.

Going further, Aristotle says 'that which is receptive of something intelligible and of substance is an intellect; and it is actual when it possesses this'. Hence, it is the actual possession of the substance rather than the former state of receptivity with regard to the substance which seems to constitute the divine state of the intellect. Intellectually possessing the best substance, God, is what grants man the most pleasure and the best state. Therefore, if God is in that pleasurable state in which we sometimes are, this is wondrous; and if He is in that state in a higher degree, this is even more wondrous; and He is in that state. Life, then, also belongs to Him; for intellectual activity is life, and God is that activity; and the essential activity of God is the life which is best and eternal. Hence life and continuous and eternal duration belong to God; for this is what God is. Aquinas explains that pleasure accompanies and is experienced during the activity of the thing that understands and desires the first principle, for pleasure follows upon the operation con-natural to anything that understands and desires, as is evident in Book X of the *Ethics* [*NE*, 1174b10-1175a1]. A sign of this is that pleasure is greatest when a person is awake and actually sensing and understanding. For intellect and sense in actual use are to intellect and sense in potential use as being awake is to being asleep. That these states are the most pleasant is

clear from the fact that other states are pleasant only because of these; for hope and memory are pleasant inasmuch as they bring past or future pleasant activities into consciousness as present. Therefore to think and act according to our consideration of God belongs to every person. And this does not belong to the senses only but to an intellectual activity removed from matter.

Hobbes as we have seen inverts things in Aristotle to the extent that he says we imagine God as one experiences imagination is his dreams or fancies or superstitions. In Adam Smith, religions belong to the superstitious level and for Rawls religion is a comprehensive doctrine which is subservient to the political ideal of liberalism; for example, that of the principle of overlapping consensus. For Aristotle, it is because of God and the reality of God that we want to live and to organize ourselves, indeed taking light from his excellence and order. Thus, we learn from Aristotle and Aquinas that though it is honorable to preserve even the good of a single human being it is more divine to preserve it for 'whole states' and that includes 'many states' because it shows a greater likeness to God who is the ultimate cause of all good<sup>637</sup>. Besides, not only is the common good most like to the divine, but God, who is the principle of motion in a person, is the first mover and for the sake of a perfect society. This applies to the person and to the whole society at the same time. Theology is therefore a science of Truth and, if a true science, it gives the Church reason to be an institution of society. Institutions of society follow as praxis of the truthful sciences to which they spring from. Animals do not have social institutions because they do not have sciences.

However, does this mean that political society is to be administrated according to the dogmas of faith or a particular religion? The question is absolutely relevant. What Aristotle seems to oblige is that the practice of religion as a primary virtuous activity is absolutely necessary for the citizens of a good state. He, for example, foresees the need of priests. In politics he suggests that there be officers concerned with the maintenance of religion; priests and guardians to see to the preservation and repair of the temples of the Gods and to other matters of

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<sup>637</sup> Aquinas, *Commentary on Aristotle's Nicomachean Ethics*, 10

religion [*Politics*, VI.VIII. 1322b19-30] and that of the key political offices, first there must be a care of religion which is commonly called worship. Among his list of necessary offices in society is those concerned with matters of religion, with war, with revenue and expenditure, with the market, with the city, with the harbors, with the country and so on. But still should we reduce the political government to divine laws or norms. He also says that the ambit of divine power is to put order in the multitude of things that exist. Hence, he says that ‘law is order, and good law is good order; but a very great multitude (many created things) cannot be orderly: to introduce order into the unlimited multitude of things is the work of a *divine power* – of such a power as holds together the universe. Further, that beauty is realized in number and magnitude, and the state which combines magnitude with good order must necessarily be the most beautiful [*Politics*, VII.IV.1326a30]. In addition to this we may take it that political science is the science that regards the ruler. This science he describes as the art of making good laws from the norms existent among the people. Accordingly *Politics* being the highest science with regard to the political society, it gives forth an institution which is placed highest in the order of society and to govern all other sciences and therefore institutions. Nevertheless, without the absolute good who governs all nature as an orderly unity, that is stable and unmoved, there cannot be any continuous movement towards the good since there would be no reason for movement; of the political or otherwise. Politics is not an end and it would be absurd that the end to which it imitates and adheres to is mystically separated from it or totally delinked from it. Therefore higher than political science is the science of God which we call theology and this in turn allows us to imagine an institution that comprehends or puts this science into practice. Over time and history we have called those institutions ‘churches’ and the ministers of these, priests. This science and religious institutions provide the historical science of that natural bond of everything in an orderly movement towards a perfect and sublime good. Without it neither is there reason to think that nature or politics has any natural unity. We would just as well admit of atomism.

We have seen that the most perfect institution that teaches these truths in society is naturally the family household because the law of religion higher or *a priory* to the political constitution. It is taught according to the law and practice in search of the highest good or Love. It is also evident for Aristotle that in teaching virtue or the norms of social order, first comes the paternal law and the political order. Since religion belongs to the natural things that have been

created without the agency of man, it is a 'gift of nature' and belongs to a historical reality that demands the assent of faith. It is not a knowledge that derives from human scientific agency. It is a divine law and as such demands institutions appropriate for its development. These are first the family which is then perfected in then the church, or the assembly of the faithful or the association of the faithful. The word *Ecclesia* has been used to define this congregation of the faithful. In this association of the faithful *truth* is developed on the basis of the interrelationship between faith and reason and practical works. Reason only demands faith when a certain experience or knowledge is not reachable with certitude using the human intellect and the human practical will alone. Faith is therefore the certain of knowledge of hidden truths or realities, which the mind alone cannot arrive at. This divine law is what we may refer to as the foundation of what Aristotle calls the paternal law of love in the family. It is the basis of unity in the human family since the human family without faith has *no basis*. That is human society starting from the most primary society, the family, cannot have an end in itself or give itself reality. Friendship between the man and the woman is not a gift of nature but a *providential* thing since man and woman do not create themselves as necessitating one another. Since this divine law is a truth of reality then it can be a science of the highest truth. The nature of the family has its principle of motion ultimately and most excellently in divine creation. Hence, it is reasonable that the *axis* of belief is most excellently first in the family and then in that association of men we call the 'faithful' or the Church. The term church translates from the Greek word *Ecclesia* which as we know means '*convocation*' of the people.

Since this faith is a truth and a science it can be an institution; and for that matter the highest institution in society since it deals with the highest truths or the first principles of all beings. If the common good is the highest good of a self-sufficing society then the highest institution of that society necessarily has to be a significant part of it. In the household the common *priesthood* is that of the parents who teach and practice their 'faith' through daily family work to generate the daily welfare of the family according to the religious ritual they believe in. Those who do not belong intimately to the family household also ought to share-in and respect this intimacy and freedom of family life and family norms. It would be a contradiction that the services or goods they provide the family are contrary to the family truths.

In society, as the object of the common good, religion is administered by the church or religious institutions. The family is the social institution where the science of religion is primarily lived for the daily needs of the family, and in *family* is found more intimately that most excellent hierarchal order of creator and creature. With regard to the administration of a society, as we have already said, it imitates the order of the family and is for the sake of the family or families it represents as a whole. The church is therefore also hierarchical. Hierarchical means that there is an order or unity which begins from paternity to filiation to fraternity, and linking them is the relationship and attitude of service or love. The religious principles in the church provide the highest foundations of family history and morality and norms. We ordinarily call this culture. Paternal government is the practice of these laws through the good administration of the family household and its needs. In the family household theology is put into practice.

It follows logically that the Athenian constitution divided the citizens into family households or *tribes*. The fathers represented families and ensured that the society was family oriented. The family's honour was also in the father and in the whole family. Naturally, with the rise of tyrannical states this order was and is always undermined. Hence, we can conclude that for Aristotle, divine excellence is the goal of a city, and the best ruler is the one who is wisest in making good laws that bind men and in accord to the nature of the norms of the families being ruled. The good ruler nevertheless should be wise. What rightly lays claim to the name *wisdom*? We have seen before that wisdom is said of those who consider being in general; and that it mainly consists of three distinct dimensions or names. These include; having the capacity to know or understand the science of the first causes (philosophy); secondly, since "the intellect seems to differ from sense by reason of the fact that it comprehends universals" and that the science which deals with the most universal principles of being as substance of universal's "such as unity and plurality, potency and act" and their properties is pre-eminently intellectual therefore the ruler should understand the science of Metaphysics (the study of being as such); thirdly, it is necessary for the ruler to understand divine science or theology which deals with separated substances including, God, the intellectual substances and all those beings which can exist without matter. Theology is important because "each thing has intellective power by virtue of being free from matter" and "those things must be intelligible in the highest degree which abstract not only from *signate* matter (as the natural forms taken universally of which the



philosophy of nature treats) but from accidental forms altogether; and these are separate from matter not only in their intelligible constitution (*ratio*), as the objects of mathematics, but also in being (*esse*), as God and the intelligences. Therefore the science which considers such things seems to be the most intellectual and the ruler or mistress of the others”<sup>638</sup>.

Thus it is that Aristotle teaches that the first three theoretical sciences are mathematics, philosophy of nature and theology [*Metaphysics*, VI.I.1026a1-20]. He admits of theology as one of the key theoretical sciences because “it is obvious that if the divine is present everywhere, it is present in these sorts of things”. His clarity is made even more evident when he says that, “the highest science must deal with the highest genus. Thus, while the theoretical sciences are more to be desired than the other sciences, this is more to be desired than the other theoretical sciences” [*Metaphysics*, VI.I.1026a20-25]. *Theory* in Aristotle is not a word that means something ‘relative’. *Theory* is true knowledge with a view to intellectual wisdom which results in and grows towards a Divine pleasure. God is author in all things because “the actuality of thought is life, and God is that actuality; and God’s self-dependent actuality is life most good and eternal. We say therefore that God is a living being, eternal, most good, so that life and duration, continuous and eternal, belong to God; for this is God” [*Metaphysics*, XII.VII.1072b25-30]. This God is a substance which is eternal and unmovable and separate from sensible things. His substance cannot have any magnitude, is without parts and indivisible. He is impassive and unalterable [*Metaphysics*, 1073a5-13]. Let it also be clear that Aristotle may be accused of *henotheism* – that is to believe in many gods in a hierarchy with one being the authority of all others<sup>639</sup>. However, this would fly in the face of Aristotle’s teaching since he clearly states to the contrary. He says that the number of all the spheres for planets and those which counteract them

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<sup>638</sup> Aquinas, *Commentary of Aristotle’s Metaphysics*, Prologue. Transl., John. P. Rowan, Ed. Joseph Kenny O.P., (Chicago, The Pontifical Institute of Mediaeval Studies, 1961)

<sup>639</sup> Istvan Bugar, “How to Prove the Existence of a Supreme Being” , *Acta Ant. Hung.*, No. 42, (2002), 203-215. This could have been an accusation by Arius Didymus (Fr. 9) who is said to have thought of Aristotle as having believed in the greatest among the nine gods of the eternal spheres being Himself a blissful rational being. See also, Dorothea Frede et al., *Traditions of Theology: Studies in Hellenistic Theology, its Background and Aftermath*, (Leiden, Netherlands: Koninklijke Brill, 2001), 16-17

will be fifty-five. “And if one were not to add, to the moon and to the sun, the movements we mentioned, the whole set of spheres will be forty-nine (or seven) in number” [Metaphysics, XII.VIII.1074a10-12]. He further states that although the forefathers had handed down traditions on the nature of God according to certain myths, and that some of these myths even explained gods in the forms of men and animals, these have been preserved until the present like *relics* of the *ancient treasure* [1074b10-14]. The myths of these gods are therefore to be considered as *relics* fit for the poets such as Hesiod and Homer. Only the initial belief seems worthy of truth, that is, the Divine created the whole of nature. And this is how Aquinas explains this teaching of Aristotle<sup>640</sup>.

Therefore knowledge of the highest Truth is necessary for the person who rules. Not in the sense of *utility* in which a certain tradition of theologians tends to. They use religion in a utilitarian way just as Hobbes discovered and taught. Aristotle himself explained in his *Metaphysics* that certain theologians (Hesiod and his followers) had added, over and above, the principle of one creator, other myths with a view to the persuasion of the multitude and to its legal and utilitarian expediency [Metaphysics, III.IV.1000a5-1001a3]<sup>641</sup>. We can further say that since man is not a perfect being, he will seek this Truth as a continuous activity. The person who rules should be most wise and to be most wise knowledge of religion is necessary, for it sheds light on the absolute source of all things and therefore the absolute end of all things. It is also evident therefore that the practice of what brings us to the Truth or of morality is directed towards God and is progressive since it demands prudence and application. It would therefore, be wrong to consider that only those who have religious offices should rule. Rather it is the best person and wisest person in the sense shown here. The citizens of society therefore need to be virtuous and to seek virtue in this sense and from the best of these a ruler is born to them,

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<sup>640</sup> Aquinas, Commentary on Aristotle’s *Metaphysics*, Book 12, 10, para. 2597

<sup>641</sup> Aquinas, Commentary on Aristotle’s *Metaphysics*, Book 3, 11, para. 468. Aquinas explains that “*it must be noted that there were among the Greeks, or philosophers of nature, certain students of wisdom, such as Orpheus, Hesiod and certain others, who were concerned with the gods and hid the truth about the gods under a cloak of fables, just as Plato hid philosophical truth under mathematics, as Simplicius says in his Commentary on the Categories*”.

whether as a monarch or elected or whether in the nature of an aristocracy. Only such a person or such people can properly direct or are most appropriate in directing the society towards the common good. There is no perfect state on earth.

There is no perfect city. However it seems possible and reasonable to think of the possibility of a city that leads towards that eternal happy state most excellently. Those who lead such a state must be the wisest in the sense that they prudently apply the wisest precepts or norms of life. The subjects in turn should be also very wise and virtuous so that there can be a coincidence of the best man and the good citizen. This will allow each to rule and be ruled in turn with the immutable substrate of the common good as the support and the end. It would be strange in an Aristotelian sense if this wisdom and virtue and substrate do not include the highest principle and cause who is God. Likewise it would be right to say that the rules and norms governing worship in the most perfect way are those that are most to be followed. However, for these to be followed and lived as the foundation of virtue, the natural law itself is expedient for the person should be first a person and then a good or excellent person. It is also evident that History manifests the content of both the way for natural law and the Divine law. The act of creation has happened and is happening since there are always new creatures on this earth. History is not a myth. It is an account of real life situations that we can believe in or not and that can give us certitude through faith. This requires faith in humility as we have said before. Not the faith of ignorance or laxity in the exigency of science, but rather faith in the principle that we are not, as persons the source, nor are we the final end. Something absolute comes before us and precedes us to the end. This is God and since creation demands history, God is also in history. In society therefore we can find these truths, since if one were to hold the opposite it would be a contradiction given the order we observe and despite the disorderliness of vice we also observe. Further, if this were not the case then there would be no reason to live seeking the utmost pleasure of virtue. Yet this is also evident in our societies although sometimes covered in the ashes of vicious men.

Summarizing the foregoing, a human person can ‘*create*’ something just as an artisan can make a statue from Bronze. This capacity is developed through human science or art. Further, the human being can also ‘*create*’ himself in the sense of understanding and practicing virtues and

acquiring knowledge of himself and others in society. Further, the primary place a person develops this agency of 'being' and knowledge and a relationship with others is the family household. However, above all, a person recognizes that his agency presupposes what Aristotle has so aptly defined as the Supreme Being who creates all those things which man's agency presupposes. Only a Supreme Being can create properly speaking the beings which prime matter has; that is, a being in potency. The Supreme Being does not presuppose anything since he creates the substance, prime matter and form (which is being in potency) immediately. As Aquinas says, in God's creation, a substance or subject in potency comes to be or is created by a certain simple coming forth. Once there is this immediate 'coming forth to be' from the first principle of things who is God, then there can be a subject of motion and change. God creates things without the necessity of matter and form. It follows that the manner in which God creates things must be according to his intellect and will which are perfectly one since he is perfect knowledge of himself.

With regard to the creation of human kind what comes forth immediately as a subject was 'man'. The term 'man' is here defined as '*male and female and the whole human nature*'. When one observes motion and change in human kind, one observes that first there are those who cannot live without each other, and these are man and woman. We also observe ordinarily and naturally (in the absence of any artificial additions) that the change and motion entails a common life between man and woman. From this relationship arise 'all men'. It seems logical to apply this same analysis to all 'living creation'; that is, generally to all flora and fauna. However, at the lowest level of the created substances, the elements which do not have life are simply passive. Their passivity leaves them totally to the utility of those things that live. If we call these elements in general 'the earth, water, air and fire', then one observes vegetative life making use of these inanimate creation; animals making use of the elements and vegetative life and Mankind ordering elements, vegetative life and irrational animals.

## **1.6 Of Freedom, the Individual and Society**

We may now turn to freedom which is primarily said of a person, a human being with regard to his capacity to detach himself from matter through intellectual activity or contemplation. Removing all the misgivings that intellectual activity or contemplation has in our

societies today; we desire to turn towards the Aristotelian interpretation or meaning of contemplation. Freedom in Aristotle was never understood as doing whatever one desires to do. Freedom in Aristotle is to seek or desire the highest good. The predisposition or quality that enables us to achieve this is virtuous life. Any activity that can be termed as vice is considered bestiality and it is to be castigated by society; first by the law of paternal love in the domestic family and if this does not succeed then by the coercive use of force by the state. It is therefore imperative that both the sovereign and the parent be very well formed in wisdom (sciences) and virtue (praxis) to carry this out. For it is in this that a society excels and is called noble.

The Aristotelic rationale of freedom in this sense can grant the foundational basis of individuality in modern persons. Not atoms as some would like to suggest but as parts of a larger living organism we call the family, and when many, the civil society in the common good. Rawls says that fundamental principles of justice must be respected to ensure fairness. It follows that society should allow the free operation of the market place largely to help determine people's legitimate expectations. Rawls, in the *TJ*, advises on psychological and social prerequisites for the formation of liberal thought committed to justice. It is this inclination that makes Conchita Naval point out that in a Liberalist state the concept of justice has precedence over the concept of the good. Rawls however did not find this excessive freedom in the market place favorable for his 'maximin' principle. We remember that this principle held that the inequalities in a society should be distributed in such a way that the most disadvantaged or the least advantaged may benefit most. Nozick's libertarianism would not allow such an equivocation. Libertarians are those who uphold the principle of a 'minimal state' and only a 'minimal state'. The framework for this utopia in Nozick found Rawls guilty of being a Robin Hood, robbing the rich to give to the poor. Robert Nozick, in *Anarchy, State and Utopia* (1974), begins his philosophy from Locke's law of nature, and stops at the demonstration of the utopic natural overarching 'nightwatchman' state. This minimal state just protects the members. If there are non-members (within the minimal state) who freely do not want to be part of this dominant organization or

association of dominant organizations, then the minimal state should compensate the non-member for any legitimate activity unfavorable to the members and therefore prohibited<sup>642</sup>.

The state claims a monopoly of the legitimate use of force in a particular geographical area. The state of members within that geographical boundary is more or less enjoying a circumstance similar to Smith's 'hand of God'; the miracle of unity allowing perfect liberty of exchange. The minimal state is a moral and political obligation since the members need security naturally. As it is Nozick has joined the ideas of Hobbes and Locke into a circumstance closely akin to a state of anarchy, but just removed from it by the morality of fear or self-defence. The only thing that keeps the members together is 'Justice' and this is the primary good. Justice is here understood as the application of just laws unlike the concept of justice as 'all virtue' in Aristotle.

Liberalism always places individual rights over and above *the good* given its imperative and deontological (in the Kantian sense) liberal morals. By deontology he meant an ethical norm sustained by a duty equivalent to one's own categorical imperative and a good will (not *holy will*) in the way of a presupposition. The metaphysics of customs is the description and analysis of social practices that can be empirically categorized in the light of *a priori* principles of categorically imperative reasons. From this deontology there derives all the meta-ethical discussions which leave human moral good as something irresolute and therefore irrelevant. The only necessary morality is to dedicate oneself to the analysis of moral logic. This prioritization of the just over the good is found in John Stuart Mills and Kant. Rawls offers that justice is the primary function of social institutions because it is the only thing that can ensure freedom and equality. Justice is constituted by its own very self and not to be based on any absolute good whatsoever.

According to Rawls, the concept of justice is independent of the concept of the good and comes before it in the sense that its principles limit the conception of authorized goods<sup>643</sup>.

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<sup>642</sup> Robert Nozick, *Anarchy, State and Utopia*, (Oxford: Blackwell, 1974), 78ff

Furthermore, the foundation of *Political Liberalism* is historical and political. The primary good for citizens is the good of freedom and equality. Being both a theoretical and practical reality, the political society is historically conditioned. Hence, politics has to accomplish two requisites; they have to be conceived and designed in such a way as to accomplish not only the requisites of justice but also ensure political stability and unity around the principle of a liberal society. Nozick<sup>644</sup>, Ackermann and Dworking also uphold this principle. The individual rights can never be subjugated to the common good. Individual dignity is an absolute. Man is not for society but the other way round, and in this sense man is an end not a means to the common good. The solitariness of every individual person could never have been more clearly expressed as it has in Liberalism.

Aristotle's answer to this is that first, the truth about anything is within the reach of reason and it can be developed through science. Secondly, since the objective truth is reachable it is more reachable by the many more than the one with regard to imperfect persons. A perfect person, if one is to be found, would decide or reach the truth in the same way a multitude of imperfect persons would if they are looking for the objective good. Seen from another dimension, each imperfect person has both tendencies to perfection and imperfection. The imperfection of a person makes one err, while one's perfection grants an objective possibility of understanding and reasoning out the objective truth. Hence, when there are many imperfect persons it is possible that their imperfect perfections unite to grant a higher perfection than each person would have arrived at alone. One can use the famous fable of the six blind men each touching the elephant and understanding its being from his own perfection. The elephant is real and the touching is real. However, only together can they construct the whole truth. It is also reasonable to conceive of men analogically understanding truth according to their particular intelligence.

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<sup>643</sup> John Rawls, *Theory of Justice*, 92-93.

<sup>644</sup> Robert Nozick, *Anarchy, State and Utopia*, 32-33.

It is presumed that when speaking about individuals and freedom, the subject is the citizen and not the child who is still under paternal authority. It seems therefore evident that in so far as a person is not perfect in virtue he depends upon the others and himself to arrive at a good decision on anything. The most perfect way of understanding 'many' is to envision it as the description of a society in the state of the common good. It is that society in which the number of person is satisfactory for the sake of common life and the common good. One may argue that a person's judgement is subjective and personal and therefore inconsistent with a judgement arrived at by many. That is, each person's moral action has an object that is individually and subjectively defined. However, this obstacle can be resolved if we remember that although the good as such is a personal object according to one's intellection, any action of any person in any society is always with regard to an operation of the will in relation to something *outside* the person. Thus, although the person acts for the sake of his own good, in as much as that person is in a society, his actions will affect the others and will be for others as well as himself.

Freedom on the other hand is the capacity to use our reason to arrive at the good. It is possible and it is evident that we reach the truth and do good because of the others. This happens evidently right from a person's birth and common life in the family before taking on responsibilities in society. One may also say that any hindrance to a person's capacity for arriving at truth would be evil. Hence, imperfect human beings naturally freely seek a common life with others for the purposes of arriving at the most perfect good for himself and consequently for society. Substituting the term common life for that of the common good, it is therefore clear that a person's freedom is found most perfectly in the common good. Thus, the father and mother should be the most perfect good for the child and good government should be the most perfect good for the citizen. By nature therefore, Aristotle says, we are political animals. In order for human freedom to exist in its highest and most perfect state, the good ordering of the sciences in a state is very important. Secondly, the science of ethics is crucial since it is this that helps paternity and the state to develop virtuous citizens. Long before state coercion come the sciences of human life. Where the family educational structure and educational institutions in the state fail then it is not unreasonable to ask for a tyrannical state such as the one of Hobbes.



According to Rawls and Dworkin the individual is *pre-societal*. Michael Sandel observes that for the two the subjective individual action is not only pre-societal but also irreparably so<sup>645</sup>. The consequence of this is that society is inevitably seen as serving the individual. Society helps the individual possess more and do what he chooses. The society has to be just, but that justice is primarily to ensure the rights of the individual. The difficulty with this position is that, it can only be hypothetical, such as the hypothesis of the original position. In reality, persons naturally are born into a family depend upon their family and society in general to develop. Thus, it would be impossible to find any singular person who has all the knowledge necessary to live life well and in a more perfect way. This is the crux of the matter. A person can live an animal life, but even then he would still need the animals and the plants and the elements. No person is without the need of another. In so far as the person is a social being then it is what makes him distinct from other creatures. Not just at the level of an affective association as most animals demonstrate, rather with regard the highest end of a rational individual which is intellectual contemplation and rest in contemplation. It belongs to men to develop the wisdom which leads to a life well lived; the good life.

Aristotle says wisdom is the most powerful perfection of reason whose characteristic is to know order [*Metaphysics*, 1.II. 982a18]. Reason knows order first by observing nature as gift. In this sense reason can only observe and contemplate that science or order. For example, reason can only contemplate the order of the stars, the Milky Way and the ecology of living things and most of all can only stand astounded at the fact of his own birth; that he is a human being without having willed it; another willed it for him. Reason also orders its own self with regard to the things it knows. For example as Aquinas states<sup>646</sup>, reason orders concepts with regard to the objective reality. Reason also orders the will, and finally reason can be a formal and an efficient cause. For example, a human action follows from deliberation of the good (or choice) and the decision with regard to the end (prudence). All the actions of reason considered from this

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<sup>645</sup> Michael Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1982), 152

<sup>646</sup> Aquinas, *Commentary on Aristotle's Ethics*, 1.1. para. 1

perspective demand another. Without *another* nothing would be since even the person himself would not be. Further, even if one were to possess all things for his own good, then that would mean he has the nature of ordering all things according to his reason. This is clearly unreasonable.

As we said before, Aristotle starts his *Ethics* with the consideration that man is a social animal. He needs society to obtain all that he needs to live well since he cannot obtain his needs without the others as we have seen. He needs help for what is necessary or daily life as we have seen is the end or object of the family household. As Aquinas stresses ‘every man is indebted to his parents for his generation and his nourishment and instruction’<sup>647</sup>. We have also seen that to live well or to live the best life *servanthood* is necessary. The mix between the daily needs and the servanthood enables one live the best life if the society is sufficient for the good life. Servanthood here refers to the things that regard the daily life and to the things that regard the excellent life. For example, whereas a person may pay for the services of others to clean the house, cook the food, farm, keep the finances, and so on, man also enjoys a more perfect life if he has a government to ensure virtue and order in society. In addition one would add a better military force to keep security or provision of communication beyond one’s own homestead and so on. The flourishing society provides those needs which are not daily needs but which enhance the good life of each citizen. As Aquinas says in *De Regno*, para. 6, “it is not possible for one man to arrive at a knowledge of all these things by his own individual reason. It is therefore necessary for man to live in a multitude so that each one may assist his fellows, and different men may be occupied in seeking, by their reason, to make different discoveries—one, for example, in medicine, one in this and another in that”.

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<sup>647</sup> Aquinas, *Commentary on Aristotle’s Ethics*, 1.1. para. 4

## 1.7 On Institutions and the State

It belongs to institutions to safeguard and investigate that which can be known by reason and is dependent on reason for its ordering<sup>648</sup>. Good institutions are the manifestations of the ‘virtues’ of good government of justice in general. From an Aristotelic traditional perspective one can interpret a distinction of natural and artificial institutions. Natural institutions are those associations of men that arise from natural needs such as, family, community in the common good and household economics. Artificial institutions or associations are those that arise from the knowledge of nature and are dependent on human reason to imitate and order that artificial nature for the sake of the common good or particular good. First comes the reality, existence or phenomenon and from reality proceeds every particular knowledge or science. Good experience comes before prudential norms that follow from reality passed on from generation to generation. That is to say, that the norm which may later be defined as part of the constitution should always follow the ‘*historical*’ good experienced and at the same time be applicable as a just measure ‘*now*’ or in any other future similar circumstance. If reality and science are important for the city state it is primarily because they provide a basis for institutions. For Aristotle, the fundamental basis or reality with regard to ordering the *polis*, is the family household and the ruler or rulers and then other institutions which the civil society may use for the sake of the good life. These we have seen in the paragraph on the foundations of institutions in society. There remains a consideration of the other institutions.

Therefore he says that “all constitutions are some species of justice; for they are partnerships, and every partnership is founded on justice, so that there are as many species of justice and of partnership as there are of friendship, and all these species border on each other and have their differentia closely related” [EE, VII.IX.1241b15-25]. Partnership and friendship refer to the same relationship between persons and is explained at the beginning of [NE, IX.XII, Transl., W. D. Ross (1908), ed. Jonathan Barnes, (2nd ed. 1985)]. Aristotle gives the very

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<sup>648</sup> Aquinas, “COP”, para. 5-6, in R. Lerner and M. Mahdi, *Medieval Political Philosophy* (New York: Cornell University Press, 1991), 299

purpose for which men in a constitution have other associations or partnerships by saying at the end of Book IX, chapter XII, that “some drink together, others dice together, others join in athletic exercises and hunting, or in the study of philosophy, each class spending their days together in whatever they love most in life; for since they wish to live with their friends, they do and share in those things which give them the sense of living together” [NE, IX.XII].

However, using the analogy of soul and body, he says that there shouldn't be friendship or partnership neither between craftsman and tool and master and slave. His explanation is that they are not two entities, but the soul just as the master is one and the tool and the slave form a part of that one, and is not one or complete in itself; nor is the good divisible between them, but that of both belongs to the one for whose sake they exist [EE, VII.IX.1241b20-25]. We are of the opinion that there is a form of friendship between the master and the slave nevertheless since the 'slave' as such is a person with body and soul. What really would be a proper interpretation of these phrases of Aristotle, removing thereby the pejorative tendencies of his slavery in his society, is that a tool, such as a computer, cannot be a friend because it is not a rational entity. Therefore, rational entities are the benefactor and the beneficiary; and a slave can be both. Furthermore, it seems the 'partnerships' arising from a constitution would be a flawed principle in a constitution of Aristocrats and Monarchs. In both these constitutions the ruler rules according to the principle of excellence among the many subjects. If therefore there is ruler and subject it would fall in the same analogy of master and servant which ostensibly is also an analogy of soul and body. If therefore our interpretation is correct, the slave in so far as he is a person with a soul and body can be a partner within a constitution if his work enables the self-sufficiency of a state.

This brings us to the type of friendships, partnership and justice that are formed under the constitution of a state. The key point here is that all partnerships in a society are a constituent part of the partnerships of the state arising from the constitution that exists among them: For example, members of a brotherhood or priesthood, or business partnerships [EE, VII.IX.1241b25]. Secondly, all forms of constitution exist together in the household, both the correct forms and the deviations paternal authority being royal, the relationship of man and wife aristocratic, that of brothers a republic, while the deviation - forms of these are tyranny,

oligarchy and democracy; and there are therefore as many varieties of justice [EE, 1241b25-35]. Further, for a person the consciousness of his friend's being, and the activity of this consciousness is produced when they live together, so that it is natural that they aim at this [NE, IX.XII]. Hence, persons, according to their character value their existence by valuing their friends for it is for these that they occupy their life and for whom they exist [NE, IX.XII].

A quick overview of the word institution in the Routledge Encyclopedia of Philosophy will show for instance that certain philosophers have considered that the law and the making of the law is an institution<sup>649</sup>, just as Aristotle did. It further explains that the term institution can be used in general and specific (technical) ways. It could be used to signify the normative aspect of any social organization as for instance with reference to marriage and family as a part of order in society<sup>650</sup>. In legal culture the word institution can also be used to signify appointment to an office, constitution of an heir, or an entity personified by law. The term, '*institution*' can mean fundamental elements of a science or discipline. An institution, as a social *entity*, according to Aristotle, should be established according to a sound 'argument' or as it were a science or even more precisely according to norm. Hence, William Ellis<sup>651</sup>, in the introductory to his translation of Aristotle's *Politics*, says that Aristotle had made a study of one hundred and fifty-eight constitutions of the states of his day, and this makes *Politics* an important reference for the understanding of the Greek city state. Besides it seems that the question of institution arises simply with regard to the association of citizens for the sake of the good life in the society. The highest of these associations is the state government or rulers. Hence, Professor Alvira distinctly brings these out when he says that the term 'common' with reference to the society means that which is prior to us in everything and that unites us as a whole<sup>652</sup>. He also seems to allude to the fact that the opposite of 'common' from where there springs the possibility of an institution is the

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<sup>649</sup> Edward Craig, "Institutionalism in Law" , in *Routledge Encyclopedia of Philosophy*, Ed., Pintore Anna, Transl. McCormick D.N., Vol. 4., (London: Routledge, 1998), 799-803

<sup>650</sup> Edward Craig, "Institutionalism in Law" , in *Routledge Encyclopedia of Philosophy*, 799-803

<sup>651</sup> Aristotle, *Politics*, I.I

<sup>652</sup> Rafael Alvira, "Bien Común y Justicia Social en las Diferentes Esferas De la Sociedad", 61-79

part. The part he describes as that in which each person participates within the ‘whole’ or within the ‘common’. He also says that the government is an institution, of a particular community, whose purpose is to ensure the best possible conditions for the citizens to enjoy as freely as possible the common good.

From the above we attempt a general definition of the term Institution as *that association or partnership among men for the sake of the common good (or for the sake of excellence in the polis)* and founded on scientific norms of a particular social reality. Where the science is kept integral and is useful for the society we can say that an institution has an effective institutional memory and is a community of friendship. It becomes evident therefore that in an institution where there are many people in friendship the institutional memory is more effective and far reaching as a result of the contribution from a multitude. It would also follow from this that the societies that have kept good institutions have good institutions and tend to further justice in general. Those that have depended on individual memory such as the ancient societies would have found it hard to develop towards the common good significantly. Further, those societies that revered their institutions especially the religious institutions did enjoy a far reaching scientific development of society. In effect, if there was an industrial revolution in Europe and in any other part of the world, the foundational basis of good institutions would seem to have been indispensable.

In the Aristotelic common good perspective, on one end of human society stands the family and on the other end of the spectrum stands the city state and in between them is a *continuum*<sup>653</sup> of partnerships and friendships for the sake of the good life. Although there is a distinction between one end and the other there is no separation since they form one constitution

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<sup>653</sup> Aristotle, *Metaphysics*, V.VI.1016a1-1017a1. Aristotle explains that a thing is called continuous when it is ‘one’. Some things are one in number, others in species, others in genus, others by analogy; in number those whose matter is one, in species those whose definition is one, in genus those to which the same figure of predication applies, by analogy those which are related as a third thing is to a fourth. In *Politics*, 1276b30-35 he says that although one citizen differs from another in a few particulars, yet the care of the community is common to them all, so is the safety of the community; for the community is the constitution; for which reason the virtue of a citizen has necessarily a reference to the constitution of the state he is a member.

of the particular state. And this is what we have emphasized throughout this thesis. From Hobbes to Rawls, Nozick and Dworking the song of the liberalist movement and the basis of equality are distinct from this. They have seen the individual at one end of the spectrum and an individual at the other end of the spectrum and in between an attempt at a social contract to unite them society while each remains distinct or divisible from the other. This perspective has only encouraged the atomic idea of individuals co-existing in society uneasily, each seeking his particular end. It is Aristotle who explains that if points in a line are merely touching and are not said to one then there is no aggregation of a greater thing since each is complete one from the other [*Metaphysics*, V.VI.1016b10-15]. This type of constitution would not form a unity of form which defines a living 'whole' community.

We have already mentioned that civil society develops its institutions (associations of civic life or life in common) because human beings share in realities that reason does not establish but only *beholds*, such as the order of things in nature as Aquinas says. They also share meaning and material goods and common ethos as Alvira has said. The term 'Institutions' is here understood as those particular concrete social organisms (human civil associations); such as a family (household), a business (organization), a club, a school, the judiciary, the state, the economy, a parish or a state among others. We add that, if the state is the highest institution that determines order of a society, and since many things tend to one, then the order of social institutions for the sake of the good life ought to be ordered in the same manner. We have seen the institutions or departments that help the government effectively order the polis; religious institutions, institutions of law, institutions of guardianship including the military, and institutions of economics and so on. It would seem well therefore that a good well ordered government be guided by the wisest minds who can observe reality and *produce* a science that will lead to a better life; a good life; a better state. Social associations therefore need to observe that order and add to it. The fact that the state is the highest ordering principle does not mean that it makes the law or the norms of all institutions. Rather it takes laws and norms and sciences from the 'multitude' that constitutes its self-sufficing whole. In this way any addition or innovation of the state will necessarily be according to the people and that order will be a common norm. Hence, solidarity and subsidiarity find their foundations in these principles and freedom is secured on the path to truth knowledge and Happiness or the good life. Good

authority and good fellow citizens therefore make up the conditions necessary for individual freedom to flourish.

Man is therefore by nature free and called to seek knowledge of and exercise respect for the nature in creation. That is that part of creation beyond man's capacity to create. Secondly man is free to seek the truth through science or knowledge. Whenever we have used the term science here we have used it in this sense. That science is a type of true knowledge arrived at through human reason and which enables man to define or specify norms with regard to the science. The history of the study of a science enables man pass on truth from one generation to the next hopefully through a good institutional memory. If it is reasonable to allow a person who has full use of reason the freedom to seek truth, then it is also reasonable to allow a person the freedom to keep and respect the true norms appertaining to the science. Further, since all science follows an order of good society then it follows that any science will try to enhance the flourishing of a society and of an individual person.

Likewise, since the self-sufficing society is prior to individual person and the former is the object of the latter, then it is evident that the true science arrived at by most people and leading to a good life is before any personal individual knowledge. That is, the *universal* truth is prior to the individual person. However, in so far what is universal society is made up of parts and as each person is a *new* truth and can be a perfect and virtuous person, it follows that even the whole of society needs to be open to the science of an individual wise person and recognize that person as part of the truth of a society. This dynamic tension of history, generation, research and preservation is optimized when the organization of society is according to the best government. Likewise every person is free to start or be an institution in society and the institution is free to seek knowledge in so far as it is a search for the best society and the best or virtuous person. In the respect for the search of truth through knowledge and respect for social order lies the basis of the freedoms of society. We propose that a government should respect this freedom and it should avail all historical knowledge and tools for the sake of reaching that truth. A good government is therefore a fountain of knowledge and virtuous life through a good institutional memory. The good society is also well organized with regard to its sciences. A people without this capacity would also fail to enjoy the best possible life. In fact, a tyranny



would destroy institutional memory and usurp the authority and freedom of arriving at truth as has been demonstrated throughout human history and as Aristotle so vividly explains. He says that “It is evident, then, that all those governments which have a common good in view are rightly established and strictly just, but those who have in view only the good of the rulers are all founded on wrong principles, and are widely different from what a government ought to be, for they are tyranny over slaves, whereas a city is a community of freemen” [*Politics*, III.VI. 1279a15-20].

Institutions therefore seek to defend the good traditions and generate new knowledge. MacIntyre differentiates a practice, an institution and a virtue. He understands virtue as a quality, the exercise of which leads to the achievement of the human telos<sup>654</sup> and the good for man in this case is supernatural. He also proposes the definition that it is “an acquired human quality the possession of which tends to enable us to achieve those goods which are internal to practices and the lack of which effectively prevents us from achieving any such goods”. On the other hand, to play chess or study physics is a practice. A practice involves standards of excellence and obedience to rules as well as the achievement of goods [MacIntyre, p176]. A practice is any coherent and complex form of socially established cooperative human activity through which goods internal to form of activity are realized [MacIntyre, 175]. For example, playing football or chess as a game is a practice. Architecture is a practice while bricklaying is not. So is farming, inquiry into physics and chemistry and so on. However, forming chess clubs, laboratories and universities would be to form institutions. His institutions are characteristically and necessarily concerned with external goods. That is to say, institutions are for the sake of acquiring money and other material goods, structured in terms of power and status as rewards. Upon this utilitarian dimension is the success and fulfillment of the institutions. Without utility institutions would neither sustain themselves nor the very practices they presume to uphold [MacIntyre, p 181]. They link the external goods to the internal goods. Material goods are necessary for survival of the practices. Hence for MacIntyre, the individual practice or value is intimately

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<sup>654</sup> Alasdair MacIntyre, *After Virtue*, 172-178

linked to the utilitarian competitiveness of the institution. Virtues become significant in the sense that without them the corrupting nature of institutions becomes irresistible [MacIntyre, p 181]. If corruption has its way then the human telos or good is not achieved. For a *practice* to retain its integrity it needs the virtuous qualities in the members. The virtues themselves are fostered in turn by certain institutions or corrupted by some.

Although MacIntyre's understanding of the nature of institutions is laudable, it is not in tandem with what Aristotle thinks. Aristotle makes reference to institutions of society in many ways. For example, when he refers to slavery as an institution of society; or when he says that the Cretans give their slaves the same institutions as their own, but forbid them gymnastic exercises and the possession of arms; or when he refers to Socrates institution of the community of women; or the institution of the common meals which was meant to be a popular institution but is no longer useful because the very poor can scarcely take part in them; or Phaleas institution of the equalization of property to eliminate the temptation to be a highwayman, because one is hungry or cold. Aristotle indicates that this latter institution does not eliminate tyranny, the worst of the crimes. Besides he gives the principle that it is no proof of the goodness of the institution that the people are not discontented at being excluded from it. In addition he says that many of the Carthaginian institutions are excellent because they proved the superiority of their constitution by the fact that the common people remained loyal to the constitution. He also says that if the governing class is numerous, many democratic institutions are useful. The governing offices are also referred to as institutions when he says that the 'guardians of the law' is an aristocratic institution, the *Probuli*<sup>655</sup> an oligarchical, the council a democratic institution. Then he states the case of the establishment of institutions when he says that necessity taught men the inventions which were absolutely required, after these there naturally arose other things which adorned and enriched social life and which grew up by degrees. And we may infer that in political institutions the same rule holds. Hence, institutions it must be stressed are the result of

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<sup>655</sup> Aristotle, *Politics*, IV.XV.1299b30-35. The *Probuli* are a check on the council and are an oligarchic class of officers appointed for that purpose.

good and real knowledge about nature and common life. When these become indispensable or necessary for the common good then men establish institutions to safe-guard and to put into practice the new knowledge. It may be a good thing to consider the economic management of social institutions but it is necessary to emphasize that what comes first is true knowledge of what is useful for the common good. Thus where these institutions become indispensable, the citizens provide money and time to sustain them as a responsibility. For example, schools are fundamental institutions for the sake of complementing family education. The society therefore should ensure their sustenance, research and their custody of knowledge.

## **2. Global Society, Economy and the Common Good**

### **2.1 Distinguishing and Uniting**

The good city is the summit of a hierarchy whether of being, knowledge, motion or change and nature. In a community existing in the highest good, men and creation in general find their most perfect good in the most perfect natural community of men. Hence, in our study of the different ways in which Aristotle defines nature and being, the most perfect natural communities have been found to be two; the family household and the self-sufficing city. The family household nevertheless has its perfection in the self-sufficing city. Understanding this too as a form of hierarchy then at the bottom of a hierarchy of natural perfect communities we find the family household and then the village and we can add Aquinas' provinces and at the highest point of the hierarchy we find the self-sufficing city. The common principle in this hierarchy is the family. The size of the natural perfect community is a product of the number and quality of family households and their management. However, keener observation of these realities of human society from an Aristotelic perspective of the common good will also present an alternative to our modern concepts of global unity and the question of equality.

The idea of a unity or common totality of the universe is a Greek idea and was represented by the words *holos*, meaning all, whole, entire, total. As Aristotle says in Posterior Analytics, "from perception there comes memory, and from memory, experience; for memories that are many in number form a single experience. And from experience, or from the whole universal that has come to rest in the soul (the one apart from the many whatever is one and the

same in all those things) [*Posterior Analytics (PA)*, 100a5]. He further emphasizes the point by saying that “there is a primitive universal in the mind”. He also said that “all teaching and all intellectual learning come about from already existing knowledge [*PA*, 71a1]. We can add to this that the first person too had this universal understanding. We cannot hold this truth if, as some may want to hold, the nature of man’s understanding or perception of things is according to each individual thing being separate and distinct from the other.

The principle of hierarchical unity is one way of understanding principles of globalization. Aristotle’s principles of being and society exhibit a sort of hierarchical structure from the universal to the particular and vice versa. However there is also a hierarchical structure between genus and species and accidents. This same hierarchy is seen in the use of language. Most of all, hierarchy in Aristotle is also observed in the nature of motion or change and from transcendental principles of being, truth, unity and good to the level of elements. He shows evidently that hierarchy has relational unity. This hierarchy is to be understood from the perspective of the highest perfection with regard to a being or a thing. Hence, there is hierarchy between watches according to their perfection which is that of keeping time. Hence, the watches that keep time most perfectly are in a higher grade, according to the nature of keeping time, than those which keep time not so perfectly. There is also a hierarchy according to nature of being. Hence, we see a graduation from basic elements of inorganic nature to the intellectual or rational species of nature. This hierarchy is according to motion or change. Hence, those things that have the principle of motion in themselves are higher than those which do not have and of those that have sensation above mere vegetal life and above these those that have intelligence<sup>656</sup>. The latter is the highest level of being in the created universe since in the latter, by having the capacity to operate beyond matter, can ‘order’ all matter. Hence, as we saw in the study of the common good, man has the responsibility of ordering all matter. However, man cannot be an end of himself because he would then have the power to make himself which is impossible. Hence,

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<sup>656</sup> James O’Toole, *Creating the Good Life: Applying Aristotle’s Wisdom to Find Meaning and Happiness*, (Emmaus, Rodale Inc., 2005), 15-17

although man is capable of a global responsibility of ordering all creation there must be another order which is most perfect and which we call divine. To this particular order or hierarchy are all things directed first and foremost.

## 2.2 Post-Modern Meaning of Globalization

In modern societies of the globe today there is another meaning of globalization. Towards the end of the latter half of the twentieth century globalization has come to mean the extension of economic markets, institutions and cultures across the expanse of societies and nations of the world. This extension and interaction between nations and peoples has intensified given the power of new technologies and communication channels. Dirk Messner explains that the term globalization first appeared in 1961 in an English language reference work. Over time the term has come to mean the intensification process of transnational and trans-border interaction among nations of the world. That process is generally seen as the lessening of territorial autonomy within national boundaries<sup>657</sup>. However, these may seem to signify that globalization or internationalization among societies of the world is a recent phenomenon. This is not the case. Intentions of unifying human races are even quoted in earliest times among the protagonists of the tower of Babel. Approximately in the year 1727 BC, Hammurabi, the King of Babylon, known as the Law giver, avers that his is the exalted prince, by the power of Anu and Bel, “to bring about the rule of righteousness in the land, to destroy the wicked and the evil-doers; so that the strong should not harm the weak; so that I should rule over the black-headed people like Shamash, and enlighten the land, to further the well-being of mankind”<sup>658</sup>. Alexander the Great went forth to conquer the earth and bring the nations under the Athenian’s when he was less than 30 years of age. Julius Caesar and the Romans controlled a significant part of what we now know as the western civilization. These examples serve to show that globalization is not a new phenomenon.

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<sup>657</sup> Dirk Messner, et al., Eds., *Global Trends and Global Governance: World Society-Structures and Trends*, (London: Pluto Press, 2002), 22-64.

<sup>658</sup> Cfr. The Code of Hammurabi, <http://www.constitution.org/ime/hammurabi.htm>

In our modern societies Messner talks about a constellation of global actors involved in Global structure building. Among the key motors of the global constellation are the global communication structure and the global market process. In other words, electronic communication and data exchange and the expansion of economic markets are opening up the possibility of building the so called World Society. Naturally, there is a dynamic tension between the extreme end of global institutions in society and the family household on the other end. In, *De Regno*, and at the height of the medieval epoch, Aquinas saw the trajectory towards a self sufficient state reaching the level of the provinces. Hence during the medieval period, Italy was considered a “province” which contained “several provinces”, viz., Calabria, Apulia, Romana, Emilia, Tuscia, Lombardia. Further we know that towards the decline of the medieval period, this notion of province would later change to that of ‘nation’ or retain the word ‘empire’ or kingdom, each containing many provinces or counties or similar political structures crystallizing in the modern era. We also are aware that this trend culminated in the building of vast colonial powers such as the demarcation of Africa among the European states in 1884.

Building a *world society* therefore seems a natural tendency for mankind. Every addition of new families brings in new needs which in turn foster solutions that lead to more self sufficiency in the aggregate and in individual families. We have avoided starting from the individual because our thesis is that the substance of a person starts from a specific locus, and that is the family. The family is the environment in which the individual person finds his basic most perfect existence. Further we admit that the principles of motion in the *accidents* of quantity, quality and location with regard to the individual are best fulfilled in a family environment. Hence a man’s name is honored according to the virtues of his household. The extension or growth of this family reaches its perfect unity in the unity of mankind which we could divine as the so called global or world society. But as we have seen, the global or world society, itself being a creation, must belong to another more perfect universal world. This universal world is that of the God of the heavens. From a philosophical perspective there seems to be a central determining thing that unites these two worlds; and that is man and his faith and knowledge (reason). It is man who governs according to reason and structures the society according to reason. Structuring the society is not to be understood as an *artificial* way of a constructing a society but rather in the *natural* way of constructing a society. That natural way is

what we have been referring to as Aristotle's constitution. Although reason is a natural phenomenon in mankind and therefore using it is natural, it does not follow that everything constructed according to man's reason is natural or having the principle of its own motion. Yet society, the polis, the community or the state, are considered a *natural* phenomenon by Aristotle because it is natural that man seeks the best life and this is found in the common good. Conversely any institution that does not fall into this definition of natural is artificial. Global institutions seem to be artificial institutions which serve the natural communities or institutions.

We suggest that artificial institutions enabling a world society should be ordered to the common good of the natural institutions. Global institutions are formed by people and nations and artificial human associations coming together and existing as *artificial* institutions in order to contribute to a need in communities that constitute the global society. They are legitimate if any other natural or legitimate *artificial* institutions existing then could not deliver what they intend to deliver. The natural structure of the common good determines that any human association or institution should respect the natural motion and therefore natural structures that provide the good life and the excellent life. If this is the case then any world society necessarily has to recognize the role of the family household and the role of the self-sufficing community. If these societies are respected and at the same time the said societies respected a world order then there is bound to be a further perfection towards the way of global peace and order. This can only be true if the two principles are united. That is, the respect of the natural societies and the adherence of the natural society to the good of world society.

To develop these two principles is to develop the idea of solidarity among communities and a subsidiarity among parts of the community. The lowest subsidiary institution is the family and the highest subsidiary body would be a global government. If the family provides the daily needs of the household, then two families united create new needs to each of the families alternately; and to meet this new needs a new good is offered in addition to the daily needs which the family accomplishes. The highest sum total of goods that make life self-sufficient and happy is when families unite in a self-sufficing polis. Hence, it seems that friendship and co-operation for the sake of the good of natural communities is the object of the polis and any higher union of families. Therefore one notices that because there is an orderly city, the non-daily needs are more

efficiently offered. These include for example, the vast capability of healthcare, education, alimentation, ecology, security, information, development of cultures and so on. No one therefore can deny that a global society interlinking or governing people for the sake of the good life would be a worthy of the globe today. If this were possible then the advances of knowledge would flow more seamlessly across the globe that they have ever been capable of before. Any global institutions developed such as scientific institutions, financial institutions, cultural institutions, and juridical institutions can be of great help and can make possible the good life of many people. However, neither can they destroy or artificially substitute the natural responsibilities of natural institutions. For example, the consequence of technological development is fundamental to humanities good life and social order. According to Dawson, the tool is not a problem.

However, it would be sad if humanistic cultures such as those preached by Cicero, Aristotle, Thomas Aquinas, Plato, Socrates, and CS Lewis and so on are to be replaced by the discipline of the machine. Russell Hittinger quips ironically, that the machine has become the proximate cause of our individual and cultural perfection. If Western civilization was unable to instill liberal culture, when it was in vogue in the 19<sup>th</sup> and 20<sup>th</sup> century, it has nevertheless imparted a culture of western technologies. This has an admixture of good and evil forces of global good. Technology is good and a gift of one person to the other or of one generation to the next. It can nevertheless be used as a tool destroying the common good. For Christopher Dawson<sup>659</sup>, the culture of technology did not necessarily and solely augment the scientific exploits of industrialization or discovery. Hittinger explains that when Dawson said these words, he was referring to the appalling application of technological tools as substitutes to moral human action. Hence, technological culture is the treating of humanistic activity such as family, conjugal love, family, religion, and economic exchange in the same way tools treat the natural

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<sup>659</sup> Russell Hittinger, *The First Grace: Rediscovering the Natural Law in a Post-Christian World*, 253



environment. The human element in Humanism is slowly replaced by a tool – something like “*toolism*”<sup>660</sup>.

In the *golden age* of Liberalism (Victorian England and North America at the turn of the 20<sup>th</sup> century), the family thrived as an independent social unit, protected from the forces of government and the market although, sentimentalized and privatized.<sup>661</sup> What advantages did Dawson suggest liberalism had given in relation to the feudal system? It advocated limited government and taught that nothing has value if it ignores individual moral freedom. It had a certain humanitarian idealism.<sup>662</sup> Cruel penal codes were reformed, famine and disease were combated, and education was mandated.<sup>663</sup> It developed a system of economic markets somewhat like a vast cooperative effort requiring a very high level of social discipline and organization.<sup>664</sup> Liberalism much like Christianity was transnational, transethnic and transracial. It was exported internationally.<sup>665</sup> Dawson, in the eyes of Hittinger, was defensive of liberalism and especially dreaded complacency and indifference to its advantages. For him liberalism proffers to society critical principles of civilization and without them the “edifice of civilization is dissolved”.<sup>666</sup> Nevertheless, if the concept of a global society can destroy the advantages that human wisdom has developed by destroying the natural institutions of society, they invariable damage the natural freedom and gift of the individual person. They take away the natural social framework in which the individual person is developed to the highest level.

Hittinger gives China and Japan as an example of an erroneous development of a world society. China and Japan received the wisdom of praxis rather than truth from John Dewey. They did not change their tyrannical cultural philosophies, but they did change their attitude towards

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<sup>660</sup> Russell Hittinger, *The First Grace: Rediscovering the Natural Law in a Post-Christian World*, 253

<sup>661</sup> Christopher Dawson, *America and the Secularization of Modern Culture* (Houston: University of St. Thomas, 1960), 17, in Russell Hittinger, *The First Grace: Rediscovering the Natural Law in a Post-Christian World*, 250

<sup>662</sup> Christopher Dawson, *The Judgment of the Nations* (New York, Sheed and Ward, 1942), 105, in Russell Hittinger, *The First Grace: Rediscovering the Natural Law in a Post-Christian World*, 250

<sup>663</sup> Christopher Dawson, *Progress & Religion* (Illinois: Sherwood Sugden & Co., 1992), 207

<sup>664</sup> Christopher Dawson, *Progress & Religion*, 206

<sup>665</sup> Russell Hittinger, *The First Grace: Rediscovering the Natural Law in a Post-Christian World*, 250

<sup>666</sup> Christopher Dawson, *The Judgment of the Nations*, 31-2

technology. The two were among the first to hastily adopt military technology abortion and contraception. Instead of giving up Confucianism and Buddhism they adopted social engineering. Hence, China's communist and totalitarian government remarkably complements capitalism, liberal market principles and industrialization. The subsequent economic growth of China only serves to pale its human rights accomplishments. As a matter of fact, families are organized by the state and there is lack of religious freedom. In general, our age witnesses governments rise and fall according to their ability to use technology for propaganda, security, markets and economies. The liberal ideal of limited government is a mirage, except in the area of economics and technological application. China does not approve of the openness of Google – a social networking application tool based on electronic communication – and has placed restrictions on it. Thus, Dawson concludes that technological order has already exacted its first price; the original humanistic liberal.

Hittinger further points out that post-modern society portends the terrifying somber of modern barbarianism which is more powerful, prosperous and ruthless and yet more culturally primitive given its substitution of humanism with technology. This technology has no religion and therefore no culture or history since one would be dealing with a people who believe that their everyday well-being depends on the technological order (Hittinger, 2003:263). Dirk Messner shows further areas of contention. One of these is that a global society would find it difficult to employ social consensus in the democratic sense. Messner is not thinking of the social morality or social mores and natural laws. He is thinking of superimposing laws in the manner of a social contract. This is yet another difficulty of the current process of globalization. He says that the absence of social equality and comparable living conditions limit the emergence of a definite shape of a global society. There are no “*we-sentiments*” and therefore there would not be the possibility of a world state given the ideal of the social contract<sup>667</sup>. Within the modern liberalism thought, which uses the original liberalist principles of individualism to give vent to

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<sup>667</sup> Dirk Messner, et al., Eds., *Global Trends and Global Governance: World Society-Structures and Trends*, 22-64.

individual amoral liberty (meaning *license*), the only way for a world government, without the so called democratic system, is the use of force.

At the heart of the liberal mind is the search of new types of social contracts that will enable the nation-state structure which the social contract theory sired, to change itself and to make it available to change in a world-state. The key questions that arise include the usual ‘lack of mechanisms such as shared values, religion, or membership in relatively stable social milieux’<sup>668</sup>. An Aristotelian will obviously wonder at this given that the original liberalism set out to get rid of these ‘mechanisms’ in the first place. That the nation state structure is experiencing difficulties is natural. But to see this problem one has to go deeper than the ephemeral liberal structures proposed by modern philosophy.

Spreading liberalism across the world without the humanistic aspect of shared values, religion, or membership in relatively stable social milieux in the 19<sup>th</sup> century resulted in the division of Africa for the sake of economic exploitation in the main. Thomas Pakenham nevertheless writes of Dr Livingstone’s crusade to rally against the endemic slave trade in Africa perpetrated by the Swahili and the Arabs. His cry is famously known as the three C’s – Commerce, Christianity and Civilization<sup>669</sup>. For him mammon, God and Social change would liberate Africa. For those who followed his rallying call, the African continent was a sort of lottery in which one might earn a glittering prize. Europe imposed its will on the African people by war. Lamont D King,<sup>670</sup> in trying to show that African history tells of its own conceptualization of the nation-state, examined the Hausa states, Egypt from the Archaic Period to the Middle Kingdom and the legacy of the Zulu state. These African notions of community challenged the assumption that Europe pre-dated modernity in structuring the first nation-states in Africa. Did the expansion of the nation-state concept come to Africa as a result of the French Revolution in 1879? The growth and development of the three polities mentioned above are

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<sup>668</sup> Dirk Messner, et al., Eds., *Global Trends and Global Governance: World Society-Structures and Trends*, 25

<sup>669</sup> Thomas Pakenham, *The Scramble for Africa 1876-1912* (London: Abacus, 1991), xxiv

<sup>670</sup> Lamont D. King, *Africa and the Nation-State: State Formation and Identity in Ancient Egypt, Hausaland and Southern Africa* (New York: Edwin Mellen Press, 2006).

offered as specific historical examples of nation-states in Africa before the French revolution; Egypt, the Hausa as a multi-ethnic state, and the Zulu as a nation. He argues that concentrating on the African polities that emerged in different time periods, gives an understanding of how states buttressed or transcended ethnic identity. This ingenious attitude towards an intellectual enquiry into African nation-states seems to have come a little late after the demarcation of Africa and may not serve to readjust the frontiers of African countries. Could Europe have demarcated Africa more conscientiously? My historical analysis shows a negative, based on the principle that African was not divided for the sake of Africa but for the sake of European Hegemony and culture. Could there have been a better way to demarcate Africa? My answer to this is ambivalent on two differing perspectives; given the fact that the integration of African communities today within the historical demarcations has progressed and there is no reason to think that changing them would be wise, then it belies us to proceed vainly with mere curiosity.

On the other hand, one would accede to a re-alignment of nation or community boundaries, based on the opinion that the most appropriate nation-state should define its nations or communities on the strength of a common history or culture or common life or religion. The subject shall not be pursued further as it is not the purpose of the paper in question save to point out that the nation states need to re-adjust themselves for the sake of justice. To do this points to at least two generic possibilities; that of embracing an idea distinct from that of market society and going back to the moral certitude of the original liberalists, a gift of the feudal system, or go towards that of general tyranny to ensure the equalization of the world. The first route would lead to an understanding of cultures and systems of moral life that identify with the people, and adjust the market system and principles accordingly. The second is to go to the totalitarian way. The first would be to imitate a structure that respects the subsidiarity of natural institutions and their developments while encouraging solidarity for the sake of the good life. The second would lead to world society united on the basis of a Hobbesian social contract based on fear and a sword of war and of justice.

### **2.3 Foundations of Justice in a Global Environment**

The world is not yet a world society but neither is it one depending on nation-states either, Messner says, quoting Ernst-Otto Czempel. Yet the movement towards a global society is

underway or seems inevitable. If the Aristotelic constitution of society is to inform this process then it is necessary to say that first and foremost society draws up its own system of justice at the subsidiary level and it is necessary that the higher levels governance structures respect the law at the subsidiary level. However, to respect it there must be an underpinning principle of truth about this very principle of justice. Liberalism does not give the foundation for that subsidiarity. Aristotle does so through the principle of natural law. Natural law is infused or indicted into the nature of a rational being and the rational being develops the capacity of understanding it and practicing it by the use of reason and virtue. The most natural place to help mankind in this development is the family. Human positive law is derived from natural law of the community and it needs virtuous citizens and virtuous leaders to develop it. Human judgment in any of its modes always proceeds from law. In human action we find law by analogy all the way to the individual action. Every person may judge according to natural law and this is more appropriate wherever there is reason to judge other persons. Natural law may be preferred wherever there is a contradiction between human positive law and natural law. Only properly constituted authorities may use natural law to make other laws. The positive law should preferably be written and the judges should sentence according to it with the legislator in mind. Judicial preference of natural law over positive law is a contradiction in terms<sup>671</sup>.

Natural law would signify participation in the common good according to Aristotle. If this is so then all human judgments about the measures of action are set within a broader legal order. Hence, As Madison has pointed out, individual judgments of conscience are personal but they are not ‘merely’ private. A father or mother, a church, an association, etc., enjoy real immunity from the jurisdiction of the state, but it is a restricted notion of privacy. In possessing authority to render judgement according to natural law in matters affecting their domestic societies they are also acting as public agents. They appeal to an order more public than the positive law, a supra-public law. In order to maintain equilibrium of social order, the church, the parent, the association should not usurp the authority of the state. Similarly the state should not

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<sup>671</sup> Russell Hittinger, *The First Grace: Rediscovering the Natural Law in a Post-Christian World*, 111

pervert the higher law.<sup>672</sup> The common good at the highest level includes individual judgement, social judgement and political judgement. In each sphere the judgement enjoys a kind of legality. The parent has a God given right to his jurisdictional entitlement in the family household which is higher than that of the state because nature has so provided. Man does not make nature, it is the other way round, man should imitate nature. Political authority draws its legitimacy from parental jurisdiction but with the role of making new law for the entire community and in so doing rendering the natural law effective in something more than an individual or domestic life. Natural Law is not an authority-free-zone. Natural law is invoked to locate the origin of the jurisdictional rights of the parenthood.<sup>673</sup> Man understands the natural moral law because of the presence of Divine revelation and a human mind capable of understanding and obeying the natural reality and revealed. Natural revelation and natural reality are ‘revealed’ to because they have their source in a creator and not in man. It would also be a contradiction if Divine revelation and natural reality were contradictory since their source is one. Law must therefore be considered an expression of Divine Wisdom. By submitting to the law, freedom submits to the truth of creation.<sup>674</sup>

There is a relationship between positive law and natural law. From a Thomistic perspective one can conclude that natural law is best defined as the participation of rational creature in the eternal law. The human mind is a measured measure; the measurer being God who created it. Secondly, it is reasonable to hold a legitimate theory of natural law since it comes from a nature bigger than human reason. Thirdly, it is reasonable to keep the adjudicative responsibility to the reading of the written law and where necessary to go further than the written law only in order to ensure its moral efficacy in the application of the principles of law. Fourthly, that in the legislation of positive law, human prudence and art should manifest the principles of natural law. Legislation should be carried out by the legitimate authority derived from the

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<sup>672</sup> Russell Hittinger, *The First Grace: Rediscovering the Natural Law in a Post-Christian World*, xxxv

<sup>673</sup> Russell Hittinger, *The First Grace: Rediscovering the Natural Law in a Post-Christian World*, xxxvi

<sup>674</sup> John Paul II, *Veritatis Splendor*, (1993), S 41

people's communities. This is in accord with Aristotle; and based on the foregoing and assuming each and every of the principles aforementioned then it is prudent to leave the legislation of the law in the virtue of a select group of legislators, rather than judges. There is nothing in his postulations on law to prohibit a group of select judges to check against willful legislative majorities so long as this power is not usurped<sup>675</sup>. The three powers of executive, legislator and judiciary in Aristotle are transparent in this elaboration.

## 2.4 Paternity and Filiation as the Source of Law

We have already seen that the family is the fountain of law and social order. It is necessary to reinforce this principle at this point since Russell Hittinger's principles of law somewhat rest on a strong relationship between God and the Nation State. Furthermore, he holds that prudence of government or what he calls *regnative prudence* rests on the political ruler(s). Most of all he holds that that the positive law or the *new* law cannot be reduced to individual or domestic prudence. Precisely according to Hittinger, *new* relationships arising between families in a self-sufficing community call for a *new* law recognizing these new relationships. Furthermore, the *new* laws are to be determined by a power above the law of love or family law of paternity. The one who determines this law would be the legitimate authority. However, the new law must presuppose the family law level since this is a fundamental part of the new social relationships. In addition the family has always been the most efficacious level of legal administration. Although the family law needs to adhere to the governing principles and laws of a nation-state or a global community, this does not make it irrelevant. Even if we were to admit of Divine Law as the source of the natural law disposition in every person and every judge, the relationship between God and man is one of Paternity and Filiation. The principle place that imitates this relationship is the family. God is the creator and he creates his image in the person. This relationship of paternity/filiation is most perfectly embodied in the domestic family environment. It also seems unreasonable, from a global society perspective, to lose or be

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<sup>675</sup> Russell Hittinger, *The First Grace: Rediscovering the Natural Law in a Post-Christian World*, 90

oblivious that all come from the same father and therefore are brethren. The condition and appearance of a people as distinct in genealogy and generation is an accident or imperfection given the limited nature of man.

On the second issue; the *new* law is principally a law of love and this love is most perfectly applied in the family. Law from a Divine perspective is a manifestation and a call to filiation. Filiation is the relationship that arises from child to the parent. The child ordinarily is a biological offspring of the parent. However, the term filiation is not primarily based on biological issue or consanguineous relationships. Filiation is primarily a term that refers to the endearing relationship moving from someone one who acknowledges the fatherhood of the other. Hence, both an adopted son and a child begotten of the flesh share alike the relationship of sonship or daughterhood. In like manner Fatherhood is the relationship of begetting, in a consanguineous way or being a biological father, but also the relationship that arises from adopting another and most of all from the act of creating. The characteristic most constant in all forms of parenthood is the relationship of providence from one to another. Providence here is the endearing provision of the spiritual and material goods necessary for the flourishing of another. It is necessary that the first gift of providence is that of life. Without life there is no other good one can enjoy. However, man cannot give spiritual life. Man can only give material life and support the spiritual life primarily through the precept of paternal love; since love is the endearing desire for the good of the other. Hence, we can conclude that in both biological fatherhood and adoption one of the constant characteristic in both is that of Love. It also seems to be the foundation of the relation from parent to child and child to parent; i.e. paternity and filiation are both forms of love. Hence for there to be a *new* law the task of aligning it to the subsidiary natural institutions is absolutely necessary. Force can only engender force given that man is by nature personally free to make good and appropriate law. Besides when laws slowly alienate themselves from the people, they become irrelevant to the ordinary daily search for the good life or everyday needs. The World society is not a world state. It is to be founded on a natural human association based on a law that does not usurp the parental responsibility on the pretext of a 'social contract' artificial law. The only society that can give this assurance is that of a religious dimension. No religion governs beyond the law of the family and that of the self-sufficing community. The reason is simple, the laws in all three levels become complementary



and hierarchical at the same time. Where this principle is derided then the structure falls as it is evident of the feudal system.

Political prudence arises from the fact that there is a higher general law over and above domestic law; that there is a law that governs a greater multitude of people who are distantly related, and in which the 'paternal' authority or domestic responsibility has no reach. Therefore, the difference does not lie in the essence of prudence but in the ambit of governance based on number of families and ambit of political control; hence, the generality of the law of the legislature. It is the law of the polis which is an amalgam of communities each domestically governed. Where two or more communities meet, the law that governs is *regnative* prudence which calls for political prudence. Both have as an end to order the law of the family towards the common good of several communities or several families. The good of one community, is not necessarily the common good among communities. For example, in the use of a river, common resources or common markets, regnative prudence would provide the role of judging the best way of sharing those resources among many communities. It is evident that at the domestic level wholly using one resource for the good of the family and extended family would at times be detrimental to the good of another community in need of the same resource. The one responsible for the ordering (from the perspective of law) a polis or an amalgam of communities is the judge. The one responsible for the ordering of the family community is the household manager. Above the domestic management and the judge is the '*King*' whose role is political prudence when there is an amalgam of polis (that is many *communities* are put together to form a nation-state). It follows from this that the law is most general at the level of the King while it is most particular at the level of the paternal authority. If we were to add the global family of nations then it is not yet reasonable to identify who would have the legitimate authority for the global rule of law. Regnative prudence and political prudence are terms that can apply to both the polis or city and the nation. The polis is the amalgam of families or communities, while the nation is the amalgam of polis.

## **2.5 Paradoxes of World Economic Market Structures**

Reassessing the institutions of a transnational reach which make a world society possible, one can conclude that they have developed in intensity after the period of the Second World

War. Among them are inter-governmental institutions such as the new expanded market economies of the European Union or the MERCOSUR or the East African Region. There are also private/public partnerships such as Messner points to in the tourism industry and in the institutional quality systems coding. The International Standards Organizations (ISO's) are some of these. All these institutions provide what Messner calls governance without government creating positive chains of interdependence. Non-Governmental institutions are also expanding their reach in coordinating progressive, environmental and cultural changes. The associations are also at the scientific level, economic level, and political levels.

Among these institutions enabling the formation of a framework that will ultimately encourage a world society, one sees the re-incarnation of Adam Smith in the development of the global economic market phenomenon. While nation-states appear to be re-organizing their economic management to cater for world economic markets, the underlying impetus is economic competition and economic dominance. As a result there are paradoxes emerging that show a positive and a negative aspect of this globalization. Noreena Hertz points to this paradox when she relates that 20% of foreign direct investments in 2001 were controlled by multinational companies. Of the 100 largest world economies 51 are multinational companies while 49 are nation-states. The result is that while governments in the history of nation states fought to add or control territories, now nation states fight for market share through the multinational companies domiciled in their territory. Historically, territories added to the wealth of the nations, for example, colonies in the nineteenth century. Now market share is the target of nation-states and companies within developed communities. The key role of nation-states has become the defence of free economic market space.

Paradoxically, a joint study of the global economic state of affairs, and more specifically with regard to the *African Economic Outlook*<sup>676</sup>, there appeared the following information; most

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<sup>676</sup> Cfr. 2010 Joint report published by the Organisation for Economic Co-operation and Development (OECD), the United Nations Economic Commission for Africa, and the African Development Bank (AfDB), *African Economic Outlook (2010)*, 50

advanced countries took trade protectionism as the key measure to curb the effect of the 2009 financial crisis. ‘Protectionism increased despite repeated assurances’ in the context of the Group of 20 most powerful world nation-states meetings in London and later in Pittsburgh on the occasion of the World Trade Organization (WTO) talks 2009. Stimulus packages to engender new economic favour in Advance countries targeted ‘export support, or to favour buying, lending, hiring or investing in local goods and services’. The poorer African countries suffered discrimination on two levels. First, African governments lacked the resources to curb the domestic impact of the crisis with the same type of measures. Second, African organizations faced unfavourable treatment precisely in those markets where additional spending is being promoted. African products faced discriminatory treatment in the markets of the advanced countries while they were supposed to open up their own markets for foreign products and services from developed countries. But what caused the world financial crisis of 2009?

The 2008 world financial crisis, largely perpetrated by unethical business practice in post-modern western societies, gave an opportunity to citizens to reconsider the tenets of capitalism and free markets. Part of the discussion that ensued was the reassessment of the scope and role of corporate institutions’ in society. The underlying philosophy of society and its institutions half a century after the Second World War still reminisced over the cold-war between capitalist and socialist societies. The capitalists seemed to have won when the ‘iron curtain’ fell in 1989. To wit, Douglas Cassel pointed out that while global prosperity rose dramatically in the since the end of the Cold War not everyone did.<sup>677</sup>

It is too soon to say whether a global society founded on global capitalism will be saved from itself by regulation. However, the world must not succumb to a “radical capitalist ideology” which “blindly entrusts” social problems to market forces. From an Aristotelic perspective it is relevant to mention that any global institutions, outside the natural social structures of the family and the self-sufficing state, should provide the stable bond subsisting between communities and

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<sup>677</sup> Douglas Cassel, “Human rights and Business Responsibilities in the Global Market Place”, *Business Ethics Quarterly*, Volume 11, no. 2, (2001), 261-274

persons, where communities arise primarily from the family institution and its extension in the ‘household’. All social institutions share in this nature. The complexity of operating large enterprises by individuals or families is prohibitive, especially because the size of the organization is the result of the cooperation between many constituents. These institutions can provide the optimum structure that enables persons adhere to justice – that is, recognize one another’s rights and responsibilities respecting each distinct right<sup>678</sup>. The earthly city is promoted not merely by relationships of rights and duties, but to an even greater and more fundamental extent by relationships of gratuitousness, mercy and communion<sup>679</sup>.

Global institutions should take common global values and respect the local cultural systems. As such they should take exemplariness from good household management in structure and operations and the ‘parenthood’ relationships of Justice and gratuitousness. Hence, they equitably distribute rights and duties within the organization and form their members in virtue. Likewise they should provide the mechanisms of corrective instruction and punishment within an acceptable justice system. As soon as these basic tenets are forgotten then it is inevitable that there is war among peoples. With regard to commutative justice, the organization has to fulfil its explicit contractual obligations internally to its constituents and externally to the society. This presupposes the fulfilment of implicit contractual obligations which are indispensable if it is to fulfil the explicit obligations. Fulfilling implicit obligations is a sign that the explicit ones are in good order. It operates as a concrete social institution made up of owners, managers and workers who have a stable relationship of co-operation in ends and means.

Global institutions should also be a type of habitat similar to that of a family although ostensibly at the service of the family. This refers to their locus or domicile where they receive its ‘being’ and identity<sup>680</sup>. They have their own material ‘rights’ or assets and duties (obligations)

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<sup>678</sup> George E. Garvey, “The Theory of the Organization, Managerial Responsibility, and Catholic Social Teaching”, *Journal of Markets & Morality*, Vol. 6, No. 2, (2003), 525–540

<sup>679</sup> Benedict XVI, *Encyclical Letter Caritas in Veritate*, 6

<sup>680</sup> Rafael Alvira, “Social Justice and the Common Good”, Eds., Margaret Archer et al., *The pontifical Academy of Social Sciences*, Acta 14, Vatican City, (May 2008), 612

of a material and immaterial nature (they are also referred to as economic resources and there are many types depending on the object of the institution). This is primarily in reference to the internal constitutive nature of an organization. They can be ‘public’ or ‘private’ institutions, at the service of their own constituents and the public, just as any family or person. Public and private here are defined by variation in number. Public refers to that which belongs to or is said of a greater or lesser group of persons. Private refers to that which is sequestered or set aside for a particular person, family or association of persons<sup>681</sup>.

From the common good perspective, the objectives of any organization, embedded in the articles and memorandum of association, should strive to satisfy two primary principles: Firstly, that the ends and the means should be perfective of the self-sufficing society in which it operates, that is, they should be serving a need of society, enhancing and preserving in turn the common good of society. Secondly, and although implicit in the first, its ends and means should be universally accepted as good moral actions. Hence, the principle of the common good foresees both the good of the organization’s domicile state and the global or universal common good. Common good is a universal principle and applies to the universal society of humankind as well as to subsidiary states.

The dynamic and stable cooperation among the members or constituents in working towards a particular service to society requires education in all its dimensions; moral education and technical development through human resource development. In the organization, a good and delightful life in common is primarily realised through education in moral actions (ethics), since only in true ethical actions can justice and gratuitousness prevail. The late John Paul II, saw civil society as the most natural setting for an *economy of gratuitousness* and fraternity<sup>682</sup>.

Benedict XVI reiterates that “economic life must be understood as a multi-layered phenomenon: in every one of these layers, to varying degrees and in ways specifically suited to

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<sup>681</sup> Rafael Alvira, “Social Justice and the Common Good”, 612

<sup>682</sup> John Paul II, Encyclical Letter *Centesimus Annus*, (1991), 28

each, the aspect of fraternal reciprocity must be present. In the global era, economic activity cannot rescind from gratuitousness, which fosters and disseminates solidarity and responsibility for justice and the common good among the different economic players”<sup>683</sup>. However, any relationships that arise externally in society are also informed by this transcendent principle of education. Education in its widest meaning is the entirety of learning and knowledge in society. It can build or destroy a society. Every human interaction and dialog between persons in a society has an educative dimension. Constancy in right education is necessary in order for values to inhere and the right culture to emerge. Therefore any communication internally and externally needs to be informed and cognizant of the fundamental principles of morality. There should also be a system of moral appraisal within a just structure. This forms the foundations of ‘business ethics’.

Good education systems within institutions or organizations engender innovation and continuous learning in the widest meaning of the term. It is also the foundation of a learning organization; that is, organizations in which members internally and externally, continuously improve their moral actions (including the *techne* (craft or art), *episteme* (scientific knowledge), *phronêsis* (practical wisdom), *Sophia* (knowledge of universal truths), and *nous* (intuitive immediate knowledge of first principles). Moral actions cannot do without a religion – or the mother principle from which all actions find their merit or demerits. Sadly, the religion in many organizations, though ‘unspoken’ explicitly, is loudly implied. For instance, when an organization educates its members that the fundamental principle is profit, or productivity, or market growth, or any such means, then it is implicit that this is the religion and all other principles are subservient to this one. Hence, harsh working conditions, disrespect of other religions, implicit disdain of the true dignity of man at the altar of profits, anti-family policies, inequality in the distribution of resources, and so on are a very eloquent proof of what the religion really is.

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<sup>683</sup> Benedict XVI, Encyclical Letter *Caritas in Veritate*, (2009), 38

What if one were to submit to the Smithian principle of allowing instincts or passions to be the judges devoid of the use of right reason? Automatically the religion of such a society becomes ‘pleasure’ (even irascible passions presuppose the passions of the concupiscible faculty<sup>684</sup>) as these are the objects of human passions or instincts; much like those of an irrational animal. Pleasure, properly speaking, is perfectly in line with the Smithian principle of prudent action as explained earlier. From the common good perspective on the other hand, right reason, and not instinct or passions, must prevail as the ‘motor’ of human actions. The instincts or passions should be informed by or serve right reason.

The broader the ‘community’ of the organization is, the greater the need for applying the principle of subsidiarity. Subsidiarity enhances bonding in the organization. The effectiveness of these bonds is for the good of the individual, the family and as a result the organization qua organization. The bond is organic rather than static as Antonio Argandoña points out<sup>685</sup>. According to George Garvey, subsidiarity encourages decisions to be made at the lowest appropriate level within the enterprise thereby enhancing individual dignity or sense of freedom and independence throughout the enterprise. It imposes responsibility for decisions on those who should best understand the consequences, economic and moral, of their choices. While subsidiarity should touch every level of the organization, be it one of ownership, hiring, management, or labour; it should provide for the necessary unity of operations<sup>686</sup>. Subsidiarity also reduces the chances of developing an insensitive bureaucratic system.

Solidarity should be the consequence of subsidiarity and vice versa. Well organized and effective subsidiarity enhances a sense of responsibility for the whole organization and also of the societies in which the institution operates. Solidarity is therefore cognizant of the human dignity of every person and comprehends that efficiency in a organization’s operations takes into

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<sup>684</sup> Aquinas, *S Th.*, I-II, q40, a1

<sup>685</sup> Antonio Argandoña, “The Stake Holder theory and the Common good”, *Journal of Business Ethics*, Vol. 17, (2005), 1092-1103

<sup>686</sup> George E. Garvey, “The Theory of the Organization, Managerial Responsibility, and Catholic Social Teaching”, *Journal of Markets & Morality*, Vol. 6, No. 2 (Fall, 2003), 525–540

account legitimate participation in the common good of society. In its widest meaning, solidarity also encourages the wise use of earth's resources for the common good of society. Laura and Schmidpeter have found out that both subsidiarity and solidarity help build up the local networks for organizations in the Small and Medium Enterprise (SME) sectors<sup>687</sup>.

There is a battle between human dignity, founded on cultural norms, and material well-being since there is a tendency to consider them as mutually exclusive. Building a culture that enhances human dignity calls one to consider the entire frame work of religion, ethics, history and traditions, education, philosophy, values, art, artefacts, and entertainment. There is already a sense among some rational organizational behaviour theorist that there needs to be developed a realignment of organization theory bringing together theoretical approaches to power, culture, and agency<sup>688</sup>. The conclusion is that in order to have a culture truly responsive to the social common good the most important pillar is effective and consistent moral education founded on the perfect ontological common good on the one hand and human dignity on the part of the practical social common good. That means that organizational culture should not merely support the organisations sources of financial strength, strategic fit, market position, industry rank and product rankings and, adapting its core human competencies to market conditions as understood by the capitalist organization. This would be one sided according to the principle of the common good. Organizational culture must ultimately fit the common good of the society in which it operates in every of its facets; human dignity, family dignity, social concordance, environmental responsibility and the preservation of the common good. Therefore, there is no short-cut to acting globally and locally at the same time. Every institution in justice is called to find the just mean between the two dimensions; local and global for the sake of the common good.

According to Professor Alvira, civilization signifies the convivence of people constituting the society. Hence, an institution or organization is a part of the civilization of a society which

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<sup>687</sup> Laura Spence and René Schmidpeter, "Social Capital and the Common Good", in *Journal of Business Ethics*, Vol. 45, No. 1/2, (Jun., 2003), 93-108

<sup>688</sup> Calvin Morrill, "Culture and Organization Theory", *The Annals of The American Academy of Political and Social Science*; 619Annals 15 (Sept. 2008): 1-18



enables human beings as individuals and as a whole flourish within a framework of justice, order, material and cultural well-being. The organization should provide useful and decent working conditions for the citizenry; it fits into and enhances the good cultural context of the society; it is situated and it enhances the material well-being of that society. In summary, the organization has to be in society as a protagonist for human development and social cohesion. The core elements that enable this reality are the development of competence in the organization and cooperation; subsidiarity and solidarity. A civilized society which is the same as a self-sufficing society is necessarily unitary; it has cohesion. It does not exist in any other way. Considering it from another perspective, competency is the means of developing society while cooperation is its term or end or objective. The means are as necessary as the ends. Competency is in the first place but should not be an end. When cooperation in society is the goal then competency is good for humanity. Cooperation is an act of solidarity and subsidiarity at once and the same time and therefore seeks the good of the other not destruction<sup>689</sup>. To take a stand for the common good is on the one hand to be solicitous for, and on the other hand to avail oneself of, that complex of institutions that give structure to the life of society, juridical, civil, political and cultural, making it the polis, or “city”. The more one strives to secure a common good corresponding to the real needs of his neighbours, the more effectively he loves them<sup>690</sup>. Moreover one could measure productivity of goods and services, their development and innovation in accord with the common good. Customer satisfaction is not broad enough to capture the nature of alignment with the common good. The institution also needs to be measured according to its dialogue with the natural societies of families and nations, especially in its capacity as a representative of the members who form the company.

To reduce the entire structure of human good to the measure of *artificial wealth* is a reductionism that empties man of his intrinsic virtue and perfection leaving him an instrument of his material and external environment. This leaves him rather hollow and bereft of his core

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<sup>689</sup> Rafael Alvira, “Social Justice and the Common Good”, 611

<sup>690</sup> Benedict XVI, Encyclical Letter *Caritas in Veritate*, 7

fundamental value. The firm, in so far as it is a social instrument for the common good, could take into consideration in addition and generally speaking such measures as; Its contribution to both staff and social education/knowledge; Its objective common good contribution of individual and social cultural goods; Its contribution to good civilization and convivence; Its contribution to the material just well-being of staff and citizens within an order of relationships. Most importantly, Its contribution to justice and peace in the firm and in society. *Ubi societas, ibi ius*: every society draws up its own system of justice. The firm as a community of persons has always tried to play a fundamental role in construction of effective and efficient markets in society for the common good. The true battle in history has always been fought between the healthy optimism and ‘pathological’ pessimism of achieving that perfection within the universal good of human society. History is full of both mankind’s divisive attitude (individualism as an end) and his undying effort to develop the person and the society in solidarity. It is necessary to be optimistic in the pursuit of the universal common good; by the constant and perennial dynamic of reason informed by truth (right reason); and by concrete actions in business informed by that truth.

Human needs and wants find their optimum perfection in virtue and not in the material goods. Man generally has an infinite appetite, an infinite instinctive capacity for material goods. External goods include ‘good birth (*eugeneia*), education, wealth and material goods, workers, political power, honour, leisure, friends, and one’s own children. If one is to cultivate the virtues and enjoy a good life, one requires more external goods than are necessary to merely sustain life. They are necessary for a good life but are not sufficient. Internal goods are those excellences of intellect and character, that are internal to psyche and activity of some actor<sup>691</sup>. Aristotle adds an intermediate category between internal and external goods comprising of ‘goods of the body’, health, beauty, and strength; but sometimes he considers these as external goods since they are external to the human psyche and *energia*<sup>692</sup>. These are necessary (NE, I.V.1096b11) because

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<sup>691</sup> Kelvin Knight, *Aristotelian Philosophy: Ethics and Politics from Aristotle to MacIntyre*, 25

<sup>692</sup> Kelvin Knight, *Aristotelian Philosophy: Ethics and Politics from Aristotle to MacIntyre*, 25

they preserve and protect internal goods. They are instrumental, and therefore their measure is the good specific and internal to human beings and their activity<sup>693</sup>. In conclusion, “Material well-being signifies, in as much as we are referring to the subject (subjectively speaking), ‘the self-expression of the human spirit in its bodily nature’<sup>694</sup>.”

### 3. Equality, Class Society and Socialism

#### 3.1 On Individuation and Equality

It is reasonable to accept the principle of individuation for the sake of motion or change. If not, all matter and gradations would be at rest. For instance, if mankind was all one species contained in one person then it would be at rest. There wouldn't be any need of engendering new creation or working since all man would have attained manness at the same time. He would be simpliciter. Only in God is *rest*<sup>695</sup> found because He is the unmovable mover who causes the unqualified motion or change from the principles of matter and form and privation to the unity of substantial form and matter. He is also the unqualified rest upon which the qualified movement per accidents tends to. That is to say no human being would be in motion towards perfection if the perfection was his very self. Neither would it be reasonable as we have already seen to have a permanent contingent or random or chance or fortuitous motion towards an end. That would be a contradiction according to Aristotle. We said that Chance or incidental occurrence can however, be an incidental cause of happiness. Aristotle says [NE, 1099b20-23] that nature, when perfectly comprehended or when perfectly subsisting, is very good, beautiful, suitable and orderly so that it cannot be there solely by chance. ‘Chance’ in nature is said of an incidence in which reason is not the means towards the end. Man's activity is contingent as a result of his imperfection, since

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<sup>693</sup> Kelvin Knight, *Aristotelian Philosophy: Ethics and Politics from Aristotle to MacIntyre*, 26

<sup>694</sup> Antonio Millán-Puelles, *De Economía y Libertad*; 4 biblioteca breve de temas actuales, (Piura: Universidad de Piura: 1985), 104

<sup>695</sup> Aquinas, *Commentary on Aristotle's Physics*, Book V, L 4, para 683. Aristotle concludes that rest is privation of motion in that which is capable of motion. This was to avoid the other possible meanings immobility. God is at rest because he is the perfect state of motion completed perfectly such that there is no other end to which motion is directed as more perfect.

were he to be intellectually perfect then man would be God. Now, God is perfect. In him there is no chance. Therefore, the creation of man and order in the universe is ‘necessary’ and not ‘contingent’ because it comes from a perfect intelligent being. With regard to the *making or creating* with regard to God, the terms need to be understood as God causing things to come into being simply; from non-being to being. Aristotle and some Platonists as Aquinas mentions were also in agreement with this explanation. It is impossible, that there have been a pre-existing but unproduced subject of God’s universal production *ab eterno*.

Human beings are imperfect things because they are composed. In things composed, then there must be movement and the stable movement in qualified change in so far as it is moving, is an unmoved mover. Aristotle explains that ‘what is in potency is naturally moved by something else in act, and nothing is in potency and in act with respect to the same, it follows that neither fire nor earth nor anything else is moved by itself but by another. Fire and water are moved by another to be. However, they are also moved by compulsion when their motion is outside their natural potency; but they are moved naturally when they are moved to their proper acts, to which they are in potency according to their nature [*Physics*, VII.242a50]. With regard to the types of change or motion, “when something is changed from non-white to white, it is not an unqualified coming to be of the whole thing, but a mere coming to be of its whiteness”. Furthermore, “generation from non-being to being in the order of substance is generation in an unqualified way, in regard to which we say that a thing comes to be without qualification”<sup>696</sup>. This is because there is order even in this movement towards the good, for the good cannot be an end of the being *per accidents* and not being *per se*. Further there is nothing between mover and moved [*Physics*, 244b1].

If we apply these principles to our plight in the concept of the common good then some conclusions become evident. The first conclusion would be that what moves a family and families towards a self-sufficient society is the common good. Secondly, the common good is

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<sup>696</sup> Aquinas, *Commentary on Aristotle’s Physics*, Book V, L 2, para. 654

therefore the principle that drives and also the basis or the end goal of human community. Thirdly, as we have seen before, to achieve the common good it is necessary to have a multitude of parts each fulfilling a role so that together they form a complete self sufficient whole. This is because each person and each family, on their own can only fulfill the daily-needs of the members of the family household. The non-daily needs require a multitude because the needs for the sake of a good life are many and only many can fulfill them adequately. Now the first natural union is man and woman and then the children and the servants. The common good demands that they are a natural union for the sake of perpetuating themselves each parent having a role that is naturally given to them. Hence, although artificially a man can desire being transsexual or changing his or her sexual orientation, nature gives a verdict upon conception and this thesis rests on this premise. That nature has its own verdict and that verdict is gratuitously given by the creator and it is quite clear that the first mover is most intelligent. Hence, any human *artificial* attempts upon human natural union should seek to optimize that which nature has provided freely and gratuitously. Failure to follow this rule would result in man trying to recreate nature. That attempt would be absurd given that man is not intelligent enough to *be* by his own power.

Once the natural unity of man and woman is accorded its principle place then it follows that the primary animator or goals of human work and human activity in general will be principally directed to the good of one's family for the sake of the common good. In other words the family is the most perfect direct objective to which man's activity is directed and in order to do so, it must take into account the common good. The common good is primary and the family is secondary in the order of perfection. However, the common good presupposes the family good as a natural part in the process to self-sufficiency. The good of the family household is an essential organic development towards the common good. Hence, individualities of the person and of the family are not unrelated parts to the whole of society. If we admit that the final cause is also in the first cause then it is reasonable to uphold that the individual person and the individual family are for the sake of the common good. In the common good man is most at rest and contemplation. This is the natural predisposition of human society. Thus, Qualified and unqualified motion and change and Man's imperfect nature demands that he cannot properly speaking rest unless something more perfect and eternal grants it. Human society is therefore ordained for another more perfect society, which the ancients thought was the heavenly place.

### **3.2 The Socialist Option and Equality**

First, before trying to understand an abridged concept of socialism it is necessary to recall what we have said of Aristotle's teaching with regard to equality. In a well coordinated common good, the parts are not identical or uniform within a type of numerical equality. That would hinder freedom and efficacy. If the part has the mandate of achieving what is within its scope and extension; it cannot do this while at the same time taking on the responsibility of other parts. There would result in a sort of totalitarian state in which the tyrant or dictators do everything naturally for their own good rather than that of the society. We have explained that in a good constitution, the ruler governs for the common good and this is his first and primary goal. Yet, coordinating the whole in the common good, as emphasized above, is not merely an aggregation of the parts but rather is harmonious and symbiotic and is fundamental for unity to subsist. It is necessary to insist that the society coordinated is an 'organism' in which there is reciprocity and communion. For example, if there is no man and woman then there would be no children; and without them there would not be citizens. Hence, the only way the parts participate in the common good is by ensuring that in their activity is included the adherence to the common good.

Where there are different functions in a society, some hierarchically prior to others, such as the ruler to the subjects, there is a possibility of injustice. Injustice is here equated with tyranny. And tyranny has been defined as the usurpation of the common good for the sake of the good of the ruler. That is, the ruler moves the whole society for his own good rather than that of the common good. When tyranny is prevalent in a society and when it spreads to other levels of society, we are prone to find tyranny in the family and tyranny in the social associations for the sake of the good life. One of the social associations for the sake of the good life is that of a chrematistic economic dimension. Natural wealth is that which belongs to the family and is for the sake of the family. Chrematistic wealth refers to economics that is not directly for the sake of the family (*oikonomia*) but rather for the sake of increasing ones riches. Aristotle understands that society needs a shared concern and understanding of social justice in order for someone to acquire property, natural wealth and what he refers to as well gotten chrematistic wealth. The latter has limits which are the tools (money) necessary to get it and virtue and the good life. The medium through which this is made possible in a good society is the instrumentality of good

laws within a good political constitution. The law giver moulds the good political community and in it a good citizen is a virtuous person. Man governs himself through good education to acquire the life of virtue<sup>697</sup> and virtue is brought up in a person through the medium of good laws<sup>698</sup>. It is also patent that beyond household economics the society as an institution distinct from the family unit needs an economy through which it can acquire through families and individual persons' contributions (e.g. tax) or through proper economic activities. The former would be by analogy natural while and the latter chrematistic.

When there is management and economic injustice in the course of chrematistic or natural wealth getting, exploitative methods and systems are used against the subjects in the system. The subjects suffer poverty as a result of this injustice. This condition was prevalent in the nineteenth century western European countries especially, France, England and Germany. As a result movements arose to counteract the social evils prevalent in economic and institutional management. One such movement we refer to as socialism and sometimes socialism is thought to be communism. Socialism principle tenets aimed at historically replacing the capitalism system. Capitalism is a term used to explain a set of conditions in which funds are jointly pooled for the sake of creating industries, factories or associations of economic benefit such as companies. Where the main economy transits from household economy or the so called *cottage industry* to larger institutions set up through capital pooling then we refer to it as a capitalist economy. The problem is not the pooling of capital. The problem was that in pooling capital, large funds were left in the hands of scrupulous entrepreneurs and capitalists. These unscrupulous persons grew in number and power and as they did so did poverty spread<sup>699</sup>. The industrialization period in Europe is also an economic turning point of Europe.

Since, injustice, or tyranny as defined here, resulted in extreme material poverty and terrible working conditions, any system to counteract the situation naturally aimed, first and

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<sup>697</sup> Aristotle, *Politics*, VII, II.1324a

<sup>698</sup> Aristotle, *NE*, X.IX. Side note 1180a

<sup>699</sup> Antoinette Kankindi, *El fundamento ético de la política en Charles Péguy* (Pamplona, Eunsa, 2010), 96

foremost, at solving the question of equitable distribution of wealth. From the Protestant Revolution in the 16th century to the French Revolution in the 18th Century, Europe experienced various ideologies in society generally moving from more anthropocentric to more utilitarian - capitalistic ideologies. At the same time urban population and life grew starting from the 15th Century. Urban life at first co-existed intimately with strict Christian life which was then the determining cultural character of Europe. However, in time utilitarianism began to manifest itself. At first utilitarianism manifested itself as social egotism, calculating materialist perspectives, conventionalism as the unique value of normative ethic of life, concession to social pressure as the only imperative in addition to co-investment and the law and finally in utility as the core principle of work. In time this attitudes changed the Christian spirit, which in turn became synonymous with the perennial evangelical Pharisee. Max Weber commented that the utilitarianism was successful because it was the victory of the protestant puritanical spirit. But it also resulted in a serious “alienation” in society; the alienation of “capital” and “work”<sup>700</sup>. At the hands of the bourgeoisie feudalism changed into a society of the rich (those with capital) and the poor (those without capital – the workers); both classes living side by side in the city. The rich were practically the same nobility in the feudal system with the richer bourgeoisie classes. They had the capital to invest in business and industry; which in turn substituted the feudal privileged classes and became a way of life. The workers were the servants or peasants or laborers in the feudal system. They became the oppressed citizens at the altar of capital and profit. They did not have rights and they had no way of accessing justice. Poverty grew and so did the riches among the landed. The situation was crying out for a solution for the oppressed masses that had in fact created the industrial revolution. Ideologies tended to be exaggerated. It is in this environment that Karl Heinrich Marx (1818-1883) proposed a new religion for the masses. Together with Moses Hess, he reformed the Hegelian dialectic idealism to dialectic of historical materialism; Marx seemed to have found a socialist solution for the situation.

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<sup>700</sup> Luis Suárez Fernández, *Corrientes del pensamiento histórico*, (Pamplona: Eunsa, 1996), 181-191



Marx was a German philosopher, political economist, historian, sociologist, humanist, political theorist and revolutionary credited as the founder of communism or scientific socialism. He summarized his approach to history and politics in the opening line of the first chapter of *The Communist Manifesto* (1848) in which he stated clearly that “the history of all hitherto existing society is the history of class struggles”. He argued that just as capitalism replaced feudalism, communism will in its turn replace capitalism and lead to a stateless, classless society which emerging after a transitional period, the ‘dictatorship of the proletariat’. He argued that socio-economic change occurred through organized revolutionary action led by a communist party. When Marx accepted that he had inverted Hegelian terms, that is, idealism to materialism, he wanted a move towards action; to move from the sphere of ideas to reality. The Bolsheviks in the Russian October 1914 Revolution added impetus to Marxism and in time there was hardly any part of the world not significantly touched by Marxist ideas in the course of the twentieth century.

He developed the basic concept of historical materialism against Max Stirner’s ideas. Stirner rejected anything religious opposed organized systems but clang to the Hegelian ideological dialecticism. Stirner sometimes was a second rate translator of Jean Baptiste Say and Adam Smith. Marx opposed their theories in “*Die Deutsche Ideologie*” (The German Ideology, 1846), , which he did not publish. As Luis Suárez Fernández explains in the chapter on *Materialismo histórico y dialectico*, there were other young Hegelians who changed their intellectual attitude just like Marx. One of them, although eventually disagreeing with Marx, was Moses Hess. Marx owed Hess many of his insights on the relationship between state, society and religion. Marx also worked with Friederich Engels who had authored *The Condition of the Working Class in England in 1844*, one of his best-known works. It is a study of the working class in Victorian England. It was also Engels’ first book, written during his stay in Manchester

from 1842 to 1844. Manchester was then at the very heart of the Industrial Revolution, and Engels compiled his study from his own observations and detailed contemporary reports<sup>701</sup>.

For Marx, man has created himself in as much as he has produced his own material existence which gives him the capacity of expressing himself or from where he develops his character. Man's history is the antagonism between social classes which arises from the relationship man has with the means of production and which in the end also is the means of his own destruction. The class struggle was meant to arrive at the stage of the dictatorship of the proletariat. At this point everyone will be in the same class and the universal historical struggle of man will come to an end. While Hegel had indicated that this final struggle would be in 1905, Marx prolonged it to a future point in time. Marx's thesis was that the bourgeois were the heirs of the old Greek Polis and old patriarchal regimes (feudalism). They had "alienated" or marginalized the proletariat in whose social environment there were no classes. Since there was no class among them then on the day of their dictatorship there would not be any class. The proletariat is the negation of the classes.

The only principle of motion in human society and history, according to Marx, is its economic structure. Juridical relations, the nature of the State, ethical principles, cultural rites should be found in the material relations where they proceed from. Thus the communist manifesto was a final interpretation of History, a definitive political program for revolution, and a prophetic announcement of the future. The classes too are always made in the history of the oppressed and the oppressors. Marx wanted people to relate themselves to that most fundamental resource of all, their own labour power. As with the dialectic, Marx began with a Hegelian notion of alienation but developed a more materialist concept. Under capitalism, social relationships of production; such as relationships among workers or between workers and capitalists, are mediated through commodities, including labor, which is bought and sold in the market. For Marx, giving up ownership of one's own labor, that is one's capacity to transform

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<sup>701</sup> Luis Suárez Fernández, *Corrientes del pensamiento histórico*, 192-193

the world, is tantamount to being alienated from one's own nature; it is a spiritual loss. Marx wrote of a species of *original sin* which arose when capital or private ownership appeared in the world. This alienated people between the oppressor and the oppressed. Religion for him was an alienation which had to be reduced to its basic foundation in the class struggle. Any religion was *the opium* of the people keeping them away from realizing their liberation. Hence, religion was the most insidious of all alienations. It is a scientifically demonstrable fact that God does not exist. For him "Religion is the sigh of the oppressed creature, the heart of a heartless world, just as it is the spirit of a spiritless situation. Marx also explained that every social act, religious act, ethical act, attitude or conduct is actually an economic factor. There is nothing in these acts distinct from the class struggle and there is nothing in them that one could hope for liberation. The abolition of religion as the illusory happiness of the people is required for their real happiness. Christianity had promised a communitarian life but for nineteen centuries had not produced it.

To help Marx, Friederich Engels went further and indicated that matter is eternal and that the Universe will come to an end, wherefore, matter will have to find another premise to continue. Engels, Lenin and Stalin, struggled hard to find a way to a closed and scientific material historical processes. The result was the conclusion that Man is simply the product of active forces of production. José Miguel Ibañez Langlois synthesizes it as follows. In the beginning was eternal matter, uncreated, self sufficient and having a principle of movement in itself. This physical autarchy and its dialectic principle of movement is the principle source of all visible and invisible things. This eternal matter contains the logos or wisdom o immanent word and an immanent volition which is also an active inclination towards auto-development. Hence, the dialectic principle, the immanent logos and volition or act form the universal Trinitarian family from which all things evolve<sup>702</sup>. Along the evolutionary path of eternal matter man appeared as the privileged exclusive dialectic. In this theory the causal principle of everything in society is to be based on the historical dialectic method, beginning with ancient civilization,

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<sup>702</sup> José Miguel Ibañez Langlois, *El Marxismo: Visión crítica* (Madrid: Rialp, 1973), 295

feudalism, capitalism and finally ending up in socialism. The principle is one of technological change, of clashes of social forces that develop opposite forces at each stage, and of the lower force in the social scale becoming able to overthrow the ruling force, until socialism is achieved. Thus the dialectical process of thesis, anti-thesis and finally synthesis is eternally continuous until it arrives at socialism which will be a time of productive plenty. There will be plenty to go around filling all our needs without conflict, so long as the systems that subjected the masses to exploitation and gave the oppressors excess profits are gone.

The fall of the Berlin wall in 1989 and, in its wake, the Union of the Soviet Socialist Republic implied that practical communism had failed. Maoism in China, another revolutionary communism system is also changing economically. However the other principles such as oppression of religious worship and freedom of culture and dictatorship of the proletariat continue and are tolerated by the west societies because there is economic growth. Marxists have moved across the field and are in the company of the capitalist. The Marxist's school of history still remains faithful to its principles of materialism; that everything can be explained from the relations of production. The fundamental attention is now directed to the economic super-structures, that is, to the rationale that shows the soundness of their doctrine of relations of production. Materialism and atheism still constitute the two axis points which supported the dialectic analysis of History. The end still remains the freedom of society from any social class except of course the ruling class and the subjects.

For Marx and his followers, everything comes from eternal matter. Matter itself has an immanently principle of movement (akin to Aristotle's principle of motion). These principles are the trilogy of dialectic eternal matter, the immanent logos and volition. The Aristotelian traditional principles of motion or change are the trilogy of matter, form and privation. In Communism or Marxism, eternal matter is evolving. In fact, later communists such as the Polish intellectual, Jerzy Kulczycki (1960), presented what would be called the definitive orthodox historical Marxist plan. In it he re-organized the historical process into; first, the forces changed, next the production relations and, finally, the methods. Hence, it became clear that to the Marxist, the theory of evolution is taken as gospel truth. Communism existed first in "the primitive human community". There was no class distinction during this time as they lived in

hoards. Next was the hominid's discovery of tools made of stone, wood and bone to procure more goods efficiently. This coincides with the hunting and gathering scheme of life of primitive man. Human relationships were still, as in the first epoch, communitarian. There were no clans to divide the family of man, although the communist believes that there was an internal evolution which produced the first clan distinctions from which descended the first Patriarch and the apparition of authority.

The next epoch until 1850 B.C. man mainly used manual labour for his livelihood. Then there was significant economic development in commerce and manufactured goods. Industrial relations began first at the individual level and then at the level of social classes. The means of production shifted from the hands of the community to those of private ownership. The proprietors were the first constituted economic class from whom we can now see the capitalist. This is the first alienation, that of class separation between proprietors and workers. There followed the establishment of a universal social model in which all human cultures experience the three successive forms of economic relationship, slavery, feudalism and capitalism. This process is universal and is an essential historical process of all societies. It is an indispensable development in all of them. The development from slavery to feudalism was relatively without significant social disruptions; but that from feudalism to capitalism required a social rupture with the past given the relatively fast development of the means of production. Capitalism emerged from the middle of the 19th century (about 1848) when "the mechanized productive forces" emerged. As we already know Marx had suggested that this historical process will end in 1917 in the definitive establishment of a classless society we call socialist or communist.

There are a number of contradictions in Marx but suffice it to say that the difficulty in seeing this contradiction is in the question whether the Marxist idea came first or the praxis came first. The point is that if matter is eternal and the logos is immanent in it and it has an immanent volition towards the communist future then the term eternal and the praxis have to come before the theory since history is a dialectical process. Jerzy Kulczycki poses that "the ideological phenomena of the super-structure can precede the existing base of the relations of production". If that is so, then there is no determinate end in communism. In other words communism in its time will form one more step in the process of a dialectical historical revolution. If that is the case

then the same principle of contradiction applies to the theory. In both cases the ideology of communist is not definitive except as a prophecy of Marx and his colleagues which we will have to believe-in rather than scientifically determine according to their theory. Marxism would be just one more '*opium*' option of the people and the very theory cannot contradict this statement since all religion, history morality, volition, politics and law will have to be part of the dialectic process. Not even by the use of revolutionary force can this principle of Marx override itself for even the idea of a revolutionary force is not a permanent truth.

Aristotle did admit of the possibility of eternal motion in matter if we consider it analogically as a circular motion. But he holds that the circular motion was caused by an unmoved mover. He also holds that the unmoved mover is the only one who can bring about an unqualified change. Even in qualified change, where accidental changes occur after the being comes into existence, an unmoved mover is necessary because, even if matter has already acquired its form and is therefore existent, it cannot avoid the principle of non-contradiction.

Aristotle explains the principle of first mover in his work on Physics, especially Book V and latter in Book VII. Whatever things are said to cause motion by virtue of being present in things which move are said to cause it per accidens, as when it is said that a musician causes health, because a knowledge of music is present in the one who heals; and likewise things are said to be moved per accidens either on account of existing in what is being moved in the way that an object in place exists in a place, e.g., when we say that a man is being moved, because the ship on which he is being moved, or on account of being an accident in a subjects as when we say that the white is being moved, because a body is being moved. (2) In another way, things are said to move or to be moved per accidens, because they move or are moved with respect to a part, as a man is said to strike or be struck, because his hand strikes or is struck. When these two per accidens ways of causing motion or being moved are eliminated, things are said to move or to be moved per se, i.e., when they are not said to cause motion or be moved by virtue of being in the cause of motion or in what is being moved, or because some part of them causes motion or is moved. Things moved per se include those moved by themselves, such as animals, and those moved by others, such as the non-living. Some things are moved according to nature and some not according to nature. What is moved by an intrinsic principle is moved by nature. With regard

to the whole animal, that motion proceeds from the soul which is the nature and form of the animal. With regard to the animal's body, an animal's motion may be both natural and not according to nature. The difference depends on the type of motion and on the element of which the animal is composed. For example, If an animal is composed of a predominantly heavy element such as the human body then it can move naturally downwards since all heavy things tend to move downwards because of the law of gravity. It can also be compulsorily moved upwards away from the source of gravity. Hence, moving a heavy body upwards is artificial while if the movement tends downward naturally, it will be a movement that is natural to the body. Confining ourselves to those which are moved per se, it is clear, especially in things moved by compulsion and outside their nature, that what is moved is moved by another<sup>703</sup>.

In *Physics*, Book V Aristotle says that things in the same place are said to be together, hence one may conclude that since the mover and what is being moved have to be together then mover and moved are in the same place although can be distinguished. Aristotle corrects this term 'together' by saying that what he means is that nothing is intermediate between the mover and the moved. If that is the case then this is also the definition of things in contact in anyway. Now Aristotle distinguishes three kinds of motion or movement. One is in respect to place and is called "local motion"; one is in respect of quantity and is called "growth and decrease; the third is in respect of quality and is called "alteration"<sup>704</sup>. Generation and ceasing to-be are not considered motions except equivocally, because in generation and ceasing to be there is no process or movement. It just happens immediately. This is so since, non-subject or that which is not is not in motion and when that which is in motion ceases to be, the end state is not in motion. Hence, the coming to be in an unqualified way from non-subject to subject and from subject to non-subject is not really motion but an immediate change [*Physics*, 225a20-35].

However, if a being has in itself the principle of its own motion (that is, it has a soul), it is not easy to prove that such a being is being moved by another. It seems that something which has

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<sup>703</sup> Aquinas, Commentary on Aristotle's *Physics* (ACoAP), para. 1024

<sup>704</sup> *Ibid.*, para. 898

a soul is not being moved by some other ‘something’ outside itself but by its own intrinsic principle<sup>705</sup>. Therefore, to prove that even these beings are moved by another he shows that; first, it is self evident that nothing moving itself rests from its motion on account of some other mobile’s resting. Secondly, if a mobile being were to rest on account of the rest of another, then the mobile is moved by another. Further, that mobile which we have supposed as being moved by itself is divisible, for whatever is being moved is divisible. Yet, in Book VII of *Physics* Aristotle shows that there is no *first* in motion in a body, whether on the side of time or the magnitude or the mobile since the mobile being cannot be and not-be at the same time. For example, fire is the cause of heat for itself first before being the cause of heat for another thing. Hence, it is impossible to find a first mobile part whose motion does not depend on a prior, for the motion of the whole depends on the motions of the parts and is divided into those motions, as was proved in Book VI [ACoAP, para. 889]. Aristotle, therefore, proves why no *mobile* moves itself. It is because there cannot be a first mobile whose motion does not depend on its parts any more than the first being can be a divisible, for the existence of any divisible thing and therefore mobile thing depends on the parts. Now the society is mobile because it has individual parts, among them the family household and the self-sufficient state.

It also follows that in composed things, and more so in the particular case of man, his essence and his existence is not identical such as is the case with God. This means that something is needed as the subject of essence or nature or form with which the essence not only perfects but because of it comes to existence as a species. Now matter is such a subject since matter is pure potency and it is in privation of a perfection that is due to it. The act of matter and that which is contrary to its potency is the form. Man’s form is the intellectual soul. The soul informs the elements forming the human body. The intellectual soul united to the human body is the essence of man. From essence to existence therefore a creator is necessary for man since man himself cannot be the cause of himself. Upon existence man is said to be actually a being. Actuality is the principle of action. Since then by the actuality which is in us, we are not only

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<sup>705</sup> Ibid., para. 885



capable of immanent acts, such as understanding and willing, but also of acts tending to exterior things and productive of effects<sup>706</sup>. The highest form of actuality is that which the first mover who is not moved enjoys. In other words his existence and essence are identical. If this is held to be true then naturally the highest form of action is *to be like God* (or *to be an imago Dei*) according to an internal principle in the thing itself. Only in this way can it imitate God's perfect act of being. Therefore only man can move himself and others and order the universe freely, deliberately and voluntarily towards the most perfect good. The society ordered to the most perfect good is said to be delighting in the common good. The perfect good per excellence is the first mover who is not moved and this is God. The ontological common good is God.

Therefore, we can conclude that with regard to the self-sufficing society enjoying the common good, no part of it can be said to be first without qualification. Even if we are to go back to the individual instead of the family; what moves the individual is the soul and not the body. Yet this soul is a principle of movement in a qualified way since it is itself moved by another. In order for a society to be in some natural way then it is necessary that it has to have the first mover and from *Physics*, Book VIII of Aristotle we also know that the first thing for a society to be brought to its state of being is local motion. That local motion is what we have described here as the family from its inception and in the case of the self sufficing society it is the ruler or rulers. The Marxist ideal of a class action through a revolution is difficult to defend since it is natural that where there are many they tend to one since for them to act together they need to be one. If that is the case then there must be a ruler or if many rulers one among them unites them. Therefore there will always be a distinction between ruler and ruled, between ruler and subject. In so far as there is this distinction then that there are parts in a society is a natural thing. That this parts act towards unity is also natural if the end is the common good. Further for there to be 'classlessness' in a society, it has to be said of 'one' self-sufficing society rather than of the different parts which make up the whole.

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<sup>706</sup> Aquinas, *Summa Contra Gentiles: Of God and his Creatures*, transl. Rickaby Joseph, (London: Barnes and Oates, 1905), Book II, VI.

### 3.3 Christian Socialism

Charles Péguy, Proudhon<sup>707</sup> and Malon had another idea of socialism different from scientific socialism. It was a sort of Christian socialism. These must be separated from those who tried to changed scientific socialism and atheism into a circumstantial episode which would end and after that allow a sort of Christian Marxism<sup>708</sup>. In the French circle of intellectuals, Paul Lafargue, Edouard Vaillant and Jules Guesde were followers of Marxist materialism<sup>709</sup>. Charles Péguy<sup>710</sup> saw a Christian ideal of society in which all economics goods necessary for the self-sufficiency and well being of society are justly distributed among all members of the city to guarantee everyone's freedom to pursue his spiritual goals. Socialism in his time was in vogue given the extensive suffering the industrial revolution brought with it. He held that personal spiritual life should develop in a free environment. It should not be trampled upon. Only with this type of spiritual liberty can citizens contribute to the good of the state through their work. He is not speaking of equality of work as the Marxist did or of a mere solution to material needs as an end of the ideal community. His ideal community was a search for a harmonious environment in which the person would develop morally. Hence, his socially was contrary in many ways to the Marxist system precisely because he sought a moral and social perfection at the same time. Péguy's moral socialism just as Marxism believed in a universal socialism. They were both militantly aggressive against the bourgeoisie class. This is evident when one compares the essay

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<sup>707</sup> Proudhon said that "communism...is the very denial of society in its foundation...". See Pierre-Joseph Proudhon, *The Philosophy of Misery: The Evolution of Capitalism* (BiblioBazaar: LLC, 2006), 217

<sup>708</sup> Pierre-Joseph Proudhon, *The Philosophy of Misery: The Evolution of Capitalism*, 299-315

<sup>709</sup> Antoinette Kankindi, *El fundamento ético de la política en Charles Péguy*, 96-97

<sup>710</sup> Antoinette Kankindi, *El fundamento ético de la política en Charles Péguy*, 29-40. Charles Péguy was born in 1873 and died in 1914. He was only 10 years old when Karl Marx died. He was brought up in a period in which the Third French Republic was in vogue; where laicism, starkly against the Catholic faith, was militantly taught in the schools. He thus nurtured a love for the republic while at the same time maintaining his religious roots. He found socialism a way of solving the intellectual uncertainty he suffered over social injustice around him. Kankindi holds nevertheless that though he converted to socialism, neither did socialism take a complete hold of him. An ideal community needs material distributive justice to all the citizens. Only as such would it ensure sufficient spiritual freedom for personal growth.

contributions of Péguy in *Revue Socialiste* and the essay of Bakunin, Hess, Marx or Engels in *Revue Indépendante*<sup>711</sup>.

In 1900, Péguy wrote that being one of the socialist philosophers formed around Lucien Herr, did not add up to being a socialist school. Rather they were free philosophers each according to his right and all seeking their own freedom in science and art. To him there was no socialist art or socialist sciences. He thus began his own critique of socialism. Kankindi suggests that what really Péguy was looking for was a substitute for Christianity which had failed to provide the solution to the social problems of his epoch<sup>712</sup>. He would encourage Christian generosity as opposed to the militant individualism of the capitalist Bourgeoisie classes. He looked for a temporal salvation, or so to speak, a perfect earthly city. If the disquiet of an unjust distribution system was a personal interior experience, for him that was not enough. That resilient spiritual restlessness ought to be realized in the plenitude of society. He looked for a temporal salvation away from the contradiction of the 'eternal salvation' that Christianity preached. A contradiction that was manifested in asking the faithful to imagine their eternal happiness while neglecting the temporal happiness.

Whereas one can speak of humanism in socialism and even communism, it is evident that Aristotelianism would point to the unnaturalness of a classless society. It would frown at the so called equality among men. Not because Aristotelianism is devoid of respect for the equal dignity of men under a constitution. In fact he holds that a polity is precisely founded on the principle of equality among citizens. However, that is just as far as we can go since in the Athenian society of Aristotle there are slaves and barbarians and foreigners and vicious people and these cannot be treated equally with the citizens of Athens. Hence equality is considered among those who can be equal and only citizenship can grant that possibility. Among the forms of democracy the first according to Aristotle is that which is said to be based strictly on equality.

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<sup>711</sup> Antoinette Kankindi, *El fundamento ético de la política en Charles Péguy*, 102

<sup>712</sup> Antoinette Kankindi, *El fundamento ético de la política en Charles Péguy*, 265. It appears that Péguy confused Christian charity with social justice. To him fraternal generosity was equivalent to justice.

In such a democracy the law says that it is just for the poor to have no more advantage than the rich; and that neither should be masters, but both equal. He did not use the term socialism. When all citizens are said to be equal and entrusts all to all is a spirit of a democracy Aristotle says. He warns that the tendency to equality can lead to a corruption of the polity based on equality of citizens. That corruption may be manifested in the poor demand to rule and share in the wealth of the rich and if the poor rule it has to be in form of a tyranny Aristotle says.

### **3.4 Aristotle's Response to Communism**

The term 'poor' in Aristotle does not mean that one is unjustly treated by the rich, or poorly paid. The poor are those who find it hard to get rich or are not very virtuous so as to get rich. The poor then take power when they get arms. This occurs when there is war and the poor are necessarily armed in order to fight in the infantry or navy. The 'slaves' in Athenian society would be defined by the term 'workers' in socialist jargon. For Aristotle as we have seen in general the slave cannot be equal to his master. The reason is that the one who provides a service to another is subject to the one who is served. Ordinarily the one served is the master of the household. Secondly, the slave who is a slave because he is vicious cannot be equated with the virtuous person. Neither can the foreigner or barbarian who enters into a society seeking employment be immediately admitted to equality with the citizens. Neither can one equate the citizen of a conquering state with the conquered or with prisoners of war. Now since in any self-sufficing state there is always the vicious man, the servant and the foreigner communism cannot hold forte in Aristotelian philosophy.

Further, since virtue depends on the capacity of a person to comprehend the good and act accordingly it necessarily is acquired differently in different people. The wise man leads and commands the worker because the body has to obey the intellect. However, Aristotle is very clear that the relationship between a master and a slave is similar to that of the soul and the body. The one must rule and govern over the other and there cannot be equality in such a relationship. If there were, it would be a poor society and would certainly not lead to the common good. Thus when the body commands the soul the person is said to be vicious. Aristotle speaks of those who erroneously affirm that the rule of a master over slaves is contrary to nature, and that the distinction between slave and freeman exists by law only, and not by nature; and being an

interference with nature is therefore unjust. He defends the position that for some to rule and others to be ruled is a thing not only necessary, but expedient. Further that, where there is a subject and a ruler there is work to be done. Moreover according to him some were born to rule and some to be slaves. He calls the slave a possession of the master since the slave is for the master, an instrument of action. Aristotle studies the man who is in the most perfect state both of body and soul, for in him we shall see the true relation of the two. He holds that in bad or corrupted natures the body will often appear to rule over the soul.

Therefore he makes the principle of nature upon which he defends the position of master and slave. He says that the soul rules the body with a despotic rule, whereas the intellect rules the appetites with a constitutional and royal rule. We have studied this question before and therefore it will suffice to conclude that the *slave* is a concept of servant because Aristotle uses the term to define the position of one who provides a service to another. Taking away the political and cultural conditions, the master ought to treat the slave as he treats his body. What does this mean? It means that the intellectual power is to see the good and it is the work of the body to move towards that good commanded by the intellect. Likewise the one who serves ought to serve according to the good that is demanded of him by the master of the household. The body requires 'bread' and 'discipline'. It should not be idle. The vicious tendencies of the body's concupiscible and irascible appetites should be disciplined in order to ensure that they adhere to the truth that the intellect sees. There is tension between the demands of the body and the demands of the intellect and it is for the intellect to govern the body and not vice versa. Where liberalism and socialism have commanded the opposite of this, the result has been viciousness expressed in tyranny at the masters' level and sloth at the level of the body or servant. However, neither should the despotic government over the *slave* be excessive. On the contrary, one shouldn't act profligately toward anybody. Rather treat the servant as a brother, for as your own soul needs the body so you will need the servant to carry out the common good in the household daily needs and in the self-sufficing state. Furthermore, although Aristotle admits that equalization of property is one of the things that tend to prevent the citizens from quarrelling, he does not fully subscribe to this theory. Rather he says that moderate possessions and occupation, habits of temperance and learning or wisdom are the true panacea for injustice in society. He therefore opines that the beginning of reform is not so much to equalize property as to train the

nobler sort of natures not to desire more, and to prevent the lower from getting more; that is to say, they must be kept down, but not ill-treated. Although Aristotle proposes an inequality in society arising from the distinct classes of society (it would have been difficult for many in the Aristotelian society to have education or learning or training in virtue given the barbaric nature of the time) he still holds that the just is the proportional and the unjust is what violates the proportion. Hence one term becomes too great, the other too small, for the man who acts unjustly has too much, and the man who is unjustly treated too little, of what is good [NE, V.III.1131b17-20]. The Christian socialism of Péguy, many years later, moves towards this direction.

However, the two socialist models end up enslaving the servant or proletariat class or the subjects. The reason is evidently to be found in the loss of moral judgement and a replacement of material wealth distribution as the ultimate good. Without an *ultimate good* human history is limited to the earth. If that is the case then there is no moral authority over injustice at the highest level of governance. Morality becomes synonymous with the positive law of the *communist constitution* rather than a self governing principle towards the good. Now such a constitution in Aristotle is anarchic and a type of oligarchy; the worst type of oligarchy where the poor steal from the rich with impunity. Such a constitution will also invariably destroy virtue.

Upon the destruction of the virtuous man, both Aristotle and Aquinas see a bleak future for such a society. Precisely, the equality of communism or socialism is sort out at the lowest level of virtue. This is because virtue will necessarily lead someone to riches at least in character. The moment there is virtue there will be a wise person. When there is viciousness there is tyranny and corruption. Aristotle would rather the equality of perfection. That is, of the virtuous citizens, virtuously governed and enjoying the delightful perfection in the common good in so far as a constitution and good men can achieve it. In this state the good man is the same as the good ruler; the best citizen is equivalent to the good man. Where the majority in society are such then the state is tending towards excellence. The opposite of this would lead to a tyranny in which the rulers treat their subjects like *slaves* without any rights. Let the reader understand that the term slave in a tyrannical state would be equivalent not to the servant but to the vicious person in Aristotle. Where virtue is treated as viciousness the state is on the brink of self destruction. The equality of the virtue and vice or the rule of the inferior over the superior is always hurtful.

In *Politics*, Book 1, part XII, he says that the relationship of the male to the female is of this kind, but there the inequality is permanent. But he also says in another part that the relationship between man and woman is a constitutional one or otherwise a polity. In a polity the principle is one of equality. Hence there may seem to be a contradiction in Aristotle. However, this relationship has already been explained as the masculine activity and the feminine passivity. The former is the principle of generation while the latter is the principle of preservation. Where the two are joined then it is obvious that the passive will be moved by the active principle. Now the man is generally considered as the active principle and the woman the passive principle and that nature has so disposed. Thus, the man implants the seed in the woman and the woman receives it and preserves and fends for it. The bond between mother and child is in this case often seen to be stronger generally than the bond between father and child. Further, the father fends for the Mother in pregnancy. This relationship is natural and to re-define nature so that the father is the preserving principle would be completely contrary to nature. At least the female would need to become the male and the male the female which would be a contradiction. Needless to say, this principle should not be construed to mean that the man is higher than the woman or the woman is lower than the man. The question is one of natural function and the common good that nature grants human kind. In the government of the household the relationship between them is one of polity. That means both decide and take leadership of the household management according as it is fitting each giving way to the other as wisdom sees fit. This state of affairs is prevalent in most human societies and therefore a common reality.

Communism in Aristotelian philosophy is a type of democracy or oligarchy according to the classification of forms of tyrannical governments. It is therefore not one of the good forms. Further, In *Politics*, Book III.IX, Aristotle makes one of the most beautiful treatises on the nature of a community. He surmises that the community enjoys the common good because the government and the citizens take into consideration excellence and defect in each other, that the community is for persons and the good life and that ultimately the end is not merely life only but the good life. He says that both, democracy and oligarchy, desire that there is justice and that justice is determined by equality among equals. He further points out that inequality is justice with regard to unequals but not with regard to equals [*Politics*, III.IX.1280a10-15]. But therefore both systems omit a certain part of society. The democrat and the oligarch are considering others

as equal starting from themselves. The others citizens are therefore determined as equals from the point of view of the particular democrat or oligarch. This leads to erroneous judgement because those judging are passing judgement on themselves and most judges judge erroneously with regard to their own cases. Here the point is that those who are equals are like one person for they differ in nothing.

In conclusion, people seem to agree about the equality of things but not of persons given the fact that they try to judge arbitrarily, that is, with their own regard [*Politics*, III.IX.1280a20]. The rich being rich think that because they are rich with regard to the riches of the others they are unequal to them in everything else. The free of birth think that they are equal in everything to the others by virtue of their birth [*Politics*, III.IX.1280a23-24]. The poor or disenfranchised would relate to everybody else from the perspective of the injustice they suffer. But they disregard the main point this is wrong because those who govern with regard to wealth and not persons do not look after the good of the community and to equalize the sacrifices of those who give more with those who put in less is unjust [*Politics*, III.IX.1280a30]. The community exists for the sake of the good life and not of life only [*Politics*, III.IX.1280a32]. Happiness based on a life of choice belongs to persons not animals and he seems to say that this happiness ultimately found in God. *If things end in life here below animals would form a society such as of men.* That is to say that the vicious would have a right to form a society. A community does not come together solely for the sake of alliances and security from injustice, nor only for exchange and mutual intercourse [*Politics*, III.IX.1280a35]. This would only ensure that there is no injustice between two communities or two persons. The citizens of one state do not help the citizens of another state become good or do no wickedness etc. Nevertheless, those who care for good government care for excellence and defect of its citizens and this is what makes a community. There is an interest for the good of the other [*Politics*, III.IX.1280b1-10].

### **3.5 The Mesocratic Regimes or Dictatorships**

To begin the study of the Mesocratic regimes or dictatorships it is necessary to delve into some particular occurrence in a Western European setting. What better mesocratic dictatorship would there be to analyze than the 1793 Jacobin dictatorship of France. But before we begin a brief insight into this dictatorship, it is important to say that the nature of a mesocratic



dictatorship or regime will appear along the trajectory of our analysis and so is not necessary at this point in time. MacIntyre laments that JL Talmon, Isaiah Berlin and Daniel Bell (often placed among communitarian authors together with MacIntyre himself although MacIntyre has not accepted the title) see the commitment to public virtue by the French republics as leading to the totalitarianism and even terror that ensued<sup>713</sup>. There is therefore a contentious linking of the terrorism and totalitarisms that ensued over European governments in the 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> centuries and the commitment to virtue of the Republics. MacIntyre believes that adherence to the virtues of Liberty, Fraternity and Equality did not foster totalitarianism. These were Jacobin club virtues and in general were virtues of the eighteenth century French republicanism. Others included, patriotism, love for the family, industriousness, modesty and simplicity, and attending to civic duties<sup>714</sup>.

French Jacobin Clubs were the most famous societies of the French Revolution. They were so-named because of the Dominican convent where they met, located in the Rue St. Jacques (Latin: Jacobus), Paris. The Jacobins tried to protect the gains of the French Revolution against a possible aristocratic reaction. The Jacobins originated as the Club Breton at Versailles, where the deputies from Brittany to the Estates-General (later the National Assembly) of 1789 met with deputies from other parts of France to concert their action.<sup>715</sup> The Jacobin Club or Jacobins were formally called (1789–92) Society of the Friends of the Constitution, or (1792–94) Society of the Jacobins, Friends of Liberty and Equality. Famously linked to the French Revolution, it became identified with extreme egalitarianism and violence and led the Revolutionary government from mid-1793 to mid-1794. Besides the deputies from Brittany to the Estates-General the club soon admitted non-deputies prosperous bourgeois and men of letters and acquired affiliates throughout France. By July 1790 there were about 1,200 members in the

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<sup>713</sup> Alasdair MacIntyre, *After Virtue*, 221

<sup>714</sup> Alasdair MacIntyre, *After Virtue*, 221

<sup>715</sup> Britannica Academic Edition, <http://www.britannica.com/EBchecked/topic/299007/Jacobin-Club>.

Parisian club and 152 affiliate clubs. Among these was Maximilien Robespierre who remained after the break-up of the club, and he assumed a position of prominence in the club.

The Monarchy of Louis XVI was overthrown in August 1792 and in September 1792 France was declared a Republic. The Jacobin club changed its name to Society of the Jacobins, Friends of Liberty and Equality and in addition to acquiring a democratic character developed affinity to the Parisian working and artisan class. In July 1793 the French Republic became a dictatorship under the Jacobins headed by Maximilien Robespierre. A reign of terror ensued under the Committee of General Security and of the Revolutionary Tribunal. Their struggle was to safeguard the French Revolution against any local counterrevolution. They raised supplies for the army and policed local markets. Often local government officials were replaced with members of clubs. As centers of public virtue, the clubs watched over people whose opinions were suspect, led the de-Christianizing movement, and organized Revolutionary festivals<sup>716</sup>.

Although the quick analysis above is based on the Encyclopedia Britannica, Academic Edition, it could serve as a background to understand the assessments MacIntyre makes. He says that from being a club that initially esteemed Aristotelian virtues within the context of the French nobility, bourgeoisie and public servants, to becoming a terrorist dictatorship attempting to impose morality by terror, was caused by an estrangement between the virtues they upheld and those of the general multitudes in France. It was an alienated cultural power. Hence, it is the attempt to impose a culture using coercive methods that breeds totalitarianism<sup>717</sup>.

According to Patricio Silva, technocrats began to take political power in Chile as early as the 1920's with the emergence of a Mesocratic Regime. Technocratic elite dominated Chilean politics controversially when Augusto Pinochet's military regime sort help from the "Chicago Boys" to run the economic program from 1973 to 1990. However, as explained above the presence of technocrats in a meso critic regime is prevalent in Chile much earlier. Empiricism

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<sup>716</sup> Alasdair MacIntyre, *After Virtue*, 221

<sup>717</sup> Alasdair MacIntyre, *After Virtue*, 221

and “scientific government” took root in Chile in the 19<sup>th</sup> Century and made a significant impact in economic policy during the 1927-31 dictatorship of Carlos Ibáñez del Campo<sup>718</sup>.

Mesocracy or Mesocratic regime is a technical term generally referring to a specific type of *dictatorship* prevalent in 19<sup>th</sup> and 20<sup>th</sup> century European politics. It however also affected non European governments such as those of Latin America mainly in the 20<sup>th</sup> century. Hence for instance Garreton and Newman (2001), criticize the mesocratic aspect of Latin American politics and its inability to satisfy popular interests<sup>719</sup>. Jorge Graciarena classifies as elitist, traditional, modern or mesocratic that pattern of income distribution – that is a political variable of capitalist economic systems. Hence, similar economic structures produce different patterns of distribution, demonstrating that “the difference lies in the pattern and nature of the political regime”. Each political regime in a capitalist environment encourages its own distinctive type of income distribution. That income distribution depends on “the degree of authoritarianism of a political regime and its ability to compromise”<sup>720</sup>.

According to Germán Rama mesocratic concentration of wealth arises when there is social mobility. In other words, the poor or lower cadres of society are educated and there is mobility from lower poverty levels to a middle class level with significant numbers. In the process there is a generally weak basis on which the different new classes of society negotiate on key government policies and distribution of wealth. That stability is not enduring enough. As soon as one class or group emerges as the unqualified victor, it eliminates or weakens the mesocratic middle class power in general and establishes a clear dichotomy between the rulers and the ruled. This could for instance be seen in the rise of President Hugo Chavez in Venezuela.

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<sup>718</sup> Patricio Silva, *In the Name of Reason: Technocrats and Politics in Chile*, (Pennsylvania: Penn. State Univ. Press, 2008), 12

<sup>719</sup> M.A. Garreton and E. Newman eds., *Latin America in the 21st Century*, (Miami: North-South Center Press, 2003), 1-19

<sup>720</sup> Jorge Graciarena, “Tipos de Concentración del Ingreso y Estilos Políticos”, *Revista de la CEPAL*, second half of 1976, 228-9

Hierarchy becomes the social model, with individuals owing their rank not to membership of social classes, but to the new regime<sup>721</sup>.

Mesocratic regimes are therefore invariably related to a process from aristocratic or oligarchic dominance to a large middle class presence of technocrats who are well educated to fill the positions of government structure ultimately with the aim of scientific governance. When one refers to *scientific* governance, it is evident that the authors imagine such governance as opposed to the traditionalist system of governance that educates in traditional (often religious) values in order to maintain the status quo. Individualism in such a traditional system is often rejected and communitarian social life promoted. Traditional regimes such as monarchies are said to be conservative, socialization oriented and maintain the established order based on the values of the ruling class. Lack of promotion of science and individual excellence is said to promote economic stagnation. There is no social mobility from one class to another and therefore there is political stability. Political control is not open to dispute by the masses<sup>722</sup>.

Through a process in which the level of education among the masses develops, there is social integration of the people in a community. The new educated are trained technically in order to participate in the economy, ostensibly to ensure a greater or better distribution of economic well being through the Smithian or Weberian division of labour. This also enhances the process of social integration. At the leadership of this type of social development one often finds a rationalistic, secular liberal thought. For instance, Patricio Silva speaks of the mesocratic spirit that galvanized Pablo Ramirez after the 1921 Chilean elections. He declared the defeat of the oligarchic (aristocratic) regime in Chile. He stated that the true class struggle was not the communist class struggle. The true class struggle is between the middle class and the oligarchy.

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<sup>721</sup> Germán W. Rama, "Education, social structure and styles of development", (Jan 2011), <http://www.greenstone.org/greenstone3>

<sup>722</sup> Cfr. Germán W. Rama is an *Academic, currently with the Economic Commission for Latin America (ECLA). Co-ordinator of the Project for Development and Education in Latin America and the Caribbean*. Author of *Grupos Sociales y Enseñanza Secundaria; El Sistema Universitario en Colombia, Educación y Estructura Social en América Latina*. Rama Germán W. (Jan 2011), Education, social structure and styles of development, <http://www.greenstone.org/greenstone3/>

Hence mesocraticism is here clearly defined as the rise of a technocratic middle class majority who care little for the dominance of oligarchic classes of land owners who having maintained the status quo ensured a stagnant social mobility. Hence, it is necessary to rid the community of the strong oligarchic power dictatorship and military power.

Among other Mesocratic regimes, other than Chile mentioned here before, one could consider that of Benito Mussolini in Italy, Hitler in Germany and Gen. Francisco Franco in Spain. Benito Mussolini (1883-1945) headed the Italian Government from 1922 to 1943. He was the son of an impoverished middle class family who were blacksmiths<sup>723</sup>. He made himself the leader of a militant and radicalized middle-class youth after serving as a teacher in *Predappio*<sup>724</sup>. Although initially a socialist, the First World War, in which he served left himself and Italy forever marked. He became a passionate nationalist who wanted to re-establish Italy to its former glory. There was great disorder and poverty after the war. He wanted to do away with the international socialism, anarchy and communism<sup>725</sup>. Hitler on the other hand understood that in order to govern, a state should govern in a totalitarian way, first by taking political power and secondly by ensuring that it controlled all the public and state organizations under its flag<sup>726</sup>. Both Mussolini and Hitler wanted to develop a *personalist* cult. This was a common tenet of most fascists, Benito Mussolini being the founder. These totalitarian governments, on the auspices of being representatives of all the community and having the mandate of the community did not condone any criticism that would undermine the party unity once achieved. It is a Hobbesian system once more encased in a centralized democratic theory<sup>727</sup>. Mussolini met a tragic death at the hands of radical communists on April 1945. He had wanted to hoist-up a

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<sup>723</sup> Juan Linz, "Obras escogidas, Sistemas totalitarios y regímenes autoritarios", *Centro de estudios políticos y constitucionales*, vol. 3, Madrid, 1971. 67

<sup>724</sup> Gonzalo Redondo, *Historia Universal; Las libertades y las democracias*, XII, (Pamplona: Eunsa, 1984), 184

<sup>725</sup> Gonzalo Redondo, *Historia Universal; Las libertades y las democracias*, 184

<sup>726</sup> Juan Linz, "Obras escogidas, Sistemas totalitarios y regímenes autoritarios", 93

<sup>727</sup> Juan Linz, "Obras escogidas, Sistemas totalitarios y regímenes autoritarios", 99. Lenin's formulation of democratic centralism in 1906 stated that the principle of democratic centralism and autonomy of the party's institutions called for freedom from all *criticism* and intolerance to *criticism* so far as it undermined the unity of action which the party decides. This was also Gen Franco's theory.

cooperative nation, which being pagan at its core maintained an ephemeral layer of Catholicism. He wanted on the one hand to assure all the rights and privileges of workers and on the other to get their complete submission to the fascist party. Work was a patriotic manifestation and it had to be done under the strictest discipline. The compliance of workers was to be ensured by the workers cooperatives which were aligned to the party. No other workers syndicates were allowed including that of the Catholic Church.

Just as described in the Athenian constitution, the Aristocracy who built the democratic republics in opposition to the tyranny of monarchist regimes, in time, also fall prey to greed and power and economic wealth accumulation. This is of course the change from Aristocracy to oligarchy. In the Aristotelian chronological process of government forms, the oligarchy is followed by a dictator (tyrant) who establishes 'democracy' or the government of the people, by the people and for the people. However, the 19<sup>th</sup> and 20<sup>th</sup> century Europe there emerged a new 'political class'. This is what has been termed the middle classes or mesocratic domination. Aristotle had foreseen that a state with a majority of middle class is best or most inclined to justice in the common good.

Thus, Aristotle explains that the Kings, inviting more people to share in governance called it democracy. The multitude constituting their strength in the heavily armed infantry saw this as a conversion towards the majority and also called it democracy. Democracy means 'the people (Demo) rule (kratia)'. But in effect what prevailed was as a constitutional (or free-people's government) and this being based mainly on the strength of the heavy infantry. It therefore is obvious that the original constitutions was first kingly and then oligarchical. There was still no middle class, the populations relatively small and hence with Kingly and oligarchical governments the people were more than content [*Politics*, IV.XIII.1297b15-25]. For Aristotle stable governments had a significant middle class. He made an analogy of the middle class with the middle way in any activity so that it is not excessive nor is it defective. That is, the Aristocrats or Oligarchs are not many and more powerful than the people while on the other hand the people are not so many as to become dictatorial over the few who are virtuous. The strength of Aristocracy lies in land ownership or wealth while that of the poor people lies in arms. The latter nevertheless also incline and are moved to take power in opposition to the unjust

distribution of wealth. Hence even though their power lies in numbers and military strength the core principle underlying the desire to change government is wealth distribution. For this reason Aristotle sees the dominance of the poor over the rich as a type of Oligarchy and the worst type of it because any remnant of virtue remaining in oligarchy is replaced by brute strength and anarchy. In any case even in an oligarchy there tends to be one who rules the others. Mussolini ruled a coalition made between him and members of the Partito Popolare Italiano (PPI) and Don Sturzo. But by 1924 he remained a tyrant and his tyranny was made manifest Giacomo Matteoti of the socialist party coalition with Mussolini was murdered for having revealed electoral fraud and party violence. The militant wing of the PPI party supported Mussolini even though Victor Manuel III wanted him to resign. He did not and with the help of the party leaders he destroyed the opposition and remained in power<sup>728</sup>. Thus, once more Aristotle's insight into the process of forms of governments is right on target. The oligarchy in Italian politics under Mussolini ended up a tyranny.

### **3.6 The Civil Humanism Response to Liberalism**

The concept of Civil Society is becoming more and more relevant and the point of contention is with regard to organization of civil society. The background of this *return to civil society* is the growing discontent over the nature and role of the state especially in the west. As Professor Alvira says, this has resulted in a return to the origins of democracy where invariably one encounters the concept of civil society in its original form<sup>729</sup>. As we have already seen *Civic Humanism*, (also sometimes called *communitarianism*) is often understood as a theoretical critic of liberalism and individualism; and a sign that radical liberalism presents difficulties that have yet to be resolved. Radical liberalism appears oriented towards individual 'rights' while neglecting the role of social, political and civic associations. Civic humanism has its own roots, premises and rationale in the call for a return to social roles and associations for the sake of the

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<sup>728</sup> Gonzalo Redondo, *Historia Universal; Las libertades y las democracias*, 183

<sup>729</sup> Rafael Alvira, "Lógica y sistemática de la sociedad civil", 63-82

good life. It has a long tradition as illustrious as that pre-dating modern liberalism. Alejandro Llano<sup>730</sup> presents the case of civic humanism traditions going back to the European Renaissance and culminating in the renewed sense of social responsibility in our own times. The “crisis of modernity”, which may be summarized as liberalism and all its manifestations; individualism, rationalism, social uniformity has also caused a certain disquiet given moral relativity in which societies are embattled while at the same time becoming more and more ideologically fragmented in the political, social and economic spheres. Liberalism has sunk more and more into individualism, manifested in the desire for more and more freedom, diversity, freedom of imagination and what we may term spontaneous solidarity or social associations and at the same time a sense of hatred for the state. To add to this, the ‘welfare state’ no longer seems feasible in post modern Europe. Prognostics are becoming more and more certain of the impossibility of sustaining it.

Michael Walzer defines civil society as incorporating ‘many of the associations and identities that we value outside of, prior to or in the shadow of State and citizenship’<sup>731</sup>. Civil society is a close-knit and complex collage of civil associations organized by the citizenry which promote common objectives of social structures, culture, moral identity, history and education of those who comprise them. Their rationale is to defend the common good of the society. Beyond these direct effects of civil associations most philosophers and authors on the theme of civil society identify them as the source, formation, stability of democratic structures and indeed any culturally accepted mode of government acceptable to the society. In the recent history of western society, the most common state structures have been founded on the concept of democracy. In summary civil associations defend and make effective the democratic society. Throughout the history of Western societies it is the civil associations and institutions that have resisted authoritarian regimes, have democratized society at the grass roots level and catalyzed

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<sup>730</sup> Alejandro Llano, “El humanismo cívico y sus raíces aristotélicas”, ed., Cruz, J.C., *Anuario filosófico*, XXXII, no. 2, 1999, 443-468.

<sup>731</sup> Michael Walzer, Ed. *Toward a Global Civil Society* (Bergham: Oxford, 1995), 1. See also Rafael Alvira et al, *Sociedad Civil. La democracia y su destino*, Ed. Montserrat Herero; (Pamplona: Eunsa, 1999), 63-82



political change. Thus civil society networks of private voluntary associations, neighborhood committees, interest groups, religious institutions, enterprises of all sorts, including the business institution, are an essential ingredient in both democratization and the health of established states<sup>732</sup>.

Other definitions of civil society include; the classical definition of civil society by John Locke, (probably the father of the modern concept of ‘civil society’, Alvira, p 66), who said that civil society has, ‘the chief end whereof is the preservation of property’<sup>733</sup>. Thomas Hobbes perceives civil society as entailing ‘the protection of individual rights & the needs of the rich in order to secure freedom in economic, social and cultural arenas’. Hobbes also describes civil society as the ‘economic, social and cultural activity outside state control or coercion’. For him civil society is insuperably inserted in the state by discarding ones natural rights and entering into a contract renouncing all natural rights in favor of the sovereign, who has then the power of ruling over all members of society.

Hegel on the other supposed civil society as entailing the protection of individual rights and the needs of the rich in order to secure freedom in economic, social and cultural arenas and that civil society includes all the economic, social and cultural activities outside state control or coercion of the state. He understood that there are social-moral obligations arising from the fact of belonging to a community founded on customs, usage and norms prevailing in that community. Further, that freedom and happiness flourish when norms and the objectives of public life allow the members of the polis attain their own objectives, or ends. It is from here that we understand the society as a fountain of spiritual life and ethical substance. To the norms and

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<sup>732</sup> M. W. Foley and B. Edwards, “The Paradox of Civil Society”, *Journal of Democracy*, John Hopkins University Press, 7.3, (1996), 38-52

<sup>733</sup> Henry Morley, ed., *John Locke's Two Treatises on Civil Government*, (London: George Routledge and Sons, 1884), 230–40

objectives which function in public life Hegel added the idea that these also explain the ontological structure of things<sup>734</sup>.

Tocqueville, who more than anyone else set the terms of discussion about civil society, perhaps was more appreciative than Montesquieu of free and non-governmental institutions. Yet he seems to interpret these institutions in light of the destructive forces of democracy, especially its bent towards centralization and uniformity. Civil society is the “social residue when government is extracted”<sup>735</sup>. These utilitarian, socially useful goods perspective, gives reasons for power-checking-power or cost-benefit structures to enable tame the democratic government or any state power. Therefore we can surmise that two concepts seem to transverse all definitions present here; that civil society institutions tend to at least provide harmony between individual interests and the social good; secondly, that civil society institutions are autonomous given that they are not directed by the state. It is also quite evident that the concept of civil society was present from the very beginning of democratic thought. It was in Aristotle and Plato as well as in Hobbes, John Locke and Tocqueville<sup>736</sup>.

Presently a number of philosophers have tried to revive the idea of a return to civic associations. There is a tendency to refer to them in general as communitarians. However, it appears that the name is not apt for many of them. The term communitarianism is of recent usage and many philosophers referred to as communitarians such as Alasdair MacIntyre, Michael Sandel, Charles Taylor and Michael Walzer generally do not accept the term since they had not set out to develop a new theory on communitarianism as such. Rather what appears as a constant among all the communitarians is their defense of the important role of community and civil society associations against radical liberalism as that manifested in John Rawl’s (1993) work on

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<sup>734</sup> Concepción Naval, *Educación ciudadana, La Polémica liberal-comunitarista en educación*, 29-47. See also, Charles Taylor, *Hegel and Modern Society* (Cambridge: Cambridge University Press, 1979)

<sup>735</sup> Ernst Gellner, *Conditions of Liberty: Civil Society and its Rivals* (New York: Penguin Press, 1994), 212

<sup>736</sup> Rafael Alvira, “Bien común y justicia social en las diferentes esferas de la sociedad”, 65

Political Liberalism<sup>737</sup>. The Communitarians have not presented a very erudite defence of civil associations as is pointed out by, Naval (2000), Amy Gutmann (1985), Daniel Bell (2010), Alfredo Cruz Prados (2006), and Bernd Schilcher (1999). There is also a lack of philosophical consistency which will be demonstrated in the discussion below. Amy Gutmann for example shows that communitarianism as a new instance in the critic of liberalism in the 60's and 70's was inspired by Marxism while more recently it has defended civic associations from the Aristotelean and Hegelian perspectives<sup>738</sup>. Given the pervasive application of the term *Communitarianism* it is applied in language and rationale as a science linked to political philosophy, sociology and ethics in the first instance, and then reaching out towards the philosophy of economics, psychology and education. Within the philosophy of education, communitarianism touches on political and moral philosophy of education<sup>739</sup>. Hence, broadly speaking it is an attempt at reassessing political philosophy from the context of community and citizen associations. It rejects the tendency of modern governments to put aside the role of civic associations in the construction of a good society.

Liberalism reinforces the idea that the reality of community and communal living long disintegrated at the onset of modern society giving way to new modes of associations more or less based on the principle of contracts, and new modes of human behavior that are more rationalist and individualist. From this perspective communal living is a residue that social bureaucracies and global markets should try to disentangle and eradicate. They perceive communitarians as conservative or nostalgic romantics and utopist. To them communitarianism in the sense of a philosophy defending civil associations and their rights in society is at best a form of collectivism. This pits communitarians in general in the same boat with the Communists. Hence, communitarianism has been received with mixed feelings. Concepción Naval lets us see

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<sup>737</sup> Bernd Schilcher, "Etzioni's new theory: a synthesis of liberal and communitarian views", *Journal of Socio-Economics*, 28, (1999), 429-438. See also Concepción Naval, *Educación ciudadana, La polémica liberal-comunitarista en educación*, (Pamplona: Eunsa, 2000), 29-47.

<sup>738</sup> Amy Guttmann, "Communitarian Critics of Liberalism, *Philosophy and Public Affairs*, 14/3, (Princeton University Press, 1985), 308-322

<sup>739</sup> Concepción Naval, *Educación ciudadana: La polémica liberal-comunitarista en educación*, 29-47.

that At the root of this is the philosophic tradition of the notion of community or community life. The German, Ferdinand Tonnies (1887)<sup>740</sup>, conceptualizes two dimensions of society – Gemeinschaft (community, driven by Wesenwille, essential, natural and spontaneous will) and Gesellschaft (Society, deriving from Kurwille, arbitrary, rational and reflexive will). Martin Buber (1900) differentiated consanguineous community with community by choice. Max Weber used two terms, communalization (a process deriving from mutual interaction arising from communitarian sentiments within a given polis or city). Durkheim speaks of mechanical solidarity and organic solidarity. This also appears to be the case with G. Simmel, H. Plessner, T. Parsons and L. Dumont.

The historicist dimension of communitarianism mostly perceives it as “the ideology of progress” in as much as what has been promised has not yet happened. However, for them the future portends more uncertainty than hope. It is the pragmatic and incontestable post-modern proposition that human reason is omnipotent. Hence, among many others Hobbes, Habermas and Kant, Hume, Smith, Nietzsche, Comte and Marx, reject transcendental reason, that is, theology as a science. Nevertheless, the consequences are perturbing. Rorty’s dream of a “universal comparability” of political concepts and moral judgments remains a dream. As we will see in MacIntyre the lack of a universal dialogue in philosophical and political discourse there would only be conflict rather than constructive dialogue. Pure pragmatism needs to give way to a dialogue between theory and praxis while at the same time maintaining a lively tension between them. In consequence and in tandem to that dialogue another dialogue ensues between, faith, reason and praxis. It is only in this context that we can understand MacIntyre’s relentless call for another St Benedict. In order to understand the forewarning of those who see the need to re-cast society on the basis of human communities and associations, we offer of a critic of Alasdair MacIntyre and Mary-Anne Glendon.

### **3.6.1 Alasdair MacIntyre: Virtue, Practices and Institutions**

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<sup>740</sup> Ferdinand Tonnies, *Gemeinschaft und Gesellschaft*, (Darmstadt: Wissenschaftliche Buchgesellschaft, 1960), 30

Some have defended civil society associations from an Aristotelian perspective. A good example is Alasdair MacIntyre<sup>741</sup>. MacIntyre in fact emphasizes that he has never been a communitarian<sup>742</sup>. He defends the idea that the self has to find its own moral purpose and end in and through membership in communities such as those of the family, the neighbourhood, the city, and the tribe. However, the individual need not accept the moral limitations traditionally presupposed by those communities. The community is necessary for a person to begin. The person is inserted into a narrative and therefore has a history and a role and a responsibility to advance towards his particular end. It is nevertheless in a person moving toward that personal end that the search for the good and for the universal end consists. “What I am is what I inherit. I am part of a history. Virtues therefore have to sustain this relationship with the past<sup>743</sup>.”

What troubles MacIntyre is the disquieting preponderance of grave moral disorder in both modern language and social behavior. To put it bluntly, though he does not say it so explicitly, modern western society is courting its own destruction in a similar way to the fall of the Roman Empire in the first 4 centuries after the birth of Christ<sup>744</sup>. In modern society, moral concepts in ethics and natural sciences have lost their original meaning both theoretically and practically. Moral debate in our times is ‘interminable’. It tends to irrationality because of the “conceptual incommensurability” or the impossibility of weighing one argument from another. There is also the confusing predicament of a wide variety of ethical “historical origins”<sup>745</sup>. Most of all, the prevalent and extensive moral disposition is what he calls *Emotivism*. That is, the doctrine that all evaluative judgments, all moral judgments, are nothing but expressions of preference, attitude or feeling, in so far as they are moral or evaluative in character [MacIntyre, p 11]. The gravity of

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<sup>741</sup> Alasdair MacIntyre, *After Virtue*. He has also authored *A short History of Ethics, 1966: Secularism and Moral Change, 1967: Against the Self-Images of the Age, 1971*.

<sup>742</sup> Alasdair MacIntyre, ‘Letter’, (1991), in Daniel Bell, Ed., “The Responsive Community”, *The Stanford Encyclopedia of Philosophy*, (Fall 2010), <http://plato.stanford.edu/archives/fall2010/entries/communitarianism/>.

<sup>743</sup> Alasdair MacIntyre, *After Virtue*, 204

<sup>744</sup> Alasdair MacIntyre, *After Virtue*, 244-5

<sup>745</sup> Alasdair MacIntyre, *After Virtue*, 10

the situation in western social context rests in the assertion that moral action is individual and remains individual without any serious affection to and from society.

He glances back at ancient Greek society to try and find the missing link between modern society's emotivism and the objective virtuous societies. The Homeric or heroic cultures present a good beginning. Man in heroic societies did not seek universality but rather to fulfill a role and a responsibility that was particular and naturally directed to him particularly. MacIntyre encourages modern man to learn from the heroic cultures that morality is always tied to the socially local and the particular. That the morality of modernity aspiring to 'universality', freed from all particularity, is an illusion'. There is no way to possess the virtues except as part of a tradition in which we inherit them and understand them from a series of predecessors in which series heroic societies hold first place [MacIntyre, P 122]. He then studies virtues in Athens and concludes that the *polis (city-state)* over time substituted the *kinship group* in Homeric or heroic cultures as the significant way of structuring a community. The family and the city-state are *sets* of social forms.

The question is whether in MacIntyre's mind these two remain distinct and present. Does the city take the principal place as the moral community? MacIntyre in truth cannot answer these questions for the simple reason that his perspective is merely two fold. He explains unity between man and his predecessors and contextual society with the analogy of the nature of narrative unity. Secondly, he studies human virtues, practices and attempts a study of human institutions without much detail. Going back to the distinction between the heroic societies and the Athenian (4<sup>th</sup> century) community structures MacIntyre shows that the struggle between Apollo and Athena manifests a shift in the conception of Justice. The city state and the family household appear as rivals. The highest and most virtuous role is no longer directed to the perfection of the family household but to the city-state. Not only that, Homeric values no longer define the moral horizon [MacIntyre, p 124]. This conflict is also exposed by Plato's courage (Laches), Pity (*euthypro*) and justice (*dikaiousune*), which are discussed in a question and answer methodology or, as MacIntyre proposes, in order to convict each other of inconsistency. Nevertheless something remains of the Homeric culture. Virtue becomes a principle way of

defining the good man (in Athens) but in a universal way. “Athens is praised because she *par excellence* exhibits human life as it ought to be”.

Therefore, virtue is made an objective principle in Athens. For Aristotle and Sophocles unless there is a natural concept of a self-sufficing state or community which is properly governed, a city-state cannot be constituted. Aristotle sets out in *Nicomachean Ethics* to explain that the self-sufficing city state is the apex or most excellent and highest natural community and virtue must be interpreted from the highest good. In the end it is a question of how the *polis* comes to be and its role in developing virtuous people. MacIntyre defends Aristotle’s virtue ethics and concludes that Aristotle is correct and if his interpretation of Aristotle is correct then our modern times are in need of a ‘*Saint Benedict*<sup>746</sup>’. That is, if the tradition of virtues is able to survive the horrors of the *dark ages* modern society is “certainly not without grounds for hope” [MacIntyre, p245]. The idea is that St Benedict together with men and women of good-will had started communities that withstood the onslaught of barbarism and darkness. MacIntyre drives towards the recovery of modern society on the faith that communities, teaching virtue will arise and the sooner that happens the better it is.

These communities of families, neighborhoods, schools, cities and tribes will also foster the right practices helping people reach the goods internal to those practices and ultimately the society of men of good faith will survive through the onslaught of future conflict. Our Social structures are not based on the common ethos but rather on conflict and this is at the heart of MacIntyre worries. He exhorts us to return to Aristotelian Virtue. The only problem is that MacIntyre’s exposé of Aristotelian construction of virtue in the good society lacks Aristotle’s *Politics* as a clear goal and aim and furthermore it is not presided by a profound understanding of metaphysics or physics. Basing metaphysical unity of the concept of narrative does not provide a cogent bond between concepts and reality. The most MacIntyre can derive from such an analogy is that, analogy. Narrative cannot compare with Aristotle’s *Categories* and *Logic* because these

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<sup>746</sup> Founder of western monasticism, born at Nursia, c. 480, Catholic Encyclopedia, <http://www.newadvent.org/cathen/02467b.htm>

latter are profoundly set in Physics and Metaphysics. Aristotle always sought the relationship between the elements, the good man, the good citizen, the universe and the first mover. Failure to give a certain cogent unity between these dimensions of reality will naturally live the individualist happy.

In the different forms of good traditional governments available in Athenian history, the good man is not always identical with the good citizen. The reason is that the good citizen is measured according to the form of government of the community. Hence, a good citizen in a Monarchy will not be a good citizen and a good man in a polity or Aristocracy. MacIntyre's opinion is that Aristotle writes history so that it culminates in his own way of thinking. Our presupposition in this thesis is that Aristotle certainly has his philosophical outlook but at the same time tries to discern whether it is compatible with the wisdom of tradition. Thus, in a sense Aristotle is trying to provide a more perfect analysis of moral reality in 'Ethics' after having studied thoroughly physics and metaphysics, nature and theodicy. We are of the opinion that Aristotle is indeed in agreement with MacIntyre's own stand point that the past is never something merely to be discarded once a new standpoint of truth is achieved. Aristotle often advises that in forming or governing a city state the ruler should keep searching and looking for the best ways given past experiences. For instance, Aristotle accords necessity as the mother of invention and supplies that it is natural that, through time, the things that would adorn and enrich life should grow up by degrees. For instance, he counsels that "Egypt witnesses to the antiquity of all these things" and that "we should therefore make the best use of what has been already discovered, and try to supply defects" [*Politics*, VII.X.1329b20-35].

Both Aristotle and MacIntyre believe that there is a certain cumulative element in tradition [Cfr. MacIntyre, p 137] and this happens when one corrects any previous half-truths in light of the new revelation, observable reality or simple truth previously unnoticed. But there are truths that have been so from time immemorial and these in so far as the opposite is not determined need to be kept and immolated. On which thesis are Aristotelian traditions to be



revised? The answer is on the thesis of Aristotle's objective Politics, Ethics, metaphysics, logic and physics<sup>747</sup>. But are they objective or can anything such as this be objective? According to Aristotle's metaphysics, yes; but according to the stoics and the modern individualist philosophies this is questionable. And who is right? The answer to this is human virtue, endeavor, and reality in the light of human history and tradition. Our observation of the reality in which we live and which has been given to us through history may be imperfect but it is not necessarily erroneous. Our thesis is that one can discern the truth although the whole truth may be elusive at times. On this premise we learn and investigate. Without this premise we are at rest that nominalism and voluntarism is the only way forward. Yet this is the very error that we seem to be revising here in this thesis for this way of thinking leads to individualism and liberalism of modern philosophical kind.

It eliminates God and makes each man a God unto himself as we see in Nietzsche's '*ubermensch*' (superman). That same thesis provides what it initially undertook to obliterate; the totalitarianism of the powerful man. Power and weakness are just that, power and weakness in human beings and there is nothing more. Each person has therefore to seek to surpass himself and be the most powerful and domineering. Family, Community and *Polis* become instruments of the 'man' who dominates the others. Therefore, inability to accept an objective good and an objective end is incoherent as a theory. Subjectivity is determining the ultimate goods and ends leads ultimately to the worst form of tyranny; the very tyranny modern individualistic philosophies set out to stem. The closest Nietzsche comes to a form of individualistic moral judgement is his concept of the "eternal recurrence of the same". This principle is founded on the premise that if we know our destiny would repeat itself endlessly throughout eternity we would take life much more seriously and honestly than most of us now do. But to do that we have to

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<sup>747</sup> William L. Benoit, "A Guide to Line Numbers in the Aristotelian Corpus", *Rhetoric Society Quarterly*, Vol. 11, No. 1, (Winter, 1981), 42-44. See Appendix I. Both Benoit and the 1984 Works of Aristotle (CWA), by Jonathan Barnes, ed., two volumes, Princeton University Press show that there are at least 47 works attributed to Aristotle. These include the Athenian Constitution. The authenticity of 13 of these works has been seriously put to question.

accept our destiny joyfully so that we do things we would actually like to experience later in the process of history. This concept is explained at the very end of Book IV of *The Gay Science*.

From a political perspective, Alasdair MacIntyre sees that the move away from Monarchical Regimes to the Republic (*Res Publica*) was also linked to the movement from feudalism to modernity. The republic attempts to restore the classical tradition of the monarch. The true monarchy had earlier turned into absolute despotism or tyranny. Republicanism tried to inherit from the institutions of the medieval and renaissance republic the passion for equality [MacIntyre, p. 220]. The ethos of the Guild, the political *party* and the militia were egalitarian. The members bore equal obligations to society as opposed to the feudal and monarchical class conception of society. MacIntyre further points out that the concept of Aristotelian friendship combined with the concept of Christian charity galvanized the concept of *fraternity*. The Republican concept of the liberty was Christian too for “the greatest among you will be your servant”. Thus he concludes that what the Christian said about God the Republican said about the republic [MacIntyre, p 221].

MacIntyre expounds on the idea of Narrative and the human role and the sequence of human actions in the narrative. He says that “what I have called a history is an enacted dramatic narrative in which the characters are also the authors. The characters do not start *ab initio*, but plunge *medias res*. That is, the characters do not start from the absolute beginning of all things but plunge *in the midst of things* [p 200]. Hence, the beginning of their story is already made for them but what and who has gone before them. And in brief MacIntyre shows that there is a connection before the *before, now and after*. Although a person authors his now, he is not delinked from the narratives before him and after him. Hence Marx could not have been right in presuming a historical legal based narrative with a predictable future for one cannot know with certitude about the future only about brief history before the now. So man is a story telling animal; he becomes through history, and he tells a truth according to his aspirations.

He therefore confirms that an action is always an episode in a possible history. A person’s identity is not in a psychological state but in a unity of character. The characters of a history are not a collection of persons, but the concept of a person is that of a character abstracted from that history. Hence a person is identified as a contestant in a certain history and

at the same time a subject of his own peculiar history that leads towards a peculiar telos to which the person is particularly accountable. However, MacIntyre further proposes that, that personal narrative is within a context of other histories and the other histories also depend on a person's peculiar history. So both a person's and another's history are narratives if they present a train of intelligible interconnected events. Without unity of character and without some accountability to others then there would not be intelligible narratives. Intelligibility and accountability nevertheless are not more important than the personal identity. The story is one of mutual presupposition. Moreover, without a final *telos* it is impossible to have the beginning of a quest in any relationship between intelligibility, accountability and personality. That telos is *the good of the individual and the good life*. Virtues enable us also attain that quest for the good through encountering and coping with harms, dangers, temptations and so on. That is besides enabling us to live peacefully in institutions and enabling us to get the best on the internal goods of practices. Individualism suggests that I am what I choose to be, the rest of the occurrences are contingent social features. MacIntyre says no to that since the self has to find its moral identity in and through membership in communities such as those of the family, the neighbourhood, the city, and the tribe. What I am is what I inherit. I am part of a history. Virtues therefore have to sustain this relationship with the past.

Furthermore, Institutions such as universities or farms as bearers of traditional practices should continue seeking the higher truth of what they are. Hence this is in accord with Aristotle's idea that the source and foundation of a true institution is the science to which it serves. However, Rickaby modifies this concept a little based on Aquinas and Aristotle. He says that, in order for man to control and put in order his society to an end, the measure of control and order must be taken from the end in view; and the proper end of everything is something good. Thus Aristotle expounds the hierarchical nature of sciences. If a particular art or science governs over a subordinate art or science, the subordinated science or art belongs to the governing science since in a hierarchy the highest end is that to which all adhere to. Thus medicine governs that of pharmacy, because health, the object of medicine, is the end of all drugs.

Law and morality are also bound together in Aristotle much unlike positive law, government and morality which have been estranged. The virtuous person practices the law

because he has the virtue of justice. That is, he understands how to give each one his due. When the demands of justice in a particular case are unclear then the judge should act according to right reason [MacIntyre, p 143]. The law is general. Virtue makes one apply the general law to the particular case according to right reason. This is to judge ‘more or less’ according to what is just but trying to find out the mean between the more and the less. To do this the virtue of justice (*phrónesis*) is required. Hence, acting according to right reason is to act justly and this is only possible to the virtuous person; for justice is all virtue. MacIntyre explains that ‘we transform our naturally given dispositions into virtues of character...by gradually coming to exercise those dispositions *kata ton orthon logon*, by acting according to right reason’ [MacIntyre, p 145].

He makes a commendable and erudite analysis of virtue, human practices and institutions in the light of Aristotelian *Nicomachean Ethics*. He uses the concept of narrative unity in literary works to explain the historical unity of the person and his society and hence, the continuity and unity of narrative. He defends the concept that human action can only be understood if there are intentions, beliefs and settings. Further that the, human intentions are to be understood in the form of a narrative. In order to identify what a personal action is, one places the person’s intention in a historical context, in their role within a specific society and their actions within the context of the settings to which they belong [MacIntyre, p 194]. He links the logical and epistemological level with practical reality through *analogy of the narrative*. Hence we re-live authors such as Diderot’s, *Le neveu de Ramaeu*, and Kierkegaard’s, *Enten-Eller (Either/or)*. Henry James’ book on “*The Portrait of a Lady*” emphasizes the triumph of the “manipulative mode of moral instrumentalism”. Jane Austen’s *Mansfield Park* shows the virtues and practices of a modern woman, and William Cobbett was the ‘purest incarnation of Old England and the most audacious initiator of Young England’<sup>748</sup>. These mastery works depict the unity and cultural traits of the modern society. MacIntyre is also very widely read in philosophy. He traverses the philosophical history from ancient Homeric tales through the modernist

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<sup>748</sup> Marx, July 22, 1853, *New York Daily Tribune*, in Andy Blunden, transl., *Marx Engels on Literature and Art*, Progress Publishers (1976)

philosophers such as Kant and George Moore to the more recent liberal philosophers such as Rawls and Nozick. There is no doubt about the depth of analysis.

The obvious question is, why does the society in general and in the majority slowly become alienated from those virtues which MacIntyre, Cobbett, Jane Austen, Aristotle, Cicero, Aquinas and Locke and Rousseau identify as leading to a happy life in society? The predicament of adherents to virtue has always been how to re-inculcate virtues in society without coercion. Not a few have failed or fallen into erroneous ways. MacIntyre indicts those who attempt to impose a culture using coercive methods and in the process breed all sorts of totalitarianisms. MacIntyre sees Jane Austen, William Cobbett and the Jacobins as the representatives of the classical tradition of virtues in modern society [MacIntyre, p 226]. In time others such as Rudyard Kipling and Henry James take on the task. Yet Morality is increasingly elusive as modernity proceeds on its uncharted path. In the wake of moral relativity the nature of private and public life is changed leaving the relationship among men hinged upon one practical virtue, that of justice and rights.

What remains weak is the relationship between the different parts of society. In the first place the foundational part of society is the person although in a social context. But it is the personal virtue that is lauded in MacIntyre. No doubt is left in his work that the key is the individual virtuous person in a setting which helps his endurance in virtue and consequently ensures the endurance of a good society. As it is the premise that a person needs community is founded on the individual person rather than the community. In this he differs from Aristotle. For Aristotle the first and last end are identical. Hence, the common good in a self-sufficient society is where the ruler or rulers move families and therefore persons to. The human individual person is therefore incomplete as a person without the immediate society which is the family and the perfect society which is the self-sufficing city-state.

### **3.6.2 Mary-Anne Glendon/Alexis of Tocqueville: Democracy and Rights**

Mary Anne Glendon<sup>749</sup> reserves the fifth chapter of her book, *Rights Talk, The Impoverishment of Political Discourse*, to emphasize the importance of non-public associations in society. She advises that Americans have a weak vocabulary on [social] responsibility and this “is rendered fainter still by our underdeveloped notion of human sociality. ... We have neglected the social dimension of personhood....” In agreement with MacIntyre she sees that social groups provide an environment in which persons develops an adequate conceptual apparatus for explaining his character, competence, and capacity for citizenship [Glendon, p 109]. The seedbeds of virtue are families, neighborhoods, religious associations and other communities. These form the fine texture of civil society.

She decries that political concepts and the justice system in the United States of America can no longer defend the *community* as such but rather is apposite in the defence of the individual rights in the context of social conflict. The over-emphasis on defending individual rights has unknowingly weakened or sometimes entirely destroyed the social network of institutions and communities. The lively tension in the American judicial system has the state on one end and the individual on the other. There are really no concepts to defend the social network of institutions and communities which form the fabric of the very society and play an important role in the development of family values, personal virtues, individual and social morality and which give a sense of belonging to people. For example the American law does not recognize “property rights” in the community [Glendon, p 111].

The crisscrossing networks of associations and community relationships constitute the fine grain of society. In the American context she observes that the only thing that comes near these associations is the so called “interest groups” which are a collection of self-seeking individual pursuing limited parallel aims. This is in contrast to the French Revolutionaries who inadvertently guaranteed that “society” was something quite distinct from the state [Glendon, p 117]. Reminiscing, she remembers that Tocqueville anticipated that the loosening of group ties

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<sup>749</sup> Mary Anne Glendon, *Rights Talk: The Impoverishment of Political Discourse*, (New York: The Free Press, 1991), 105

would present hazards as well as opportunities for the cause on human liberty...he insisted on the connection between rootedness and civic virtue [Glendon, p 118]. “For in a community in which the ties of family and caste and class and craft fraternities no longer exist, people are far too much disposed to think exclusively of their own interests, to become self seekers practicing a narrow individualism and caring nothing for the public good.”<sup>750</sup> He was especially worried about the word individualism, a word alien to our ancestors. He thought that America stood a good chance of forestalling the fate of many little associates. “Local institutions are to liberty what primary schools are to science; they put it within people’s reach; they teach people to appreciate its peaceful enjoyment and accustom them to make good use of it. Without local institutions a nation may give itself a free government, but it has not got the spirit of liberty.”<sup>751</sup>

Her perspective is that Urbanization, industrialization, bureaucracy, geographic mobility, mass culture, and centralization of political power have accomplished the modernization project dating back to the French Revolution. This has brought citizens everywhere into ever more unmediated relationships with government [Glendon, p 119]. This same inkling is depicted by some Eastern European thinkers like Czeslaw Milosz who says that quite contrary to the predictions of Marx, instead of withering away of the state into a proletariat society, the state, like a cancer, has eaten up all the substance of society, destroying society as a matter of fact. When nations reach the point where, “the inhabitant feels like some sort of farm laborer indifferent to the fate of the place where he dwells. The greatest changes may take place in his country without his concurrence; he does not even know precisely what has happened,...worse still the policing of his road, and the repair of his church and the parsonage do not concern him; he thinks that all these things have nothing to do with him at all, but belong to a powerful stranger called the government...furthermore, this man who has so completely sacrificed his freedom of will does like obedience more than the next man. He submits, it is true, to the caprice

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<sup>750</sup> Alexis de Tocqueville, *The Old Regime and the French Revolution*, transl. Stuart Gilbert, (New York: Doubleday Anchor, 1955), xiii.

<sup>751</sup> Alexis of Tocqueville, *Democracy in America*, trans. George Lawrence, ed. J.P. Mayer, (New York: Garden City, Doubleday Anchor, 1969), 70

of a clerk, but as soon as force is withdrawn, he will vaunt his triumph over the law as over a conquered foe. Thus he oscillates the whole time between servility and license”<sup>752</sup>. At this point “There are subjects still, but no citizens”. The fount of public virtues runs dry. They could perish.

Glendon sees a war over the concept of the “traditional family”. There are those ready to deconstruct families into their individual components parts. Glendon sees the family as a social institution just like “the firm” or the “the law”. She divides the confrontation into four parts. On the cultural right is the traditional family described as a household founded on a marriage between a husband- bread winner and a wife-homemaker. They are seen as a basic social unit. On the cultural left, the traditional family is characterized as patriarchal. It is a symbol of an oppressive male dominated society; a social contract that perpetuates subordination of the woman. Here one tends to speak of families rather than the family. The individual is taken to be the basic social unit of society; there is particular solicitude for “non-traditional” family forms. On the Economic right, they claim that family poverty has worsened and related social ills increased over the period most identified with government intervention. Many conservatives advocate a laissez-faire family policy as a spur to self-reliance and this as the best protection in the long run to that family unit. On the economic left, the same dismal statistics are widely believed to require redoubled public effort and expense, with the government taking over many of the tasks belonging to the families which the latter are unable or find it hard to perform.

The fact is that the cultural left and the economic left are winning. The process of dissolving the family into its components is well advanced and the concept and structure of the “family” is already under dispute. Under family, lawyers fit in all sorts of relationships; heterosexual couples, same sex couples, friends with a sexual relationship. Just like “property” the term “family” has come to fit all sorts of relationships. The family is thus a totem or a social symbol for the cultural right and taboo for the cultural left; on the economic right we have a heartless

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<sup>752</sup> Alexis of Tocqueville, *Democracy in America*, 93-94



attitude towards the family letting it on its own and on the economic left one sees in the family a totally helpless, blundering or ham-handed institution.

In America the family before the 1960's was seen much like the cultural right portrays it. It was an important support institution and a decisive determinant of the social status of family and children. The marital relationship was supposed to be exclusive and indissoluble or permanent except for serious causes. The husband-father was given a dominant role in decision making, and the law imposed on him primary responsibility for the material needs of the family. The wife mother played the role of household care and children. The bond between the spouses was emphasized over the individuals and interests of the family members. Thus, for example, husband and wife and children could not enforce contracts against one another nor sue each other for personal injury damages. Procreation and child rearing were seen as crucial objectives with marriage and sexual relationships exclusive between the two. Children outside marriage had hardly any legal recognition at all. The difficulty with this situation was that it neglected some crucial aspects of life and by the 1960 some of them were quite noticeable and this gave life to a new legal structure over the family leading to a situation close to the cultural left. Divorce has become an individual right since marriage is now terminable by either spouse. Gender-based legal distinctions have been eradicated. Family members can now sue each other in tort. The legal differences between formal and informal marriage has been blurred and any legal discriminations over children born out of wedlock has been held unconstitutional. Both spouses are supposed to be self sufficient and that post divorce spousal support should be temporary.

It has therefore shifted from a community of life to an alliance of independent individuals. An example is the state of Connecticut's removal of the birth control law in 1965. The supreme court stated among other things that; "Marriage is a coming together for better or for worse, hopefully enduring, and intimate to the degree of being sacred. It is an association that promotes life, not causes; a harmony in living, not political faiths; a bilateral loyalty, not commercial or social projects. (*Griswold v. Connecticut*, 381 U.S. 479, 486, 1965). In 1972, just 7 years later, the court changed its tune. "The married couple is not an independent entity with a mind and heart of its own, but an association of two individuals each with a separate intellectual and emotional make up. (*Eisenstadt v. Baird*, 405, U.S. 438, 453, 1972). The definition of family

has now changed and ostensibly includes every sort of sexual relationship with minimum formality. The breadwinner – homemaker model is nonexistent. There is a steep increase in woman’s educational and economic aspirations and many women headed households who are the key breadwinners.

There have been changes in sexual attitudes, procreation and marriage. There is an immense diversity of nontraditional relationships that call for recognition. Firms and other social institutions are struggling to adjust to the demands arising from these new relationships. Eventually, it seems that the family will be defined very differently than it has ever been. Glendon laments that despite the importance of the family issue, and indeed that of most other social groups, in structuring a successful society, one notices a deafening silence on the part of government. As Tocqueville cautioned, if democratic nations should fail in “imparting to all citizens those ideas and sentiments which first prepare them for freedom and then allow them to enjoy it, there will be no independence left for anybody...neither for the poor nor for the rich, but only an equal tyranny for all”<sup>753</sup>.

Glendon encourages the movement towards the principle of family ecology. She sees the family as a cell within ecologies of interconnected environments. Families are sensitive to surrounding neighborhoods, work places, churches, schools and other associations [Glendon, p 130]. The reason is simply that the family is affected by these other social subsystems. To illustrate this point she refers to the Kauai<sup>754</sup> study of the effects of adversity in early childhood on human development. In this multi-racial society case study, of 698 children born in 1955 about 201 children were classified in the high risk category. That is, they had drawbacks such as physical disability, family discord, chronic poverty, alcoholic, uneducated or mentally disturbed parents. However, the researchers found out that, “overall rearing conditions were more powerful in determining outcomes than prenatal trauma” (Ibid. p 108). The better the quality of the home environment was the more competence the children displayed. This could already be seen at two

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<sup>753</sup> Alexis of Tocqueville, *Democracy in America*, 315

<sup>754</sup> Werner Emmy E, “Children of the Garden Island,” *Scientific American*, vol. 260, no. 4, (April 1989), 106-11

years of age. Remarkably, a third of these children went on to live healthy personalities, stable careers and strong personal relations [Glendon, p 131]. Glendon's diagnosis from this empirical research is that, intelligence and other personal characteristics of a child (person) are largely beyond ones control; children benefit from having stable, interactive and intact households. The better the environment the more competence the children grow to be. The third group of protective factors identified in the study included various support systems external to the family that ostensibly in the hands of the government good or bad action. Schools played a crucial role in child development. They became a "home away from home". Several youngsters also found role models, mentors, confidants, and friendships in church groups and other clubs. Hence, Dr. Werner and Glendon conclude that what is needed is a more diversified family policy, fitting private and public initiatives together in creative ways.

Having encouraged the re-establishment of family oriented law, she goes in search of civil society. She is really more than anything defending democracy. She holds that overlooking the cost exacted on families, surrounding traditional communities and mutual aid by the modern state and the market leads to deterioration of social capital since we are consuming resources without replenishing them [Glendon, p 136]. The social contract delineation of government and civil society is a given according to Mary-Anne Glendon. Accordingly she structures the paradox of a society as divided between strong state, the free market, the individual and a vital civil society. These are the four spheres encapsulating the whole of society that need to be worked on. Hence, the paradox of liberalism seems to be that strong state, the free market, and a vital civil society are all potential threats to individual citizens and to each other, yet a serious weakness in any one of them puts the entire democratic enterprise in jeopardy [Glendon, p 138]. For the sake of democracy, individual citizens need to acquire an array of qualities that can best be nurtured in good families. For families to function effectively they need individuals capable of commitment, and supported by communities of various sorts. To complete the social ecological circle, communities require certain kinds of individuals and families. The problem with this ecological argument is that one can have very good people who for natural reason have no families and have not made use of social communities. Furthermore, there is no cogent philosophy or sociology linking family, individual and civic associations.

Propping herself on Robert Bellah (another communitarian author) and yet more sociology experiments she opines that American youth have reduced their participatory interest in government. Robert Bellah et al, in *Habits of the Heart* see the present perspective of individualism in America as different from that of the classical capitalism and traditional Protestantism<sup>755</sup>. According to Christopher Lasch's perspective of American young public "a collective portrait emerges from them of a population of young adults that is indifferent to public affairs and that places its highest value on self-fulfillment."<sup>756</sup> [Glendon, p 174]

In *Rights Talk* Mary Anne Glendon discusses the pervasiveness of individual rights talk in every sphere of political debate in the United States, arguing that the prominence of this discourse has been a contributing factor to and a symptom of disorder in the body politic. Rights talk leads to a standoff between one right and another. Her attention is human rights talk after World War II. This rights talk has a certain tendency to modify any political discourse with the label of a clash of rights. It therefore stresses the legalistic factor of rights, exaggerates the absoluteness of positive law, stresses hyper-individualism, it is insular and silent with respect to personal, civic and collective responsibility [Glendon, p x]. She feels that this rights talk often works against the dignified life of citizens and distorts American Culture. Its overemphasis of individualism often obscures the traditional hospitality and care for the community and society in general. The philosophy of American legalistic society is that "If rights are good, more rights are even better" [Glendon, p 16].

Whereas Glendon is apt in noting the important and positive role civil institutions play one cannot but see in her assertions an exhortative note rather than a scientific (much less philosophical one). Even if one were to rely on quantitative observation of data in controlled social environments, such sociological science can only grant emphasis of social institutions in particular circumstances. The universality of human action and human relations cannot easily be

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<sup>755</sup> R. Bellah, *Habits of the Heart*, 27-51

<sup>756</sup> Christopher Lasch, *People for the American Way, Democracy's next Generation: A Study of Youth and Teachers*, (Washington D.C.: People for the American Way, 1989), 14-17

captured in terms of quantitative data. Even if they were, one would still need the political will and intellectual faith to disseminate the truths and change societies accordingly. Just like MacIntyre, there is nothing in their thesis to show that the social contract theory needs revision. Omitting this particular angle of argument against Liberalism is a mortal blow to any assertion of community and civic associations. The latter become tools for the utility of the individual and the state. Nevertheless, she is on target in emotively pointing out that simple individual and group egoism portrayed in the simple rights talk tradition of the United States of America undermines democracy in the sense that it weakens social institutions responsible for inculcating the very principles it espouses; principles of democracy and common life among the citizens.

### **3.6.3 A Plea for Communitarian Philosophy in the Common Good**

We learn from Mary Anne Glendon that John Locke, in his *Second Treatise of Government*, set out to limit the unfettered “Divine right of Kings” by introducing the idea of a constitutional monarchy. His purpose in using the term ‘property’ so widely as to include “lives, liberties and Estates” was to strengthen his argument against monarchies if natural rights existed prior to and independent from the sovereign state. William Blackstone later asserted that “natural law had to be replaced with civil law” when the “inhabitants of the earth increased in number, craft and ambition” to ensure happy communities. John Locke preceded the Americans in demanding the fundamental right of the landed gentry to “own themselves”. He asserted that “...every man has a Property in his own person”<sup>757</sup>. Right of life, liberty and property are nothing more than the “residuum’ of natural liberty – the part which is not required to be sacrificed to public convenience. Blackstone echoing Locke stated that the principle aim of society “is to protect individuals in the enjoyment of those absolute rights which were invested in them by the immutable laws of nature.” [Glendon, pp 43-44]. The right to property led to the right to privacy (as illustrated in the case of Norma McCorvey, to rights of personality. In turn they are the depiction of the ‘lone ranger’ depicted by Hobbes, Locke and Rousseau.

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<sup>757</sup> John Locke, *The Second Treatise of Government, in Two Treatises of Government*, ed. Peter Laslett, (Cambridge: Cambridge University Press, 1963), 31

Karl Marx on the other hand made an excoriating attack on this tendency to see man as a lone ranger. To him, man's essential being was the "species-being" who had become self-centered. To him capitalistic society had historically alienated citizens one from the other by setting-up class societies. However, it seems that capitalism as espoused by the United States of America has won the day. Within it and contrary to the communist ideology one sees the celebration of individual freedom. Paradoxically, there has been pervasive corruption accompanying the unleashing of private initiative which is destabilizing or at least does not seem to solve the inequality it set to eradicate. The excellence of human common living and sociality seems to have been a serious casualty. The challenge is now to examine what it is in civil society that has actually suffered. Miloslav Bednar says that, the entire peaceful serenity of 'the Golden Age' of western democracies during the greater part of the Cold War (1945-1973) can legitimately be explained as the unequivocal success of the United States in her efforts to turn the catastrophe of two world wars into a democratic 'Century of America' for herself and into a 'Golden Age' for other nations<sup>758</sup>.

There is also evidence that the liberal, democratic society has not conquered totalitarianism. Politically, for example, it is obvious that totalitarian regimes have not perished from the earth, and their flexible vitality can be seen in the most practical terms on the vast territory of continental China. This large communist power applies a differentiated approach to the various regions of the country and strata of the population in respect to the usage of communist terror (the substance of totalitarian regimes) and to ideology as the principle of action. No less characteristic of this approach is a nationalistic mixture of Marxist ideological schemes with the traditional Chinese rhetoric of Confucianism. Thus there is an exerted effort to provide a state religion in China too<sup>759</sup>. Similar situations of totalitarianism appear in the name of democracy in such countries as North Korea, Vietnam, Laos, Burma, Iran, Iraq, Libya, and

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<sup>758</sup> Bednar Miloslav, "Democracy and Human Rights in the Aftermath of the Totalitarian Challenge", in *Civil society as Democratic Practice*, eds. Perez, Gueye, Yang, F., VII, vol. 22, (2005), 9-24

<sup>759</sup> Bednar Miloslav, "Democracy and Human Rights in the Aftermath of the Totalitarian Challenge", 10

Sudan, where we find various combinations of the totalitarian aversion to principles of human rights and democracy with both nationalistically and superficially religious approaches to propaganda.

Surprisingly, in order to find a solution to this liberal democratic tendency to individual rights and a certain twist of totalitarianism, Miloslav is innovative in looking at a different dimension in Locke's theory. He turns to Locke's treatise on Christian religion called *The Reasonableness of Christianity*. According to this treatise Locke sees the necessity of Revelation for the sake of the good of society. Revelation is necessary because "it is at least a surer and shorter way, to the apprehensions of the vulgar, and mass of mankind, that one manifestly sent from God, and coming with visible authority from him, should, as a King and law-maker, tell them their duties, and require their obedience, than leave it to the long, and sometimes intricate deductions of reason"<sup>760</sup>. Miloslav concludes that really "for Locke, the conceptions of the law of nature and of human rights are unequivocally anchored in the philosophical and Christian tradition of the natural law as the identification of Right with Good within the framework of human participation in the eternal by means of the law of nature."<sup>761</sup>

We therefore return once more to the same conclusions found in MacIntyre and Glendon. The society rather than the individual should be stressed as panacea for social, economic and political ills. The solution lies in their integration. The integrative process of state, society and markets emphasizes the dignity of the person and the importance of human solidarity. In order for these to excel, that is, for personal dignity to be exercised in society and for this to be personal in character, subsidiarity is required as a third and integrating element. The science and reality of reconstructing the civil society taking into account the other dimensions of human life and society calls for "a reconstitution of the structures of association and cooperation which implement human solidarity and cooperation. In each field—neighborhood, education, health,

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<sup>760</sup> Ramsey I. T., ed., (1958), John Locke. *The Reasonableness of Christianity*, Stanford, Stanford University Press.

<sup>761</sup> Bednar Miloslav (2005), *Democracy and Human Rights in the Aftermath of the Totalitarian Challenge*, Civil society as Democratic Practice, eds. Perez, Gueye, Yang, F., VII, vol. 22, p 13

business and religion—the forms of interpersonal social life must be rearticulated and promoted”. This encourages subsidiarity for the sake of solidarity. Hence, a univocal ordering of all according to an ideology imposed from above should be avoided in favor of the networks of civil society developed by citizens across the social spectrum, each defining its values according to its hierarchy. The healthy dialogue between the political, economic and civil society would bring about true democracy.

The problem among the communitarians, if for the sake of argument we may regard them so, is that although societies’ ailments have been diagnosed, the solution boards on sentimentalism. This is a way of reasoning closely linked to what MacIntyre called emotivism. From the philosophical perspective of Rafael Corazón Gonzalez this sentimentalism has been nurtured since the threshold of feudalism and the modern age. There is now a crisis of culture in the Western world as a result of the predominance of an empirical – naturalistic philosophy of life. There is a profound lack of philosophical deliberation in the modern western world and therefore certain recourse to sentimentalism or emotivism. According to Rafael Corazón, philosophy, as understood in the classical sense, is apparently no longer useful because man has degraded the ontological primacy of the intellect over the will and scorned the Aristotelian universal order<sup>762</sup>. In the 20<sup>th</sup> century Freud, Nietzsche, Heidegger and Wittgenstein announced the end of philosophy. Yet our western world does not seem more perfect or happier than it was even though man has taken up the responsibility of ordering all things unto himself. MacIntyre sees the result as a profound crisis needing a quick solution.

From the perspective of Rafael Corazón, sentimentalism is a result of agnosticism. Agnosticism on the other hand comes from voluntarism and nominalism which was inserted into the western man’s way of thinking as far back as William of Ockham and René Descartes<sup>763</sup>. Agnosticism is characterized by a trivialization of God, in such a way that, whether he exists or not, life remains constant because we already have adequate scientific-empirical knowledge

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<sup>762</sup> Rafael Corazón González, *Agnosticismo, raíces, actitudes, y consecuencias*, 15

<sup>763</sup> *Ibid.*, p 18



[Corazón, Rafael G., p 113]. The agnostic has already arrived to the scandalous certitude that what is ultimately important is to achieve personal satisfaction, to be satisfied with oneself. William of Ockham was skeptical that any laws of nature really exist. Emmanuel Kant demonstrates that human reason cannot demonstrate the existence of God. Sartre posits, in his phenomenology of *being and nothingness*, that what we observe is the infiniteness of the finite. He asserts that Life lacks profound meaning. What you see is what you get. Hence, Jean-Paul Sartre would affirm that 'it is absurd we were born at all...it is absurd that we die'. Aristotelian metaphysics and philosophy do not exist since they cannot be scientifically verified. Auguste Comte would affirm that the singular absolute is that "everything is relative". Taking cure from Hegel and considering the concept of success in the modern world it seems that modern man is the protagonist in a historicist and dialectic process of self actuation through human work. This simply means that man makes himself by acting in the world. One can understand Hans Georg Gadamer's surprise at the hollowness of words and concepts. Words do not convey the same meaning to everyone. Instead of encouraging consensus the obscure and hide meanings and become, on the contrary, the agents of division.

Sentimentalism becomes the root of justice in modern society. That is, justice seen from the perspective of social interpersonal relationship. Sentimentalism provides the true rational or voluntary bond among individual citizens. It becomes the principle form of relationship. If Classical philosophy envisioned a rational society based on the wisest decision, modern society has come to believe in a society based on individual freedom in turn based on voluntariness. Being rational or rather the intellect is there to serve our volition, whatever its desires are. Sentiments help identify one's feelings towards the others and with time enable one to make decisions on what is good or bad. They help intimate what is to be done here and now. Love (if we could call it thus) is understood as a physically and emotional attraction to another. It beckons from the other an emotional solidarity which we may call compassion or using Smith's terminology, sympathy. The superficiality of relationships lasts but a moment; they are brief and to the point. Sentiments view law with suspicion. Sentiments frown at commitment to juridical bonds and concomitant responsibilities that go with law, social responsibilities and economic exigency. More so because the law just represents one more general opinion among many.

Since the intuitive or immediate knowledge/action is what is most valuable, norms and absolute values are frowned upon. Traditions and customs become more and more emptied of their original value and aims. What matters is what one decides. Values become a private ‘thing’; a private ethic is born as opposed to a public ethic. In the private secular sphere anything goes, anything is fine. In the public sphere one should guard against molesting the others with their personal value systems. Lack of public moral norms also affects the moral authority of the state. The state slowly loses any moral authority to prohibit determinate actions if they do not affect the normal rhythm of public life. What remains in public or social relations are the external goods, such as materialism, sex, consumerism, hedonism and anything that can be a material good such as health prescriptions. These material goods of society should be defended by everybody. Schopenhauer, Nietzsche, Sartre and Heidegger are examples of such pretensions which reduce the person to nihilism. That is the person without any real value of being. One *is* and this has no deeper meaning. Human life is as Nabokov once said “is an abstract commentary of an unfinished poem” or better, as Sigmund Freud puts it, human life is made-up of a continuous complicated personal fantasy, interrupted by death before it is accomplished<sup>764</sup>.

Since, liberalism, empirical sciences and intuitive knowledge (nominalism) have become the core values of society; they are to be guarded under any circumstance. They are the only true values of man. Any contrary opinion is not tolerated. The result is a paradoxical ‘fanaticism’ against religion and any assertion of absolute morals. A posture of this kind is an aggression against an agnostic and should be suppressed. Any contrary position against an agnostic, bearing in mind his tenet of freedom should ideally be seen as just another opinion. However, in practice, this cannot be because such a posture or stance, as absolute morals, would entail attacking the very philosophical premise of agnosticism. It is therefore irrational, more so if it pretends to preach Divine Revelation which for them would be of a non-existent Deity or one that cannot be known rationally. The believer is not free because he has forsaken the very substance of living which is licentious freedom and autonomy. Therefore, such a one is a public enemy who is

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<sup>764</sup> Rafael Corazón González, *Agnosticismo, raices, actitudes, y consecuencias*, Rafael González (1997), *Ibid.*, p 102  
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infamous and should be crushed. That was Voltaire's cry; "*écrasez l'infame*", which my free translation reads 'crush the hateful'. But this is fanatical and prone to lead to violent conflict. Therefore, the communitarians have identified the puss and the wound. What is also evident is that to purify the wound and heal it one cannot have recourse to the very tools that have caused the ailment, namely, sentimentalism or emotivism, the social contract theory and the market society theories. Most of all it seems opportune to avoid the Platonic republic. It seems logical that we should turn once more to Aristotelian tradition in all its grandeur updating this theory with current experience.

#### **4. Conclusions**

It has been established in this thesis that, inseparably united to Aristotelian thought, good men and the good community are most properly found in a self-sufficing *Polis* or *City-State*. The good man and free man are absolutely necessary for the establishment of the community of freemen. The common good is to be found in the best constitutions and therefore in the best law. The common good is the highest comprehensive good in the order of nature for it is more divine than that of the individual good. Further the good of the individual demands the common good because man is a political animal or social being by nature. It has also been mentioned in our study of Aristotle's *Athenian Constitution* and *Politics* that the community of freemen is to be found where the best man and the best law govern the community. Following the same trend of thought, it has also been clarified that the best constitution and the best laws of an excellent community are three; namely, the Monarchy, Aristocracy and Polity. These three good constitutions seem to develop as a consequence of the growth in families and geographical area of the community. Thus when the families are few and small, the government is Monarchical and when there are many and large families the government is perfected in Aristocracy. When the city is very large uniting many villages then it would naturally move towards Polity. Conversely the corruption of the good constitutions and consequently the corruption of the good laws coincide with the corruption of the three general types of constitutions above. The corrupted constitutions are tyranny, oligarchy and democracy as defined in Aristotle. There seems to be a

hierarchical transverse from Monarchy to Tyranny, to Aristocracy, then Oligarchy and democracy depending on who possess the most powerful arms and therefore who subdues the others. Finally, Polity is established on the basis of a good constitution which ideally should contain all the good things we find in the best constitutions. This is summarised by the concept of the best man and the best law. Additionally, the best ruler and the best citizen coincide in character in the most perfect city, so that each can rule the other in turn. We have also seen that the vicious ruler and the evil man together cause the corruption of a city's constitution. The corruption of the constitutions follows upon the corrupted or vicious character of the rulers or of the citizens.

This thesis set out to theoretically analyze the general principles underlying the political constitution of society in the common good according to the Aristotelian tradition in the light of liberalism ethos. It is neither the purpose of this thesis to affirm the Aristotelian philosophical model of principles of a political constitution of society nor that of liberalism. Much less is it to analyze the consistency of the philosophical argument of both. Rather it is an attempt at understanding the possible general theoretical models of political constitution of societies and especially how they answer to the question of civil humanism. There are other new or old models such as communism and communitarianism that have made an attempt at answering the same questions and hence we have summarized their perspectives for the sake of a more global perspective. Modern societies have indeed grown towards the achievement of a better world. In many societies there is more personal moral freedom to search for personal and social perfection, materially, bodily and spiritually. There is more access to good education and instruction in a transnational, transethnic and transracial context. In brief there is a higher level of global civilization.

Christopher Dawson lauds modern society for having developed a system of economic markets somewhat like a vast cooperative effort requiring a very high level of social discipline and organization. There is a better treatment of the woman as a free person. Despite this progress humanity still contends with wars and conflicts of international magnitudes, totalitarian governments, genocide and economic crises due to unethical morality. Most of all a growing neglect of certain natural principles and causes of social good such as the family and civil

associations invariably damages the natural freedom and gift of person and society. Rethinking the principles of a good political constitution is therefore necessary. From our intention to answer these questions a number of conclusions can be derived from this thesis.

#### **4.1 Restating that Human Beings are Political Animals**

Both the Aristotelian and the liberalist traditions acknowledge the fact that human beings form societies for the sake of serving the common good of society and the particular good of each individual. The Aristotelian definition of a political animal differs from that of liberalism mainly in the fact that in Aristotle, the political processes are natural and is informed by ethics of morality. The outcome is a delightful or happy society. In liberalism, especially, in Hobbes, the political process is artificial because natural law leads to conflict since human actions do not follow morality but voluntarism; and it is not reasonable that human beings follow an objective morality. To stop that conflict human kind needs to accord sovereignty to a one person on the basis of fear and a social concord. The outcome of is a liberal, pleasurable life limited by the rule of *Leviathan*. This process is inevitable since the sovereign is fearfully powerful in comparison to all other individuals in a particular society. So adherence to the sovereign has to be based on fear and governance on the sword of fear and the sword of war. However, in both definitions a person who is “without society, without law, without family” will naturally be a lover of war or as solitary as the birds. In Aristotle the human society is a consequence of both a natural pre-determination and a human effort based on human wisdom. Thus the proponents of the artificial process of political society reinforce one another. Hobbes sees society as a result of an inevitable social contract and so does Kant, Adam Smith, Rawls, and modern liberalists such as Robert Nozick. The communist saw the best society as a future historical inevitability that would be achieved in a classless proletariat society; a condition which is to be achieved through revolutions. The communitarians too emphasize the natural civil society and decry the modern tendency to disregard civil associations. They do this taking into account either the Hegelian philosophy or the Aristotelian perspectives of civil society. The questions that distinguish the different theoretical perspectives are however in the manner of politically constituting a society, the roles of the different parts of society and their interrelationship and the corrective measures

that need to be undertaken to reconstitute the political reality in case of deviance from the proposed norms.

## **4.2 The Family as Primordial Principle in the Common Good**

The Aristotelian perspective offers a more encompassing response to the nature of political constitution of a society. Unlike the Liberalist, the human being as a natural political or social animal means that from the communion between man and woman, who by their nature are created to live together, politics is an intellectual and practical way of freely bringing about and preserving human society. This process begins with the political or social act of marriage, generating, educating and preserving the family household. Thus, in the political act of marriage, as a way of existence or life, are born the principles of good forms of government in general, namely, the Monarchy, Aristocracy and Polity. In the political relationships arising between man and woman; paternity and filiation, and master and servant is found the principal nature of politically constituting a self-sufficient society. In this household too is found the principal exemplary nature of the common good when the household management brings about the self-sufficing family in the common good. The relationships that arise in paternity, filiation and service are a form of kingly law between parent and child and servant, a constitutional relationship in the male and female principles, and the relationship of polity between brothers and sisters.

Aristotle also allows us the possibility of using his metaphysical principles to illustrate that the substance of society. That is because it is evident that the Aristotelian corpus is a dynamic whole rather than an atomic collection of different sciences. Further, we agree with him that Political science should try to understand all other sciences in order to order the polis according to right reason or good for the simple reason that sciences are called upon and have their *raison d'être* in the common good. The parts are so arranged in a society as to ensure that the whole society and every part is self-sufficing according to its natural needs. Fatherhood without motherhood, and without filiation, and without servanthood, each solitary in itself, may not bring about a self-sufficing society. All principles of family educate, especially the paternal principles. They desire to leave a perfect image of them behind. Besides perfecting each other, a good family also provides friendship and love, security, mutual advice, mutual education and

mutual health, mutual help, mutual rest in one another and mutual pleasure. Every conversation in the family is a form of education.

If as Aristotle says in *Physics (Book VIII, Lecture 7)* that there is necessity that there should be a motion or first movement that that comes from the, unmoved and eternal, since all other motion depends on this. In addition he says that this motion by the unmoved will always be imparted in the same way and be one and the same, since the unmoved does not itself change in relation to that which is moved by it. That first movement is according to him locomotion. Therefore, we concluded that we notice there is a principle that moves society and that is the 'family'. This notion of the family in society is perceived in fatherhood, motherhood, filiation and service within them. The eternal unmoved 'family' moves and sustains the qualified family relations in human society to perfection in the eternal unmoved family.

We also mentioned that the 'family' naturally concretizes or gives reality to a person's categories of identity or predicates; Substance (answering to the question what is it); Quantity (how large); Quality (what sort of a thing is it); Relation (related to what); Place (where is it in relation to its surroundings); Time (When was it); Action (what is it doing or changing in another); Affection (how passive or what is it suffering); Posture or Position (In what attitude or what is the condition of rest resulting from an action); State or Condition or Possession or Having (How is it circumstanced, what is its condition of rest resulting from an affection). If any artifice were to change this nature then it should be an artifice greater than and more perfect than the first unmoved mover.

Aristotle avers that the relationship between man and woman in marriage is constitutional; that is, it is based on mutual consent. It is a common life between two free citizens who freely desire to unite in order to form a primary society we commonly call family. In the first place there is paternal rule of sons and daughters and servants, in the second a communion between the mother and father and in the third there is communion between equals. The need to perpetuate society through friendship and filiation brings about the motion towards a self-sufficient society. The education and instruction of the members of the family brings about good political relationships of friendship and service between them. Paternity is a gift in every way since neither man nor woman nor does a child affect the form of their nature. In the same sense,

paternity is a 'gift' of nature in every way, hence the very basis of society is a 'gift' of friendship and communion and service.

Servanthood is a relationship of exchange and proportional equality within the family principle. The relationship between servant and master in Aristotle's *Politics* appears as a despotic relationship. He also appears to preach a theory of immutable classes in society according to natural function and progeny. On the other hand, Aristotle applies the analogy of the relationship between rational soul and body as the measure of the master/servant relationship. Hence, it is the wisest and virtuous persons that have the role of leading and governing a society since they have the best dispositions to define the good, make good laws and practically apply them according to context. Those who have a lesser combination of wisdom and virtue should properly follow and identify with the good authority as good servants. The soul uses the body bearing in mind that it cannot do without it and treating it well, feeding it properly, taking care of its bodily health, instructing it in virtue with fortitude, and finally maintains the unity and peace between body and soul through contemplation of the good (speculative reason). Analogously, the wise and virtuous leader or leaders find the nature of the common good defined by this relationship of body and soul. This relationship is ostensibly what has come to be defined as the nature or principle of the common good in Aristotelian tradition.

The principles of paternity, filiation and service to one another can be applied in a communion beyond that of marriage and consanguineous relationships. For example, parentage is a fundamental basis for identifying the status of citizenship in the Athenian society. The family is also defined briefly as "companions of the manger". It can be consanguineous, which is the most natural way of understanding a family in the sense of civil society. However the principles that define family are paternity or provision of good life, filiation, which is enjoying and reciprocating the gift of paternity and service to one another. While there is motion from one state to another, paternity, filiation and service remain the same for all families constituting a society; and there is no one who does not come from a form of family. Service in the common good engenders relationships of one family with another. Therefore, in so far as these principles are perfectly lived in particular society, the term family can be used to describe that relationship. Further, since these relationships are primarily defined in a moral way then the highest moral



relationship generates the highest nature of family. For example, fatherhood and mother hood are applied more perfectly to those who fend for and educate and instruct others in the best way possible. Hence, sometimes we may say that the fatherhood or motherhood of a society is a participation in the ‘fathering’ and ‘mothering’ the most perfect self-sufficient state. In fact without a self-sufficient state or a state-of-war it is difficult to generate and sustain a consanguineous family; besides the common good, as we have said is *prior* to the household since the latter is a part of the former. This gives ample room for more research on the types of associations or ‘families’ that define a good civil society and those contrary to it. For example, a union that cannot guarantee perpetuity or virtuous education and instruction of its members for the sake of a good society in its totality is obviously contrary to the common good.

We acknowledge that the political reality in Aristotle’s epoch and what he tries to define as a politically well constituted society were sometimes contradictory. Nevertheless, the philosophy of a natural society is present and succinctly definable in his political and moral philosophy. His philosophy is also unequivocal on the spring of society being the communion of man and woman rather than the individual according to liberalism philosophy. In both Hobbes and in the most modern libertarian Robert Nozick, the fountain and end of the state is the grouping of individuals and the one who rules is the strongest person or persons able to ensure law and security for the sake of individual freedom which is defined as relative to the individual choice. Therefore they preach justice before good. Furthermore, the end of the state is to ensure the free individual. Thus a ‘modernist’ relationship is born between the civil society, the individual and the ruler. All other civil associations are for the utility of the state and the individual.

### **4.3 Contributing to the term ‘Common Good’**

We emphasize that the whole Aristotelian philosophical corpus should be viewed as a unit or whole. To divide the corpus is to deny its original value and holistic perspective. For instance, without his *Physics* and *Metaphysics* it is difficult to define the terms nature and artificial in his *Politics*. Based on this thesis we claim to add a new dimension to the already many definitions and perceptions of the term common good. The common good is most perfectly defined as the state of happiness or delightfulness in a self-sufficient society. Peaceful living,

order, material self-sufficiency, human bodily health and communion have often been seen as the manifestation of the common good. These form a legitimate definition of parts of the common good. However, the common good has as its objective happiness and this happiness, *eudaimonia*, is most delightful in virtue and contemplation of the highest truths. Aristotle's happiness is defined as "living well and acting well". Self-sufficiency is defined as that which when isolated makes life in a society desirable and lacking in nothing. Although the absolute good, or the common good or the 'separated' perfect good is difficult to arrive at, it is necessary "that one should know the separated good (substances and the most perfect of these is God) itself. This knowledge is for the sake of the goods produced and possessed" since "we will be better able to know and consequently better able to acquire the things that are good for us. Therefore, what unites all the categories or genera of being is that they are good according to the manner in which they participate in the perfect good or common good (the substance of society). The personal good and the common good therefore are interlinked and inform one another; the common good is *a priori* principle of society. *A priori* means that the self-sufficient civil society as a whole is prior to the domestic household and to an individual person since the whole is necessarily prior to the parts in the order of nature and perfection. The parts have their complete meaning in the whole.

From an Aristotelian perspective the term common good is applied principally and naturally to the family first and then to any self-sufficing stage within the process towards the most perfect self-sufficient society. He saw the most perfect state that is able to reach self-sufficiency in every way as the polis or city-state. That seems a limitation of the circumstances and realities present in his time and can be contradicted by modern reality. However, a keener eye on the Aristotelic theory has made us define a concept of subsidiarity within the self-sufficient state. Accordingly, it is evident that in the natural political process towards a self-sufficient state, the roles of the family, village, and province can still be distinguished in any modern state and therefore can partake of responsibilities within the common good of the whole state, in their own right. Although modern states may pass as the most self-sufficient with regard to the good life, size, power and structure these very adjectives differ among them. Furthermore, the self-sufficiency levels of family, village, and province are still evident in most states. Hence, we can speak of natural family business, local and provincial governments and regional

governments. It is self-evident that the family, the village, the province and the national level can be self-sufficient; first with regard to daily needs and then in the non-daily needs that give rise to natural unity at the different levels.

Ultimately the common good is said of a society when there are sufficient external, bodily and spiritual goods arising from a unity of families. Sufficiency does not mean that everything is there at once, rather that, in case of any need, someone in the society can provide it. Just like the cells of a body unite to form tissues and organs and the whole body, each taking a role in the proper function of the whole body, so do families conjoin by nature to form the self-sufficing society. It is also evident that this state of the common good is continually in the act of being perfected. That state of working towards the common good serves as the end of every human action and the society at the same time. Since man cannot be perfect here on earth then it also becomes evident that the most perfect common good is an aim that lies beyond their reach without the creator. Aristotle called the most perfect state of self-sufficiency divine and a heavenly state. Aquinas proposes that the most perfect common good is the family in God. Therefore God has been called the ontological common good by Christian and other religious exegetes of the common good. The happiest state in Aristotelic social life is the contemplative state of the greatest good.

Aristotle links religion (theology), natural law or precept (natural activity of the intellectual soul, will and conscience), virtue (moral activity), custom (commonly accepted moral and religious norms), positive law (written decree, law or right). We could call this the natural process of law and social order that should be the constant engine of the renewal and revision of the good constitution of a people and the laws that depend upon that constitution.

#### **4.4 The Virtuous Person and Society**

Robert Spaemann says that to be a 'person' exceeds mere individuality. A man and a woman is 'someone' not 'something'. A person has a name. Boethius defines the word 'person' as 'the individual substance of a rational nature'. This singularity of personhood making 'this person' distinct from any other and defined singularly by a name, is a created being through the medium of the primordial 'society' referred to as the family, made up of a man and a woman. The distinction between the term 'person' and 'individual' is an old battle present even in Plato.

Our thesis is that the ‘family’ naturally concretizes or gives reality to a person’s key identity. This occurs right from the beginning of a person’s body which is said to be the composition of matter and form. Human beings are received in the family unit. The family is the source of primary and secondary substances that define each person and this is according to universal natural distributive justice. The Motion of a society begins with the communion of marriage and offspring and service to one another. A person’s heritage, family education, moral habits, and disposition towards things in society are naturally molded in the family right from conception. A person is therefore not a discreet *atomic* quantity grouped together by nature but having no essential unity or interdependence. The ‘temperament’ of a person for example, is genetic. Furthermore, human dispositions to good actions (i.e. virtues) are modified through good education and education which is first and foremost said with regard to the ‘family’. Thus a person owes his way of being in society to the family. The person’s place, and position the most basic place which identifies the person is first the family and family name and then the place or country he comes from. A person’s material possessions are primarily given in the family through inheritance of capacities or property. Therefore, we conclude that those categories by which we predicate and identify a person are primarily received in the family and perfected in the self-sufficient society through virtuous living and productivity in the common good.

Parents, teachers, co-workers, friends and associations of common life, such as the church, social clubs and other institutions help the family and are formed by families to reinforce this bond between the particular good and the common good as Alasdair MacIntyre and Professor Rafael Alvira point out. In everything that is a unity made up of a complexity of parts, each having its own active power, that power which regards the universal end moves the powers with regard to particular ends. Happiness is possible when each member of a community apprehends personal virtue and excellence in the virtues of a good citizen. For that to happen, each distinct part pursues its own ends according to its competencies and in the light of the common good. The individual person identifies with each natural or artificial association according to his free choice and builds personal virtue rationally according to what he learns from the good institutions. Naturally these institutions understand the person more intimately than a state government; the person can easily identify them; and they therefore give a person his identity. Thus the citizens know each other easily through the ‘universality’ of institutions. Civil

institutions are fundamental for a good society and should be reinforced through the constitution of a state. This is a matter for further research.

A person is alienated when he refuses to transcend himself and live the experience of self-giving in the formation of an authentic human community. A society is divided if its forms of social organization, production and consumption make it more difficult for there to be the gift of self and to establish this solidarity between people and institutions. Isaiah Berlin coins two forms of liberty, positive and negative liberty in the “*Two Concepts of Liberty*”. The question is not whether to enjoy liberties in so far as they are private, distinguished from the power of the state. With the demise of communism the argument of utility has been won. The problem is to go further than utility in understanding freedom. Economics is not the foundation of freedom. Ultimately a person should live solidarity or “common good”.

#### **4.5 Developing the Concept of Civil Society**

Aristotle proposes that “a city ought to be divided by families into different orders (or classes) of men” [*Politics*, VII.X.1329b1-5]. The families are the principle parts of society and secondly the nature of their tasks or professions within society is to be distinguished. The society is therefore a whole made up of man and woman together, then family households and these households are distinguished according to their professional orientation. For instance, man and woman are distinct parts in society given their distinct natures; viz, feminine and masculine [*Politics*, I.IX.1260a20-30]. To serve all parts well it is necessary to know their special attributes. There are also other important parts; that which governs; that responsible for agriculture, artisan’s, the military, and so on. The Agricultural class and the artisans and similar professions were generally considered slaves and not appropriate for the governing class and the governing class was strictly speaking called the citizens and were to own land; an idea evident also in John Locke. These parts of society are foundations of the ‘classes’ or parts of society. While the interpretation of this rationale is varied and sometimes forms the basis of disregarding inequality in Aristotle, we see another rationale to it evident in modern societies today. That is, a good society necessarily needs to train and foresee the needs of every part of society according to their most important function and that is their professional work. We cannot despise professions but we can recognize and serve the needs of each profession. Naturally, there will be highly paid

jobs and lowly paid jobs in society. There will be professions that require profound scientific formation while others not so much.

A failure to recognize these distinctions without dividing the society, results in two basic flaws in the common good. First, society will not train its professionals properly according to the best practice of the profession and secondly, society equalizes those who have more with those who have less with regard to commodities, residence, security, education and property among others things. As a consequence of this, those who cannot afford dignified lifestyles for lack of economic welfare are left to languish in poverty on the pretext that all are equal. We conclude that the nature of professions should be recognized and served in proportion to their needs for the sake of getting the best professional work necessary for the good of society. This is not a call to renew class struggle; rather it is a call to understand that a good society needs to see the differences and give answers to the questions they present. Giving a blind eye to these differences has only shown that the more endowed get more power and the less endowed suffer greater injustices. To recognize the differences and to solve the problems that arise is part of proportional distributive justice. A family and a person choose their profession freely although this has consequences as illustrated above. Furthermore, it is reasonable to conclude that families will tend to pass on their professional skills to their children as happens in many family businesses. The question is not which profession but determining proper institutions and serving these institutions with justice for the sake of the common good. Liberalism takes for granted that all are materially 'equal' and free and therefore society is mainly a free market in which 'selfish' action should be defended and the market given physical security. Hence, society is for those who can survive the conflict and competition. This is difficult to defend especially with regard to education, culture, ethics, ecology and civilization in general.

By 'nature' we mean that complex of powers properly coordinated to one object as its end (telos). It is a broad principle of dynamic operations in things. We observe in reality that man lives among other men and that the inter-relationship among men is good and necessary for the sake of man's good; secondly, that he lives with other elements of nature which form an essential environment for the good of man. Thirdly, we observe that this reality is what we call society as a whole. Fourthly, we observe that this society concerns 'many' or a multitude, each

seeking its own good or appropriate telos in relationship with others. Lastly, one understands that man makes an effort to find out the nature of this unity in multitudes in order to live well; to be happy. This unity or order, as we have explained, is that good which is common to them and that helps them attain their ultimate good personally and as a multitude or whole. Artificial institutions are defined as those associations of men created by the effort of human wisdom for the sake of the natural society. They do not arise naturally. For example, a polytechnic institution, a church 'building' and a football club are associations aiming at enriching the natural family and the self-sufficing state.

Disorder would result if each person and therefore family looked after their own interests or good and the social institutions ignored the family household. Governing institutions is a natural provision of human nature. Otherwise, the multitude would be broken up, scattered according to their needs and in destructive conflict. Nature calls for an agency to take care of what appertains to the commonwealth. When all parts "are ordained towards one end, one thing is found to rule the rest". Participation of each person in the political organization of civil society makes the individual person self-sufficient. It adds the good of the others to the good of the individual person. The goods' of all in a society and that of everything in a society are directed towards unity in the whole without destroying the parts. Only in this manner can there be a common good within the Aristotelic politics. The art of governing, just like any other human art, imitates nature. Nature, gratuitously given by the principal efficient and final cause, provides the starting point of the human intelligence. This principle can give a natural union between operation and effect of human political activity. Just as a ship builder should understand the nature of the material he uses to make a ship, so should the politician understand the nature of man and the parts of a society. That which leads more directly to the common good is the most useful thing in a society, therefore this is the role of governing wisely and it is the most important function of a community.

It is necessary to have more reasons for human associations in society than their utility. A tyrant views social institutions as tools for his own good. The ruler or rulers in the common good are the force or power that unites the parts of a society which together constitute a good society. The force or power is not necessarily coercion as Hobbes or other liberalists say. Dyson also says

that the term “multitude” in Aristotle and Aquinas is most closely translated as ‘community’. It is also clear that a person is vicious when not be contained under the rule of reason and the practice of virtue. However, it is evident that the vicious should be coerced to do good and if not eradicated from society if they cannot be reformed. A civil society is also perfected by the gift of speech for the sake of communing-through-communicating useful and harmful things, the unjust and the just and similar things. The state keeps people more excellent in accordance with justice and virtue. Justice is here defined in the Aristotelic broad sense as the ‘principle and order of society’ and law similarly is the manifestation of all virtue. This is to view civil society as something whose value is to maximize material goods. Civil society may be seen as *communicatio* – the free sharing and receiving of gifts among free members of society.

Living, that is, being, existence, co-existence, and reality, according to the natural inclination towards right and good in the family is the foundation of law. The maturity of this co-existence is the constitution of a people. The constitution and the laws are not a foreign ideology of what is right but rather they are a manifestation of what is best according to the natural inclination to justice ‘lived’ by the communities first. This being so then history and revelation come before the constitution and the laws. The laws that derive from that history are therefore not a principle that have their source and end in themselves but rather have their basis on the natural constitution of a people (i.e. the natural law). Knowledge or science builds upon this natural law and keeps its substance. This knowledge or science observes the old and the new realities of a constituted society and keeps developing both the knowledge of the old realities and the ‘new’ revelations of reality. The convocation of a people into a community is not the insertion of a new law alien to them. Rather, it is the formalization of a people willing to commune as ‘one’ because they see that their unity perfects them. As Professor Alvira demonstrates, the unity of families in a self-sufficing city is not merely the sum total of families because the unity among families provokes new relationships and therefore goods. The constitution could be summarized as the result of common life, customs and faith of the people. The *good man* is what calls them to unity, because in that unity the whole and the parts will be more perfect. Up to this point ‘the sameness of the community consists chiefly in the sameness of the constitution, and it may be called or not called by the same name whether the inhabitants are the same or entirely different’ [Pltcs, III.III.1276b10]. However, if a people were to be



colonized by force, it is hard to see them as the same, that is, they own their constitution. They ostensibly become a community of the colonizing nation and lose ipso facto their identity to the new colonizers.

#### **4.6 Aristotle's Political Institutions are Still Relevant**

Since the term 'society' is said perfectly and first and foremost with regard to the family and not the individual, therefore the family and not the individual is the principle of society. A state or self-sufficing society is constituted by the people according to the good forms of government. Aristotle develops the most comprehensive practical forms of government in comparison to most of his predecessors and successors. Plato's *Republic* defines a type of *Republic* whose nature is considered, in part, repugnant to justice and morality by Aristotle. Aquinas sees the Monarchy as the best form of government to be followed. Hobbes defines the tyrant, *Leviathan*, and makes him a sovereign. Smith understands society as a market place and with regard to its leadership, accedes to Hobbes' definitions of the sovereign. Rawls' *Original Position* is merely a hypothetical situation somewhere in past human history; more specifically it occurred at the threshold of the modern period (18<sup>th</sup> Century). Hence, he also understands that the governing structure should continue according to *classical* liberalism and democracy. The power of the sovereign is vested in a social contract similar to Hobbes' social contract in the *Leviathan*. The communists, on the other hand, define a dictatorship of the proletariat similar to the tyranny of the poor over the rich. The communitarians have not defined the nature of the sovereign distinctly from Aristotle or as the case may be from Hegel or from Liberalism and democracy. The communitarians re-look at 'civil-society' institutions, a position that theoretically presupposes a type of 'social contract'; hence the confusing signals they seem to give.

The whole state is a natural civil unity and its governance develops naturally. No part should be excluded within the generation and preservation of a good constitution. The state is a community of families and aggregations of families in well-being, for the sake of a perfect and self-sufficing life [*Politics*, III.IX.1280b]. Those governments which have regard to the common interest are constituted in accordance with strict principles of justice, and are therefore true forms; but those which regard only the interest of the rulers are all defective and perverted forms,

for they are tyrannical, whereas a state is a community of freemen [*Politics*, III.VI.1279a]. A free man is one who can direct himself towards his end intelligently and is not constrained with regard to thinking and acting for an objective good according to one's conscience<sup>765</sup>. This means that a person's virtue lies primarily in choosing the end seen as good and choosing the means towards that end. The end is in the future so we cannot know it perfectly just as we cannot know history except through a type of 'revelation'. Nevertheless, history does demonstrate a 'revelation' of the good law and the good action. He who acts accordingly habitually is disposed to good intellectual and virtuous action. Virtue must be the care of a state which is truly so called. It is also quite clear that without regard to an intelligent creator human action is ultimately reduced to mere animal instinct.

The good forms of government are generally called the monarchy, aristocracy and polity (sometimes described as a democracy). The key for governments to be good is that those who govern, do so according to the constitution or best law, wisely and virtuously (prudently) and for the common good. When they usurp the common good for themselves they are called tyrants and therefore three general bad forms of governments are derived; namely, tyranny of one person, tyranny of a few (oligarchy), and tyranny of the poor (anarchy or democracy which has the same definitions as an oligarchy for it is its opposite). The government should also be administered with the right institutions. Family households should be well constituted and given space for development (that is, except for slaves and in this particular regard Aristotle may have been mistaken). The offices of administration included that of the chief elected Archon or King, to whose office belong the most important role of religious worship. Other offices suggested were military offices, office responsible for the market and treasury, city-wardens, boundary supervisors, elected judges, civil engineers, police and guardians of the law and prisons and so on. Professor Alvira has proposed that these institutions could be further analyzed into the

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<sup>765</sup> Freedom is understood as the capacity to direct oneself intelligently towards an ordered end through good actions. Freedom is not leaving oneself free to the passions. Rather passions are an asset to be managed by the intellect. See Aquinas, *De Regno*, chp 1, para. 1.

transcendental concepts and categories of society. Transcendental concepts of society are its History, Civilization, Education and Culture. Its categories are Habitat, Economics, Law, Political administration, Ethics and Religion. Appendix 2 is an attempt at configuring the Aristotelic parts of a common good society especially from Professor Alvira's perspective.

#### **4.7 Hobbes a type of *Father* of Modern Society**

Aristotle observed that a King in reality cannot rule according to a constitution because the ruler is the law and rules in cases of arbitrary decision. However, he still held in that in societies still at the 'youthful' stage and still few in number, the King can rule wisely and the best person should be king. Further, that where the society grows and the numbers of freemen increase significantly, the King or Monarchy should rule according to the best law. Only this can result in the King ruling for the sake of the common good. Hence, there should be a sort of constitutional form of government where the best man and the best law rule. He also establishes that whenever this rule is not followed and the King, rules for his own good and usurps the common good for himself, and rules without regard to the opinions of the people, then he is a tyrant.

Hobbes (1588-1679) mainly reflected on philosophy and political theory. He lived in a historical moment in which inter-monarchial wars were the norm of social life in most of the European states and the renaissance was at its zenith. Hobbes work aimed at a political philosophy that would turn the desolate state imbued in a "dissolute multitude of men, doing everyone what his own reason or imprinted light suggested"<sup>766</sup> into a perpetual peaceful, prosperous and powerful state. Hobbes on the other hand came to believe that the laws of nature are not sufficient to preserve peace and that the laws of nature in the state of nature are silent. If the state of nature leads to a war of all men against all men, then man is prepared to seek peace through contract or concordance among men. This is the '*social contract*' principle used in all

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<sup>766</sup> Hobbes, *Human Nature: or The Fundamental Elements of Policy*, E.W. Vol. IV., 287; in Ashcraft Richard, "Ideology and Class in Hobbes' Political Theory", *Political Theory*, Vol. 6, No. 1, (Feb., 1978), 27-62

other liberalist philosophy. Thus Hobbes, who is the first to define it is said to be the true philosophical father of modernism.

Societies resulting from mutual help cannot obtain the peace they hope for in the end and they have to do something else in order to obtain and sustain their common good. Hobbes concept of common good is the mutual concordance to secure peace from the many that come together or from external attacks. The only way to sustain this common good is but instituting 'fear' so that no one breaks that concordance. By the sword of justice and the sword of war a tyrant maintains peace because man is not distinct from other animals. He also moves away from the Aristotelic society by saying that what is needed is individual consent to the sovereign and nothing more. There cannot be a common will such as democracy. Once the consent is given to the most powerful then the sovereign becomes the will of the society and sustains this will by instilling fear. Therefore from the concept of fear and of power, he comes to the conclusion that the sovereign will rule and is so to speak the *a priori* force that brings together society. The Absolute Monarch must rule absolutely and he does so once the citizens not only consent to the union to establish the peace of men but the Union is in fact the right of all men conveyed to 'one'; *Leviathan*.

Civil society is *artificial*, that is, it is not natural. Consent, in brutal creatures, is natural but for men it must be by contract. In this sense the human being exceeds animals. To achieve the gathering in which men are to make the contract to entrust to 'one' their rights, it is necessary that they give it first to a man or a council. The man's or council's task therefore is to find the common good of all men<sup>767</sup>. Hobbes understands that man's action is consequential for it derives from a will to carry out what the appetites dictate; and that is first preservation from warring peoples and then pleasure and avoidance of pain. Since the animals which live by sense and bodily appetite seem to have the most peaceful society, then Aristotelian virtue and good law is irrelevant and counterfeit. Human minds it turns out are no different from those of animals.

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<sup>767</sup> Hobbes, *De Cive*, E.W., vol. 2, 69

Creatures do not reason, see no defect and hear no comparisons. Man in society should therefore imitate them and if man cannot then the sovereign should instill the fear of acting on the contrary.

Hobbes understands innovation in human society as ‘competition’, which is a mere distraction and civil war. One man is always looking to excel the ‘other’ whom he considers an enemy and therefore any innovation by one is detrimental for another. Our capacity to develop ourselves is always seen by Hobbes as an attempt at gaining more power to restrain another and most of all to stand unequal, which is the natural state animals do keep very well. In this particular point Hobbes and classical liberalists differ from modern liberalism. However competition as Hobbes suggests leads to the strongest among the competitors winning. Hence, modern liberalism would be advised to take Hobbes seriously in order to see their error. Human beings are to be equal like the animals and the only thing that differentiates them is he who is strong. The strongest is the sovereign. Although this principle is rejected by Locke and other later liberalists, the principle of equality in man is maintained in all of them and appears as a key term and basis for the French Revolution; *Egalite*.

Men come into concord because mankind has a natural tendency to seek self-preservation in society although this will not make him happy. By nature man is a solitary being much like animals. This is one of the best illustrations of individualism and would later be used to make ‘the individual’ pre-social by most liberalists. If the individuals in society remain, in the main, like slaves this would make the world of ‘*Leviathan*’ much easier. Thus fear should be his recourse and the sovereign should use every instrument including religion to instill this fear. Man is not in his perfect state a social animal but a pessimistic individual who lives for himself. Hatred of ‘the other’ intensely rooted in the mind of man ‘Wits’ cannot allow natural society. *Zoon Politikon* is a superficial understanding of society according to Hobbes.

The principle of utility is what ‘moves’ (motor of) individuals to form society or community because by nature they are not formed for society but for their own selfish pleasure. Any other judgement of good or bad is according to self preservation. Here we see the first seedlings of consequentialism and morality as relative. Hobbes rejects the concept of ‘good’ since the acts of a person are right and just only according to the will of the sovereign. He sees

human action as mere voluntarism and is nominalist with regard to words and meanings. Here we see agnosticism in its highest context with regard to politics. The Sovereign is definitively Christian since this has been established in past European history by the coming of Christ. However, the Sovereign is to interpret the scriptures according to his utility. The organized church and papacy have no authority in the sovereignty.

In Hobbes the various covenants made by civil persons such as companies of merchants and other associations of a similar kind are subordinate to the will of the ruler of the city. Economics is not for the daily needs of the family and the good administration of the state directly but principally a tool for the sovereign to establish his law among the people. Only later is the administration of the polis an issue, if it is at all. The sovereign should make sure that all have less in reference to him. This principle combined with equality of the subjects make for the first seedlings of communist ideology. Hence we say that Marxism is profoundly liberalist since he was individualist and understood society as an economic reality in the main. Security in the society is maintained by punishment and not by contracts<sup>768</sup>. The sword of justice<sup>769</sup> is the right to punish another when everyone else has consented not to assist the one to be punished. It is therefore given to the person or council that rules. This man or council also has the power of beginning or stopping a war. This right is called the sword of war.

Upon these two swords lies the basis of all unity in the city and at the same time all security from danger. The family is useless without this since it cannot defend itself if the ruler so disposes. However, beyond the rule of the sovereign everyone is totally free to take up arms against his brethren for the only relationship admitted between citizens is fear of the ruler which unites the city and keeps it in peace. This type of freedom is one of the definitions of the liberal individual and therefore to be free or liberal is not based on morality, but rather is all willful action by a person permitted and only limited by fear of the sovereign and his law. The liberty of the people in the community ceases where the will of the ruler begins. Freedom is “he that in

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<sup>768</sup> Hobbes, *De Cive*, E.W., 75

<sup>769</sup> Hobbes, *De Cive*, E.W., 75

those things, which by his strength and wit he is able to do, is not hindered to do what he has a will to”<sup>770</sup>. Furthermore, this condition is natural in man and divinely given and the one who has this divine role in society is the Sovereign.

God has left everything to *Leviathan* who rules by the swords of justice and war. Good and evil, just and unjust, profitable and unprofitable, what is honest and what is dishonest are equivalent to what is ‘mine’ and what is ‘yours’. A right is good only when it proffers material power. Hobbes acknowledged the ‘*Imperium theory*’, that is, one sole secular and ecclesiastical authority on earth. With this he disarms any religious institutions, objective morality and the process of deliberation to arrive at the common good except by material power. If one is stronger than the sovereign then he should rule. Therefore, friendship is a relationship that arises out of jealousy. In Aristotle it arises out of the desire of sharing ones ‘goods’ with others for the sake of happiness. For Hobbes it is a pretext for utility. In Aristotelian society there are found those who cannot obey the law because they do not want to and therefore are not teachable in the ways of virtue. To this the most perfect law is the coercive law of the prince. In Hobbes’ society the person is perceived as wholly incapable of virtue (i.e. moral action directed to the good of the other and of the self). Citizens must therefore be under an absolute prince with absolute powers as explained before.

Submission to the sovereign is according to Hobbes is not only a ‘*forced*’ agreement with the sovereign but also between every man with every man in so far as the sovereign permits it. Aristotle’s principle that making ‘parts’ of a community identical or uniform only leads to a type of numerical equality and lack of freedom and efficacy. The parts are not uniform in Aristotle except in so far as they are all looking for virtue and that they are harmonious and symbiotic for unity to subsist. Hobbes’ in *Leviathan* determines what the artificial man is. The heart of the artificial person is the sovereign’s will. The blood of the artificial man is gold, silver and money. Men and women are laborers who can be disposed as the sovereign wishes. The organs of the

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<sup>770</sup> Hobbes, *Leviathan*, E.W. vol. 3, 197

body and tissues are the various contracts or associations free men enter with one another strictly recognizing the sovereign. As it is this is the plausible artificial man upon whose basis Hobbes develops the artificial state and is an answer to Aristotle's natural man. Hobbes proposal becomes rather plausible given the nature of modern nations. Everything seems to fit together except of course his anthropology based on an *amoral* philosophy. This artificial man is completely free from all morality except the actions he desires and is completely selfish. Later liberalism such as that of John Locke, Adam Smith, Rawls and Nozick would try to correct the unacceptable tyranny of the absolute prince. Theirs would nevertheless be a similar philosophy to that of Hobbes, save for reducing the Prince's power and increasing the freedom of the individuals in the state. They too maintain the relative nature of morality, but deny the sovereign prince on the pretext of democracy.

The veneer of democracy is at once revealed. Hobbes is necessarily the philosophy which reinforces voluntarism, nominalism and equality without limit except that of the Prince. The latter principle forms the foundation of Leninism and the first historical part of Communism in Marx. Adam Smith relegated the Prince's responsibility to the role of ensuring 'justice' understood as the right to individual freedom (Hobbes' freedom) without harming the others. In Rawls and Nozick, democracy gives power to the Prince but his nature of democratic power to coerce and defend is kept intact and to use Rawls' words he is to rule under the principle of Overlapping Consensus. Smith's system called for nations as well as individuals to seek the development of their own wealth. Capitalism glories in divergence, dissent, and singularity. It invents practical principles embodied in institutions and jealously guarded by rival interests, each of considerable power, by which social cooperation is achieved without prior agreement on metaphysical, philosophical, or religious presuppositions. Almost the same words would be used by Rawls to determine that religious comprehensive doctrines cannot govern because some of their tenets are not acceptable to all.

Ostensibly therefore the Prince should make all comprehensive doctrines unite in the principle of political liberalism and justice as fairness. Moral science in Adam Smith has nothing to do with good or evil as may be indicated by the intellect derived from speculative or theoretical reason. Man's life is a conjunction of various primary passions and reason is not an



important part of it. Adam Smith Capitalist Economy will liberate mankind and ensure proper distribution of wealth. Adam Smith is Agnostic. There should be a free market place for religion where everyone chooses as they wish, and in the end this will prove advantageous to the political interests of society. Man's morality is based on feelings of sympathy or empathy and nothing more. The state is to safeguard the selfish 'prudence' and 'minimalist' justice of each individual. It is not necessary to go any further since it becomes clear that Hobbes begot modern principles of capitalism and socialism and 'democracy' seen as consent to a 'social contract' which gives the Prince absolute power. The comprehensive work of Professor Montserrat Herrero<sup>771</sup> on Hobbes' theology highlights his agnosticism and utilitarian use of religion.

#### **4.8 At the Threshold of Modernity**

Liberalism was the new philosophy of the Modern period as opposed to the Aristotelian philosophy in the feudal or medieval period. There are many philosophers included in liberalism from the point of political society; Hobbes, Smith and Rawls, Locke, Kant, Hegel, Nietzsche, Bentham, Mills, Habermas<sup>772</sup>, Nozick and Isaiah Berlin are examples. If one could call this a movement, then one should also include the religious reformists such as the German Lutheranism, English Anglicanism and Calvinism. From the onset it is necessary to stress that rather than seeing coherent movements, one should see coherence in their foundational philosophies and this foundational philosophy of modernism is opposed to the Aristotelian and Scholastic philosophy of the medieval age.

In them one finds that; there is a belief in the sacred inherent dignity of an autonomous individual; a belief that the individual possesses a principal reality second to none and in tandem with this reality, in second place, is society; society belongs to a second order, derived or

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<sup>771</sup> Montserrat Herrero, "Tres argumentos de utilidad en la teología política del Leviatán de T. Hobbes", *Telos, Revista Iberoamericano de Estudios Utilitaristas*, XV/1, (2006), 9-26. Professor Montserrat Herrero is a professor of Political Philosophy at the University of Navarra.

<sup>772</sup> Donald J. Moon, "Rawls and Habermas on Public Reason, Human Rights and Global Justice", *Annual Reviews, Political Science*, vol. 6, (2003), 257-274.

artificially constructed in what one could call an ontological individualism sharing the same characteristics of the expressive and utilitarian individualist. In the radicalism of liberal thought, such as that found in Nozick, an individual is an *existent* who is complete and who desires to maximize his advantages through free, voluntary and rational personal choices without the influence, experience, contingencies and social-cultural norms and contexts. Liberalism rarely speaks of duties of the individual given that the rights of the individual are primary, natural and pre-political. This philosophy is often referred to as the enlightenment philosophy. The key motor of cohesion for this type of political society is the Market place; even for religions as Smith or Rawls point out. Finally, in modernism the end of the society as material welfare of the person and it preaches amorality or agnosticism with regard to any concept of God as the absolute foundations of morality and ethics. It is our view in this thesis that these elements are found spread in modern western societies.

Since most of the western world political or social order seems to agree to this as opposed to the situation at the beginning of the modern period, then that definitive global orientation has allowed us the possibility of envisioning a *post-modern period* in which one opposes modernist philosophy. This possibility is founded on the predicaments that arise from Liberalism. One of the predicaments is the hatred of 'good' or moral authority confounding it with tyranny; to the extent that paternity, maternity, filiation and service to one another find themselves buttressed by the tendency to individualism. Secondly, amorality in Liberalism also calls for a society indifferent to God as the law maker. Man is God and there the law begins and ends. Thirdly, virtue is 'irrelevant' and existence as successful survival is relevant. The good or virtuous man is equalized with the bad man. Fourthly, the principle of motion of the universe and of human society is rejected by liberalism. Fifthly, without the metaphysical principles or an alternative similar to it, there is no basis for unity in human action and in the sciences; men are alienated from each other in Liberalism. In Aristotle God, the virtuous man and the best constitution should be the principle motor of society. In liberalism these are reduced to justice in democracy and the state's coercive power or authority. These two principles are complete, self-sufficient and perfect and should derive a good society. Our contention in this thesis is that Aristotle's is a better philosophy of society and that Liberalism will result in the very tyranny or oligarchy it set out to reject in the modern age having sacrificed natural societies at the altar of the powerful

*superhuman*. Further, a new sword, the *sword of technology* has emerged by which will make the tyrant far more powerful.

Besides coercion *emotivism* as described in MacIntyre is the means to affect feelings and emotions in others so as to obtain consent and this will not presuppose any rationality of a moral good. It is merely the level of the affective feeling or emotion. Liberalism has left us the wealthy aesthetes, the corporation and government agencies are the means towards the just modern society as MacIntyre reminds us. Max Weber teaches us to be blind to the idea of objective ends and means. One chooses values as demonstrated by whichever, party, class, nation, ideal or causes that one finds himself or herself. Hence the Bureaucrat, the Aesthete, the individualist, the egotist (Hobbes, Hume, Smith), all merge into an agnostic whole. In brief Stoicism substituted Aristotelian and Christian teleology<sup>773</sup>. What the Aristotelian and the Christian said about God the republican said about the Republic<sup>774</sup>. Although Hobbes, Locke, Smith and a number of other liberalists accept the concept of God, they do not admit of God's benevolent providence in ordering the Universe.

With Aristotle we hold the thesis that morality demands a good society and a good society necessitates good or virtuous citizens and God. Therefore, we call upon those natural and artificial institutions of society that will enable these and at the apex a government that will understand that natural subsidiarity and solidarity. Among those institutions we suggest the recognition of the natural family and household as the principle of the good society in the common good and the distinction but not the separation of it the principles of motion in society which lie in the relationship of fatherhood, motherhood, filiation and service as observed elsewhere in this thesis. We frown at the idea that the human being is rational in so far as he is selfish and individualistic. Furthermore, human nature or *essence* demands for its perfection the unity of God, man and woman and the universe in order *to be* perfectly. An individual human being is imperfect with regard to the common good and without any hope to perfection.

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<sup>773</sup> Alasdair MacIntyre, *After Virtue*, 217

<sup>774</sup> Alasdair MacIntyre, *After Virtue*, 220-221

Nevertheless, we acknowledge the distinction between persons and things in so far as they are ordered for each other. The highest ordering in creation is the common good in the good constitution of human society. In this society we revere freedom understood as seeking or desiring the highest good of oneself and the whole: And more so of the ‘*whole*’ since it is more divine and sustains the unity we have lauded in this thesis.

We conclude that with regard to the self-sufficing society enjoying the common good, no part of it can be said to be first without qualification. Even if we are to go back to the individual instead of the family; what moves the individual is the soul and not the body. Yet this soul is a principle of movement in a qualified way since it is itself moved by another. The Marxist ideal of a class action through a revolution is difficult to defend since it is natural that where there are many they tend to one since for them to act together they need to be one. If that is the case then there must be a ruler or if many rulers one among them unites them. In a good democracy (the constitutional polity in Aristotle) the law says that it is just for the poor to have no more advantage than the rich; and that neither should be masters, but both equal in virtue and therefore citizenship, i.e. one can rule and be ruled in turn. Communism in Aristotelian philosophy falls under a type of democracy or oligarchy according to the classification of forms of tyrannical governments. Finally, those who care for good government care for excellence and defect of its citizens and this is what makes a community. There is an interest for the good of the other [*Politics*, III.IX.1280b1-10]. A one-person-tyranny of society is the worst form of government because it naturally kills virtue. MacIntyre, Cobbett, Jane Austen, Aristotle, Cicero, Aquinas and Locke and Rousseau identify virtue as necessary for the society but they do not develop the philosophy of the telos properly since the society is not an end in itself. The good human society or the good person cannot be their own cause and end although they are co-principles of the perfect end.

#### **4.9 On the Principle of Service as Slavery in Aristotle**

This thesis proposes a new dimension on the concept of slavery in Aristotle. We have found out that Aristotle’s concept of Slave includes within it the definition of ‘servantship’. In the Athenian epoch in which he wrote and even in Hebraic circles, a servant was also referred to

as a slave or a handmaid. This dimension called for a further analysis on what he actually meant by slavery and how he used this term.

Our research has revealed that the opposite term of slavery was master and the term master was primarily given to the citizen who had a household to manage. The citizens were also responsible for the entire government and from them the Archons or Judges who ruled would be elected. It was they too who had the necessary instruction and education since the citizenry was a closed system to outsiders. Hence, proper instruction was given to the offspring of the citizens. This ensured a closed class system based of functions as we have already seen. Aristotle did not envision a society in which this natural type of classes in society could be re-arranged. Weber also defends the same thesis of classifying society according to professions with little possibility of moving from one class to the other. Furthermore, each class had a distinct way of life and distinct needs which would have to be looked after by the government.

However, this is not all. A servant in Aristotle is defined both as a slave and without right, and on the other hand as a person with intelligence and therefore one who can be the object of friendship. Among those who fell under the definition of slaves were; first, servants of the master of the household or the rulers, secondly, those who were vicious or had bestial tendencies, thirdly barbarian communities who were to be subdued, fourthly slaves by birth especially those who were born of slaves or whose father's being citizens had fallen into slavery due to indebtedness. Assuming that there are no vicious persons in a society, and assuming that everyone was virtuous enough to take and repay debt, and assuming that there were no barbarian societies in the world, it would be difficult therefore mean that some families of a society would have to be slaves by nature. Aristotle sees these latter persons as slaves because they are not wise and use their bodily strength to fend for life. He also understands that these will not be able to rule because they do not have the formation for the responsibility. The contradictory principle of slavery nevertheless and one that is in stark contrast with our modern free societies is that they could not make or participate in political decisions. However, an insight into our modern societies shows that they put the vicious or lawless into forced labour which is as much as Aristotle said. Sovereign nations also take time to accept citizenship from foreigners except after a period of work and scrutiny. Aristotle approves of this since he says that the slave – 'servant' –

is to be treated with a view to his freedom. Not so for the vicious person who does not reform, this should be eliminated from society.

Furthermore slaves have to be treated in a similar way as the soul treats the body. The *despotic* government over the *slave* should not be excessive. Treat the *servant* as a brother, for as your own soul needs the body so will you need the *servant* to play his role in the common good of the household daily needs and in the self-sufficing state. Furthermore, although Aristotle admits that equalization of property is one of the things that tend to prevent the citizens from quarrelling, he does not fully subscribe to this theory. Rather he says that moderate possessions and occupation, habits of temperance and learning or wisdom are the true panacea for injustice in society. Aristotle could not imagine the discovery of the printing machine, and if he had, he would have been cautious to use it. This is a contextual condition and therefore it requires research on the exact conditions of a good master and slave to understand the tension between that ancient society and the modern society. Throughout history invoking mandatory ‘slavery’ has led to unprecedented injustice meted upon a section of the population in a country or upon a colonized people. Furthermore, it is evident in Aristotle that a tyrant rules by making ‘subjects’ slaves, much as Hobbes thought it should be although he did not use that word directly. When you are absolutely subservient without any possibility of applying your own rationale then that is a denial of the principle of human nature and the worst sort of slavery. But that is what Hobbes teaches.

Our conclusion is that re-reading Aristotle calls for the recognition that all men in a society are proportionately equal with regard to intellectual, material and bodily needs. It would be unfair to equalize them as if everybody is a machine tool and therefore made exactly and acting exactly like the other. The needs of each general type of profession or service in society should therefore be studied and people developed to their full potential in order to provide that service necessary for the common good most perfectly as can be. Blindness to this principle will probably lead to further social injustice as we see in modern society. However, against Aristotle’s contextual principle we hold that everybody is free to follow whatever nature of profession suited to him and to develop it to its highest capacity. Only in this manner can the common good be truly achievable.

## 4.10 Institutions of Society

Aquinas offers that it belongs to institutions to safeguard and investigate that which can be known by reason and is dependent on reason for its ordering<sup>775</sup>. Good institutions are the manifestations of the ‘virtues’ of good government. From an Aristotelic traditional perspective one can interpret a distinction of natural and artificial institutions. Natural institutions are those associations of men that arise from natural needs such as, family, community in the common good and household economics. Artificial institutions or associations are those that arise from the knowledge of nature and are dependent on human reason to imitate and order that artificial nature for the sake of the common or a person’s good.

From the above we attempt a general definition of the term Institution as *that association or partnership among men for the sake of the common good (or for the sake of excellence in the state)* and founded on scientific norms of a particular social reality. Where the science is kept integral and is useful for the society we can say that an institution has an effective institutional memory and is a community of friendship. It becomes evident therefore that in an institution where there are many people in friendship the institutional memory is more effective and far reaching as a result of the contribution from a multitude. It would also follow from this that the societies that have kept good institutions have good institutions and tend to further justice in general. The state is an apex institution relatively higher in power within a network of authorities constituting the body politic. It is not a transcendent power over the body politic. We believe with Russell Hittinger that an instrumentalist state, meaning that the apparatus of public law as an instrument serving the rights and liberties of various societies, which, together, form a whole that cannot be equated with the state. We may call the effort in repairing the wounded nations, as Maritain sees it, intent upon a universality of nations. There is a need to stop the current experimentation on the ‘transcendent nation-state’ principle which begets the concept of the absolute sovereignty of the state.

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<sup>775</sup> Aquinas, “COP”, para. 5-6, in R. Lerner and M. Mahdi, *Medieval Political Philosophy* (New York: Cornell University Press, 1991), 299

We see a movement away from the solidarity concept of the state to the solidarity concept of civil society. One can see that post French Revolution (1789) state authorities mirrored the very despotism of the absolutist monarchies preceding them. There is the possibility that the liberal states now in vogue would ignite the cataclysm of atomism and instrumentalism in all other sectors of society. Our proposal is that the state should be the highest institution of governance in society, working according to the principle of subsidiarity with other natural and artificial human associations which ultimately provide it with the necessary legitimacy. Political constitutions turning away from this principle risk the very tyrannical totalitarianism that human kind has tried to eradicate.

A society should encourage associational authority without usurping authority properly belonging to State law making institutions, because the former are with regard to a part while the latter is with regard to the whole. A good society is distinguished by the freedom to form new associations that contribute to the common good. These associations should have a national and international character and hence be a good for the society if their principles are transplanted anywhere in the globe. There should be acknowledgement of societies concerned with gift giving and these should not cancel out legal or paternal authority, but by the same token neither are they reducible to it<sup>776</sup>. To stop them would be contrary to personal freedom. The key measure of institutions is not mere 'voluntarism', especially with regard to power, but whether the knowledge they propose to augment in society is useful to the common good.

Solidarity in social institutions has many advantages; they augment knowledge of a good in the family and in the state; they make it easier to distribute wealth and useful material goods (common utilities such as money, food and technology) for daily life especially uniting all the material goods with the principles of bodily health and virtuous life. The further away from the person an institution is the further these principles are united. The more alienated they are the more difficult it is to enjoy the common good. They encourage *proportional equality* in society,

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<sup>776</sup> Russell Hittinger, *The First Grace: Rediscovering the Natural Law in a Post-Christian World*, 11-23



common ontological perfections, such as health, knowledge and religious devotion and they all give us grounds for the defence of our legal and moral rights and encourage commutative justice. They also encourage the notion of collaboration and co-operation, creative-initiative and expanding-the-chain-of-solidarity up to the level of the ruler. A truly useful concept of subsidiarity really depends on a concept of solidarity, “that preserves the intrinsic value of collaborative activity”. Without solidarity, subsidiarity merely becomes a question of external goods and magnitudes of goods as Russell Hittinger points out. Russell gives the example of a policy expert showing that welfare is most efficiently achieved by outsourcing through subcontracting to a private firm. Since the policy expert is not a higher power would we be missing anything by commissioning his policy? The same can be asked of a wide variety of collaborative efforts. Could parents outsource their parenting? The answer is that the common good arising from the parenting activity will suffer if the outsourcing is done. That is, if solidarity were restricted to the first set of “external” notions (similar nature, perfections and utilities) then we would hypothetically satisfy the requirements of the common good. When one identifies the internal common goods of parenting and common activity in a society then one can discover the principled limit of state power or “outsourcing”. In effect, each natural association has its intrinsic and extrinsic nature and to substitute that nature with an artificial social contract in the state is to ‘outsource’ parenting to the state and consequently destroying parenthood. Hence for instance, welfare societies should relook at the active and direct participation of families and villages and any natural human association instead of the state taking a direct role to the exclusion or destruction of all the others.

Furthermore a society in the common good has a natural bond in self-sufficiency that makes it bearer of rights and responsibilities that are not reducible to an aggregation of its members or a part thereof; the common good appertains to all members of the community since they ostensibly have participated in bringing about that good. The constitution bearing ‘intellectual’ unity of a “society” is a subject of internal and external moral appraisal. The

foundation of that moral appraisal is the perfect good to which the society is directed and the internal good is the responsibility of justice to every member. In Aristotle one sees the cohesion of society when institutions contribute powerfully to the common good by respecting, internally and externally, the order of the different spheres and categories<sup>777</sup> of society. Society is subject to many intermediary groups, beginning with the family and including the executive, the legislature and the judiciary, military offices, schools, economic entities, property institutions, correctional institutions, cultural groups and so on, which stem from human communal association itself and have their own autonomy always with a view towards the common good. A Socialism that preaches individuality within a welfare state will tend to erase this subjectivity. Obliteration of the common good service offered by free collaborative agents ends up sanctifying individual selfish goods. This also happens with liberalism. The idea defining common good as “communion” often appears together with the two ideas above of “subjectivity of society” and “expanding chain of solidarity”. In the moral sense of the term, a society can harm and be harmed. Just like matrimony ‘they are no longer many but one’; and one is the perfect manifestation of Unity. We need to think of the intrinsic value of social institutions like the family, private schools, churches, and labor unions rather than merely seeing *utility* as the definition of a social institution.

We also hold that Social institutions have as their foundation the role of maintaining good scientific knowledge gathered over the society’s history. An institution, as a social *entity*, according to Aristotle, should be established on a sound ‘*argument*’, or as it were a science or even more precisely according to a good and proven *norm*. Good institutional memory gives rise to a profound cultural expression and traditions. First comes reality, existence or phenomenon and from reality should precede every particular knowledge or science. Good experience comes before prudential norms that follow from reality understood and passed on from generation to generation. Where the science is kept integral and is useful for the society we can say that an

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<sup>777</sup> Another way of expressing spheres and categories is using Rafael Alvira’s terminology; transcendental principles and categories of society. For a clearer perception of such a structure see Appendix II.

institution has an effective institutional memory. It becomes evident therefore that in an institution where there are many people, the institutional memory is more effective and far reaching as a result of the contribution from a ‘multitude’. Thus the most perfect institution should be that of the state since this particular institution unites the greatest number with regard to a particular community. For example, western societies that revered their institutions, especially the educational religious institutions and universities which communicated of the ‘common good’ in the Aristotelic sense, did enjoy a far reaching scientific development of society at the same time and have been at the vanguard of world human development and scientific research.

In effect, if there was an industrial revolution in Europe and in any other part of the world, the foundational basis of good institutions would seem to have been indispensable. It seems therefore that the self-sufficient society arises from the natural process of political constitution among families and what augments them are the social institutions that support the good of the families as units and as a whole. If the state is the highest institution that determines order of a society, and since many things tend to one, then the order of social institutions for the sake of the good life ought to be ordered in the same manner. It would seem that a good well ordered government is guided by the wisest minds that can observe reality and *produce* a science or knowledge that will lead to a better life; a good life; a better state. In so far as institutions are made up of parts and as each person is a *new* truth and can be a perfect and virtuous person, it follows that even the whole of society needs to be open to the science of an individual wise person and recognize that person as part of the truth of a society. It should encourage individual freedom in search of truth and the cooperation among individuals in that search for truth and in sustaining new knowledge. The universities that educate on the ‘master’ truths should therefore be of singular importance and inform all other primary and tertiary educational institutions.

#### **4.11 “Global” Common Good**

An Aristotelic perspective of the common good presents a new dimension to our modern concepts of global unity and the question of global equality. The principle of hierarchical unity is one way of understanding principles of globalization. He shows that hierarchy has relational unity. There is hierarchy between watches according to their perfection which is that of keeping

time. There is a hierarchy from basic elements of inorganic nature to the intellectual or rational species of nature which are also virtuous. Hence, it can be concluded that in a global context those who develop the highest intellectual and virtuous characters should be best able to provide a global context for unity. Furthermore, the persons in the union of man and woman are the first type of universality since they provide the first demonstrable common good. They are the first human natural association that brings together all created elements into a perfect community for the sake of the perfect good.

The natural relationship of a man and a woman arising from the natural need of a male and a female to preserve their species and achieving this through a happy unity and conjugal relationship between man and woman and the nurture of their off-spring also highlights the distinction between that which is natural and that which is artificial and in a sense also directs one towards the cause of that nature. That which is artificial depends largely on the principle of reason in man. Reason enables mankind to investigate nature, counsel and choose the end and the means towards that end. In this is mankind distinguished from the animal kingdom. That which is natural is primarily so because it is a truth that exists and subsists without the medium of reason although it is necessary that reason know it and communicate it and perfect it for the sake of human kind. But communication does not make the reality it demonstrates. Communication is an instrument to know and communicate what is true and what is false. Therefore to procreate and preserve the species and care for it is a natural 'thing' bestowed on mankind from his general and particular creation and in common to all other animals.

The associations of the family household and ruler and ruled or master and servant, are followed by another natural institution called the village. It arises from the unity of many family households; after this comes the natural city-state, which is a unity of many villages. Thomas Aquinas added to this trilogy of family household, village and city state, the province which is a unity of city-states<sup>778</sup>. Dante Alighieri (1265-1321) understood from the writings of Aristotle and

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<sup>778</sup> Aquinas, *De Regno*, para. 14

Aquinas how important these institutions are for the posterity of man's descendants<sup>779</sup>. Just as one state enjoys the labour of those who went before them, in gratitude to peace, the state today should work for the sake of enriching their descendants in posterity<sup>780</sup>. He adds to the work of Aristotle and Aquinas the idea that if all these natural associations or societies are natural and since all are preserved for the sake of a perfect end, namely the common good, then it is reasonable to suggest that there is "a universal end of the society of the human race"<sup>781</sup>. Hence he proposes that "just as nature produces a thumb for a certain end, and the whole hand for a different end, and the arm for still another, and the whole man for an end that again differs from all the others"; so nature orders a person to one end, the family household to another, the village to a third, the city to another, the province to yet another and lastly nature "brings into being the human race in its universality"<sup>782</sup> both in time and space. Dante gives the name of *Empire* to this universal human race, which ideally is the unity among autonomous Kingdoms. The end of such an *Imperium* for him is the ordering to *Universal Peace* and happiness<sup>783</sup>.

Each natural institution or association of the human family has an operation proper to its kind as a whole to which all the parts in all their multiplicity are inclined. The underlying metaphysical principle that Dante alleges is reasonable. He observes that the essence of a natural 'thing' is for the sake of its operation. Since the person, the family household, the village, the city-state and the province and the universal human race are natural things, then it is necessary that they have their particular operations. Furthermore if the parts have their particular operations it is also evident that the unity of their operations is the natural society and therefore the ultimate human universal society. The ultimate power of mankind and each part thereof is not the being

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<sup>779</sup> Dante Alighieri, *On Monarchy*, transl. Philip H. Wicksteed; in Ralph Lerner and Muhsin Mahdi, eds., *Medieval Political Philosophy*, (New York: Cornell University Press, 1991), 419

<sup>780</sup> Dante Alighieri, *On Monarchy*, transl. Philip H. Wicksteed; in Ralph Lerner and Muhsin Mahdi, eds., *Medieval Political Philosophy*, (New York: Cornell University Press, 1991), 419

<sup>781</sup> Dante Alighieri, "On Monarchy", transl. Philip H. Wicksteed; in Ralph Lerner and Muhsin Mahdi, eds., *Medieval Political Philosophy*, 421

<sup>782</sup> Dante Alighieri, "On Monarchy", transl. Philip H. Wicksteed; in Ralph Lerner and Muhsin Mahdi, eds., *Medieval Political Philosophy*, 421

<sup>783</sup> *Ibid.*, 423

since this is shared by all elements, nor is it the parts that form a thing or a being, nor is it the sensitive soul or the vegetative soul; rather the ultimate power or operation of mankind and its parts is the possible intellect, that is, the intellective part of the human soul that has as its operation the perfect knowledge of all things and their causes. Since this is impossible for one person or for a mere family household or for a mere city-state, then it must be that it is the end of all mankind in time and space. This follows from the fact that God and nature thereof do not create anything in vain<sup>784</sup>.

Aquinas on the other hand expounding on Aristotle's *Metaphysics* says that "everything that is composite in nature and participates in being must ultimately have as its causes those things which have existence by their very essence. But all corporeal things are actual beings insofar as they participate in certain forms. Therefore a separate substance which is a form by its very essence must be the principle of corporeal substance<sup>785</sup>; and Aristotle defined essence as 'the substantial reality' from which all operations of thing arise. The substantial reality as such is also the end to which all operations are of the thing are directed and it is therefore clear that the substantial thing itself has no motion; it is in its existence that there is motion. Hence, although operation is said of a thing according to existence, it is also true that the operation acts towards a perfect end or aim's at a good; and that good is the essence as created by God. We therefore can admit of Dante's argument of operations in things being the end of the essence of things imperfect and acting towards an end. Furthermore we also reiterate his emphasis on Aristotle's words in the *Politics* that the intellectually vigorous should rule over those not so endowed<sup>786</sup>.

In the latter half of the twentieth century globalization has come to mean the extension of economic markets, institutions and cultures across the expanse of societies and nations of the world. There is an intensification process of transnational and trans-border interaction among nations of the world. That process is generally seen as the lessening of territorial autonomy

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<sup>784</sup> Aristotle, *De Coelo (of the Heavens)*, I.IV.271a33; in Dante Alighieri, *On Monarchy*, I.III, *Ibid.*, 421

<sup>785</sup> Aquinas, *Commentary on Aristotle's Metaphysics*, II.II.296. See also Aristotle, *Metaphysics*, 993b19-994b11

<sup>786</sup> Aristotle, *Politics*, I.V.1254a17

within national boundaries. However, this is not a new phenomenon in the world given that the Roman Empire and the Alexandrian Athenian Empire and many others have preceded modernity. Building a *world society* therefore seems a natural tendency for mankind.

However, Aristotle always thought that the self-sufficing state had to have a certain size in population of citizens. That means in our present modern world, a self-sufficing community of necessity should be able to educate its members, know them well and sustain justice. This would be difficult if the state encompassed the whole society of men without reference to subsidiarity. A global society would still need the nation-state and probably the *Greek polis* since only at this level of subsidiarity can a ruler or government hope to arrive at some semblance of order and care for virtuous life. Hence, we conclude that globalization should not be to the detriment of the natural society capable of enjoying the common good.

The new sword of technology should not undermine the freedoms enjoyed by natural institutions. Globalization is the idea of solidarity among communities and a subsidiarity among parts of the community. Friendship and co-operation for the sake of the good of natural communities is the object of the polis and any higher union of families. Therefore, one notices that because there is an orderly city, the non-daily needs are more efficiently offered. These include for example, the vast capability of healthcare, education, alimentation, ecology, security, information, development of cultures and so on. No one therefore can deny that a global society interlinking or governing people for the sake of the good life would be a worthy of the globe today. To borrow Hobbes' terminology, another sword, the 'sword of technology', endangers the common good of societies and limits individual freedom. If this were the case then globalization would be reducing natural communion to fear. Dawson sees an appalling application of technological tools as substitutes to moral human action. The human element in human moral action is slowly replaced by a tool – something like "*toolism*". Hittinger explains that due to globalization China and Japan were the first to hastily adopt military technology abortion and contraception. China's communist and totalitarian government remarkably complements capitalism, liberal market principles and industrialization of western societies. In general, our age witnesses governments rise and fall according to their ability to use technology for propaganda, security, markets and economies.

An Aristotelian will obviously wonder at this given that the original liberalism set out to get rid of these 'mechanisms' in the first place. That the nation state structure is experiencing difficulties is natural. But to see this problem one has to go deeper than the ephemeral liberal structures proposed by modern philosophy. Our research shows that whatever principles one chooses to explain the political society it seems that acceding to unity on the basis of a Hobbesian social contract, based on fear and a sword of war, or justice or technology will lead to the worst totalitarianisms yet experienced by mankind.



## Appendix I - List of Aristotle's Works

The following list of Aristotle's works is based on, the Complete Works of Aristotle (CWA), Jonathan Barnes, edition, Volumes 1-2, Princeton University Press, 1984. In addition to this comprehensive work reference has also been made to the work done by William Benoit on the same theme<sup>787</sup>. Together with the list thus laid out we have also placed another *generalized* analysis of Aristotle's works done by Alfred J. Freddoso who is the, John and Jean Oesterle Professor of Thomistic Studies, in the University of Notre Dame<sup>788</sup>.

Vol. 1	
1. Categories [1a1-15b33]	Logic and Metaphysics: On Predicaments of being
2. <i>De Interpretatione</i> [16a1-24b9]	Logic: On interpretation and words
3. Prior Analytics [24a10-70b4]	Logic: Demonstrating and demonstrative understanding
4. Posterior Analytics [71a1-100b20]	Epistemology or Logic: Induction and deduction – All teaching and all intellectual learning come about from already existing knowledge...
5. Topics [100a18-164b20]	Logic: Deduction and Reasoning and Definition
6. Sophistical Refutations [164a20-184b 10]	Logic: On Fallacies
7. Physics [184a1-267b28]	Physics: The science of nature
8. On the Heavens [268a1-313b25]	Physics: on the Heavens
9. On Generation and Corruption [314a1-338b20]	Physics: Motion and change, Matter and Form, Coming to be and passing away.
10. Meteorology [338a1-390b21]	Physics: Natural Occurrences
11. On the Universe** [391a1-401b30] (also called 'On The Cosmos')	Physics: On the Universe.
12. On the Soul [402a1-435b25]	Natural Philosophy of living things
13. Sense and Sensation [436a1-449a33] and Physical	Natural Philosophy of living things

<sup>787</sup> Benoit, William L. (Winter, 1981). A Guide to Line Numbers in the Aristotelian Corpus, Rhetoric Society Quarterly, Vol. 11, No. 1, pp. 42-44, <http://www.jstor.org/stable/3885746>

<sup>788</sup> Alfred J. Freddoso, *Aristotle*, University of Notre Dame (2011), <http://www.nd.edu/~afreddos/courses/301/aristotl.htm#IA>

Treatises [436a1-480b30]	
14. On Memory [449b1-453b10]	Natural Philosophy of living things
15. On Sleep[453b10-458a31]	Natural Philosophy of living things
16. On Dreams [458b1-462b12]	Natural Philosophy of living things
17. On Divination in Sleep [462b14-464b20]	Natural Philosophy of living things
18. On Length and Shortness of Life [464b19-46 b20]	Natural Philosophy of living things
19. On Youth, Old Age, Life and Death, and Respiration [467b10-480b30]	Natural Philosophy of living things
20. On Breath** [481a1-486b5]	Natural Philosophy of living things
21. History of Animals [486a5-633b10]	Natural Philosophy of living things
22. Parts of Animals [639a1-697b30]	Natural Philosophy of living things
23. Movement of Animals [698a2-704b3]	Natural Philosophy of living things
24. Progression of Animals [704a4-714b24]	Natural Philosophy of living things
25. Generation of Animals [715a1-789b24]	Natural Philosophy of living things
26. On Colours** [791a1-799b20]	Physics – the human body
27. On Things Heard** [800a1-804b40]	Physics – the human body
28. Physiognomonics** [805a1-814b9]	Physics – the human body
<b>Vol. II</b>	
29. On Plants** [815a1-830b55]	Physics - Biology
30. On Marvellous Things Heard [830a1-847b10]	Physics - Geography
31. Mechanics** [847a10-858b32]	Physics - Mechanics
32. Problems** [859a1-967b26]	Physics – Human Body
33. On Indivisible Lines** [968a1-972b31]	Mathematics
34. The Situation and the Names of Winds** [973a1-973b25]	Physical Geography
35. On Melissus, Xenophanes, and Gorgias** [974a1-980b20]	Metaphysics
36. Metaphysics [980a20-1093b30]	Metaphysics
37. Nicomachean Ethics [1094a1-1181b24]	Ethics
38. Magna Moralia* [1181 a25-1213b30]	Ethics
39. Eudemian Ethics [1214a1-1249b24]	Ethics
40. On Virtues and Vices** [1249a25-1251b38]	Ethics
41. Politics [1252a1-1342b35]	Politics
42. Economics* [1343a1-1353b27]	Political Economics
43. Rhetoric [1354a1-1420b5]	Politics
44. Rhetoric to Alexander [1420a5-1447b8]	Politics
45. Poetics [1447a8-1462b20]	Art and Music
46. Constitution of Athens [69 chapters])	Politics
47. Fragments [pp 2384-2465]. Selected fragments related to Aristotelian works, including; a preface, catalogue of Aristotelian writings, dialogues, logic, rhetoric and poetry, ethics, philosophical works, physics, biology, historical works, letters, poems, Aristotle’s will.	General Knowledge

\* A single asterisk signifies that authenticity is seriously doubted, double asterisk signifies spuriousness (i.e. attributed to him but not genuinely so)

## **Aristotle's works According to the sciences**

This analysis is proposed by Freddoso Alfred J.<sup>789</sup> of the University of Notre Dame, United States of America.

### **I. LOGIC** (a necessary tool for the philosophical sciences):

- a. *Categories*: theory of terms [abstracting]
- b. *On Interpretation*: theory of propositions [composing and dividing].
- c. *Prior Analytics*: theory of syllogistic [discursive reasoning].
- d. *Posterior Analytics*: theory of demonstrative argument [science].
- e. *Topics*: theory of dialectical (non-demonstrative) argument [opinion].
- f. *Sophistical Refutations*: treatment of logical fallacy.

### **II. PHILOSOPHICAL SCIENCES**

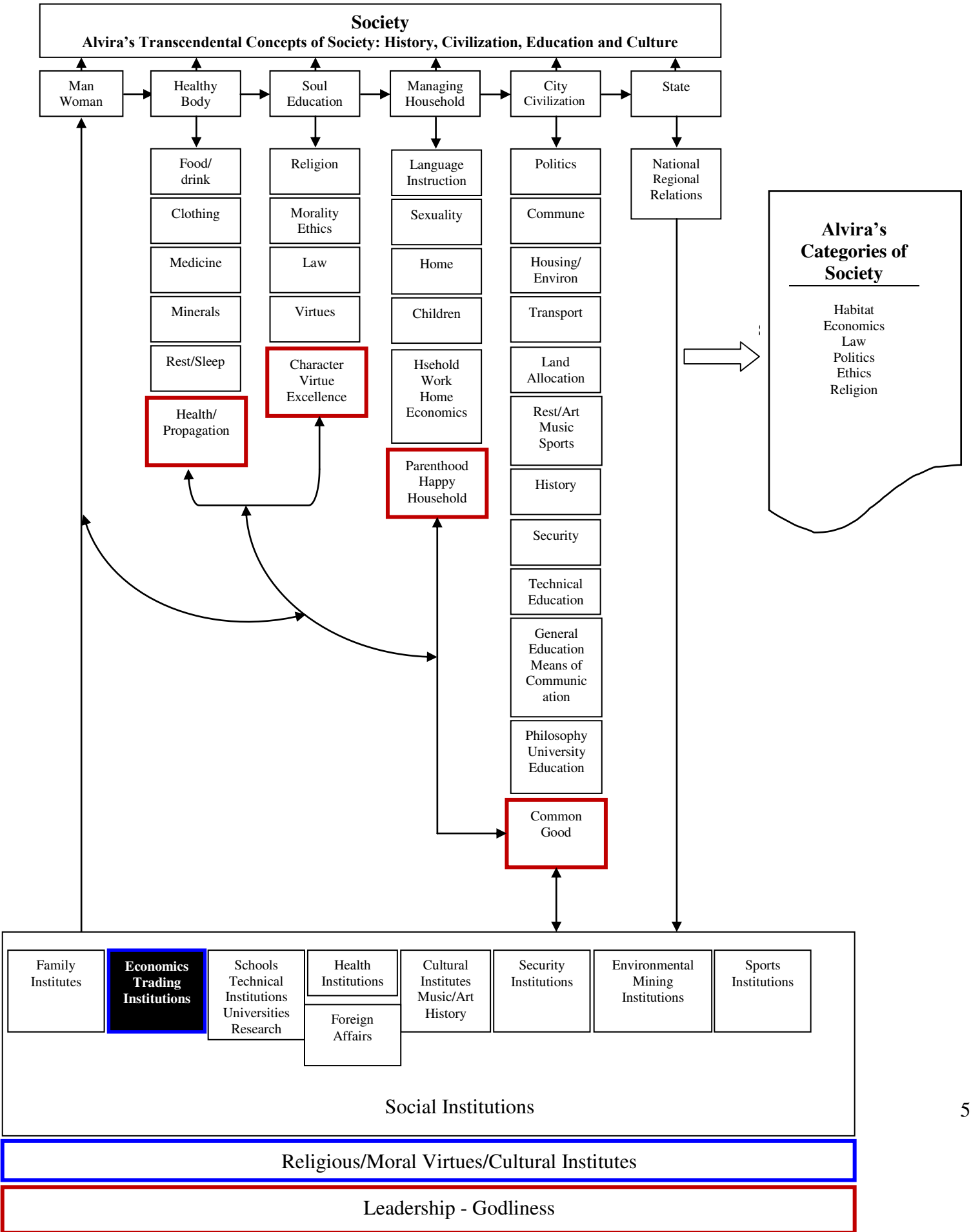
- a. Theoretical (or Speculative) Philosophy: has truth as its end, things that have principles of movement and change within themselves as its object, and analysis into causes or principles as its method.
- b. Natural Philosophy: has as its object things that (i) exist in matter, (ii) have matter in their definition, and (iii) are subject to one or more types of change, i.e., local motion (change in place), alteration (change in quality), augmentation (change in quantity), or generation and corruption (substantial or unqualified change).
  - *Physics*: general principles of change and motion, causality, space and time, proof of the first mover.
  - *On the Heavens*: principles of local motion.
  - *Meteorology*: transmutation of the elements (chemistry).
  - *On Generation and Corruption*: principles of alteration as ordered to substantial change

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<sup>789</sup> Alfred J. Freddoso is the John and Jean Oesterle Professor of Thomistic Studies, in the University of Notre Dame

- *On the Soul*: general principles pertaining to things subject to augmentation (i.e., living things) (biology).
  - *On Sense and the Sensible Object*
  - *On Memory and Reminiscence*
  - *On Sleep*
  - *On Dreams*
  - *On the Parts of Animals*
  - *On the Motion of Animals*
  - *On the Generation of Animals*
- Mathematics: has as its object things that (i) exist in matter but (ii) do not have matter in their definition and (iii) are not changeable.
- First Philosophy: has as its object things that (i) do not exist in matter and (ii) do not have matter in their definition and (iii) are not changeable.
  - *Metaphysics*
- c. Practical Philosophy: has rightly ordered action as its end, reason and appetite and their products as its object, and proceeding from causes to effects as its method.
  - *Nicomachean Ethics*: virtue in the individual.
  - *Eudemian Ethics*: virtue in the individual.
  - *Politics*: virtue in the community.
  - *Rhetoric*: theory of persuasive arguments.
  - *Poetics*: theory of art.

# Appendix II: Common Good Society



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