

Politics, Books III-IV

Regime analysis and
Defense of democracy
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The choice of best regime:

A matter of justice.

Good versus Bad Regimes

Regime type	One Ruler	Few Rulers	Many Rulers
Good: in interest of <i>all</i>	Kingship	Aristocracy	Polity
Bad: in interest of rulers <i>only</i>	Tyranny	Oligarchy	Democracy

Democracy:

Aristotle *defends* democracy, yet classifies it as a bad regime!

Rule of One

Tyranny

- ◆ No check on power
- ◆ Capricious
- ◆ Rapacious
- ◆ Absence of rule of law
- ◆ “perverted form of government” (90).

Kingship

- ◆ 5 varieties
- ◆ Most important are:
 - Lacedaemonian (Spartan)—not absolute, according to law;
 - Absolute
- ◆ Checks arbitrary power
- ◆ Council or advisors
- ◆ Key issue: rule of best man or best laws?

Rule of the one best man vs. the rule of law

Rule of best man

- ◆ Man can take account of circumstances;
- ◆ Like the physician in Egypt who may alter the treatment on the fourth day;
- ◆ BUT, "passion must always sway the heart of man" (86; see also 88).

◆ **Rule of law**

- ◆ Law expresses general principles;
- ◆ And the ruler "cannot dispense with the general principle which exists in the law" (86):
- ◆ Law is free of passion;
- ◆ Laws should have no authority "when they miss the mark" (86);
- ◆ Then men must decide.

Two kinds of law

Customary

- ◆ Ancestral practices;
 - Tested by time;
 - Stronger than written law (88-9);
 - E.g. constitution of Sparta, an unwritten system of laws.

Written

- ◆ E.g. laws of Solon
 - inscribed on wooden tablets
 - passed by assembly
 - Rulings by courts
- ◆ '...laws, when good, should be supreme...the laws must be adapted to the constitutions' (78).

Rule of a Few

Oligarchy

- ◆ Rule in interest of *few*;
- ◆ I.e. the *rich*
- ◆ Tends to be unjust, because less well-off are mistreated
- ◆ E.g. Athens before Solon.
- ◆ If basis of participation is wealth, then each should have share in governing proportional to his wealth (73).

Aristocracy

- ◆ Type of rule for perfect state (91);
- ◆ "...aristocracy will be better for states than kingship...provided that a number of men equal in excellence can be found" (86);
- ◆ See Book VII.

Rule of Many

Democracy

- ◆ Rule of many poor in their own interest;
- ◆ Equality above all;
- ◆ Rejects rule by best:
 - ostracism: Periander cuts ears of corn (82)
- ◆ Redistributes wealth = unjust (75);
- ◆ Susceptible to charismatic leaders.

Constitutional rule

- ◆ Rule by many in common interest;
- ◆ Requires “warlike multitude” (90);
 - Why?
- ◆ As ruler increase, it’s hard for all to be perfect in every excellence (71);
- ◆ Is constitutional rule possible?

Who decides and how?

- ◆ Better for many than for one to decide (86):
 - “Any member of the assembly, taken separately, is certainly inferior to the wise man”;
 - “A feast to which all...contribute is better than a banquet furnished by a single man”;
 - “...so 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” [case of water pollution].

Aristotle's Qualified Approval of Democracy

- ◆ Scholars dispute Aristotle's view of democracy;
 - Many see him as anti-democratic (like Plato);
 - Cite his notions about natural slavery, hierarchy and limited citizenship.
- ◆ BUT Aristotle offers a qualified approval of democracy:
 - Not the best possible regime, but less *corruptible* than tyranny or oligarchy.

Why democracy *can* work

“For each individual among the many has a share of excellence and practical wisdom...they become... *one man* who has many feet, and hands, and senses, so too with regard to their character and thought” (emph. added; 76).

The Diner/Cook metaphor



- ◆ The diners (people) should judge the meal (governance) they are to eat (by which they are governed)
- ◆ The cook should not be the judge of the meal (86)!
- ◆ House-building (77-8).

Why democracy can work

- ◆ “For the many, of whom each individual is not a good man, when they meet together may be better than the few good,
- ◆ if regarded not *individually*, but *collectively*, just as a *feast* to which many contribute is better than a dinner provided out of a single purse” (emph. Added; 86).
- ◆ Decisions of many are generally good even if *each* man is not good or excellent.

Democratic power = *institutional*

- ◆ "...the power does not reside in the juryman, or counselor, or member of the assembly, but in the *court*, and the *council*, and the *assembly*...
- ◆ And for this reason, the many may claim to have a higher authority than the few; for the people, and the council, and the courts consist of many persons, and their property collectively is greater than the property of one or of a few individuals holding great offices" (78).

What is the source of democratic authority?

institutions, not individuals!

Compare: sovereignty of the people (Locke, Rousseau).

Does Aristotle consider the people sovereign or the constitution?

Can the people legitimately change the constitution?

A contemporary view of Athenian Democracy

- ◆ The so-called 'Old Oligarch'
- ◆ Anonymous writer of early fourth-century Athens;
- ◆ Contemporary of Aristotle;
- ◆ Like Plato, a critic of democracy;
- ◆ Source: *University of Chicago Readings in Western Civilization*, vol. 1, pp. 48-56.

Old Oligarch:

- ◆ "...they have chosen that people of no account do better than people of merit";
- ◆ "...because the general populace operates the ships and bestows power on the city, much more than heavy-armed infantry men, well-born people, and people of substance";
- ◆ "...unrestraint on the part of slaves and resident aliens is very prevalent...For where there is naval power it is necessary for slaves to work for money."
- ◆ ""Therefore we have effected social equality even for slaves..."

Criticisms of Democracy today

- ◆ Too turbulent
- ◆ Less educated participate
- ◆ Inefficient
- ◆ Violates notions of common good
 - which ones?
- ◆ Too individualistic
- ◆ Threat to elites:
 - e.g. demands for social welfare entitlements.
- ◆ Anything else...?

Democracy through taxation?

- ◆ Democracies aim for equality;
- ◆ They may *redistribute* income/wealth
 - Aristotle calls this “unjust” (p. 75).
- ◆ e.g. through tax policy
 - Income taxes (salary, other earnings)
 - Wealth taxes, e.g. on **inheritance**, luxuries
- ◆ Compare HKSAR:
 - is this done here?
 - If so, to what extent?

Taxation options

Redistributive taxes:

- ◆ **Progressive** ('graduated') *income* tax
 - % rises with income (U.S., EU countries);
What is an income tax?
 - vs. a salaries tax?
- ◆ **Inheritance tax:** redistributes *wealth*:
 - Especially important way to redistribute.

Not redistributive:

- ◆ **Flat tax** (salary/income)
 - may not apply to rich—why?
- ◆ **Sales taxes = regressive**
 - Poor pay larger percent of income—why?
- ◆ **Limited redistributive effect:**
 - some income passes from salary-earners to very poor.

Two tax models

Athenian model:

- ◆ Tax those with the most
 - Only rich paid tax
 - liturgy of the *choregia*, *trierarchy*
- ◆ Poor and middle class do not pay;
- ◆ Disabled poor receive welfare/dole;
- ◆ A redistributive system.

HKSAR model:

- ◆ Wage-earners pay
 - Salaries tax
 - Stamp duty on property transactions
 - **no** inheritance tax
- ◆ Non wage-earners pay
 - **no** salaries tax
 - **no** income tax
 - **no** inheritance tax
 - liable for stamp duty
- ◆ Possible GST for everyone?



Other possible models

What is your proposal?

Aristotle revisits types of regimes

- ◆ "...the true legislator ought to be acquainted, not only with what is best in the abstract, but also with that which is best relatively to circumstances";
- ◆ "We should consider...what is possible, and what is easily attainable by all";
- ◆ "...most perfect" regime requires "many natural advantages" (92)
- ◆ Elaborated in Book 7.

Good versus Bad Regimes

	One Ruler	Few Rulers	Many Rulers
Good: in interest of <i>all</i>	Kingship: "divine", best of all	Aristocracy Next best	Constitutional rule: easily perverted into democracy
Bad: in interest of rulers <i>only</i>	Tyranny: Worst b/c corruption of best	*Oligarchy common, but bad	*Democracy common, but "tolerable"

Comparisons of offices in state

	Oligarchy: moderate vs extreme forms	Democracy
Deliberative: war & peace	Some deliberate for all	All deliberate, are supreme over laws; use fine
Magisterial: regulate persons or subjects	E.g. Probuli; some vote, are selected	E.g. Council; all vote/select from all
Judicial: 8 types of courts	Few try cases	Many try cases

Plurality of regimes

- ◆ More regimes than these six;
- ◆ As many as there are permutations of the various possible classes;
 - E.g. notables, farmers, artisans, military, traders, rowers, ferrymen etc.
- ◆ Offices distributed “according to the power which different classes possess...or according to some principle of equality” (94).

What is a constitution?

Additional definition

- ◆ The system of law, custom and structure of the state, e.g. Constitutions of Sparta or Athens:
 - “A constitution is the organization of offices in a state, and determines what is to be the governing body, and what is the *end* of each community” (emph. added; 92);
 - Note Aristotle’s reference to the *end*;
 - A constitution is more than organization.

Laws vs constitutional principles

“But laws are not to be confounded with the principles of the constitution” (92-3);

E.g. right to free speech = principle;

- ◆ Laws specify how this right is to be guaranteed;
- ◆ Laws = the how
- ◆ Principles express the end(s), *telos*.

Oligarchy vs Democracy: Most common forms

Oligarchy

- ◆ Rule by few *rich*,
- ◆ Not the few, if they are poor;
 - “no one would ever call such a government, in which the rich majority have no share of office, an oligarchy” (95).

Democracy

- ◆ Rule by many *poor* (96);
- ◆ Not the many, if they are rich;
- ◆ “no one will say that this is a democracy” (95);
- ◆ Why? Because citizens are not *equal*.

Democracy: perverted, but not tyranny

- ◆ Perversion of best regime (kingship) into tyranny is worst of all;
- ◆ Worse even than democracy!
- ◆ Democracy is “tolerable,” because it is a perversion of a regime that is not “divine” (93);
- ◆ Is there more than one variety of democracy?

Varieties of democracy

- ◆ Several forms of democracy (98-9):
 - No property qualification, all share in office;
 - Property qualification for office;
 - Lower property qualification;
 - Law supreme in all of the above;
 - Worst form: people, not law, is supreme (John Locke's model).

Supremacy of people or law?

- ◆ John Locke (17th cent.) argued that people, not gov't, should be supreme;
 - People = the source of the law;
- ◆ Aristotle argues that “where the laws have no authority, there is no constitution” (99).

Supremacy of laws

◆ Why should law be supreme?

- People always subject to passions;
- Large number less corruptible,
 - ◆ But can be led by demagogues;
- Laws, especially customary ones, are respected and have stood test of time:
 - ◆ E.g. Laws of Solon, Lycurgus
- Any problem with this view?

Mean vs extremes of rich and poor

Oligarchy

Rich raised in luxury,
cannot obey;

- ◆ Rich rule as despots;
- ◆ No ruling/being ruled;
- ◆ City of masters and slaves (107).

Democracy

Poor = “too degraded” to
rule

Middle-class city (107ff.)

- ◆ Middle class = mean;
- ◆ The mean is best;
- ◆ Middle class is most secure, has goods but not in excess;
- ◆ They rule and are ruled in turn.

Middle-class city best

- ◆ “Great then is the good fortune of state in which the citizens have a moderate and sufficient property; for where some possess much, and the other nothing, there may arise an extreme democracy, or a pure oligarchy; or a tyranny may grow of either extreme.”

Theory of the middle-class

- ◆ Sounds banal today
- ◆ But this is a radical thought in antiquity
- ◆ Consider Plato's solution to rich vs poor:
 - the communism of the guardians!
- ◆ "...best legislators [Solon, Lycurgus] have been of a middle condition" (108);
- ◆ Modern political scientists borrowed this insight (e.g. S. M. Lipset).

Middle class role

- ◆ “The legislator should always include the middle class in his government”
- ◆ Whether it’s oligarchic or democratic;
 - “There only can the government ever be stable where the middle class exceeds one or both of the others”;
 - “...in that case there will be no fear that the rich will unite with the poor against the rulers”;
 - “The arbiter is always the most trusted. And he who is in the middle is an arbiter” (110).

Even Aristocracy needs the middle class

- ◆ Aristocracy is one of the good regimes;
 - rule of few in behalf of all;
- ◆ However,
 - “Many even of those who desire to form aristocratic governments make a mistake, not only in giving too much power to the rich, but in attempting to cheat the people. There comes a time when out of a false good there arises a true evil, since the encroachments of the rich are more destructive to the constitution than those of the people” (110).

Aristotle's moderate Distributivism

Favors smallholders (e.g. farmers), but is not egalitarian!

How both regimes deceive:

Oligarchy

- ◆ Rich merely fined for non-participation in assembly, law-courts;
- ◆ Poor not motivated to participate;
- ◆ Rich not permitted to decline office;
- ◆ Poor not required to have weapons or attend gymnastic practice.

Democracy

- ◆ Poor paid to attend assembly and courts (law of Pericles);
- ◆ No penalty on rich for non-attendance.

Solution: mix oligarchy & democracy

- ◆ This might be a good solution to the defects of each--mixture of both regimes (111):
 - Poor paid to attend offices, e.g. juries (Athens)
 - Rich fined for non-attendance
 - Property qualification such that number of citizens exceeds those excluded (why?)
 - Poor will be tranquil so long as “they are not outraged or deprived of their property” [see also Machiavelli, *The Prince*].

Why the poor matter

- ◆ Aristotle agrees with Solon's criticisms of the rich:
 - "But to secure gentle treatment for the poor is not an easy thing, since a ruling class is not always humane" (111).
- ◆ Is this from compassion or from a concern with the stability of regimes?