

# Π Η Γ Η / F O N S

Revista de estudios sobre la  
civilización clásica y su recepción



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(2021)

Universidad Carlos III de Madrid  
Instituto de Estudios Clásicos “Lucio Anneo Séneca”  
Department of Philosophy and Religious Studies,  
University of Pardubice



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- Universidad Carlos III de Madrid -

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*Law, Intellect, Nomos and Logos  
in the Classical Political Thought*

edited by

Francisco L. Lisi



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# Ley, intelecto, *nomos* y *logos* en el pensamiento político clásico. Presentación

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La problemática del orden y de la norma han desempeñado un papel fundamental en la filosofía política clásica. El desarrollo de la reflexión ha pasado por diversas etapas. Mientras algunas corrientes de lo que se conoce como sofística caracterizaban a la norma social (*nomos*) como arbitraria frente a una naturaleza en la que no imperaba ninguna regla o en la que se imponía el más fuerte (Calicles), otros veían en el orden social y en la justicia la imposición de un orden en la sociedad que respondía a los intereses de aquellos que ejercían el poder (Trasímaco, Protágoras, Critias).

Éstas corrientes tenían un punto en común, ponían en tela de juicio de los valores tradicionales ya sea negándolos totalmente o relativizándolos de forma tal que su infracción, mientras no se descubriera, estaba plenamente justificada. La tarea que emprende Platón es la de dar un nuevo fundamento, religioso y filosófico, a la norma social tradicional, modificando aquellos aspectos que representaran un alejamiento de los auténticos valores morales y políticos. La fundamentación platónica funda la rectitud de las normas legislativas y las costumbres en el conocimiento de los fundamentos del Ser y la aplicación de un orden ideal que es justo por excelencia al devenir de la sociedad y a las características de sus habitantes. La finalidad es lograr una sociedad estable y sin conflictos irresolubles en la que reine la justicia. La perspectiva de Aristóteles es similar, pero su propuesta varía fundamentalmente en la necesidad de armonizar los conflictos existentes en la sociedad y dar a la elite gobernante la flexibilidad necesaria para atender las contradicciones. Ambos pensadores unen la fundamentación de la razón y ven en el *nomos* correcto la expresión de la racionalidad imperante. Los distintos regímenes políticos se caracterizan por la mejor implementación posible de esa racionalidad según las condiciones imperantes. La finalidad de ambos pensadores es lograr regímenes estables y que sepan conciliar los diferentes intereses de una sociedad bajo la égida de

una clase superior y mejor dotada, algo que denominan 'aristocracia'. Aunque sus ideales hayan tenido y tengan un fuerte impacto, no son pensadores democráticos y mucho menos 'social demócratas'. Sus textos están plenos de pasajes contra la democracia, aunque ambos la consideran el mejor de los peores sistemas posibles.

En el presente número presentamos siete artículos que abordan distintos aspectos de la problemática, desde la sofística hasta su impacto en la teoría política contemporánea y que pueden ayudar a comprender mejor aspectos centrales del pensamiento de Platón y Aristóteles y su recepción.

# Between *Nomos* and *Physis*: The Multiformity of the Sophists's Speech

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## **Abstract**

Sophists deal with the problem of relationship between *nomos* and *physis* in terms *not only* of opposition between, *but also* of intertwinement. On the one side, the discussion leads to an exaltation of the *physis*, with opposite effects: in some sophists (Hippias and Antiphon) nature warrants the equality among human beings, while, in other sophists (Callicles and Thrasymachus), nature becomes the basis for legitimizing the dominance of the strongest over the weakest. In this context, the *nomos* is considered an invention of the weakest to inhibit the strongest. On the other side, we find sophists (like Gorgias) that affirm the need to decide to follow the *nomos* or the *physis* on the basis of situation, that is to avoid unilateral positions, or sophists (like Anonymous of Iamblichus) that assume a “conciliatory” perspective between *nomos* and *physis*. Socrates completes the variety of this debate. In *Criton*, Socrates applies a manifold movement to the *nomos*, divine and human, thus deserving respect and, at the same time, modifiable.

**Keywords:** *Nomos*, *Physis*, Sophists, Socrates, Justice, Immoralism

## **Resumen**

Los sofistas tratan el problema de la relación *nomos-physis* en términos no sólo de oposición, sino también de entrelazamiento. Por un lado, la discusión se resuelve en una exaltación de la *physis* que produce efectos opuestos: en algunos sofistas (Hippias y Antifonte), garantiza la igualdad entre los seres humanos, mientras que en otros (Callicles y Trasímaco), se convierte en la base de legitimación del dominio de los fuertes sobre los débiles. En este sentido, el *nomos* se considera como una invención de los más débiles, para inhibir a los más fuertes. Por el otro lado, se encuentran sofistas (como Gorgias) que afirman la necesidad de decidir, en función de la circunstancia, seguir el *nomos* o la *physis*, evitando posiciones unilaterales. Incluso hay sofistas (como el Anónimo de Jámblico) que asumen una perspectiva “conciliadora” entre *nomos* y *physis*. Completa esta variedad de posiciones Sócrates, quien en el *Critón* aplica un movimiento multiforme al mismo *nomos*, divino y humano, y por tanto digno de respeto y, al mismo tiempo, modificable.

**Palabras clave:** *Nomos*, *Physis*, Sofistas, Sócrates, Justicia, Inmoralismo

*Premise*

On the basis of texts and ancient testimonies, this article wants to show the multiformity of the sophistical debate on the relationship between *nomos* and *physis* and to examine, within it, the particular and complex evaluation of laws proposed by Socrates. His thought is a breakpoint with the traditional sophistic dimension and therefore an innovation. My position is opposed to the traditional interpretations, which consider the two terms - Socrates and the Sophistry - *or* in antithetical way *or* in a conciliatory one.

A semantic premise has to be made:

1. The term *physis*, “nature”, indicates the set of realities and stable principles, or fundamental elements, which regulate them; the use of this term highlights the contrast between the *intrinsic* characteristics of a reality and those acquired or imposed from outside;

2. The term *nomos*, “rule”, “law”, “custom”, and the whole range of terms that are related to it «in Greek are always prescriptive and normative and never merely descriptive – they give some kind of direction or command affecting the behaviour and activities of persons and things» (KERFERD, 1981, 112);

3. At this point, the question arises about the nature of the *nomos*, which is certainly *by convention*, but which presents itself in the form of what is valid *always and for itself*, therefore *by nature*, so that it is possible to speak of *nomos physeos*, “natural law”, which indicates what the nature *prescribes to do*: it is not a question of describing what happens at the natural level, but of accepting it as a rule of action, precisely as a “norm”.

In this context, the relationship between *nomos* and *physis* appears as the relationship and/or the contrast between *human* laws and *natural* laws. Hence, the Sophists’ anthropocentric thought cannot overlook an apparently “distant” theme such as *physis*, intended in the first sense and in relation to the human being, as a source from which the *nomos physeos*, the law of nature, can be originated.

### 1. *The sophistic thought*

#### 1.1. *A double foundation of the nomos*

Obviously the two ways of considering political and social norms lead to very different results: if the law is natural, it will be characterized by necessity and it will be imposed by the force of the course of nature, while positive law, like all human constructions, not only cannot go against *physis*, but also it has not any prerequisite that makes it necessary and imperative, apart from the force of the legislator. This is

proven by the continuous diversity of norms, which are different in different places: all Hellenes are brothers (by nature, according to ancient legends); however, each *polis* has different laws and norms.

This diversity of customs and laws is exemplified in the second chapter of *Dissoi Logoi*, a sophistic text:

I think that if one were to order all mankind to bring together into a single pile all that each individual considered shameful, and then again to take from this mass what each thought seemly, nothing would be left, but they would all, severally, take away everything (= DK 90,2)<sup>1</sup>.

In this framework, contrarily to most of the critics who give unilaterally value to one or the other side, the relationship between *nomos* and *physis* is analyzed by the different Sophists in terms of *both* opposition *and* twine and cooperation, with a further variety of solutions.

First scenario: the opposition *nomos-physis*

The *nomos-physis* contrast is highlighted by Sophists who belong to the so-called naturalistic current: for example, Hippias and Antiphon consider nature as the only guarantor of equality; indeed, in the platonic dialogue, Hippias affirms:

I believe you are all kinsmen and relatives and fellow citizens *by nature* (φύσει), *not by law*; for by nature like is akin to like, but *law is a tyrant of mankind and forces many things contrary to nature* (Protagoras 337c 7-d 3 = DK 86C1)<sup>2</sup>.

Here nature is seen as a universal principle of equality among men (or at least among the Hellenes) that goes beyond all conflicts, it contains them in a large family. Instead, the positive norms are opposed to this natural fact, for which they must operate *in a tyrannical and violent way*. Even Gorgias supports a similar idea in the *Defense of Palamedes* (= DK 82B11a), by separating the justice of nature, which establishes equal rules for all, from the violence of human law, which - often erring - imposes "unfair" norms.

In this oppositional model, the problem is the risk of a contrast between the norm and the necessity of the natural law, which is not tyrannical but has a *prescriptive character* because it indicates men how to behave. On the contrary, the conventional norm does not seem to have this character; this is confirmed by the discussion between Hippias and Socrates about the justice, as Xenophon reports: Socrates identifies the

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<sup>1</sup> English translation by ROBINSON (1979).

<sup>2</sup> English translation by ALLEN (1998).

*dike* with the *nomos*, that is, he identifies justice with positive laws; while, Hippias, on the basis of experience, objects that the laws *are not* a serious expression:

But Socrates - said Hippias - how can anyone take laws seriously or believe in them, when often the same people who established them repeal them and change them? (Xenophon, *Memoirs of Socrates*, IV 4, 14)<sup>3</sup>.

In virtue of its value which is stable, immutable and equal for all, natural law establishes itself as something objective, which cannot be ignored; instead, human law can be formulated without any criterion, and therefore be contradictory; consequently, it is damaging, even though it pursues the goal to realize an advantage and a benefit, like platonic Hippias shows:

⟨Hippias:⟩ the ⟨human⟩ law is made, I think, with benefit in view, but sometimes, if the law is made without criterion, it is injurious [...] ⟨Socrates:⟩ So the lawful and the law will be affected by, if those who make the laws miss the good (*Hippias Major*, 284d 2-7)<sup>4</sup>.

The cause of the failure of law has to be found in errors and within the limitations of men; these have repercussions on the laws and on the law itself, precisely because they are *human products*. This risk does not exist for natural law, which is *necessarily* and *permanently* valid *for all* men and cannot be evaluated in terms of profit-damage.

In this antithetical framework between *nomos* and *physis*, Antiphon, in his treatise *On the Truth*, seems to take a step forward, defining the right behavior on the basis of two variants:

A man would use justice *in a way advantageous to himself* if, *in the presence of witnesses*, he held the laws in esteem, whereas *when he was alone*, he valued the works of nature. For the works of laws are factitious, whereas those of nature are necessary; and the works of law, being conventional, are not natural, while those of nature, being natural, are not conventional (*Oxyrhynchus Papyrus* f. A = DK 87B44)<sup>5</sup>.

The right behavior is articulated on the basis of the considered sphere, whether public or private: an individual will act with justice if he gives value to human laws on the social level, “in front of witnesses”; instead, he will respect the natural laws in the subjective evaluation, “alone”. This ambivalence is the consequence of a radically binary point of view: human laws as “conventional” are not natural, while natural

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<sup>3</sup> English translation is by WATERFIELD (2000).

<sup>4</sup> My English translation.

<sup>5</sup> The English translation of all the Antiphon’s texts and testimonies is by GRAHAM (2010), with my slight changes.

ones which are “necessary and innate” are characterized by necessity (which is obvious) and, for this reason, they apparently seem not to be the subject of an agreement.

Despite the effort to guarantee the order of the *polis* through the common respect of its rules, the gap between the public and the private sphere, therefore the division of the individual between *citizen* and *private man*, involves risks: the preeminence of *physis* in the personal sphere implies the promotion of the relationship with nature in an individual perspective (in contrast with the public sphere), which can be easily radicalized and can also bring about an immoral deviation, as we will see further on. Antiphon confirms this possible outcome when he affirms:

One who transgresses the laws, if he eludes those agreed on them, also escapes shame and punishment, but if not, he does not. But if he undertakes to violate what is possible of things innate in nature, even if elude all men, the evil that results is no less; even if all observe, it is no more. *For he is harmed, not because of opinion, but in truth* (= DK 87B44).

If human laws are violated, shame and punishment are met only if one is discovered: if the setting is that of the “witnesses” and if they are not present, the setting itself is completely absent, so the person does not pay any price. This reasoning does not apply to the laws of nature, which are objective. The criterion of action is that of convenience and personal advantage: if the natural law is violated, harm is done *in any case*. Therefore, in this utilitarian perspective, it is *advantageous* to respect the natural law much more than the human law. It is not a case that the text contrasts opinion, *doxa*, with truth, *alétheia*: the real damage does not derive from human opinions, but from the truth of things, which coincides with the truth of nature.

By this way Antiphon arrives to make explicit the contrast between *nomos* and *physis*: «This inquiry is meant to show precisely this, that most of the things that are just by law are hostile to nature (= DK 87B44)».

What is right in the sphere of the *nomos* is opposed to what the *physis* prescribes; this situation concerns most things. The impossibility of conciliating the two spheres is evident and it is absolutely negative because the laws take over, as Antiphon points out with a paradoxical tone:

For laws have been imposed on the eyes, what they should see and what they should not; and on the ears, what they should hear and what they should not; and on the tongue, what it should say and what it should not; and on the hands what they should do and what it should not; and on the mind, what it should desire and what it should not (= DK87B44).

This is a dramatization (excessive) that Antiphon needs so as to underline the negative weight of the bonds that *nomos* imposes on the free development of human abilities.

However, even if the laws impose restrictions on nature, they are unable to repress it:

Some think the nature and the substance of things that are by nature is the primary component of the thing, being unstructured in itself, as the nature of a bed is the wood, and of a statue the bronze. A proof of this, according to Antiphon, is the fact that if one were to bury a bed and the putrefaction were to take strength so as to put up a shoot, it would not be a bed, but wood, as the one thing exists by accident, the conventional disposition and the art, while the substance is that which persists, continually undergoing these states (Aristoteles, *Physics*, II 1, 193a 9-17 = DK 87B15).

Nature remains and it is not destroyed by the laws, which force it and contain it each time in a different way.

Even more radically, Antiphon identifies one of the major weaknesses that the *nomos* has: it undermines its own claim to justice; human law in no way supports the victim of injustice, because it guarantees the procedures, but it is indifferent to the objective fact:

For the victim must persuade those who will exact punishment that he suffered a wrong, and he petitions to be able to get justice. But it remains to the perpetrator to deny these things ... this is above all bad, that the persuasiveness of accusing, which is proper to accuser, *manifests itself equally both for the victim and for the perpetrator* (= DK 87B44).

Laws place both who is subjected to harm and who commits it *on the same level*, and both must use persuasion to defend their position. This is “unfair”, as the former, objectively offended, should have some advantage over the other. But the law cannot decide who the one is and who the other is *a priori*. In its effort of impartiality, the *nomos* reveals its limitation which almost leads to a paradox: *the human law, equal for all, in its application designed for justice, realizes and practices a necessary injustice*.

Faced with these limits of *nomos*, Antiphon seems to be hoping for a profound modification based on the *physis* that can help to achieve *true* justice by uniting all men regardless of their social conditions. On this basis, the Sophist constructs an egalitarian hypothesis, capable of breaking down the contrasts and disagreements that arise in positive law between people and people, man and man.



We respect and honor those born of noble fathers; while we do not respect nor honor those who do not come from a noble family; in this way we became barbarians to each other, since *by nature we are all equal in everything*, barbarians and Greeks. It is possible to examine some of the features that are naturally necessary to all men: everyone can obtain these in the same way and in all such things no one of us has been distinguished as either a barbarian or a Greek. For we all breathe the same air through our mouth and our nose [...] (= DK 87B44).

The text establishes a double opposition: nobles-not nobles, barbarian-Greeks: Greeks's behavior, which is positive *only* towards the nobles, is judged worthy of the barbarians as it is against the Greeks. Here Antiphon builds a clever rhetorical game because he uses "barbaric" with two different connotations: in the first case, as a negative term, according to a very widespread use in Greece; in the second case it is immediately denied and used as a descriptive fact of the not-Greeks, being humans like the Hellenes. When certain human conventions are followed, humans behave as barbaric (that is evil), since human beings are all the same by nature and there is no distinction between barbarian (that is not-Greek) and Greek. The basis of this equality is the biological level: men are all the same because the vital mechanism works in the same way.

### 1.2. *The immoral and relativistic outcome*

The separation between *nomos* and *physis* and the exaltation of the latter contain an ambivalence: as seen before, on this basis it is possible to make the unity of the human species prevail. However, if, on the basis of *physis*, we consider the diversity among men, the application of natural law becomes the primary source of inequality. To this we can add a radicalization of the utilitarian discourse: nothing has value in itself, but is valid only in relation to the *individualistic and immediate* advantages and disadvantages. Consequently, everything depends only on the circumstances and we fall into a radical relativism.

The Sophists, which Plato puts into play in his dialogues, are emblematic figures of this position. In the *Gorgias*, for example, Callicles scolds Socrates, who led Polo to the contradiction, making him admit that committing injustice is uglier than suffering it. Socrates led Polo to this affirmation by mixing together two levels that should instead be kept separate, that of *physis* and that of *nomos*:

Really, Socrates, you keep leading matters around to such vulgar demagoguery as this - *to what is not beautiful by nature but by custom and law* - while claiming to pursue the truth. *But nature and law are for the most part opposite to each other*; so that if a man is ashamed and doesn't dare say what he thinks, he is compelled to contradict himself, which is the basis for the clever trick you've invented for spoiling arguments;

you reply by a question according to nature if someone means law, and according to law if he means nature (*Gorgias*, 482e 2-483a 4)<sup>6</sup>.

Callicles reaffirms the separation between the two spheres, which we have already seen in the previous Sophists, and he underlines the diversity of judgment that originates from it on the social level, but he wants also to leave this situation:

Polus meant that doing wrong is more ugly according to law, and you pursued the argument according to nature, for *by nature* everything is more ugly which is also more evil, and it is more evil to suffer wrong, *but by law*, doing wrong is more evil (*Gorgias*, 483a 3-5).

The judgment changes radically, because it depends on the point of view taken on: on the level of nature, it is uglier to suffer injustice (than to commit it), while, according to the positive law, it is uglier to commit injustice (than to suffer it).

Callicles lines up with the *physis* against the *nomos*, invented by the weakest people to protect themselves and to realize their own profit by blocking the strongest who cannot have more than others, because they would achieve injustice in this way.

But I think that those who lay down laws are weak and numerous, so they lay down laws and assign their praise and blame relative to themselves and to their own advantage. They frighten the stronger among their fellows, who are able to get a greater share, so that they may not have a larger share than themselves, claiming that overreaching is ugly and unjust and that to seek to have more than others is to do wrong. I think they delight in equality because they are inferior. That is why by law it is said to be ugly and unjust to seek a share greater than the multitude, and why they call it wrongdoing (*Gorgias*, 483b 4-c 8).

Here recurs the utilitarian logic that we have already seen in Antiphon: the mass identifies justice with respect for the laws, but *in fact* it operates in this way only in view of its own advantage (and of the disadvantage of the few human beings superior to it).

Thus, the *nomos* is limited to a mere convention desired by the weak; it indicates as unjust what is right from the point of view of *physis*:

But nature herself reveals, I think, that is just for the better to have a greater share than the worse, right for the more powerful to have more than the weak. For this is clearly true everywhere, among other animals, and in every city and race of men, it has been counted just that the stronger should rule the weaker and have a greater share. By what other justice did Xerxes invade Greece, or his father Scythia? - one could mention a thousand examples of the sort. I think they acted according to what is just by nature,

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<sup>6</sup> The English translation of the passages from the *Gorgias* is by ALLEN (1984).

and yes, by Zeus, *according to a very law of nature* - though not, perhaps, according to that law which we lay down (*Gorgias*, 483c 8-e 4).

From the point of view of the nature it is right that the best has more than the worst, that the most powerful have more than the weakest, so those who are better and stronger must rule over others. But this is impeded by the *nomos*: the advent of a man of suitable nature, capable of breaking the spells of positive law, represents the only hope for the triumph of the just of nature:

We shape and mold the best and strongest among us, catching them in youth like young lions, and we enslave them with magic and incantations, telling them that equality is necessary, that this is what is beautiful and just. But when a man is born of *sufficient nature* he will I think shake off all these fetters, break through his bonds and run free, trampling under foot our writings and charms and spells and *laws, which are all contrary to nature*. Then is our slave, risen up, revealed to be our master. There and *at that point does the justice of nature flash forth* (*Gorgias*, 483e 1-484b 1).

This situation corresponds to the rise of the tyrant, who acquires a completely positive meaning here: he is the one who frees himself from the chains which repressed his nature and releases himself by occupying the place which naturally belongs to him. Callicles confirms this accent, saying: «I think that *the just by nature* consists in the better and wiser ruling and *having a greater share than their inferiors* (*Gorgias*, 490a 6-8)».

This definition of justice is identical to that of Thrasymachus, but Callicles accentuates the connection with the law of nature of this domain, while Thrasymachus just develops a “political” discourse. This sort of “violence” of the best over the worst is legitimized by Callicles on the natural basis, so much so that those who inherit a kingdom are not suited to the virtue of temperance (492d) or they are legitimized to make use of violence too.

I just recall that a similar and, at the same time, opposite position is also in Thrasymachus's thought. In the first book of the *Republic* 338c, he affirms that justice is the profit of the strongest, meaning “strongest” in a political key, that is “the power” actualized in every constitutional form, therefore even in democracy, as it is always the government of a majority party.

## *2. Second scenario: a conciliatory position*

In the sophistical debate there are also less unilateral positions that evaluate the relationship between *nomos* and *physis* in a more balanced way. In this sense, particularly interesting is the reflection of the Anonymous of Iamblichus, whose

fragments can be placed in dialogue with the speculative dimension sketched above (this fact authorizes us to place the Anonymous «in the sphere of the sophistic movement and in the late 5<sup>th</sup> century b.C.» (CIRIACI, 2011, 151-152)<sup>7</sup>.

The position of the Anonymous seems to be polemic with the extreme positions of Sophists such as Callicles: he explicitly disapproves the will to prevail over others; it is necessary to exercise one's own control on this abuse of power:

Moreover, one must not be overwhelmed by will to prevail, nor consider the power to take advantage of others a virtue, and obedience to laws cowardice. For this is a most wicked conception, and from it results the exact opposite of advantage, namely vice and harm (= DK 89.6)<sup>8</sup>.

There is a kind of natural push to prevail, thus some people believe that virtue coincides with the force that tends to oppression, with the consequence that respect for the laws becomes weakness and cowardice. The concern of the Author, who judges this way of thinking as “perverse”, is due to the disruptive and destructive effects of this antisocial attitude. Associated life is a natural need of man, who organizes his life with others, formulating laws, precisely to satisfy this need:

Men are *by nature* (ἐφυσαν) unable to live by themselves, but came together in mutual association, being compelled by necessity (ἀνάγκη); and their whole livelihood and the means to it were discovered by them, and they are not able to live associated with each other in lawlessness (for then they would have greater disadvantages than living by themselves). For these compelling reasons law and justice rule over men and they can never be removed: for *by nature* (φύσει) these are strongly connected «to men» (= DK 89.6).

In this text, the conciliatory position emerges clearly: the *nomos* originates from a natural necessity of human being, therefore it is not opposed to *physis*, but constitutes its precondition. Only through the laws it is possible to live together as required by nature: the absence of the *nomos* would make the lives of men even worse than the life conducted in isolation (which is considered against nature).

The Author knows well what objection could be made, therefore he deals also with the limited case of an individual so superior as to aspire to absolute self-sufficiency. Neither one of a superior nature in body and soul (like the tyrant proposed by Callicles) could disobey the laws without being punished:

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<sup>7</sup> My English translation.

<sup>8</sup> The English translation of all the Anonymus Iamblichii's texts is by GRAHAM (2010), with my slight changes.

For if someone were such as people cannot really be, and *he allied himself to the laws and justice*, defending them and directing all his might on behalf of them and their supporting principles, he would be preserved, but otherwise he would not survive. For the human race is so disposed as to be hostile to such a character, and because *of their own lawful society* and their numbers, whether by art or by strength, they would overpower such a man and overcome him. Thus, it is plain that power itself, insofar as it is power, is preserved through law and according to justice (= DK 89.6).

In fact, such a person can never be born and never be there; however, even assuming that such an individual exists, he would be saved only by adhering to the laws and using his strength to reinvigorate them. Laws and justice are not an impediment to power, but a help, because they safeguard this superior individual from a possible attack by the community: if many weaker men gather together, the strongest one can be defeated<sup>9</sup>. But the most relevant thing is the emphasis on the fact that these multitude of men would organize itself against the few ones *by virtue of their own right* which sends back to a natural human condition.

With the reflection of the Anonymous, a non-unilateral vision, which connects *physis* and *nomos* in an original way, is outlined.

### 3. *The socratic position*

The many-sided debate on these issues becomes even more interesting if we consider (very briefly) also the Socratic position. This is a correct operation, because Socrates is the Sophist of Athens: his relations with the other Sophists, particularly Protagoras, his theoretical approach to reality, and Plato himself prove it: he makes it evident, in an allusive but clear way, in the fourth diairesis of *Sophist*, defining him as a sophist «of noble ancestry» (231b 6).

The interesting thing is that Socrates applies a polyvocal movement to the same *nomos*, which is both divine and human, therefore at the same time worthy of profound respect and modifiable. This is clear in one of the first Platonic dialogues, the *Crito*: the laws are superior and holy (53e) and as such they must be respected; transgressing the laws that have developed and given so much to the citizen would be so unfair (51cd) that the laws themselves speak to explain the three reasons why those who do not obey them commit injustice (*Crito*, 51d-52a):

And if he does not obey, we say that he commits injustice in three ways: <1> because he disobeys us, and we gave him birth; <2> because he disobeys us, and we nurtured him; <3> because he agreed to obey us and neither obeys nor persuades us that we are doing

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<sup>9</sup> In *Gorgias* 488de, this argument is used by Socrates against Callicles: the majority is stronger (and therefore better) than the individual.

something incorrect - even though we did not rudely command him to do as we bid, but rather set before him the alternatives of doing it or persuading us to the contrary (*Crito*, 51e 3-52a 3)<sup>10</sup>.

In the same dialogue in which the superiority of the laws is exalted, Plato underlines the possibility of modifying them: the Laws repeatedly reproach Socrates (51bc, 51e-52a) for not having modified them, as they themselves recognize that they may not do something good.

This ambivalent logic, exposed by Socrates in the dialogue, is inserted as an element of innovation within the sophistical debate, insofar as it affirms the limits of the *nomos*, which nevertheless remains superior and “divine”, therefore absolutely worthy of respect; consequently the good citizen has a double obligation: to respect the laws (until his death as in the case of Socrates) and at the same time to improve them as far as possible. The «respect that Socrates manifests for these laws must not be seen in the subordination to their superior nature: in fact the Laws leave the citizen free to accept them or not, that is to leave the city <52ab>, also to convince them so as to change, in accordance with the Laws, those which seem unfair to him; however if he decides to stay, he must obey, for a reason that Socrates himself explains: he owes everything to these laws» (REALE, 2000, 131)<sup>11</sup>.

On this basis, Socrates completely overturns the traditional perspective, affirming that it is not permissible to commit evil (which in this case consists in transgressing the laws) even in response to the evil and injustice received (*Crito*, 49ac). This affirmation is even more striking, if we think of the Socratic situation itself: death sentence of Socrates is one of the heaviest injustices that mark the history of the Western world.

Given this situation, the laws themselves, again in the *Crito*, make a fundamental clarification: «You now depart, if you depart, the victim of injustice at the hands of men, not at the hands of us who are the Laws (54b 5-c 1)».

Then the laws as such are not responsible. So «in a different direction, far from the sophistic relativism <for us of a part of the Sophistry> also Socrates considers man as a term of reference for justice. He moves the focal point of justice from nature to man and indicates the path of interiority: justice is the virtue of the soul and as such requires unconditional observance» (SILLI, 2016, 318)<sup>12</sup>.

Consequently (and since the unjust sentence has the force of law once issued) not respecting the law would be equivalent to committing injustice (*Crito*, 54cd). On this

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<sup>10</sup> The English translation of the passages from the *Crito* is by ALLEN (1984).

<sup>11</sup> My English translation.

<sup>12</sup> My English translation.

level, the Socratic position is highly innovative too: if one were to choose between the two, it would be better to receive injustice rather than commit it, an explicit position supported by Socrates, against Polo, in the *Gorgias* 468e-469c: «But if it were necessary either to do injustice or suffer it, I would choose to suffer it rather than to do it (469c 1-2)».

Here there is a complete overturning of the conception of Thrasymachus and Callicles, according to whom it is better to execute rather than receive injustice. This different approach can be explained as follows: the Socratic philosophy shifts the attention from the socio-political level to the internal one, to the *psyché* as the true human being.

So, we understand well the Socratic choice: committing injustice is more damaging to the soul, which would be damaged with consequences even after death. However, for Socrates, even on the social level, committing injustice by disobeying the laws leads to more damaging consequences than those caused by suffering it:

But if you escape, if you thus shamefully return injustice for injustice and injury for injury, if you trespass against your compacts and agreements with us, and work evil on those you least ought – yourself, your friends, your Country and its Laws – we shall be angered at you while you live, and those our brothers who are the Laws in the place of the Dead will not receive you kindly, knowing that you undertook so far as in you lay to destroy us (*Críto*, 54c 1-5).

In conclusion, Socratic reasoning takes up and develops the utilitarian logic common to all Sophistry, but takes it to a completely different level, to which Plato obviously gives extensive development. But it is a position that must not be forgotten because it gives the measure of the variety of the sophistic debate on *nomos-physis*.

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# Public Reasoning and the Role of *Logos* in Gorgias and Aristotle

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## **Abstract**

This paper focusses on the role of public speech in the process of political deliberation and collective decision-making. Specifically, it pays attention to Gorgias and Aristotle's reflection on the role of persuasive *logos* in the domain of public reasoning. The aim of this paper is to examine the common features of Gorgias and Aristotle's understanding of the human condition and the ways of managing it in the context of social life.

Gorgias' fundamental contribution to this topic can be seen in his *Encomium of Helen*, a pioneering argument on the power of *logos* within the human world. On this basis, this paper clarifies the theoretical background of Gorgianic anthropology and highlights its sensitivity to the situational framework of human decision-making. Recognising the essential ambiguity of the human situation in the absence of an absolute measure of human action, sophistry advocates techniques of immanently controlling the world and recognises the key role of rhetoric communication in this process. In this context, Gorgias' in-depth analysis reveals the power of speech in manifesting the relevant aspects of the situation, grasping current options and encouraging a proper response on the level of deeds.

Aristotle can be compared with Gorgias precisely with respect to their shared sensitivity for the situational character of human deliberation and decision-making. Aristotle's detailed account of individual deliberation in the varying constellations of particular situations (*EN* III 2-3) at the same time provides a suitable model for public deliberation. On the level of public reasoning, the role of *logos* becomes prominent again. The *logos* is effective within the contingent world where the future is uncertain and open to various possibilities. Grasping the optimum while respecting all unique circumstances, including the proper time for collective action that the community should take, defines the public debate. In this context, this paper examines Aristotle's concept of deliberative rhetoric (*Rhet.* I 3-4). Special emphasis is placed on the fact that in the case of deliberative speech (unlike forensic speech), Aristotle admits using non-argumentative procedures such as appealing to one's emotions, etc. His approach suggests that he does not understand political deliberation as an impartial assessment of neutral options, but as an engaged discussion about shared goals and the common good, which is influenced by the emotional attitudes of the interested members of the political community. For Aristotle, public reasoning remains a contest for attention and trust. Exploring these aspects allows evaluating Aristotle's contribution to managing political reality through persuasive speech.

**Keywords:** Gorgias, Aristotle, *Logos*, *Doxa*, Public reasoning, Deliberation, Persuasion

### Resumen

Este artículo se centra en el papel del discurso público en el proceso de deliberación política y aprobación de decisiones colectivas. En concreto, se presta atención a la reflexión de Gorgias y Aristóteles sobre el papel del *logos* persuasivo en el dominio del razonamiento público. El objetivo de este trabajo es examinar los rasgos comunes del análisis de Gorgias y Aristóteles sobre la condición humana y las formas de gestionarla en el contexto de la vida social.

La contribución fundamental de Gorgias sobre este tema se puede apreciar en su *Encomio de Helena*, un argumento pionero sobre el poder del *logos* dentro del mundo humano. Sobre esa base, en este artículo se aclara el trasfondo teórico de la antropología del sofista y se destaca su sensibilidad en el marco situacional de la toma de decisiones. Reconociendo la ambigüedad esencial de la condición humana en ausencia de una medida absoluta de su acción, la sofística aboga por técnicas de control inmanente del mundo y reconoce el papel clave de la comunicación retórica en este proceso. En dicho contexto, el análisis en profundidad de Gorgias revela el poder del habla para manifestar los aspectos relevantes de cualquier situación, captar las opciones actuales y alentar una respuesta adecuada en el nivel de los hechos.

Aristóteles puede compararse con Gorgias precisamente con respecto a su sensibilidad compartida por el carácter situacional de la deliberación y la toma de decisiones humanas. La detallada descripción aristotélica de la deliberación individual en las diversas constelaciones de situaciones particulares (*EN III, 2-3*) proporciona al mismo tiempo un modelo adecuado para la deliberación pública. En el nivel del razonamiento público, el papel del *logos* vuelve a ser prominente. El *logos* es efectivo dentro del mundo contingente, donde el futuro es incierto y abierto a varias posibilidades. Captar lo óptimo respetando todas las circunstancias únicas, incluido el momento adecuado para la acción colectiva que la comunidad debe concretar, define el debate público. En dicho contexto, el artículo examina el concepto aristotélico de retórica deliberativa (*Rhet. I 3-4*), haciendo especial hincapié en que en el caso del discurso deliberativo (a diferencia del discurso forense), Aristóteles admite utilizar procedimientos no argumentativos como la apelación a las emociones, *etc.* Según su planteamiento, la deliberación política no se entiende como una valoración imparcial de opciones neutrales, sino como una discusión comprometida sobre objetivos compartidos y el bien común, que está influida por las actitudes emocionales de los miembros interesados de la comunidad política. Para Aristóteles, el razonamiento público sigue siendo un concurso de atención y confianza. Explorar estos aspectos permite evaluar la contribución de Aristóteles al manejo de la realidad política a través del discurso persuasivo.

**Palabras clave:** Gorgias, Aristóteles, *Logos*, *Doxa*, Razonamiento público, Deliberación, Persuasión

This presentation concerns the role of *logos* in the public sphere. Specifically, it focuses on the role of public speech in the process of political deliberation and collective decision-making. For this purpose, two authors have been chosen - Gorgias and Aristotle, who both pay close attention to these processes and offer substantial insight into the role of persuasive *logos* in the domain of public reasoning. My aim is to examine how their reflection is embedded in their overall understanding of the human condition and the common features that can be traced in their conceptions. Here, a shared sensitivity for the situational character of human deliberation and decision-making will be stressed.

I.

Gorgias is an author whose extant work represents the first theoretical treatise on the issue of speech. His fundamental contribution to this topic is the *Encomium of Helen*, a pioneering argument on the persuasive power of *logos*. I assume this issue to be the central theme of the treatise<sup>1</sup>. The analysis of the nature of *logos*, occupying roughly the middle third of the text, has a complex internal structure. In gradual steps, Gorgias first reveals the character of *logos* and then the character of a human mind affected by the *logos*. Consequently, from this double perspective, emerges the role of *logos* in the social world.

*Logos: a mighty master*

Gorgias starts his argument with a spectacular statement about *logos* as an autonomous power<sup>2</sup> which is imperceptible in its substance but strong in its effects (*Hel.* 8):

Speech (*logos*) is a mighty master, and achieves the most divine feats with the smallest and least evident body<sup>3</sup>.

The explicit claim about the somatic character of speech (*smikrotatō sōmati kai afanestatō*) indicates that Gorgias does not consider language in terms of representational properties. For him, speech is a force in its own right - it does not represent reality, i.e. it does not simply mirror objects perceived in the world, rather it brings things to light, and in this sense constitutes what is recognized as a credible form of reality. This process involves emphasizing the relevant aspects of a particular situation, which in turn shapes the reality and lets it appear in a certain light before

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<sup>1</sup> Cf. BARNEY (2017), 4. Barney summarizes the characteristics of the *Encomium of Helen* as follows: «So the *Helen* presents a bold thesis about the nature of language and persuasion, nested within a valid and disturbing argument about moral responsibility, wrapped up in a spectacularly self-undermining showpiece of rhetorical display» (*ibidem*, 24).

<sup>2</sup> The autonomy of speech is specified by Charles P. Segal, following Rosenmeyer: «Hence the *logos*, free from a metaphysical correspondence with a higher 'reality', can be treated as an art, a *techne*, where its distortive nature is, if anything, an asset to be exploited in the interests of *peitho*, a tool for persuasion, without any necessary correlations with the world of Being. Gorgias, then, as Rosenmeyer has well remarked, has discovered 'the autonomy of speech'; for him 'speech is not a reflection of things, not a mere tool or slave of description, but ... it is its own master.' The *logos* is thus as free from the exigencies of mimetic adherence to physical reality (*apate* is, in fact, an important part of the art of the *logos*) as from an instrumental function in a philosophical schematization of a metaphysical reality» (SEGAL, 1962, 110).

<sup>3</sup> Λόγος δυνάστης μέγας ἐστίν, ὃς σμικροτάτῳ σώματι καὶ ἀφανεστάτῳ θειότατα ἔργα ἀποτελεῖ. Translations from the *Encomium of Helen* are from GAGARIN-WOODRUFF (1995).

the eyes of others. Such shaping seeks to obtain public consent and bring about a change of opinion<sup>4</sup>.

This general outline is carefully elaborated in the text of the *Encomium*. Gorgias opens his demonstration of the power of *logos* by reference to poetry. Gorgias himself uses poetic techniques, and by adopting a poetic framework for the outline of speech functions, he suggests significant parallels between the effects of poetry and the effects of rhetorical speech in the sphere of political decision-making.

These parallels are based on the traditional concept of poetry performance: poetry visualizes the essential characteristics of persons and highlights relevant aspects of deeds and situations. Through the utterance of praise and blame, it shapes the contours of human characters and actions and grants them a proper value. Gorgias recalls this evaluation practice in his initial declaration (*Hel.* 1):

For a city the adornment (*kosmos*) is abundance of good men, for a body beauty, for a soul wisdom, for an action *arete*, and for a speech truth; and the opposites of these are indecorous. A man, woman, speech, deed, city or action that is worthy of praise should be honored with acclaim, but the unworthy should be branded with blame. For it is equally error and ignorance to blame the praiseworthy and praise the blameworthy<sup>5</sup>.

Appropriate praise brings deeds and events to completion. It is not a matter of an additional embellishment, but rather a matter of revealing the reality in its fullness. The nature of events, in itself indistinct, is revealed in sharp contours only through poetic rendering. Poetic narration focalises characters and deeds and lets them stand out from the indifferent mass of events. Through utterance and poetic performance, they obtain full clarity: they are illuminated in bright light, so they clearly stand out in their prominence. In this way, poetic speech brings events to accomplishment.

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<sup>4</sup> SEGAL (1962), 109 emphasizes the character of *logos* as a medium: «Gorgias, however, does not draw the conclusion that communication is impossible, but rather defines more precisely the nature of this communication and its limitations. It occurs primarily through the *logos*, the word or language. Through language men communicate not the reality of things, but only words: 'For that by which we impart information is *logos*, but *logos* is not the things that are or that exist; we do not then impart to others the things that exist, but only *logos*, which is other than the things that exist' (B3, Sext., *Adv. Math.* 7.84). Gorgias, in other words, is aware of the peculiar nature of the communicatory medium *qua* medium. Communication itself, therefore, is a special area of human activity, an invention of society based upon prearranged conventions, and must inevitably involve distortions and rearrangements of the message. There is no such thing as a purely objective transmission of reality».

<sup>5</sup> Κόσμος πόλει μὲν εὐανδρία, σώματι δὲ κάλλος, ψυχῇ δὲ σοφία, πράγματι δὲ ἀρετή, λόγῳ δὲ ἀλήθεια· τὰ δὲ ἐναντία τούτων ἀκοσμία. ἄνδρα δὲ καὶ γυναῖκα καὶ λόγον καὶ ἔργον καὶ πόλιν καὶ πρᾶγμα χρῆ τὸ μὲν ἄξιον ἐπαίνου ἐπαίνῳ τιμᾶν, τῷ δὲ ἀναξίῳ μῶμον ἐπιθεῖναι· ἴση γὰρ ἄμαρτία καὶ ἄμαθια μέμφεσθαι τε τὰ ἐπαινετὰ καὶ ἐπαινεῖν τὰ μωμητὰ.

This is well known in the case of heroic glory when the *kleos* of a hero is spread by a singer who imparts immortal memory to the hero and brings his life and deeds to completeness<sup>6</sup>. Such a sharp visualization is inherent not only in the epic but also in the drama that portrays the heroic fates and makes apparent the unseen web of their causes and consequences. The need for visualization through speech is equally evident in the case of hymn poetry celebrating gods. Divine nature, often elusive, can be captured and revealed with maximum clarity in a song of praise. On the largest scale, the revelation of reality is entrusted to Muses that complete the world with their glorious singing. Here, too, the structure of the entire world is not only established during the cosmogonic process but also made manifest through celebrating speech<sup>7</sup>. We will see that Gorgias' concept of *logos* supposes the similar visualizing effect of rhetorical speech which makes the confusing world of situations more transparent.

In line with this traditional background, Gorgias proceeds to emphasize the emotional effects of speech (*Hel.* 9):

To its listeners poetry brings a fearful shuddering, a tearful pity, and a grieving desire, while through its words the soul feels its own feelings for good and bad fortune in the affairs and lives of others<sup>8</sup>.

The intense emotional response of the audience during a poetic performance is well attested<sup>9</sup>. Emotional attunement will prove necessary for the functioning of social

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<sup>6</sup> Cf. Odysseus' anxiety of drowning in the wild waves of a sea storm without a memory mediated by a glorious song of a poet (Hom. *Od.* V 308-312). The passage clearly contrasts heroic death celebrated by a poet and a woefully anonymous end without glory.

<sup>7</sup> In this sense, the song of the Muses crowns and completes the cosmogonic process. Cf. Hes. *Theog.* 1-115. For later evidence cf. Aelius Aristides, *Orat.* 45, 106: Πίνδαρος δὲ τοσαύτην ὑπερβολὴν ἐποίησατο ὥστε ἐν Διὸς γάμῳ καὶ τοὺς θεοὺς αὐτοὺς φησὶν ἐρομένου τοῦ Διὸς εἶ του δέοιτο αἰτήσαι ποιήσασθαι τινὰς αὐτῶν θεοὺς, οἵτινες τὰ μεγάλα ταῦτ' ἔργα καὶ πᾶσάν γε δὴ τὴν ἐκείνου κατασκευὴν κατακοσμήσουσι λόγοις καὶ μουσικῇ. Cf. Philo of Alexandria, *De plant.* 127-130.

<sup>8</sup> Ἦς τοὺς ἀκούοντας εἰσῆλθε καὶ φρίκη περίφοβος καὶ ἔλεος πολὺδακρυς καὶ πρόθος φιλοπενθήης, ἐπ' ἄλλοτριῶν τε πραγμάτων καὶ σωμάτων εὐτυχίαις καὶ δυσπραγίαις ἴδιόν τι πάθημα διὰ τῶν λόγων ἔπαθεν ἡ ψυχὴ. Regarding political impact of emotional involvement and empathy, OESTERREICH (1994) 72 points out: «Das Pathos, das - angesichts des tragischen Geschehens - die Zuhörer mit Schrecken erfüllt, sie erschauern läßt, sie zu Tränen rührt und in ihnen wehmütiges Verlangen erweckt, einigt die Menschen, indem es sie in eine gemeinschaftliche seelische Befindlichkeit versetzt. Sie gewinnen - herausgerissen aus der rationalen Distanz zum Dargestellten - die gemeinsame Fähigkeit, sich mit dem fremden Schicksal zu identifizieren. Das durch pathetische Rede erweckte Mitleiden setzt das *principium individuationis* außer Kraft. Die Zuschauer werden zu einer ungetrennten Erlebnisgemeinschaft, in der das fremde Leiden als das eigene durchlebt wird. Das erschütternde Pathos führt somit zu einer politischen Gesinnung: der empathischen Anteilnahme des Bürgers am Schicksal des anderen, in der der ansonsten grenzenlose Egoismus des Einzelnen aufgehoben ist».

<sup>9</sup> Hom. *Od.* VIII 521-531; cf. Pl. *Ion* 535d-e.

communication in the mode of persuasion. As Charles Segal puts it: «the fully effective impact of *peitho* involves the emotional participation of the audience, which is made possible by and takes place through the aesthetic pleasure of *terpsis*»<sup>10</sup>. It is important that emotional involvement allows openness to the presented message so that the speech affects its listeners in a benevolent manner<sup>11</sup>. Gorgias shows that speech works gently (unlike *ananke* and *bia*) and here he can also build on tradition, namely, on a claim of an essentially benevolent character of the public speech of a judge clearly expressed in the proem of Hesiod's *Theogony*<sup>12</sup>. However, in its gentleness, speech has effects comparable to physical violence. It has an immediate impact on soul analogous to the effect of drugs on the body (*Hel.* 14):

The power of speech has the same effect on the disposition of the soul as the disposition of drugs on the nature of bodies. Just as different drugs draw forth different humors from the body - some putting a stop to disease, others to life - so too with words: some cause pain, others joy, some strike fear, some stir the audience to boldness, some benumb and bewitch the soul with evil persuasion<sup>13</sup>.

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<sup>10</sup> SEGAL (1962), 122.

<sup>11</sup> *Ibidem*, 122: «There is, however, the suggestion of greater complexity in Gorgias' conception of *peitho*, that the process is not simply the conquest of a weaker subject by a stronger force, but that the persuaded is himself an accomplice to the act of persuasion, that he allows himself to be persuaded, and that persuasion is thus inseparably connected with the emotions aroused by the aesthetic process».

<sup>12</sup> Hes. *Theog.* 81-103: «Whomever of heaven-nourished princes the daughters of great Zeus honor and behold at his birth, they pour sweet dew upon his tongue, and from his lips flow gracious words. All the people [85] look towards him while he settles causes with true judgements: and he, speaking surely, would soon make wise end even of a great quarrel; for therefore are there princes wise in heart, because when the people are being misguided in their assembly, they set right the matter again [90] with ease, persuading them with gentle words. And when he passes through a gathering, they greet him as a god with gentle reverence, and he is conspicuous amongst the assembled: such is the holy gift of the Muses to men. For it is through the Muses and far-shooting Apollo that [95] there are singers and harpers upon the earth; but princes are of Zeus, and happy is he whom the Muses love: sweet flows speech from his mouth. For although a man has sorrow and grief in his newly-troubled soul and lives in dread because his heart is distressed, yet, when a singer, [100] the servant of the Muses, chants the glorious deeds of men of old and the blessed gods who inhabit Olympus, at once he forgets his heaviness and remembers not his sorrows at all; but the gifts of the goddesses soon turn him away from these». English translation is from EVELYN-WHITE (1914).

<sup>13</sup> Τὸν αὐτὸν δὲ λόγον ἔχει ἢ τε τοῦ λόγου δύναμις πρὸς τὴν τῆς ψυχῆς τάξιν ἢ τε τῶν φαρμάκων τάξεις πρὸς τὴν τῶν σωμάτων φύσιν. ὥσπερ γὰρ τῶν φαρμάκων ἄλλους ἄλλα χυμούς ἐκ τοῦ σώματος ἐξάγει, καὶ τὰ μὲν νόσου τὰ δὲ βίου παύει, οὕτως καὶ τῶν λόγων οἱ μὲν ἐλύπησαν, οἱ δὲ ἔτερψαν, οἱ δὲ ἐφόβησαν, οἱ δὲ εἰς θάρσος κατέστησαν τοὺς ἀκούοντας, οἱ δὲ πειθοῖ τινα κακῆ τὴν ψυχὴν ἐφαρμάκευσαν καὶ ἐξεγοήτευσαν.

## Doxa

The explanatory basis for the irresistible impact of speech on the human mind is provided by Gorgias' anthropological concept. In his view, human beings are deprived of the certainty of knowledge<sup>14</sup>. Their lives are inscribed in a temporal structure whose understanding is definitely beyond their reach (*Hel.* 11):

[...] as it is, to remember the past, to examine the present, or to prophesy the future is not easy; and so most men on most subjects make opinion (*doxa*) an adviser to their minds. But opinion is perilous and uncertain, and brings those who use it to perilous and uncertain good fortune<sup>15</sup>.

Humans are exposed to a confusing world of situations in which it is difficult to navigate. They have no firm external measure regulating their action, and their epistemic reliance on *doxa* causes their minds to fluctuate in an unstable stream of events. Nevertheless, humans are not completely lost in this uncertainty and are able to navigate their lives with a certain degree of meaningfulness. They can follow an immanent measure through which they can flexibly assess situations and circumstances in which they find themselves. Such an assessment is always set in a particular situation and is guided by the view of an internally interested agent, not by an external view of an impartial observer. This ability is indicated by Protagoras' crucial statement about human measure (B1):

A human being is measure of all things, of those things that are, that they are, and of those things that are not, that they are not<sup>16</sup>.

Read in a political context, the measured things are not entities existing *per se*, but human affairs that affect us fundamentally<sup>17</sup>. The human measure related to these affairs is not given once and for all but must be found again and again in changing

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<sup>14</sup> Here, we can assume an echo of archaic anthropology reflected in lyric poetry and considering man as ignorant and erring.

<sup>15</sup> Νῦν δὲ οὔτε μνησθῆναι τὸ παροϊχόμενον οὔτε σκέψασθαι τὸ παρὸν οὔτε μαντεύσασθαι τὸ μέλλον εὐπόρως ἔχει· ὥστε περὶ τῶν πλείστων οἱ πλείστοι τὴν δόξαν σύμβουλον τῇ ψυχῇ παρέχονται. ἡ δὲ δόξα σφαλερὰ καὶ ἀβέβαιος οὔσα σφαλεραῖς καὶ ἀβεβαίοις εὐτυχίαις περιβάλλει τοὺς αὐτῇ χρωμένους.

<sup>16</sup> Addressing notorious problems with translation, SCHIAPPA (2013), 121 offers this alternative to the standard translation: «Of everything and anything the measure [truly-is] human(ity): of that which is, that it is the case; of that which is not, that it is not the case».

<sup>17</sup> Cf. SCHIAPPA (2013), 116: «It may have been that Protagoras used the world *chrēmata* because it implies things that one uses or needs, such as goods or property, which derive their status of things from their relationship to humans».

circumstances. In this way, the fluctuating human mind, dependent on fragile opinion, gains some clues for its orientation.

*Persuasive logos in the political context*

Recognizing the doxastic character of human life and the absence of an absolute measure of human action, sophistry advocates techniques of immanently controlling the world. Here, the immanent measure of the human situation aims at what is credible at the moment and what can bring about general agreement and consensus of citizens<sup>18</sup>. In a contingent world, where the state of affairs alone does not allow reaching a clear decision on an issue, public reasoning and decision-making are guided by probability (*eikos*). If decisive proof is lacking, the assessment of a situation depends on «criteria of comparison with what the person or persons called upon to judge take to be the case or the state of affairs generally. Their criteria are based on experience and commonly accepted knowledge about human behaviour, and the expectations they have on the basis of this»<sup>19</sup>. Given these circumstances, sophistry recognises the key role of rhetoric communication in the process of public reasoning<sup>20</sup>. Gorgias himself emphasizes that speech acts in the mode of persuasion (*Hel.* 13):

[...] persuasion, when added to speech, indeed molds the mind as it wishes<sup>21</sup>.

Effective shaping and changing of attitudes require rhetorical ability which can capture the strong and persuasive aspects of the situation and present this situation to others in the light of momentary expectations and current options. This visualization takes place within the public sphere and the speaker's role is to make manifest what would otherwise remain unseen without the power of public utterance. Gorgias claims (DK 76 (82) B 26):

Being is invisible (*aphanes*) if it does not meet with seeming (*dokein*), and seeming is weak if it does not meet with being.

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<sup>18</sup> OESTERREICH (1994), 64.

<sup>19</sup> BONS (2007), 41-42.

<sup>20</sup> As OESTERREICH (1994), 64 puts it: «Die Bedeutung der Rhetorik für die Sophistik ergibt sich aus der Grundeinsicht, daß das immanente Maß der menschlichen Situation den Charakter des jeweils Glaubwürdigen besitzt, das allgemeine Zustimmung und Konsens der Bürgerschaft zu bewirken vermag».

<sup>21</sup> [...] ἡ πειθῶ προσιούσα τῷ λόγῳ καὶ τὴν ψυχὴν ἐτυπώσατο ὅπως ἐβούλετο. On the issue of persuasion as a form of deception see VERDENIUS (1981).



The chiasmic structure of the fragment indicates that “reality” is in itself inaccessible until it becomes apparent through revealing speech, but on the other hand, this speech must not be entirely arbitrary - it must point to the convincing aspect of a particular situation that can gain general consent<sup>22</sup>. Thus, the speaker demonstrates a particular situation from a certain perspective with which the citizens are willing to identify and which they accept with a corresponding mental response in the form of hope, fear, anger, trust, etc. This emotional attitude is subsequently embodied in a particular action (*Hel.* 12):

A speech persuaded a soul that was persuaded, and forced it to be persuaded by what was said and to consent to what was done<sup>23</sup>.

In this way, the convincing speech is able to organize a confusing world of diverse possibilities according to a situational measure. Technical control of the power of *logos* is able to put an end to hesitation, guide the fluctuating human minds in a preferred direction and direct the plurality of diverse human opinions towards a shared goal, established at the intersection of momentary circumstances<sup>24</sup>. These are the claims of Gorgianic rhetoric.

## II

Now, on what basis can we compare Gorgias with Aristotle? Aristotle’s general attitude toward sophists is notoriously critical. He mentions those commonly regarded as sophists repeatedly in his works<sup>25</sup>. For example, in *On Sophistical Refutations*, he defines sophistic art as «a skill that appears to be such, but is not real” and the sophist as “someone who makes money from such apparent, but unreal skill» (165a 21-23). A crucial characteristic of Aristotle’s sophist thus seems to be pretentiousness.

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<sup>22</sup> Cf. SEGAL (1962), 113: «The discovery of ‘reality’ for men involves a necessary subjective element of ‘seeming’; and here Gorgias indicates his awareness of the importance of the medium of perception in the area of epistemology, parallel to the intermediate function of the logos in communication. In neither case do men transcend the medium and reach ‘pure’ Being, but their knowledge of the world inevitably contains an admixture of their own perceptual energies and psychological and linguistic patterns. It is on this basis that the rhetor tries to change their view of reality by manipulating these variable patterns of appearance and language».

<sup>23</sup> Λόγος γὰρ ψυχὴν ὁ πείσας, ἦν ἔπεισεν, ἠνάγκασε καὶ πιθέσθαι τοῖς λεγομένοις καὶ συναινέσαι τοῖς ποιουμένοις.

<sup>24</sup> In this context, we may consider the analogy between Helen and *logos* suggested in the *Encomium of Helen*: by one body, they both bring together many (bodies) of men to perform great deeds (*Hel.* 4).

<sup>25</sup> Aristotle, *Metaph.* 1004b 17-26; *EN* 1164a 22-32; *EE* 1218b 22-24; *Pol.* 1307b 36. Numerous references are in the *Organon* (for a description of sophistic practice see for example *Top.* 111b 32-33; *Soph. el.* 172b 25-26).

However, as Joachim Classen has shown, Aristotle's attitude toward sophists is not entirely negative and his assessment of individual sophists is more subtle<sup>26</sup>. Aristotle treats with respect the older sophists such as Protagoras and Gorgias and, although he argues with them, he never ridicules or ignores them, but takes them seriously<sup>27</sup>. Gorgias himself is often mentioned in Aristotle's *Rhetoric* - primarily as a rhetorician, not a sophist - and on this ground, Aristotle often refers to him approvingly or without explicit criticism<sup>28</sup>. With this clarification, I address the announced search of common features in Gorgias' and Aristotle's concept of the role of *logos* in the public sphere.

### *Individual and public deliberation*

Aristotle can be compared with Gorgias precisely with respect to their shared sensitivity for the situational character of human deliberation and decision-making. This is indicated by Aristotle's analysis of the process of deliberation and choice, carefully elaborated in Book III of the *Nicomachean Ethics*. Here, the focus is primarily on individual deliberation, but most of Aristotle's observations apply to political deliberation as well.

Aristotle's analysis is based on the assumption of contingency<sup>29</sup>: human action takes place in a domain where the state of affairs is variable, and it is this radical openness of the world where things can be otherwise (*allôs echein*)<sup>30</sup>, which leaves room for deliberation. Aristotle starts his analysis of deliberation by defining its scope. His initial demarcation is negative (*EN*1112a 22-30):

Now about eternal things no one deliberates, e.g. about the material universe or the incommensurability of the diagonal and the side of a square. But no more do we deliberate about the things that involve movement but always happen in the same way, whether of necessity or by nature or from any other cause, e.g. the solstices and the risings of the stars; nor about things that happen now in one way, now in another, e.g. droughts and rains; nor about chance events, like the finding of treasure. But we do not deliberate even about all human affairs; for instance, no Spartan deliberates about the best constitution for the Scythians. For none of these things can be brought about by our own efforts<sup>31</sup>.

It remains that (*EN*1112a 31-32):

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<sup>26</sup> CLASSEN (1981).

<sup>27</sup> Arist. *Pol.* 1260a 25-29.

<sup>28</sup> CLASSEN (1981), 21.

<sup>29</sup> AUBENQUE (1963): Czech translation AUBENQUE (2003), 78 nn.

<sup>30</sup> Arist. *EN*1139a 8.

<sup>31</sup> Cf. Arist. *EE*1226a.

We deliberate about things that are in our power and can be done (βουλευόμεθα δὲ περὶ τῶν ἐφ' ἡμῖν καὶ πρακτῶν).

Within this domain, further restricted to things that happen in a certain way “for the most part” (*EN*1112b 8), deliberation consists in considering possible alternatives which are the subject of preferential choice (*EN*1113a 3-6)<sup>32</sup> It is significant that such consideration should take into account the situational circumstances of the intended action. For Aristotle points out (*EN*1106b 18-23):

For instance, both fear and confidence and appetite and anger and pity and in general pleasure and pain may be felt both too much and too little, and in both cases not well; but to feel them at the right times, with reference to the right objects, towards the right people, with the right motive, and in the right way, is what is both intermediate and best, and this is characteristic of virtue<sup>33</sup>.

Since there are no universally valid patterns of action, what may be adequate behaviour under certain circumstances may be inappropriate in other circumstances. This calls for a sensitive assessment of what should be done here and now. Nevertheless, unlike Gorgias, Aristotle does not situate this assessment into the sphere of mere *doxa*. There is a final measure of human action - it is the unqualified human good, *eudaimonia*, conceived as the ultimate goal of human life. This human good is manifested in a life lived by specific agents at specific times and in specific circumstances and its fulfilment needs a “true grasp” of what it means for that agent, at that moment, to be living well. There are normative standards of practical truths and correct desires<sup>34</sup> and Aristotle expresses this synergy of reason and desire, aiming at the same goal, in his definition in Book VI of the *Nicomachean Ethics* (1139a 22-26):

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<sup>32</sup> Arist. *EN*1113a 8-12: «The object of choice being one of the things in our own power which is desired after deliberation, choice will be deliberate desire of things in our own power (ἢ προαίρεσις ἂν εἴη βουλευτική ὄρεξις τῶν ἐφ' ἡμῖν); for when we have reached a judgement as a result of deliberation, we desire in accordance with our deliberation».

In this context, Christian Kock emphasizes Aristotle's intention «to distinguish between the domain where we *ultimately* discuss truth, and the domain where we *ultimately* discuss choice» (KOCK, 2014, 16). Nevertheless, with regard to *EN*1139a 22-31, it doesn't seem correct to exclude the notion of truth from the sphere of practical reasoning. Detailed analysis of “practical truth” offers OLFERT (2014).

<sup>33</sup> Cf. Arist. *EN*1104b 24-26. Sensitivity to these situational factors is terminologically fixed in the so-called doctrine of the mean.

<sup>34</sup> OLFERT (2014), 221: «the common denominator of what makes desires, decisions, and practical thought correct or incorrect is their relationship to what is unqualifiedly good for human beings».

Since 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.

Within this complex structure, the invariants of human happiness must be translated into terms of particular and changing circumstances. This kind of reasoning can take place in private as if someone in an internal conversation advises himself, but it can also include consultation with others (*EN*1112b 10-11). Moreover, the features of individual deliberation apply also to collective deliberation because like the former, the latter seeks to determine which acts will most contribute to the goals that the community seeks to achieve. Aristotle makes this proximity clear by recalling the findings from the *Nicomachean Ethics* in his account of deliberative rhetoric in political assemblies in the *Rhetoric* (1357a 2-10):

The function of rhetoric, then, is to deal with things about which we deliberate, but for which we have no systematic rules; and in the presence of such hearers as are unable to take a general view of many stages, or to follow a lengthy chain of argument. But we only deliberate about things which seem to admit of issuing in two ways (βουλευόμεθα δὲ περὶ τῶν φαινομένων ἐνδέχασθαι ἀμφοτέρως ἔχειν); as for those things which cannot in the past, present, or future be otherwise, no one deliberates about them, if he supposes that they are such; for nothing would be gained by it.

On the level of public debate, the role of *logos* becomes prominent. It is clear that public deliberation necessarily involves speech because it requires the sharing of reasoning and confrontation of arguments. Moreover, the centrality of *logos* corresponds to the political character of human beings, defined in the *Politics* precisely by their capacity to use reasoned speech and to make arguments about good and bad and right and wrong (*Pol.* 1253a)<sup>35</sup>. This assumption places rhetoric at the heart of political deliberation<sup>36</sup>.

### *Deliberative rhetoric*

Aristotle defines rhetoric as a faculty to discover “the possible means of persuasion” (*Rhet.* 1355b). According to him, rhetoric controls the three chronological dimensions of human life - the past, the present and the future - and is

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<sup>35</sup> Arist. *Pol.* 1253a: «Speech is designed to indicate the advantageous and the harmful, and therefore also the right and the wrong; for it is the special property of man in distinction from the other animals that he alone has perception of good and bad and right and wrong and the other moral qualities, and it is partnership in these things that makes a household and a city-state».

<sup>36</sup> YACK (2006).

distinguished into corresponding types: the forensic, epideictic and deliberative rhetoric (*Rhet.* I 3).

The future-oriented character of deliberative rhetoric indicates that it focuses on expected consequences of actions we are about to take, rather than an assessment of acts that have already been performed. Given the open nature of future events, it deals again with the indeterminacy of things, the outcome of which is never quite clear in advance (*Rhet.* 1357a). Its persuasive function arises from the fact that it helps the members of a political community to determine which collective action to support and prepare their decisions about what collective actions their communities should take. This process requires persuading the rest of the citizens about what best serves their shared or common good.

What calls for attention is that in the case of deliberative rhetoric, Aristotle admits the use of non-argumentative forms of proof, such as appeal to character and emotions. This is closely related to the nature of political deliberation as a social practice: public reasoning does not involve only strictly rational argumentation – it is more like a contest for attention and allegiance. As such, it rests on establishing a specific social relationship between the public speaker and his audience. Therefore, concern for reputation is an important part of public speech<sup>37</sup>. Since political deliberation deals with questions that inevitably involve a certain degree of uncertainty and indeterminacy, the character of the speaker may provide an indispensable piece of evidence about the quality, sincerity and credibility of his political proposal (*Rhet.* 1356a). Moreover, the public speaker shares an interest in the outcome of the issue at hand with his audience. His effort to persuade the listeners corresponds with the willingness of the listeners to be persuaded.

At the same time, public deliberation is not an impartial assessment of neutral options, but an engaged discussion about shared goals and the common good, which is influenced by the emotional attitudes of the interested members of the political community. Aristotle pays much attention to the role of emotions in public reasoning. While in the case of court judgements, he warns judges and jury members not to be distracted from the issue at hand by appeals to emotions and urges them to judge impartially; in the case of public deliberation, he admits emotional interference. To underpin this differentiation, we may recall Book III of the *Politics* where Aristotle declares that law operates without passion (*Pol.* 1286a 19-21). Translated into the context of forensic rhetoric, it suggests that the application of the law to a particular

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<sup>37</sup> NIEUWENBURG (2004).

case during court proceedings should avoid any passionate involvement. However, deliberation about future action is a completely different matter. As the account in the *Nicomachean Ethics* shows, decisions about the future and choice of a particular action are based on the activity of reason informed by emotions that interest the agents in the consequences of their decisions.

To sum up, instead of disinterestedness, public reasoning based on mutual communication assumes committed and emotionally coloured attitudes of the citizens who consider matters related to their own ends. At the same time, the pursuit of common good permits a plurality of perspectives, from which the ways of its realization are considered. Thus, the process of common deliberation through persuasive speech permits partiality instead of neutrality, which makes the collective decisions situated and context-related<sup>38</sup>.

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<sup>38</sup> GARSTEN (2009), 129 speaks about "situated judgement": «When we engage in situated judgment, we make decisions using criteria drawn from our own perspectives - from our experiences, our emotions, and even our prejudices. Insofar as Aristotelian deliberation involved thinking through our intentions in relation to an end of our own, it incorporated and encouraged situated judgment».

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*Nomos and Nous.*  
**Which Are Plato's Criteria for the Definition of a Just City?**

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***Abstract***

In Plato, two different visions of politics coexist: care of the soul and care of the *polis*. A second point is Plato's systemic and holistic view. Every reality is a whole made up of parts that depend on the whole. Finally, the whole is a principle of order that has a rational foundation in the Ideas. Consequently, the action of the human being is and must be rational. The link between intelligence and law, underlined by the similarity of the two words, nous and nomos, is posed in various ways.

The centrality of intelligent intervention clashes with the lack of credit that Plato gives to human action. The polis is marked by diversity and conflict.

Human constitutions must use the laws, a rigid tool that, if imitate the paradigm, can counteract the prevalence of disorder. In Plato's political philosophy the concept of imitation is fundamental. The ideal paradigm is useful for guiding the true politician in his rational effort to propose laws.

***Keywords:*** Laws, Paradigm, Multifocal approach, Plato, *Polis*

***Resumen***

En Platón coexisten dos visiones muy diferentes de la política: el cuidado del alma y el cuidado de la *polis*. Un segundo dato es la visión sistémica y holística de Platón. Toda realidad es un todo formado por partes que dependen del todo. Finalmente, el todo es un principio de orden que tiene un fundamento racional en las Ideas. En consecuencia, la acción del ser humano es y debe ser racional. Este vínculo entre inteligencia y ley, subrayado por la similitud de los dos términos, *nous* y *nomos*, se plantea de formas diversas.

La centralidad de la intervención inteligente choca con la falta de crédito que Platón otorga a la acción humana. De hecho, la *polis* está marcada por la diversidad y por el conflicto.

Las constituciones humanas deben utilizar las leyes, una herramienta rígida que, si imita el paradigma, puede contrarrestar la prevalencia del desorden. En la filosofía política de Platón es fundamental el concepto de imitación. El paradigma ideal es útil porque guía al verdadero político en su esfuerzo racional de proponer leyes.

***Palabras clave:*** Leyes, Paradigma, Enfoque múltiple, Platón, *Polis*

*Premise*<sup>1</sup>

The question about the criteria for defining a just city may seem so obvious as to be almost provocative. What makes a courageous gesture courageous? What makes a right thing right? What makes that animal a horse? The platonic answer is always the same on the formal level: the Idea of courage, the Idea of justice, the idea of horse. The question becomes subtler if we shift the attention to the “criteria” with which “we” define and consequently act.

If we think of criteria, we encounter a first element that makes Plato’s political vision completely different from ours. There is no separation between social and political ambit in classical thought. There is no theoretical figure of the state separated from civil society, that “God on earth” (Hobbes) who has the task of building order to prevent the inevitable social conflict from having destructive effects. Consequently, classical thought holds together elements that for us are irreducibly detached and can grasp in being a citizen of the *polis* the figure that best expresses the identity of a Greek man, of course male and free. Thus, politics constitutes a philosophy of the human being. The different aspects are distinguished on the basis of the relationship that the subject establishes with specific areas: the politics operates in the agora, the economy in the administration of the house, the ethics in personal choices.

This explains the presence of two very different definitions of politics in Plato: care of the soul and care of the *polis*. A good policy can and must achieve both results. This ambivalence is structural and is maintained in the dialogues to the end:

knowing the nature and conditions of men’s souls, then, is one of the most useful things for that art designed to treat (θεραπεύειν) them; and this, I would argue, is precisely the task of politics (*Laws*, 650b 6-9).

This conception is the basis of some important elements of Plato’s political reflection. For example, the parallel between the soul and the *polis* in the *Republic* without this would only be a game of rhetorical parallels. So, we also understand how the philosopher can also use the classical ethical conflict between pleasure and knowledge on a political level in the *Gorgias*, 500e-501a. The flattery (κολακεία) uses the pleasure to obtain political effects: the sophistic technique replaces the legislative activity; the rhetoric replaces the judicial one. Right politics indicates with the laws

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<sup>1</sup> Since many elements of my interpretation of Plato are different from the statements of traditional manuals, for the textual demonstration see MIGLIORI (2013). There is then a shorter text (an exposition of Plato’s thought), MIGLIORI (2017a).

what is right and takes care of errors with penalties<sup>2</sup>, while false politics damages the soul by not giving it adequate indications and preventing correction. Plato also establishes a vertical relationship: the first term (the legislation), which indicates the rules for feeling good, is superior and normative for the second (judicial art), which proposes the remedy to recover lost health<sup>3</sup>.

All this is confirmed and strengthened by a second datum that must be remembered to understand Plato's political philosophy: his systemic and holistic view of dialectics and metaphysics. Although traditional readings often ignore it the fundamental pair is whole-parts, which involves a series of data:

- every reality is an whole, endowed with its own order;
- a whole is necessarily made up of parts;
- the parts depend on the whole;
- the part can in turn be considered as a whole in that it has its own order;
- each whole can be considered in relation to other wholes and therefore part of a higher whole.

This conception, which is at the base of the diairetic procedures that Plato proposes, concerns the Ideas themselves and therefore all levels of reality<sup>4</sup>, including the political sphere. In fact in the *Republic* the wisdom that the rulers need is not a generic science (*episteme*), but that one

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<sup>2</sup> The parallel between disease-medicine and guilt-punishment recurs in many Platonic texts. For example, REALE (2000), 131-135 connects these texts to *Crito* (48b, 49ac, 51a-52a), in which Plato reverses the common way of thinking, proposing a sort of "message of the non-violent revolution". Therefore, it is no reason to consider these texts paradoxical or even comic (as many scholars believe).

<sup>3</sup> Socrates states (465b 6-7) that for brevity (ἵν' οὖν μὴ μακρολογῶ) he intends to speak as the geometers (ἔθέλω σοι εἰπεῖν ὥσπερ οἱ γεωμέτραι), and in fact the argument is adherent to the model of a geometric proportion.

<sup>4</sup> An adequate discussion of this topic requires referencing the entirety of Platonic dialectics as a premise, and its onto-cosmology as proof. Basically, this constitutes the bulk of MIGLIORI (2013, I). I therefore limit myself to mentioning only one step, which seems to me to be decisive: «YOUNG SOCRATES - Very true. But, in relation to this point, Stranger: how can we get a clearer knowledge of the fact that Idea and part are not the same, but different realities? STRANGER - Socrates, my excellent fellow, it is no small task you impose upon me. ... Only take very good care not to imagine that you ever heard me [1] clarify this distinction ... that Idea and part are different from one another ... [2] The fact is that, when there is an Idea, it must necessarily be a part of the thing of which it is said to be the Idea; but [3] there is no need for that a part to be also an Idea. So, you must say that I always uphold this rather than the other as my doctrine» (*Statesman*, 263a 2-263b 10). Therefore, the topic has not adequately been developed, when there is an Idea it is *necessary* for it to be also part of the thing of which it is said to be the Idea, whereas there is no need for a part to be an Idea, since it can be a "piece" that lacks unity and a logic of its own. In fact, *every Idea is made up of other Ideas and is part of an Idea* (cf. MIGLIORI, 2013, 344-347).

which decides not on any particular activity of the city but on the whole, to establish the better way in which it can relate to itself and to other cities (428c 12-d 3).

We therefore have one connection of the whole (the *polis*) with its parts and another connection with other wholes (the other *poleis*), which are at this point parts of a higher whole.

The important fact is that the whole, which manifests the Idea<sup>5</sup>, is a principle of order that has a rational foundation. Consequently, the action of the human being, endowed with reason, is and must be rational. As the divine craftsman (*demiurgos*) looks at the ideal paradigm to realize the cosmos<sup>6</sup> and the human craftsman (*demiurgos*) looks at the Idea of the bed to make it<sup>7</sup>, so the politician must grasp the ideal rational principle for his city.

Among all the knowledge, the most efficacious in improving those who learn them are those relating to laws, provided, however, that they are established correctly, otherwise the name of the law [*nomos*] (νόμος), divine for us and extraordinary, it would be in vain connected to that of intelligence [*nous*] (νοῦς) (*Laws*, 957c 4-7).

This link between intelligence and law, underlined by the similarity of the two words, *nous* and *nomos*, is posed again in various ways. For example, each of us has couples of counsellors who are without rationality: pleasure and pain, fear and hope; above these there is a reasoning (λογισμός) which must establish what is better and what is worse.

This, having become a common decision for the city, takes the name of law [*nomos*] (νόμος) (*Laws*, 644d 2-3).

Therefore, the human being must follow only

the sacred golden guide of reasoning (λογισμοῦ) called the common law (νόμον) of the city (*Laws*, 645a 1-2)<sup>8</sup>.

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<sup>5</sup> On this complex connection I can only recall some difficult passages of the *Parmenides*: «But the whole (τό γε ὅλον) must be one composed of many and of this the parts are parts (μόρια τὰ μόρια): for each of the parts must be a part, not of many (πολλῶν), but of a whole (ὅλου)» (157c 5-8). «Then the part is a part, not of the many nor of all, but of a single Idea (οὐκ ἄρα τῶν πολλῶν οὐδὲ πάντων τὸ μόριον μόριον, ἀλλὰ μιᾶς τινὸς ιδέας) and a single concept which we call a whole (ὅλον), that achieves perfection when it unifies all parts; the part is a part of this» (157d 8-e 2). Cf. MIGLIORI (2013), 414-421.

<sup>6</sup> Cf. *Timaeus* 28ab.

<sup>7</sup> Cf. *Republic* X 596b.

<sup>8</sup> In the conclusions again, after having said that the laws must consider the virtue as a single thing that has four forms, Plato emphasizes «that the guide of all these is intelligence (νοῦν), to which also all the other factors and the three virtues must look» (*Laws*, 963a 8-9).

### 1. *The limits of human action*

This centrality of intelligent intervention clashes with the lack of credit that Plato gives to human action. Not the political capacities but the fortune in life determines the events: wars, famines, pestilences and natural disasters cause effects that last for years and show the limits of any law and/or political operator (*Laws*, 709a). Therefore, we must recognize that

the deity directs all human affairs, and besides God the fate (τύχη) and favourable occasion (καιρός). Mitigating the judgment, it must be admitted that these are followed by a third factor, the technique. For I believe that having the help of an expert captain in a storm is more advantageous than not having it (*Laws*, 709b 7-c3).

Therefore, conscious action is not enough to avoid a depressing view of human affairs. In fact, in the *Republic* an initially well-ordered city degrades continuously and vicious forms of government are gradually affirmed. The most important thing is that Plato states in an exceptionally insistent way that these forms are a direct derivation from one another, a degenerative process in which eventual conflicts are always resolved negatively<sup>9</sup>. This degeneration is constantly presented as an increase in conflict, in disorder and in disharmony, and is always accompanied by a fall of the cognitive-rational dimension. Of course, order and disorder are, in this descent, relative terms. In summary: on the one hand we have such a precarious order not to hold, on the other the text underlines that at each step there is a (new and inferior) order system. This is why the last step, tyranny, is proposed in excessive tones, with the tyrant described as a completely unreliable psychopath. The aim is to make it clear that the maximum level of disorder that can be tolerated by a state system has been reached<sup>10</sup>.

The “history of decadence” shows the strength of the disorder principle, the *Apeiron* of *Philebus*, in the field of politics. Every order, cosmic or human, is precarious: this is a fundamental conviction of Plato. Left to themselves, things can only get worse, as explicitly stated in the myth of the *Statesman*. To confirm it, the so-called royal number comes into play, which «refers to the cosmic period spoken of in the myth of the *Statesman* and the perfect year of the *Timaeus* (39d)»<sup>11</sup>. Therefore, human life is so conditioned by

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<sup>9</sup> In fact, the process has a theoretical/metaphysical foundation: «since for every thing generated there is corruption, not even a similar conformation will resist all the time but will be destroyed» (*Republic*, 546a 2-3).

<sup>10</sup> FREDE (1997) carries out a reading of this process in an anti-historicism key, in controversy with the thesis that the history of humanity follows a predictable evolutionary pattern (116). Obviously, nothing of the kind can be attributed to Plato, who does not care to identify a necessary historical path, as the scholar herself recognizes (124).

<sup>11</sup> CENTRONE (2001), 787 n. 8.

the cosmic cycle that the model almost inevitably degenerates, despite the wisdom of the guardians.

However, Plato, as always, does not assume a renouncing attitude. Despite all this, rational intervention is absolutely necessary:

My dear Glaucon, there can be not cessation of ills for cities or, I fancy, for mankind, unless the philosophers rule our cities or those whom we now call kings and rulers take to the pursuit of philosophy seriously and adequately, or there is a conjunction of these two things, political power and philosophy, in the same person (*Republic*, 473c 11-d 6).

Because of this, that we had foreseen and feared, we said, compelled by the truth, that neither city nor constitution and not even a human being<sup>12</sup> would ever be implemented until either the *fate* compels (1) those few philosophers who aren't evil, now judged useless, to care (ἐπιμεληθῆναι) for the city, whether they want to or not, and (2) the city to obey them, or before a true love for the true philosophy does not arise, *for some divine inspiration* (ἐκ τινος θείας ἐπιπνοίας), in the sons of the present lords and kings, or in those themselves (*Republic*, 499a 11-c 2).

“Some divine inspiration”: this “solution” constitutes a sort of miracle.

Therefore, if the city has a virtuous tyrant and an appropriate legislator, we must say that

God has done all that he does when he wants to treat a state with particular favor (710d 1-3).

This is repeated in substantially identical terms in the *Seventh Letter*:

Therefore, the evils will not leave the human race until either a generation of true and authentic philosophers does not take political power or those who dominate in the cities, *for some divine gift*, do not devote themselves to philosophy (326a 7-b 4).

In this case too, the “solution” is a sort of miracle.

This conception of Plato is the ethical-political verification of his ontological and cosmological philosophy. The best exposure of it is that of the *Philebus* (in direct connection with the *Timaeus*)<sup>13</sup>. In these dialogues<sup>14</sup> Plato repeatedly stresses the nature of reality as one-and-many<sup>15</sup> even at the level of the Ideas:

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<sup>12</sup> This list confirms that individual destiny is strictly connected to the political sphere (cf. VEGETTI, 2003, 67 n. 78).

<sup>13</sup> Plato provides many signals to encourage the reader to intertwine the content of these two dialogues; cf. MIGLIORI (2013), chapter III, «Il legame tra *Filebo* e *Timeo*» («The link between *Philebus* and *Timaeus*»), 443-491.

<sup>14</sup> Cf. MIGLIORI (2013), 442-713.

<sup>15</sup> Plato presents the one-many connection through a radical formulation: «We say that *the identity* (ταυτόν) between the one and the many which manifests itself in reasonings always circulates in every statement that is uttered, today as much as in the past. This neither will never cease nor begins now, but

the realities which are said to always exist are constituted by one and many, and hence have inherent in themselves the Limit (*Peras*) and the Unlimited (*Apeiron*) (*Philebus*, 16c 9-10).

Plato later explains at length (a topic I cannot go into here) that every reality is a mixture, stemming from the action of an ordering principle, a limit (*peras*), which operates on something unlimited, an indeterminate reality with no limit (*apeiron*). Plato then goes on to explain:

the three genera have provided a frame of reference for the things that come into being and for those from which everything derives (27a 11-12).

We thus have 1) two elements from which everything derives and 2) a mixed reality that comes into being and which is at the same time one and many, because it bears the mark of the action of the ordering principle upon an intrinsically disorderly reality<sup>16</sup>.

It is important to grasp the complexity of the connections and the inevitable conclusion:

then it is better to say, as we have often said, that there is in the universe a plentiful infinite [*apeiron*] and a sufficient limit [*peras*] (ἄπειρόν τε ἐν τῷ παντὶ πολὺ, καὶ πέρας ἱκανόν) and above these a by no means feeble Cause which orders and arranges years and seasons and months, and may most justly be called Wisdom [*Sophia*] and Intelligence [*Nous*] (σοφία καὶ νοῦς λεγομένη δικαιοτάτ' ἄν) (*Philebus*, 30c 3-7)<sup>17</sup>.

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it is, in my opinion, an everlasting and incorruptible quality which belongs to our discourses as such» (*Philebus*, 15d 4-8). It is necessary to focus on the meaning of this identity. Plato is well aware of the principle of non-contradiction and knows that opposite terms rule out each other. However, an exception is to be accepted: the affirmation of “identity” does not mean that what is one becomes many, but that it is possible to speak of a complex single reality as both one and many. Reality is neither just one nor just many, but is a one-and-many (one-many). In fact, Plato upholds (14c 8-10) that it is easy to object to the both one-sided positions, the one that is in favour of the one (for the many is one) and the one that is in favour of the many (for the one has parts and is multiple), since both these claims are true if reality is one-many.

<sup>16</sup> To these Plato adds a fourth genus, the Cause, a divine principle that acts as an “efficient cause”: what he elsewhere terms the Demiurge.

<sup>17</sup> Given this complexity of connections, it is better to avoid unilateral interpretations and affirmations (for example concepts such as “aristocratic vision”, “conservative conception”, “political utopia”), because the risk is to simplify an always polyvalent discourse.

## 2. *The polis*

*Apeiron* is manifested above all in the extreme division of the *polis*, which constitutes the greatest concern for Plato. Three factors weigh on this emphasis:

- the situation of the time, the state of civil war that had devastated Hellas and led to completely negative behaviour;
- the theoretical structure of the system: given the couple whole-parts the first term imposes a strong unity;
- the complex social analysis that Plato proposes in the *Statesman* (287b-291c): seven different blocks of socio-productive activities; to these are added the activities that relate to animate beings (the breeding and possession of slaves), then the intermediary subjects (merchants, bankers etc.), and the opponents of the politician, as sophist and tyrant; ultimately, in the final part of the dialogue (304b-305c) the direct collaborators of the true politician are cited, the educator, the strategist, the judge, the rhetorician.

Plato therefore has a realistic view of the richness of social activities<sup>18</sup> that is confirmed by the third book of *Laws*, with the story of the periodic destruction of human societies. We have a sort of Robinson Crusoe model, starting with the survivors of the flood, mountain people who know nothing. In the evolution of that world the State modifications appear as answers to a progressive increase in social complexity.

But society is not only that of different workers, but also, and above all, that of different subjects. The reality is marked by diversity and, therefore, by the conflict. This contrast can be declined in an ethical key (best and worst, *Laws*, 627b 5-8), but it is above all that of sex, that of wealth (object of great attention) and that of functions. This explains certain judgments about cities:

Each of them is very many cities, but not one, as in the game. However, they are two, among them enemies, that of the poor and that of the rich. And in each there are many. If you treat them like one, you're completely wrong; if like many others, giving to some the goods and the powers of the others, or those themselves, you will always have many allies and few enemies. And as long as your city is administered with wise temperance, as we have established a while ago, it will be very great: I do not say by reputation, but very great indeed, even if it has only a thousand defenders. In fact, you will not easily find a single state so great among the Greeks or the barbarians, while you will find many, that are many times greater than this, which only have the appearance of being so (*Republic*, 422e 8-423b 2).

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<sup>18</sup> This is accentuated by his "criterion of efficiency", for which every human being must perform only one task, the one for which nature has made him more suitable.



The practical consequences are exposed when Socrates reflects on the maximum good and on the maximum bad for the city:

can we therefore have a greater evil for the city than the one that divides it and makes it multiple instead of one? Or a greater good than the one that binds it and makes it one? (*Republic* 462a 8-b 2)<sup>19</sup>.

In spite of everything, Plato continues to hope because he thinks in terms of the system: by changing a single element we can obtain the change of the whole:

I think I can prove that we would have a general modification with only one change, certainly not small or easy, but possible (*Republic*, 473C2-4)<sup>20</sup>.

This possibility is the power of the thought: only the conscious action of the *nous*, from the cosmos to the *polis*, can counteract the prevalence of disorder in the light of the ideal paradigm. It is necessary to have a clear vision of the good to be realized and to use the tools available to carry it out. It is therefore necessary to work 1) on the ideal level to develop ideal paradigms such as those proposed in the *Republic* and in the *Laws* and 2) on the concrete level, with good laws. It is therefore necessary

- to understand well the nature and function of paradigms;
- to adequately articulate the nature and function of laws;
- to understand the relationship between these two data.

### 3. *The paradigm*

As is known, Plato proposes a perfect model of *polis* in the *Republic*. This paradigm belongs to the ideal sphere and therefore it cannot and above all it must not be realized. This is explicitly stated through separation between the paradigm and the six human constitutions. These must be considered

apart from the seventh, that, in fact, must be separated from all other forms of government, as a god by men (*Statesman*, 303b 3-5).

The ideal model, precisely because it is “divine”, must be kept separate from human constitutions, but it must be imitated (as always happens in the ontological relationship between ideal and empirical sphere).

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<sup>19</sup> This is the underlying conviction that animates Plato: the best state achieves unity in the efficient way, while in the imperfect state duality, splitting and multiplicity predominate (REALE, 1997, 29).

<sup>20</sup> This confirms that Plato's philosophy is systemic: by modifying an (important) part it is possible to modify the whole.

This explains and justifies the development of different models:

It will be clear to those who think and have experience that we are establishing a state that ranks second compared to the excellent one. Perhaps someone will reject it because he is not used to a legislator who does not have tyrannical powers. However, the most correct procedure is to propose the best constitution and then the second and the third, and finally then giving faculty of choice to those who have the power to establish the city (*Laws*, 739a 3-b 1).

This simultaneous presence of less and less perfect models explains the dual evaluation of the first model.

On the one hand this is almost mocked through a proposal that is paradoxical and not very credible: the unity it proposes must not only concern wives and children, but also eyes, hands, thought, as if they were one being (739cd); furthermore, this perfect *polis* will be inhabited by gods or sons of gods, who will find true happiness (739d), another emphasis that leads us to think of it as non-human<sup>21</sup>.

On the other hand, the first model is not denied, rather it is proposed again as it is necessary to realize a first imitation by the second model. Therefore, we have models that are not complementary, but graduated and articulated on the basis of an identical formal structure.

One should not look elsewhere for a model (*paradeigma*) but, by keeping this, try to create a constitution that is similar to it at the highest possible level. That which we have made now, is in some way the most similar to the immortal model, and therefore is one at the second level. After these, we will describe the third, if God so will. But, for the present, let us discuss about this second (*Laws*, 739e 1-6).

Then there is a second type of imitation: these models constitute the reality that the laws try to imitate. The paradigmatic model is the only true form of government,

of which the bests between present governments are an imitation (*mimema*) (*Laws*, 713b 3-4).

Consequently, it is also possible to make drastic judgments:

of all the other of which we speak [the six forms of human governments], we must affirm that they are neither legitimate, nor genuine forms of government, but imitations of the right constitution, and those that we say have good laws imitate it better, the others worse (*Statesman*, 293e 25).

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<sup>21</sup> Plato here is not criticizing the perfect model, but is emphasizing its ideal character, that is the impossibility of applying it directly in the human world (see CENTRONE, 2000, for the aporias in relation to the crematists, which are the vast majority of citizens).

In fact, the tool needed for this imitation is far from perfect. The “imitative constitution” must use the laws. This explains why in the *Republic*, which presents the first model, the perfect one, the laws are substantially absent while in the second model, that remains at a level of ideal formulation and principle<sup>22</sup>, the laws become so important as to determine the title of the dialogue.

But as with empirical realities compared to Ideas, imitation is marked by very strong limits. In this case the static and partial nature of the laws weighs<sup>23</sup>, in contrasts with the variable nature of reality:

Is it not impossible, then, apply what always remains simple to what is never simple?  
(*Statesman*, 294c 7-8).

However, it is impossible to govern the state “in a scientific manner” (295ab), since it is impossible to provide suitable indications to everyone at all times. We must do it with some general guidelines, as a gymnastics teacher might do with a large group of students. He must limit himself to furnishing general rules; in other words, the statesman must resort to the rather inflexible element of the law. The laws are schematic, they say only what is right in most cases. They should therefore be subject to a careful assessment so that they are similar to the ideal model for what is possible in the given situation.

Yet this is not enough: for it makes the law out to be a “lesser evil”, whereas Plato argues that it is a good. However, the laws sometimes appear to be described in a highly negative way.

But we see that the law aims precisely at this, and that it is like an authoritarian and ignorant man, who does not allow anyone to act contrary to his will or to question things, even if this person has found some innovation that constitutes an improvement compared to the logic that he has imposed (*Statesman*, 294b 8-c 4).

This text may seem to stand in glaring contrast to the *positive* role that the law is expected to play. Plato does not merely stress the fact that the human condition

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<sup>22</sup> The second model also is an ideal paradigm. In fact, many people will argue that the legislator appears to operate «speaking as almost in a dream or shaping the city and the citizens like wax» (*Laws*, 746a 7-8). The legislator, in turn, will rely on the right to create the model (746b 7) based on what is really beautiful and true. If there is a second model, it is less beautiful and less true than the first model; however, the second is certainly, compared to the third, more similar to the first. In short, the paradigms are created not as an absolute and utopian reality, but as something useful.

<sup>23</sup> This static quality is emphasised by the classic image of writing: “in order to save themselves, the others [i.e. the imitative polities] must make use of the laws of this [i.e. the science itself], fixing them in writing” (*Statesman*, 297d 5-6).

cannot adequately be dealt with through a static instrument and simple methodology, but presents the law as *an authoritarian and ignorant man*. In keeping with his usual mode of writing<sup>24</sup>, the author does not solve the problem, but offers the attentive reader the means to come up with a solution on his own. In this case Plato *deliberately* complicates the exposition<sup>25</sup> by concealing the presence of two kinds of law. These are presented in clear terms: the “imitative” laws are laid down by an assembly, written by wise men, put to the test of experience, based on knowledge and studied in every detail; the other sort of laws are haphazard, cannot be verified and act contrary to art and science. After describing these negative laws, Plato concludes that their presence increases the irrationality of human choices, to the point of making life, which is already difficult in itself, quite unbearable (298a-299e). It is *this* system of norms that may be described as authoritarian and contrary to all improvement - characteristics that cannot be attributed to a legislation designed to imitate the ideal model.

Therefore, in their particular areas these laws written by wise men will be *imitations of the truth* - as far as this is humanly possible (*Statesman*, 300c 5-7).

This explains the constant ambivalence that Plato manifests regarding the laws that on the one hand must be absolutely respected, on the other must certainly be changed for the better whenever it is possible and necessary:

there will never be a lawgiver so foolish as to ignore that very many things must necessarily be left so imperfect that his successor must put them right, in order that, in the city he has founded, the constitution and order may always grow better, not worse (*Laws*, 769d 4-e 2).

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<sup>24</sup> I cannot deal here with the theme of “How Plato writes”. «Come scrive Platone» («How Plato writes») is the title of chapter 1 of MIGLIORI (2013), I, 25-190. See also MIGLIORI (2020). In short: Plato himself provides indications on his mode of writing in the *Phaedrus*. The philosopher notes the difficulty of communication, sets out the rules for constructing a good speech, and highlights the additional limits of writing. This requires a considerable degree of caution on the writer’s part: he must never write the most valuable things, to avoid possible misunderstandings. Finally, Plato speaks of writing in terms of “game” (παιδιάς, 276d 2), of very fine games that are often so important as to become one’s life pursuit. The written game thus becomes the hall-mark of the philosopher, who is «he who believes that in a written discourse on any subject there is bound to be the playing of a game (παιδιάς) and that no work in verse or prose, that deserves to be treated with much seriousness (σπουδῆς), has ever been written» (277e 5-8). This “game” aspect accounts for one distinguishing feature of the dialogues: the author himself often complicates issues that he could discuss in far more simple terms. In other words, Plato, Socrates’ pupil, seeks not so much to instruct his readers as to lead them to think, to philosophise, by stimulating them with increasingly complex games.

<sup>25</sup> I cannot analytically reconstruct this laboured exposition here: for a more in-depth treatment of the topic, see MIGLIORI (1996), 144-164, 276-282.

It is right to forbid young people from criticising them, while it must be proclaimed that the laws

are all beautiful because they have been given by the gods (*Laws*, 634e 2).

However, the elderly are allowed to critically examine the laws because

it is not dishonorable to recognize some of the things that are not beautiful (*Laws*, 635a 7-8).

Indeed, it is stated that future citizens and legislators must judge laws rigorously and consistently: they must censure those laws that fail to achieve their goals (*Laws*, 771a 1).

#### 4. *The domain of reason*

This ambivalence shows that it is not at this level that the *polis* can be correctly judged. The only way to judge and classify the various constitutions is to refer rationally to the different ideal models that have been identified.

However, even in this case we must not lose the sense of limit. There is no room for great illusions, first of all for the difference between the theoretical model and practical realization:

It seems really difficult, my friends, to find undeniably valid constitutions both in practice and in theory (ἔργῳ καὶ λόγῳ, *Laws*, 636a 4-5).

In fact, the complexity of human reality implies the prevalence of differences: what is good for one person is bad for another. This explains the impossibility to realize all the conditions required for full implementation of the model:

We have to think in any case that the arrangements described now will never find such favourable conditions that it all turns out precisely according to theory (*Laws*, 745e 7-746a 1).

The ideal paradigm is therefore necessary and useful in itself because it allows us 1) to rationally construct other models, which can be classified as second or third, etc. according to their proximity to the paradigm itself; 2) to guide the behavior of the true politician, in his rational effort to propose laws; 3) to evaluate the system of laws in their relation to the ideal paradigm.

In every passage the concept of imitation is fundamental, but its limits are always reaffirmed:

Even now this logos teaches us, saying the truth, that cities governed not by a deity but by a mortal can not avoid ills and suffering when the ruler of a state is not a god but a mortal. However, it is necessary to imitate by every means the life attributed to the age of Cronus<sup>26</sup> and govern the houses and the cities, by obeying in both our public and private activity to that part of us that is immortal. We give the name of “the law” (*nomon*) to this directive action of the reason (*nou*) (*Laws*, 713e 3-714a 2)<sup>27</sup>.

The domain of reason is therefore a basic criterion for judging the *polis*. But as proof of the non-utopian nature of his political reflection, Plato shows how necessarily the *polis* must accept some mediations. A clear example is given by the treatment of equality. In the *Republic* where the first absolute model is presented, not by chance without giving any importance to the laws, an absolute equality is affirmed. But, as we have seen, Plato in the *Laws* is ironic about this proposal. Indeed, in this dialogue, therefore at the level of the second paradigm, Plato recognizes that absolute equality is impossible.

A criterion must therefore be found so that, receiving honours and powers, as equal as possible by virtue of an unequal symmetry, no quarrels arise (*Laws*, 744c 2-4).

This is not a simple job: to give equal things to unequal people maintains inequality. The ancient maxim that equality produces friendship remains true, but it needs to be clarified which equality it is able to produce it:

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<sup>26</sup> Let's go back to Plato's pessimism that led him to hope for a sort of miracle and to think that a moderate and just power is unlikely (*Laws*, 711de). It is no coincidence that the model is placed under the divine aegis of Chronos, so to speak, whom we also find in the myth of the *Statesman*. Seeing that men are incapable of self-government, like a good shepherd the god entrusts them to daemons: human beings can therefore avoid all ills. We are to adopt that perfect model as an inspiring principle, a criterion. Imitation is the only possible path, since it would be an illusion to think that we can implement a divine model, «given that we are not like the ancient lawgivers who - it is now said - issued laws for heroes sons of gods, being themselves sons of gods, and legislated for others who had the same origins; rather, we are men and the laws we issue now are for the seed of men» (*Laws*, 853c 3-7).

<sup>27</sup> Here we find again the link between intelligence and law, based on the similarity of two words, *nous* and *nomos*.

There are two types of equality, they have the same name but in practice they often have opposite effects. In the assignment of honours every city and every legislator can easily introduce the equality of measure, of weight and of number, applied by lot in the distribution; the other, the truest and the best equality, not everyone can easily see it. It is in fact a judgment of Zeus and always comes to the aid of men in a minimal way, but what little is found in the cities or in the individuals arouses all the goods (*Laws*, 757b 1-c 1).

There is a purely quantitative equality and another superior that is qualitative, almost divine, difficult to apply but almost necessary: it alone operates according to the right measure in relation to the nature of the subject:

It gives more to those who are older and less to those who are younger, assigning to each the right measure according to the nature of each one and always attributes greater honours to those who are greater by virtue, and to those who are in opposed condition in relation to virtue and education rationally gives what is due to each person (*Laws*, 757c 1-6).

Obviously, all states are forced to compromise to avoid riots: it is not possible to apply justice in its perfection and it is also necessary to resort to the first form, so as not to arouse the opposition of the majority, hoping that, given the use of an imperfect instrument, divinity and good luck can lead to the right choice:

Thus, it is necessary to use both equalities, above all to leave very little space to the one that needs luck (*Laws*, 757e 6-758a 2).

Thus equality, like any kind of order and measure, depends on the *ousia*, the concrete determination of the real.

In conclusion, Plato's proposal is based on three assumptions:

- we are rational beings and only a continuous research gives meaning to our life;
- we are social beings and only in the ordered city a human being, even the philosopher, can fully realize his potential. Given the fundamental relation between the whole and its parts, each individual human being must recognize himself for what he is:

you too, wretched, being a part, always tend to the whole and aim at it, even though you are absolutely small. But you fail to comprehend that every generation occurs so as to truly ensure happiness for the life of the whole – which does not exist for you, whereas you exist for it. In fact every doctor and every skilled craftsman always does everything for the whole and, by tending towards the greatest common good, produces a part for the whole, and not a whole for the part. You complain because you ignore that what occurs is the greatest good for the whole and also for yourself, in accordance with the power of common generation (*Laws*, 903a 1-d 3).

This is the conscious assumption of a theoretical conception, which is not unilaterally holistic, since the maximum good is also valid for the individual, which is obvious given the whole-parts nexus. The ideal to which Plato tends, in a correct way from the point of view of a systems theory, is that of a happy whole with happy parts, as described in the conclusion of the *Statesman*:

Let us say, then, that this is the end of the finely woven web of political action: when the royal art, taking the behaviour of bold men and that of restrained men, leads them to a common life, in concord and friendship, and creating the most glorious and best of all textures, clothes with it all other men, both slave and free, who live in the states, holds them together by this fabric, and governs and directs them, without neglecting absolutely nothing of what is necessary for the city to be, as far as possible, happy (*Statesman*, 311b 7-c 5).

#### *A final comment*

I fear that this contribution has been too complicated and that it has not been clear. But this was a risk that I consciously accepted. The Platonic solution is at the same time complex and extremely simple<sup>28</sup>: the criterion is the *nomos* that is judged by the human nous in the light of ideal paradigms. It is a structure of dialectical connections that is completely analogous to the one we find in Plato's system, starting from ontology. But as in the other philosophical fields, his articulation and the concessions that Plato himself makes to the data of the empirical reality and to the limits of our human abilities cannot be underestimated or even forgotten.

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<sup>28</sup> For years this topic has been a focus of research for the ancient philosophy work group at the University of Macerata. The job we have been conducting is based on analytical studies, on account of the need both to have a methodological rigour, and to discover some basic distinctions. One first result of our investigation highlights an element: «this is... a crucial difference, which makes it so difficult, at times, to understand the thought of Plato (and Aristotle). I express this difficulty through a formula: whereas modern thought, sprung from “clear and distinct ideas” (to quote Descartes), tends to think in terms of “*aut... aut*”, which is to say of the opposition between irreconcilable positions available as alternatives, Classical thought, and particularly Platonic-Aristotelian thought, thinks in terms of “*et... et*” (which obviously also includes the - rare - possibility of “*aut... aut*”); in other words, it tends to broaden the framework and structure of its analysis so as to include the highest possible number of elements. Classical philosophers do not seem interested in producing an intellectual system, a vision, a definition; instead they want to develop - within a well-defined conceptual horizon that is so strong at times as to constitute a paradigm - a range of schemes and models that cannot be juxtaposed and indeed often stand in contrast to one another, and yet are capable of explaining aspects of reality that would otherwise escape us. Ultimately, Classical thought is designed to understand the world, which is so complex as to require a range of different tools. From this perspective, some apparently contradictory positions may be found to actually be mutually consistent or at any rate compatible» (MIGLIORI, 2013, 163-164).



In summary, it is not possible to close Plato in an elementary and unilateral formula: his vision of human complexity, both personal and social, requires a structurally multifocal reading<sup>29</sup>.

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<sup>29</sup> For a first analysis of this topic see CATTANEI-FERMANI-MIGLIORI (2016). See also MIGLIORI (2017b). The issue of the review *Humanitas* 1-2 (2020) is dedicated to the Multifocal approach in the history of ancient philosophy and in many others scientific areas: there are as long theoretical introduction and a long conclusion, plus 20 articles, organized into three sections: 1) in ancient and modern texts (9 essays); 2) in the sociological-cultural dimension (7 essays); 3) in the scientific-productive dimension (4 essays).

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Quando la buona legge è “curativa”. Tra νόμος e φρόνησις:  
cura di se stessi e cura della comunità in Aristotele

When the Good Law is “Curative”. Care of Oneself and Care of  
the Community, between *Nomos* and *Phronesis* in Aristotle

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**Abstract**

The paper aims to deepen the links between Law (νόμος) and Practical Wisdom (φρόνησις) in Aristotle, showing that the “law” (better, the “good” law), is called to assume a fundamental “healing” power both for the individual and for the community. After crossing the two terms νόμος and φρόνησις and after a brief review of other terms the Greeks called the law with, an in-depth study of the articulations of the notion of wisdom is attempted, examining its relations with justice and equity and intercepting the issues of flexibility (in its epistemological and ethical-political implications) and care (ἐπιμέλεια).

**Keywords:** Νόμος (Law), Φρόνησις (Practical Wisdom), Ἐπιμέλεια (Cure), Golden Mean

**Resumen**

El artículo pretende profundizar los vínculos entre ley (νόμος) y sabiduría (φρόνησις) en Aristóteles, mostrando que la “ley” o, mejor, la “buena” ley, está llamada a asumir un poder “curativo”, fundamental tanto para el individuo como para la comunidad. Tras cruzar las acepciones de ambos términos, νόμος y φρόνησις, y un breve repaso de los demás términos con los que los griegos denominaban a la propia ley, se analizan las articulaciones de la noción de sabiduría y se examina su relación con la justicia y la equidad, intercediendo también con la cuestión de la flexibilidad (con sus implicaciones epistemológicas y ético-políticas) y el cuidado (ἐπιμέλεια).

**Palabras clave:** νόμος (ley), φρόνησις (sabiduría), Ἐπιμέλεια (cuidado), justa medida

«Abbiamo molto da imparare dai Greci, e ciò che ne abbiamo appreso è il patrimonio inalienabile delle forme del discorso, del pensiero e dello stile, tuttora valevoli per noi. Ciò vale anche per il massimo miracolo dello spirito greco ... la filosofia. In questa assume lo sviluppo più visibile quella forza che è radice dell'arte e del pensiero greco: la chiara visione delle norme costanti su cui si basa ogni accadimento ... nella natura e nel mondo umano. Tutti i popoli hanno prodotto le loro leggi, ma i Greci cercano dappertutto quella "legge" che opera nelle cose stesse e si sforzano di regolare in conformità la vita e il pensiero dell'uomo» (JAEGER, 2003, 12)

### 1. *Accarezzare parole, generare pensieri*

«È la lingua che più ci tiene avvinti; il desiderio di ciò che perpetuamente ci trascina all'indietro»  
(Virginia WOOLF, *Del non conoscere il greco*)

Prima di entrare nel cuore di questo contributo, che si propone di approfondire i nessi tra legge (νόμος) e saggezza (φρόνησις) in Aristotele, mostrando che la "legge" o, meglio, la "buona" legge (ὁ νόμος ὁ ὀρθός) è chiamata ad assumere un fondamentale potere "curativo" sia per l'individuo sia per la comunità, è opportuno mettersi all'ascolto dei termini in questione e, in particolare, delle due parole νόμος e φρόνησις.

Il primo lemma occorre complessivamente ben 437<sup>1</sup> volte all'interno del *corpus* del Filosofo, è presente in 12 opere, e, per evidenti ragioni per così dire "disciplinari", occorre soprattutto nella *Politica*, nella *Costituzione degli Ateniesi* e nella *Retorica*<sup>2</sup>.

Per quanto riguarda il secondo termine intorno a cui ruoterà questa riflessione, ovvero φρόνησις, esso compare complessivamente 190 volte<sup>3</sup>, e, nella stragrande maggioranza dei casi, occorre nelle Etiche.

Ma è appunto a partire dall'ascolto di queste due parole, νόμος e φρόνησις, delle loro articolazioni e dei loro nessi, che si intende dare avvio a questo itinerario destinato inevitabilmente ad intersecarsi con un'altra nozione cruciale: quella di "cura".

<sup>1</sup> RADICE-BOMBACIGNO 2005.

<sup>2</sup> Nonostante il fatto che anche nell'*Etica Nicomachea* il termine νόμος risulti molto presente, e in particolare nel libro V, dedicato, notoriamente, al tema della giustizia.

<sup>3</sup> Forma (φρόνησις), Lemma (φρόνησις), Occorrenze: 85; Frasi: 89; Opere: 12. Elenco per opera secondo Titolo, Frasi e %: *Analytica Priora*, 2, 0,13 %; *Topica*, 8, 0,46 %; *De sophisticis elenchis*, 1, 0,16 %; *De caelo*, 1, 0,09 %; *De anima*, 2, 0,27 %; *De sensu et sensibili*, 1, 0,36 %; *Metaphysica*, 2, 0,09 %; *Ethica Nicomachea*, 29, 1,35 %; *Magna moralia*, 26, 2,31 %; *Ethica Eudemia*, 8, 0,71 %; *Politica*, 4, 0,20 %; *Rhetorica*, 5, 0,35 %.

Più in generale, va ricordato come l'incontro con le parole greche - e, dunque con i pensieri, sia quelli che le hanno generate, sia quelli che esse attivano in noi quando le ascoltiamo nuovamente - è sempre un approssimarsi ad un mondo che è asintoticamente irraggiungibile, e che pure, da sempre e per sempre, “ci riguarda”<sup>4</sup>. «Non si tratta, infatti, solo di lingua: si tratta di pensiero, di storia, di immaginazione. Si tratta di incontri infiniti: con suoni, metafore, etimologie; con schiere di personaggi, umani e divini; con vicende politiche, con miti; con luoghi geografici; con sistemi di pensiero e di valori; con concezioni estetiche; con emozioni e sentimenti e sensazioni. E poi c'è tutta l'ambiguità delle cose antiche, i cui messaggi si offrono e si sottraggono a un tempo, e ci costringono ad apprendere altri codici, altre categorie, altre intenzioni»<sup>5</sup>.

1a. *Lungo le pieghe del νόμος, tra legge, giusta misura e melodia*

«Siamo di nuovo alla domanda di venticinque secoli fa, alla domanda di Alcibiade: “dimmi, Pericle, che cos'è la legge?”»  
(DIONIGI, 2006, 5)

I Greci, per chiamare la legge, avevano sostanzialmente due nomi: uno è θεσμός<sup>6</sup>, su cui non ci si soffermerà in questa sede, mentre l'altro è, appunto, νόμος, termine che, come ha ricordato CHANTRAINE (2009) nel suo *Dizionario Etimologico*, deriva dal verbo νέμω. Tale verbo, tra gli altri significati, ha quelli di “distribuire”, “condividere”, “dividere”, “attribuire”, “dare”, “concedere”, “assegnare”<sup>7</sup>. Più nello specifico, però, va rilevato come esso indichi non una spartizione fatta caso, una distribuzione “comunque essa sia”, ma, al contrario, come esso si configuri come una divisione regolare, secondo una giusta regola, conformemente a una “giusta misura”<sup>8</sup>.

Questo spiega anche perché νόμος (in modo solo apparentemente sorprendente, e implicando una declinazione della “giustizia” anche sul versante, per così dire, ritmico-temporale), oltre significare a “legge”, “precetto”, “prescrizione” (e, quindi, assumendo un connotato, insieme, normativo e coercitivo)<sup>9</sup>, indichi anche la “cantilena”, la

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<sup>4</sup> Si fa volutamente riferimento al sottotitolo di un recente volume: IERANÒ (2020).

<sup>5</sup> GARDINI (2021), 12.

<sup>6</sup> Che in Aristotele ricorre solo quattro volte, tutte contenute nella *Costituzione degli Ateniesi*.

<sup>7</sup> Analogamente, in BEEKES (2010), 1006, νόμος è ricondotto a νέμω: «to allot, dispense, distribute, appropriate, possess; to inhabit, manage; to pasture, graze, consume ... \*nem- dispense, distribute; take».

<sup>8</sup> Come fa anche SEMERANO (2007), 197: «νόμος decreto, usanza, regola, precetto, legge, modo musicale: misura, v. νέμω, lat. *Mos* ... ho per costume, consuetudine; uso».

<sup>9</sup> Cfr. *Etica Nicomachea* X 9, 1180a 20-21: «la legge ha un potere coercitivo, e costituisce un discorso che deriva da un certo tipo di saggezza e di intelligenza».

“melodia”, il “tono musicale”<sup>10</sup>. Il νόμος, in questo senso, e a partire dal comune riferimento alla nozione di “giusto” sotteso ai due significati appena indicati, si configura anche come giusta misura dal punto di vista musicale e melodico.

Un analogo riferimento alla “appropriatezza” si ha anche in un altro termine legato linguisticamente e concettualmente a νόμος, ovvero νέμεσις<sup>11</sup>, che significa “indignazione”, “giusto sdegno”<sup>12</sup>. Aristotele, inoltre, fa della νέμεσις una virtù morale<sup>13</sup>, portando in qualche modo “a terra” la divinità delle “compensazioni”, *Nemesis*, colei che punisce coloro che si sono macchiati di *hybris* ristabilendo la giusta misura che, appunto, era stata violata.

E la νέμεσις, appunto, nella riflessione etica aristotelica, si configura come giusto mezzo, come si legge esplicitamente in *Etica Eudemia* II 3, 1221a 4: essa è, infatti, quella “corretta postura”, quello stato abituale acquisito e consolidato nel tempo<sup>14</sup>, a partire dal quale il soggetto reagisce in modo corretto ai torti subiti ingiustamente e alle disgrazie immeritate<sup>15</sup>.

Dunque, dall'accostamento delle due nozioni νέμεσις-νόμος - a ulteriore testimonianza della straordinaria sapienza di cui sono depositarie le parole - da un lato emerge il comune rimando alla sfera della giusta misura e, dall'altro, affiora un ulteriore profilo del termine νόμος, che significa non a caso anche “usanza”, “consuetudine”, “costume”, “maniera”<sup>16</sup>.

<sup>10</sup> «Melody, strain» (LIDDELL-SCOTT, 1968, 1180).

<sup>11</sup> Ringrazio molto, per la segnalazione di questo importante nesso, insieme linguistico e concettuale, il collega Enrico Maria Ariemma.

<sup>12</sup> Come si legge in *Grande Etica*, I 27, 1192b 20-24, infatti: «l'indignazione rappresenta una sorta di dolore per i beni che toccano a chi non è degno. Pertanto, colui che si addolora per tali beni si indigna. E questo stesso si addolorerà anche nel caso in cui veda che viene trattato male uno che non se lo merita». La traduzione di questa e delle altre *Etiche* aristoteliche è di chi scrive, in ARISTOTELE 2008-2020. In *Etica Eudemia* II 7, invece, si legge: «Per quanto riguarda l'indignazione, inoltre, essa è la metà che consiste nella capacità di sdegnarsi per ciò che è ingiusto». Nemesi, nell'immaginario greco, è la personificazione della vendetta divina, e soprattutto della punizione voluta dagli dèi contro chi si macchia di *hybris*: una punizione inesorabile, certa. *Nemesis*, quindi, rappresenta una punizione divina in seguito ad un errore commesso dagli esseri umani. Non a caso *Nemesis* è anche considerata la divinità delle “compensazioni”.

<sup>13</sup> In realtà, stando alla molteplicità di modelli esplicativi messi in campo dal Filosofo, la nemesi è anche una virtù naturale, come si legge in *Etica Eudemia*, III 7, 1234a 31, in cui si afferma che l'indignazione contribuisce alla virtù in senso stretto della giustizia. Per un approfondimento della nozione di virtù naturale, si rimanda a FERMANI (2021), 209 ss.

<sup>14</sup> Ma, appunto, configurandosi *anche* come virtù naturale, ovvero come naturale inclinazione verso il giusto, non in tutti i casi necessita di tempo per essere acquisita.

<sup>15</sup> Per l'approfondimento della questione, mi permetto di rimandare FERMANI (2019a), 81 ss.

<sup>16</sup> «Usage, custom» (LIDDELL-SCOTT, 1968, 1180).

L’attraversamento della nozione di νόμος nelle sue svariate pieghe e il tentativo di recupero dei preziosi cristalli sedimentati anche nei crocevia con altri termini ad essa strettamente collegati, allora, permette di ricondurre i vari significati in un orizzonte semantico-concettuale comune: quello del “giusto”. Il νόμος, in questo senso, da intendere sia come legge che distribuisce e divide secondo una misura corretta, sia come modo, altrettanto giusto, adeguato e “virtuoso”, di stare al mondo e di orientarsi in esso, sia come appropriatezza del canto e come “armonia sonora”, indica, più in generale, proprio la capacità da parte del soggetto pensante, agente e senziente di essere autonomo, ovvero, letteralmente di divenire “legge a se stesso” (αὐτός-νόμος). Chi sa darsi una giusta misura a livello privato e pubblico, infatti, nella prospettiva aristotelica, è anche capace di rendere melodica, armonica e felice la propria esistenza. «Se la vita felice è come una sinfonia, allora essa avrà anche bisogno di ritmo, dato che nessuna buona musica è tale senza il giusto ritmo. Perché se è vero che “per essere felici ... dobbiamo saperci suonare”, è anche vero che per farlo dobbiamo necessariamente ritmare bene la nostra esistenza, scandirla correttamente attraverso un giusto senso del ritmo»<sup>17</sup>.

Questo significa anche, ancora da una diversa prospettiva, che già nelle parole in gioco e in quell’inscindibile legame tra νόμος e μέτρον (regola, norma, giusta misura) risiede il fondamento di un ulteriore allargamento dello sguardo in direzione di quella figura cardine dell’etica aristotelica, in molti modi connessa alla giusta misura<sup>18</sup>: la φρόνησις.

1b. “Pensare con sentimento”: la φρόνησις e la “pieghevolezza” della lingua greca

«La saggezza è come un amministratore della sapienza, e procura a questa il tempo libero e l’opportunità di compiere la propria funzione specifica, frenando le passioni e disciplinandole»  
(Aristotele, *Grande Etica*, I 34, 1198b 17-20)

“Pieghevole” è l’aggettivo che Giacomo Leopardi, nel suo *Zibaldone*, usa per definire la lingua greca<sup>19</sup>, una lingua tanto lontana e che pure parla *a noi* e che non smette mai di dire “di noi”. Analogamente la Yourcenar paragonerà la meravigliosa e ineguagliabile duttilità del greco alla “flessibilità di un corpo allenato”<sup>20</sup>.

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<sup>17</sup> FERMANI (2019a), 182.

<sup>18</sup> FERMANI (2012).

<sup>19</sup> In questo passaggio, il poeta recanatese parla, nello specifico, della lingua usata da Platone nel *Fedro*, ma, generalizzando, il discorso può valere per il greco nel suo complesso.

<sup>20</sup> «Ho amato quella lingua per la sua flessibilità di corpo allenato, la ricchezza del vocabolario nel quale a ogni parola siafferma il contatto diretto e vario delle realtà, l’ho amata perché quasi tutto quel che gli uomini han detto di meglio è statodetto in greco» (YOURCENAR, 2002, 33-34).

Da questa lingua, più nello specifico, epifenomeno di un pensiero geniale e “multifocale”<sup>21</sup>, viene partorito un termine come φρόνησις, che significa, nello stesso tempo, ragione e sentimento, e che si configura, contemporaneamente, come attività di due sfere, tradizionalmente considerate antitetiche, quali mente e cuore. Ma come è possibile, occorre chiedersi, che con una stessa facoltà l’essere umano possa sia pensare sia sentire?<sup>22</sup> È possibile perché il termine φρόνησις, come ad esempio ricorda Semerano, deriva da φρήν, «che significa *diaframma, pericardio, petto, seno...* quindi *animo, intelletto, senno*, φρενώω, *faccio rinsavire*, φρόνις, *saggezza*, φρονέω, *penso, ho un sentimento*»<sup>23</sup>. Ed è proprio di questa mirabile alchimia di significati diversi e di “mondi” divergenti, che si nutre la nozione di φρόνησις aristotelica, ovvero quella “ragione appassionata”, quel *sapere delle cose umane* che, contemporaneamente, *alle cose umane dà sapore*, che orienta, dà forma, regola, conferisce misura al nostro agire e realizza concretamente il nostro modo sano e bello di stare al mondo.

Inoltre, oltre a configurarsi come un verso proprio crocevia tra emozione e ragione, λόγος e πάθος, la saggezza, come ragione pratica, come pensiero che innerva l’azione e che incanala e dà forma alla passione, è chiamata in molti modi, esattamente come il νόμος, ad intrecciarsi con la “misura” e con la nozione di vita buona. In questo senso, anche se in modi diversi, sia la legge sia la saggezza risultano essere benefiche e salvifiche per la vita umana del singolo e della comunità.

Più nello specifico, ad essere davvero curativo è l’“ammorbidimento” della rigidità della legge operato proprio dalla saggezza, chiamata, volta per volta a calare l’universale sul particolare e ad «un oltrepassamento della giustizia in nome dell’equità. Questo oltrepassamento viene descritto da Aristotele in numerosi passi dell’Etica dove si introduce il concetto di saggezza pratica o *phronesis* che è quella saggezza legata all’applicazione della norma in situazione, là dove la situazione si rivela decisamente più complessa della

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<sup>21</sup> Per l’inquadramento teorico della nozione di *Multifocal Approach*, si rimanda a CATTANEI-FERMANI-MIGLIORI (2016). «Il greco e il latino sono lingue di per se stesse multifocali. Il greco e il latino, e forse più il greco, hanno sempre lo sguardo rivolto all’Altro: i Greci, diceva Pohlenz, sono uomini di visione, e l’altro lo colgono perché sono autoritativi e tolleranti, perché conoscono la malia dell’antitesi, la serenità dell’armonia, la linearità doppia del parallelismo, e non potrebbero nemmeno basicamente pensarsi deprivati del dialogo, dell’ἀγονίζεσθαι, dello “scannarsi in diatribe” di un passo formidabile dell’Antidosis isocratea che mette in relazione feconda parlare e pensare, λέγειν e φρονεῖν; asseriscono e ascoltano perché amano la libertà insolente del liberamente pensare, drogati di quella “sete di forma” che costituisce, se dovessi portarne uno solo sull’isola deserta, il lascito di quel κτήμα ἐς αἰεὶ che è il capolavoro di Werner Jaeger» (ARIEGEMMA, 2022).

<sup>22</sup> LIDDELL-SCOTT (1968), 1956.

<sup>23</sup> SEMERANO (2007), *ad loc.* Sulla questione, cfr. anche BEEKES (2010), 1590-1591: «φρόνησις: the seat of mental activity, ‘sense, soul, spirit, mind, heart’; φρόνιμος ‘sensible, wise’».



semplicità con cui la norma universale è formulata»<sup>24</sup>. Si tratta di una movenza teorica cruciale che invita a soffermarsi, seppur in modo estremamente rapido, sulla nozione di equità.

## 2. L'esigenza di “ammorbidire la legge”, tra saggezza ed equità

Sulla complessa e sdruciolevole nozione di equità<sup>25</sup> si può solo dire che essa, nella prospettiva aristotelica, *da un certo punto di vista*, costituisce qualcosa di diverso rispetto alla giustizia, visto che, come si legge ad esempio in *Topici* VI 3, 141a 16, si configura come «la diminuzione di ciò che è utile e giusto». *Da un altro punto di vista*, però, l'equità rappresenta esattamente il culmine della giustizia stessa, proprio in virtù della sua capacità di correggere e rendere più flessibile la legge.

In questo senso l'equità rappresenta un vero e proprio concetto *borderline*: infatti, pur svolgendo (e, anzi, proprio perché svolge) l'imprescindibile funzione correttiva del giusto, pur configurandosi, come una sorta di 'giustizia concreta' o 'giustizia del caso singolo', non può che essere 'altro' rispetto al giusto stesso, situandosi al di fuori dell'orizzonte della giustizia o, più in generale, al di fuori dell'ambito delle virtù.

Si tratta, peraltro, di un modello che emerge chiaramente anche in Platone. In *Leggi* VI 757e 1-3, infatti, si legge che «l'equità e l'indulgenza costituiscono un'infrazione (παρά δίκην) del significato compiuto e rigoroso della giustizia».

D'altro canto, che l'equità si configuri, *in un certo senso*, come un aggiustamento e una “correzione” della legge, viene esplicitamente dichiarato anche nell'*Etica Nicomachea*:

La natura dell'equo è proprio quella di correggere la legge laddove essa, a causa della sua formulazione universale, è difettosa. E questa, infatti, è anche la causa del fatto che non tutto può avvenire secondo la legge, cioè dal fatto che in certi casi non è possibile stabilire una legge, e così c'è bisogno di un decreto particolare (καὶ ἔστιν αὕτη ἡ φύσις ἢ τοῦ ἐπιεικοῦς, ἐπανόρθωμα νόμου, ἢ ἐλλείπει διὰ τὸ καθόλου. τοῦτο γὰρ αἴτιον καὶ τοῦ μὴ πάντα κατὰ νόμον εἶναι, ὅτι περὶ ἐνίων ἀδύνατον θεσθαί νόμον, ὥστε ψηφίσματος δεῖ, *ENV* 10, 1137b 26-29).

Quindi si deve dire che l'equità, *in un certo senso*, è *παρά νόμον* ('contro' la legge o 'oltre' la legge), dal momento che, per sua natura, essa è chiamata a svolgere la funzione di ammorbidire la rigidità della legge stessa. Certamente tale caratteristica dell'equità non si configura come un'abolizione della legge, ma anzi come un suo affinamento, tanto è vero che si tratta di una correzione che, stando al testo aristotelico, lo stesso legislatore

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<sup>24</sup> GALIMBERTI (1994).

<sup>25</sup> Per un approfondimento della questione mi permetto di rinviare a FERMANI (2018b).

avrebbe proposto se fosse stato presente. Ma perché, occorre chiedersi, la legge esige di essere corretta? La necessità di tale ritocco della legge, spiega il Filosofo, non risiede nel fatto che essa sia sbagliata e neppure deriva da un errore del legislatore. La legge esige correzione perché la realtà che si tratta di misurare, ovvero la materia dell'azione, l'oggetto dell'etica, è, in quanto tale, sfuggente. Quindi: non sbaglia la legge *in quanto tale*, e neppure sbaglia il legislatore, il quale, precisa Aristotele, non solo *non* è colpevole, non solo *non* commette un errore correggendo la legge, ma mostra, di fatto, intelligenza e saggezza. Egli infatti, nel riconoscimento della necessità di rinvenire un nuovo *metron*, esprime la piena consapevolezza del fatto che non si può parlare sempre in modo assoluto, ma che bisogna tener conto di quello che avviene nei casi particolari.

Peraltro, il procedimento di 'adattamento alla situazione', che costituisce uno dei cuori del metodo etico aristotelico, sul piano prettamente giuridico implica, ad esempio, uno spostamento dal piano della legge a quello del decreto, dove la legge sta all'universale come il decreto sta al particolare.

Tale quadro viene pienamente confermato in *Politica IV 4, 1292a 33*, in cui si contrappone, nuovamente, l'universalità del *nomos*, che comanda su tutti i casi, e la particolarità del decreto, che *non è mai universale*.

In questo senso si può dire che l'*epieikeia* 'tradisce' la legge proprio per esserle fedele e *per rispettare la complessità del reale*. Si tratta, insomma, di essere flessibili e di adattarsi alle circostanze, di rinvenire ogni volta, nella concretezza delle situazioni date, una *nuova misura*, da ricalibrare *saggiamente e con equità*, con senso del limite e acuto sguardo del reale e del particolare che si ha di fronte, cioè secondo gli elementi che caratterizzano, insieme, l'individuo saggio e la persona equa.

Non a caso, la regola del giusto mezzo stabilita dalla saggezza resta sempre valida, anche se in alcuni casi è 'saggio' aggiustarla ed è saggio che la regola generale del *meson* rispetto a noi, che già di per sé rappresenta un adattamento alla situazione e una calibrazione sul caso singolo rispetto alla media matematica, alcune volte venga 'infranta' in virtù di quel senso di 'opportunità', di 'adeguatezza alle circostanze' che caratterizza la nozione di questione dell'equità sin dalle sue origini. Esattamente come, per dirla con Francesca Piazza, «la *convenienza* del premio che Achille vuole assegnare ad Eumelo non nega la validità generale della regola... non ci troviamo... dinanzi ad un arbitrio ma alla possibilità di far appello a norme differenti (che in qualche caso possono anche confliggere), lasciandosi comunque guidare dal senso di opportunità, che è inevitabilmente connesso con le circostanze particolari»<sup>26</sup>.

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<sup>26</sup> PIAZZA (2009), 6.

### 3. Di altri legami fra legge e saggezza

Nella riflessione aristotelica, però, il legame tra legge e saggezza si pone anche ad altri livelli, ancora più specifici e più profondi rispetto a quelli delineati nella parte precedente.

Da un certo punto di vista, infatti, la legge, ad avviso del Filosofo, deriva dalla saggezza, nel senso che è prodotta dalla φρόνησις, come si legge ad esempio in *Etica Nicomachea* X 9, 1180a 21-22:

La legge ha un potere coercitivo e costituisce un discorso che deriva da un certo tipo di saggezza e di intelligenza (ὁ δὲ νόμος ἀναγκαστικὴν ἔχει δύναμιν, λόγος ὢν ἀπὸ τινος φρονήσεως καὶ νοῦ).

Da un altro punto di vista ancora, invece, cioè spostando l'angolo di osservazione, si ha addirittura una sovrapposizione delle due nozioni νόμος-φρόνησις, che si concretizza nella figura della saggezza legislativa:

La politica e la saggezza sono lo stesso stato abituale, ma la loro essenza non è la stessa. La saggezza che ha per oggetto una città, poi, in quanto architettonica, è saggezza legislativa, mentre in quanto riguarda gli atti particolari ha il nome comune di “saggezza politica”; questa ha per oggetto l'azione e la valutazione; infatti il decreto, in quanto è il termine ultimo della valutazione, è oggetto dell'azione. Per questo si dice che solo coloro che valutano sui casi singoli fanno politica; infatti sono i soli ad agire come fanno i lavoratori manuali (Ἔστι δὲ καὶ ἡ πολιτικὴ καὶ ἡ φρόνησις ἡ αὐτὴ μὲν ἕξις, τὸ μέντοι εἶναι οὐ ταῦτόν αὐταῖς. τῆς δὲ περὶ πόλιν ἡ μὲν ὡς ἀρχιτεκτονικὴ φρόνησις νομοθετικὴ, ἡ δὲ ὡς τὰ καθ' ἕκαστα τὸ κοινὸν ἔχει ὄνομα, πολιτικὴ· αὕτη δὲ πρακτικὴ καὶ βουλευτικὴ· τὸ γὰρ ψήφισμα πρακτὸν ὡς τὸ ἔσχατον. διὸ πολιτεύεσθαι τούτους μόνον λέγουσιν· μόνον γὰρ πράττουσιν οὗτοι ὡσπερ οἱ χειροτέχναι, *ENVI* 8, 1141b 23-29).

La saggezza, pertanto, stando al testo aristotelico, si configura sia come genere sia come specie<sup>27</sup>: c'è, infatti, 1) una saggezza relativa al governo di se stessi, chiamata semplicemente *phronesis*, 2) c'è una saggezza relativa al governo della casa, o *phronesis* economica, e c'è anche 3) una saggezza relativa al governo della città, o *phronesis* politica, che, a sua volta, si divide in saggezza legislativa, deliberativa e giudiziaria.

In realtà, ci sarebbero ancora numerosi punti di vista da mettere in campo e svariati snodi sia sul piano orizzontale sia su quello verticale, per leggere il rapporto tra saggezza e legge, ma, visti i limiti spaziali, è impossibile esaminarli nel dettaglio<sup>28</sup>.

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<sup>27</sup> «Esiste una saggezza che riguarda l'individuo, la quale secondo Aristotele viene chiamata semplicemente “saggezza”, cioè con il nome comune a tutte le altre specie; esiste poi una saggezza che riguarda la famiglia, la quale è chiamata da Aristotele saggezza economica; ed esiste infine una saggezza che riguarda la città, la quale può essere capacità di fare buone leggi, nel qual caso si chiama saggezza legislativa» (BERTI, 2008, 247).

<sup>28</sup> Mi permetto di rimandare a FERMANI (2021), 267 ss.

#### 4. *La legge, in quanto tale, è buona ma alcune leggi sono cattive*

Dunque, come è emerso da questo rapido attraversamento, legge e saggezza sembrano avere legami profondi, da vari punti di vista, e hanno un comune coinvolgimento con la regola, con la giusta misura.

La legge, infatti, *in quanto tale*, è giusta, ed esclude, in linea di principio, l'ingiustizia e l'errore. Nella parola *nomos*, come si è visto all'inizio, è insita la nozione di "giusta e corretta distribuzione".

Però, e mettendo in campo un diverso angolo di osservazione, tutto ciò non esclude *de facto* la possibilità che siano formulate leggi sbagliate. L'esistenza di leggi ingiuste, infatti, è affermata esplicitamente, ad esempio, in *Etica Nicomachea* VII 10, 1152a 20-24, dove si parla di "leggi cattive" e dove c'è un parallelismo, in perfetto stile platonico, tra anima e *polis*:

L'incontinente, dunque, sembra simile a una città che decreta su tutto ciò che si deve e ha delle solide leggi, ma non se ne serve, come diceva nella sua satira Anassandride:

"Lo volle la città che se infischia delle leggi".

Invece il vizioso è come una città che si serve sì di leggi, ma di leggi cattive (ἔοικε δὴ ὁ ἀκρατῆς πόλει ἢ ψηφίζεται μὲν ἅπαντα τὰ δέοντα καὶ νόμους ἔχει σπουδαίους, χρῆται δὲ οὐδέν, ὥσπερ Ἀναξανδρίδης ἔσκωψεν "ἡ πόλις ἐβούλεθ', ἢ νόμων οὐδὲν μέλει". ὁ δὲ πονηρὸς χρωμένῃ μὲν τοῖς νόμοις, πονηροῖς δὲ χρωμένῃ, *EN* VII 10, 1152a 20-24).

E ancora, in un passo di grande rilievo anche per gli effetti educativo-curativi su cui verterà l'ultima parte di questo contributo, si legge che potrebbero esserci delle leggi inadeguate, i cui esiti risultano deleteri per la formazione del soggetto:

È difficile ottenere fin dalla giovinezza una giusta formazione per la virtù se uno non è stato educato secondo leggi giuste; per vivere con moderazione e difficilmente non è piacevole per la maggior parte delle persone, specialmente quando sono giovani (ἐκ νέου δ' ἀγωγῆς ὀρθῆς τυχεῖν πρὸς ἀρετὴν χαλεπὸν μὴ ὑπὸ τοιοῦτοις τραπέντα νόμοις· τὸ γὰρ σωφρόνως καὶ καρτερικῶς ζῆν οὐχ ἡδὺ τοῖς πολλοῖς ἄλλως τε καὶ νέοις, *EN* X 9, 1179b 31-34).

Inoltre, molto interessante risulta essere anche quanto si legge, seppur *en passant*, in *Topici* VI 14, 151b 12-15, in cui si dice che se in una assemblea una legge è sbagliata, se ne propone una migliore:

Esattamente come capita nelle assemblee, in cui si è soliti presentare una legge e, se la legge proposta risulta migliore di quella vigente, allora capita che si abroga la legge precedente, allo stesso modo bisogna procedere anche per le definizioni, proponendo una definizione diversa (ἔτι καθάπερ ἐν ταῖς ἐκκλησίαις νόμον εἰώθασιν ἐπιφέρειν, κἂν ἢ βελτίων ὁ ἐπιφερόμενος, ἀναιροῦσι τὸν ἔμπροσθεν, οὕτω καὶ ἐπὶ τῶν ὀρισμῶν ποιητέον καὶ αὐτὸν ὀρισμὸν ἕτερον οἰστέον).

D'altro canto, come si è già rilevato, affermare che alcune leggi siano sbagliate e dunque migliorabili, non equivale minimamente ad inficiare la bontà e la validità della legge *in sé*: il *nomos*, in quanto *nomos*, è giusto, corretto e buono, per costituzione ed essenza.

D'altra parte, la legge, o, più nello specifico, la buona legge, proprio come la saggezza, è dotata di un potere educativo e risanatore fondamentale. Si tratta di una questione che emerge chiaramente, oltre che nel V libro dell'*Etica Nicomachea*, notoriamente dedicato alla giustizia, e anche alla fine dell'opera, nel passo che apre la strada alla *Politica*. Non è un caso, infatti, che l'*Etica Nicomachea* si concluda appunto con l'affermazione: «cominciamo dunque la trattazione» (*ENX* 9, 1181b 23). Il cerchio con l'inizio dell'*Etica Nicomachea*, in cui si legge che «la nostra ricerca intende occuparsi proprio di queste cose, essendo, in un certo senso, politica» (*ENI* 2, 1094b 10-11), si chiude perfettamente.

Pertanto, per portare a termine la “filosofia umana” (ἡ περὶ τὰ ἀνθρώπεια φιλοσοφία), come il testo aristotelico afferma con assoluta chiarezza, risulta assolutamente necessario lo studio della legge:

Ora, poiché i nostri predecessori hanno tralasciato di esaminare il campo della legislazione, forse è meglio occuparcene in dettaglio, e quindi trattare della legislazione in generale in modo da portare a compimento, per quanto è possibile, la filosofia umana. Per prima cosa cercheremo di esaminare caso per caso quello che è stato detto bene dai nostri predecessori e poi, partendo dalle raccolte delle costituzioni, cercheremo di vedere quali distruggono le città e ciascun tipo di costituzione, e per quali ragioni alcune città sono governate bene e altre tutto il contrario. Dopo aver esaminato questo, forse, potremmo comprendere meglio qual è la costituzione migliore e come ciascuna di essa è strutturata, e di quali leggi e costumi si serve (παραλιπόντων οὖν τῶν ἀνερεύνητον τὸ περὶ τῆς νομοθεσίας, αὐτοὺς ἐπισκέψασθαι μᾶλλον βέλτιον ἴσως, καὶ ὅλως δὴ περὶ πολιτείας, ὅπως εἰς δύναμιν ἡ περὶ τὰ ἀνθρώπεια φιλοσοφία τελειωθῆ. πρῶτον μὲν οὖν εἴ τι κατὰ μέρος εἴρηται καλῶς ὑπὸ τῶν προγενεστέρων πειραθῶμεν ἐπελθεῖν, εἴτα ἐκ τῶν συνηγμένων πολιτειῶν θεωρῆσαι τὰ ποῖα σώζει καὶ φθείρει τὰς πόλεις καὶ τὰ ποῖα ἐκάστας τῶν πολιτειῶν, καὶ διὰ τίνος αἰτίας αἱ μὲν καλῶς αἱ δὲ τούναντίον πολιτεύονται. θεωρηθέντων γὰρ τούτων τάχ' ἂν μᾶλλον συνίδοιμεν καὶ ποῖα πολιτεία ἀρίστη, καὶ πῶς ἐκάστη ταχθεῖσα, καὶ τίσι νόμοις καὶ ἔθεισι χρωμένη, *ENX* 9, 1181b 12-23).

L'educazione, la cura delle anime, rappresenta dunque, all'interno del sistema aristotelico, il perno di quella filosofia umana, chiamata ad abbracciare e a comprendere in un unico orizzonte sia l'etica che la politica.

Non a caso - a mostrare, ancora una volta e da una diversa angolatura, quanto la legge risulti imprescindibile per la corretta educazione e la formazione di una corretta “postura” del soggetto e per la sana costituzione del “corpo della polis” - il legislatore è chiamato ad assumere il compito di legiferare anche in materia di istruzione. Infatti, in *Politica* VIII 2, 1337a 33-34 si legge esplicitamente:

Che debbano essere promulgate leggi sull'istruzione e che questo debba essere fatto per la comunità, è evidente ("Ότι μὲν οὖν νομοθετητέον περὶ παιδείας καὶ ταύτην κοινήν ποιητέον, φανερόν).

Analogamente, in *Etica Nicomachea* X 9, 1180a 34-1180b 2, viene istituito un parallelismo tra educazione e medicina:

Inoltre capita anche che i modi di educare i singoli differiscano da quelli comuni, proprio come capita per le cure mediche; infatti, in generale, a chi ha la febbre giovano riposo e dieta, ma forse a una certa persona no, e il maestro di pugilato non prepara tutti gli allievi per lo stesso tipo di combattimento (αἱ μὲν γὰρ κοιναὶ ἐπιμέλεια δῆλον ὅτι διὰ νόμον γίνονται, ἐπεικεῖς δ' αἱ διὰ τῶν σπουδαίων γεγραμμένων δ' ἢ ἀγράφων, οὐδὲν ἂν δόξειε διαφέρειν, οὐδὲ δι' ὧν εἷς ἢ πολλοὶ παιδευθῆσονται).

In questo passo, cruciale e interessante per molteplici ragioni, fa la sua comparsa anche la nozione di ἐπιμέλεια. All'esplorazione di questa nozione, dalle molteplici articolazioni e dai numerosi significati<sup>29</sup>, sarà dedicata l'ultima parte di questo contributo. Prima, però, è opportuno tornare ad ascoltare le parole, ricordando come nello stesso termine che i greci usano per chiamare la cura, risuona, ancora una volta, la fondamentale nozione di armonia, visto che ἐπιμέλεια è collegata a μέλος, ovvero al canto, alla melodia.

##### 5. *Coltivare le anime per "sbocciare", come singoli e come cittadini*

«Mi sembra di poter affermare che l'*Europa* ... è nata dalla *cura dell'anima*. Τῆς ψυχῆς ἐπιμελεῖσθαι - ecco il seme da cui è nata ... l'Europa» (ΠΑΤΟΨΚΑ, 1997, 119)

L'ἐπιμέλεια, ovvero la cura, intesa sia come cura di sé sia come cura degli altri, costituisce una nozione che, per Aristotele, ha un valore etico-politico fondamentale, e che acquisisce una gamma di significati che spaziano dalla sfera dell'occupazione (in ambito privato, politico, e in ambito lavorativo) a quella della attenzione/preoccupazione (ancora una volta, sia nella sfera privata sia in quella pubblica).

Infatti l'educazione costituisce, in un certo senso, un presupposto dell'etica<sup>30</sup> e, più in generale, della politica. È uno scenario che risulta chiaramente delineato, ad esempio, in *Etica Nicomachea* X 9, 1180a 14-16, in cui si legge:

<sup>29</sup> Lemma (ἐπιμέλεια), Occorrenze: 68; Frasi: 64; Opere: 7. Elenco per opera secondo Titolo, Frasi e %: *Historia animalium*, 5, 0,12 %; *Ethica Nicomachea*, 12, 0,56 %; *Magna moralia*, 3, 0,27 %; *Ethica Eudemia*, 2, 0,18 %; *Politica*, 35, 1,79 %; *Rhetorica*, 4, 0,28 %; *Atheniensium constitutio*, 3, 0,49 %.

<sup>30</sup> Per l'approfondimento della questione si rimanda a FERMANI (2013) e FERMANI (2018a).

Colui che si prepara ad essere virtuoso deve essere educato bene e fornito di buone abitudini (τὸν ἐσόμενον ἀγαθὸν τραφήναι καλῶς δεῖ καὶ ἔθισθῆναι).

Insomma, ci troviamo di fronte all'affermazione secondo cui l'acquisizione della virtù richiede preparazione, e in base a cui l'individuo ha bisogno di essere allevato (compare, non a caso, il verbo τρέφω, che significa “nutrire”, “mantenere”, “allevare”, “alimentare”), deve essere tirato su bene (καλῶς). Si dice anche, significativamente, che chi vuole diventare virtuoso deve ἔθισθῆναι, cioè deve contrarre sane abitudini.

D'altra parte educare significa anche correggere, cioè applicare, quando serve, una κόλασις, cioè una punizione, un castigo. Non è un caso che Aristotele ci dica che lo stesso percorso educativo richiede, soprattutto all'inizio, un lavoro di correzione, che in alcuni casi è anche inevitabilmente doloroso. In *Politica* VIII 5, 1339a 26-28, ad esempio, ricorda che:

È fuori discussione il fatto che non bisogna educare i giovani avendo per obiettivo il gioco, (infatti giocando non s'impara; in effetti l'apprendimento è accompagnato dal dolore) (ἔτι μὲν οὖν δεῖ τοὺς νέους μὴ παιδιᾶς ἕνεκα παιδεύειν, οὐκ ἄδηλον οὐ γὰρ παίζουσι μανθάνοντες· μετὰ λύπης γὰρ ἢ μάθησις).

Analogamente, in *Etica Nicomachea* III 8, 1116a 18-19, si legge che:

Si pensa che i cittadini affrontino i pericoli a causa delle sanzioni stabilite dalla legge, dei rimproveri e degli onori (οἱ πολῖται διὰ τὰ ἐκ τῶν νόμων ἐπιτίμια καὶ τὰ ὀνειδίη καὶ διὰ τὰς τιμὰς).

Inoltre, il tema della correzione e rettifica delle inclinazioni naturali errate emerge chiaramente in *Etica Nicomachea* II 9, 1109b 4-8, quando si ricorda che

Dobbiamo dunque spingerci nella direzione opposta; infatti allontanandoci molto dall'errore arriveremo al giusto mezzo, come fanno coloro che raddrizzano i legni storti. In ogni caso, comunque, si deve stare soprattutto in guardia dal piacevole e dal piacere: infatti, in questo campo, non siamo giudici imparziali (εἰς τοῦναντίον δ' ἑαυτοὺς ἀφέλκειν δεῖ· πολὺ γὰρ ἀπάγοντες τοῦ ἀμαρτάνειν εἰς τὸ μέσον εἰς τοῦναντίον δ' ἑαυτοὺς ἀφέλκειν δεῖ· πολὺ γὰρ ἀπάγοντες τοῦ ἀμαρτάνειν εἰς τὸ μέσον ἤξομεν, ὅπερ οἱ τὰ διεστραμμένα τῶν ξύλων ὀρθοῦντες ποιοῦσιν. ἐν παντὶ δὲ μάλιστα φυλακτέον τὸ ἥδῦ καὶ τὴν ἡδονήν· οὐ γὰρ ἀδέκαστοι κρίνομεν αὐτήν).

Ci troviamo così di fronte a una nozione di educazione come correzione, come processo sostanzialmente etero-diretto, che in parte coincide con il processo riparativo e correttivo che in inglese viene espresso dal termine *cure* (intesa come “terapia riparativa”). Etero-diretto, si diceva, perché è necessaria la presenza di qualcun altro che si prenda cura di noi e che ci inviti a cambiare rotta, visto che da soli, tale μεταβολή (conversione), risulta difficilissima, se non impossibile. Nel processo educativo si registra, pertanto, una

movenza analoga a quella che caratterizza il soggetto vizioso il quale, in quanto vizioso, proprio perché non è stato raddrizzato e corretto in tempo, non si accorge di sbagliare, e dunque ha bisogno di qualcuno che lo renda consapevole del suo errore.

Si tratta di tratto etico-antropologico cruciale che emerge in modo molto chiaro, ad esempio, nel caso di un vizio specifico quale quello della dissipazione<sup>31</sup>:

Il dissipatore, lasciato a se stesso (lett.: senza una guida, senza aver ricevuto una formazione) tende ad assumere questi vizi, mentre se si imbatte in chi si prende cura di lui può tornare al giusto mezzo e a ciò che si deve (ὁ μὲν οὖν ἄσωτος ἀπαιδαγωγῆτος γενόμενος εἰς ταῦτα μεταβαίνει, τυχῶν δ' ἐπιμελείας εἰς τὸ μέσον καὶ εἰς τὸ δέον ἀφίκοιτ' ἄν, *EN* IV 1, 1121b 10-12).

E che le punizioni, d'altro canto, abbiano la stessa funzione delle cure e dei farmaci è affermato esplicitamente, ad esempio, in *Etica Eudemia* II 1, 1220a 35-36:

Le punizioni, che si configurano come delle cure mediche e che, come negli altri casi, si producono attraverso i contrari (αἱ γὰρ κολάσεις ἰατρεῖαι οὔσαι καὶ γινόμεναι διὰ τῶν ἐναντίων).

Ma c'è anche un altro significato di educazione, che può essere reso con il termine inglese *care*, che indica quella particolare attenzione che mira a favorire la piena fioritura dell'umano, quello *human flourishing* che rappresenta lo scopo di ogni impresa filosofica e l'obiettivo di ogni esistenza.

In questo senso il *nomos* si configura esattamente come una "pratica promotrice", ovvero come ciò che rende possibile lo sbocciare della vita, ovvero la realizzazione, la felicità dell'essere umano come individuo e come cittadino della *polis* (visto che non va dimenticato che una *polis* è una comunità che esiste proprio in vista dell'*eu zen* e della fioritura dei suoi membri).

Peraltro, nel passaggio dalla *cure* alla *care* c'è anche, significativamente, il passaggio dall'esterno all'interno, dall'eteronomia all'autonomia. C'è un bellissimo passaggio in *Etica Nicomachea* X 9, 1179b 24-26 che mostra molto chiaramente questo snodo:

L'anima del discepolo deve essere esercitata attraverso le proprie abitudini a trarre piacere e a disprezzare in modo appropriato, come fa la terra fecondata dal seme (δεῖ προδιεργάσθαι τοῖς ἔθεσι τὴν τοῦ ἀκροατοῦ ψυχὴν πρὸς τὸ καλῶς χαίρειν καὶ μισεῖν, ὥσπερ γῆν τὴν θρέψουσιν τὸ σπέρμα).

Emerge, ancora una volta, il crocevia fecondo di elementi da mettere in campo per produrre la fioritura, un percorso complesso in cui la natura deve essere affiancata alla

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<sup>31</sup> Per l'approfondimento del quale si rimanda a FERMANI (2019b), 240 ss.



cura, da intendere in senso ampio come insieme delle operazioni condotte sinergicamente dalla legge e dalla saggezza, volte al pieno sviluppo del soggetto. Un lavoro sinergico che si configura anche, come si deduce da un contesto diverso ma che pure procede nella medesima direzione, come pluralità di criteri, come moltiplicazione di modelli. In *Topici* III 1, 116a14, non a caso, parlando di ciò che risulta essere preferibile, si dice che è tale «ciò che sceglierebbero il saggio o l'uomo virtuoso o la legge retta (φρόνιμος ἢ ὁ ἀγαθὸς ἀνὴρ ἢ ὁ νόμος ὁ ὀρθὸς)».

6. *Osservazioni conclusive su νόμος, φρόνησις, ἐπιμέλεια: quando l'"elastica ragionevolezza" salva la vita*

«Molte cose son vecchie che si credono nuove, e molta sapienza è antica alla quale si crede che quei cervelli non arrivassero»

(Giacomo LEOPARDI, *Zibaldone*, 19)

Per tirare velocemente le fila di questo itinerario, si può ricordare come, nell'orizzonte aristotelico, nessun essere può vivere tutta la vita esercitando la sapienza, dimenticando di essere umano, facendo a meno della propria "umanità". L'umanità, infatti, non è qualcosa che possa essere messa fra parentesi, ma ciò di cui tener conto nella formulazione della propria personale "ricetta" per la felicità.

Aristotele, in altre parole, ci invita costantemente a distinguere i livelli e, nel caso più specifico della vita buona e delle sue componenti, ci insegna che la stessa sapienza, in sé garante della massima felicità, deve ricevere un ridimensionamento, deve essere collocata all'interno di uno spazio, deve trovare adeguatamente posto all'interno dell'intero. Infatti, se una parte dell'esistenza, pure importante e in sé ottima e bellissima come quella della θεωρία, non riceve dalla saggezza una giusta collocazione, l'essere umano si ammala. «Anche la contemplazione - ricorda ricorda non a caso il Filosofo - talvolta danneggia la salute» (*ENVII* 12, 1153a 20).

È per questo che la vita umana, che ogni esistenza, non può essere descritta se non come una mescolanza, come un intero. Ma perché una vita sia armonica occorre che questa mescolanza sia buona, cioè che sia dotata di misura e di proporzione; che non sia un semplice ammasso di elementi messi giù a caso, ma che si configuri come una totalità di parti disposte in modo ordinato, secondo una misura sempre rivedibile, sempre nuovamente da ricalcolare.

Si tratta, insomma, di essere flessibili e di adattarsi alle circostanze, di trovare ogni volta, nella concretezza delle situazioni date, una nuova misura, da ricalibrare con saggezza ed equità, con senso del limite, con sguardo acuto e con mente agile.

In questo senso, come ha ricordato Remo Bodei: «la prudenza o saggezza si serve della elastica ragionevolezza, mentre la scienza o sapienza della rigida razionalità. A sua volta, la *prudētia* diventa a Roma la base della *iuris-prudentia*, basata su codici e articolata su norme formalizzate che si adattano, in maniera non arbitraria, al variare situazioni da interpretare, così da modificarsi e arricchirsi a contatto con le singole situazioni concrete»<sup>32</sup>.

In questo percorso abbiamo trovato diverse metafore agrarie: la coltivazione, il seme che feconda la terra, il raddrizzamento dei legni storti, e la bellissima immagine della felicità individuale e collettiva come “fioritura”. Ci siamo pertanto trovati di fronte a una serie di “pratiche di risanamento” da un lato, che quindi si riferiscono alla cura riparatrice (*cure*), e, dall’altro, a una serie di “pratiche promotrici” di *care* che chiamano in causa, in modi diversi, a livello individuale e collettivo, la buona legge e la saggezza.

C’è un bellissimo passaggio aristotelico che raccoglie molti dei termini già ricordati in questo percorso e che, in qualche modo, permette di tirare le fila del nostro itinerario:

Perciò è probabile che colui che vuole rendere migliori gli altri, siano essi molti o pochi, con la sua cura, debba sforzarsi di diventare legislatore, se è attraverso le leggi che diventiamo virtuosi. Infatti non è certamente un compito alla portata di tutti educare correttamente chiunque e chi gli viene sottoposto, ma, se ciò è alla portata di qualcuno, lo è di chi sa, come avviene nel caso della medicina e di tutti gli altri casi che *implicano una qualche cura e saggezza* (τάχα δὲ καὶ τῷ βουλομένῳ δι’ ἐπιμελείας βελτίους ποιεῖν, εἴτε πολλοὺς εἴτ’ ὀλίγους, νομοθετικῶς πειρατέον γενέσθαι, εἰ διὰ νόμων ἀγαθοὶ γεινοίμεθ’ ἄν. ὄντινα γὰρ οὖν καὶ τὸν προτεθέντα διαθεῖναι καλῶς οὐκ ἔστι τοῦ τυχόντος, ἀλλ’ εἴπερ τινός, τοῦ εἰδότος, ὥσπερ ἐπ’ ἰατρικῆς καὶ τῶν λοιπῶν ὧν ἔστιν ἐπιμελεία τις καὶ φρόνησις, *ENX* 9, 1180b 23-28).

La filosofia aristotelica, allora, -come in realtà anche quella platonica e come, più in generale, le riflessioni degli filosofi antichi- *ci* riguarda ancora, perché, *anche* rispetto a questioni solo apparentemente “disincarnate” e “disinteressate” (in quanto attinenti alla θεωρία), sa farsi “carne e sangue”. La filosofia, in questo senso, da sempre e per sempre, può salvarci la vita, proprio salvaguardando e accudendo la nostra umanità:

I più grandi filosofi della modernità, Kant, Hegel, eccetera, sono stati effettivamente professori, mentre i grandi filosofi dell’antichità erano anzitutto pensatori della *prassi umana*. Così Aristotele, nell’Etica a Nicomaco, dice che quello che importa alla filosofia non è né conoscere ciò che è, né conoscere i valori morali o analizzarli teoricamente, bensì fare

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<sup>32</sup> BODEI (2017), 7.

filosofia per diventare *uomini buoni*. Questo è un tratto specifico. Nessun professore moderno monterebbe in cattedra con la pretesa di rendere i suoi uditori uomini buoni – farebbe ridere tutti. Ma, per i filosofi classici, che sono Socrate, Platone, Aristotele, questo motivo, che potremmo denominare come ricerca di una vita buona, giusta e ... "autentica", è il campo più proprio del movimento filosofico. Per Socrate, Platone - e per Aristotele! Anche Aristotele, sebbene si parli di lui come dell'inventore della concezione teorica della filosofia, della concezione della filosofia come θεωρία pura, contemplazione pura. In realtà, solo la volontà di una vita buona che è cura dell'anima, ci permette di comprendere la θεωρία aristotelica ... ciò che Aristotele denomina vita teorica, la vita contemplativa, la vita all'interno di uno sguardo teorico dell'universo ... deriva dalla preoccupazione della *vita buona*<sup>33</sup>.

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<sup>33</sup> PATOČKA (1997), 223-224.

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# Il tiranno e la legge nella *Politica* di Aristotele

## The Tyrant and the Law in Aristotle's *Politics*

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### Abstract

In the *Politics*, Aristotle defines tyranny as the worst of deviant constitutions. This judgment is primarily motivated by the absence of laws, which are replaced by the tyrant's will. The first part of the essay is dedicated to the historical and theoretical background of Aristotle's analysis, that is, to the debate of the fifth and fourth centuries in which the tyrant is constantly depicted as a danger to the city and its laws. This paper also highlights the ambiguity of the Athenian democracy, since the city is defined as a πόλις τύραννος towards its own allies by Athenian politicians themselves. Moreover, the essay analyzes the *Politics* passages where tyranny is described as a despotic regime, just because of the absence of laws. In this respect, the affinity of tyranny to other deviant constitutions, especially to extreme democracy, is illustrated. Finally, the complex relationship between tyranny and absolute monarchy is examined in depth.

**Keywords:** Aristotle, *Politics*, Tyranny, Law, Extreme democracy, Absolute monarchy

### Resumen

En la *Política*, Aristóteles define la tiranía como la peor de las constituciones desviadas. Lo que motiva este juicio es ante todo la ausencia de leyes, sustituida por la arbitrariedad del tirano. La primera parte del artículo está dedicada al trasfondo histórico y teórico del análisis aristotélico, es decir, al debate sobre la figura del tirano en la Atenas de los siglos V y IV, en el que a este personaje se le ve constantemente como un peligro para la ciudad y sus leyes; al mismo tiempo, se destaca la ambigüedad del sistema democrático de Atenas, definido por sus propios políticos como un πόλις τύραννος hacia los aliados. Posteriormente, el artículo analiza los pasajes de la *Política* en los que la tiranía, debido precisamente a la ausencia de leyes, se califica como un régimen despótico. En este sentido, también se presentan sus afinidades con otras constituciones desviadas, en especial la democracia extrema, además de indagar su compleja relación con la monarquía absoluta.

**Palabras clave:** Aristóteles, *Política*, Tiranía, Derecho, Democracia extrema, Monarquía absoluta

Lo scopo di questo lavoro è quello di analizzare la riflessione di Aristotele sulla figura del tiranno, indagando in particolare il tema del rapporto tra il tipo di potere che costui detiene e la legge. Nella *Politica*, collocando la tirannide tra le costituzioni deviate, Aristotele sottolinea costantemente la negatività di questo assetto e a motivare questo giudizio è soprattutto l'assenza della legge: nell'ambito della sua teoria politica, solo la presenza dei νόμοι consente di definire un dato regime politico una πολιτεία a tutti gli effetti. Sotto questo aspetto, Aristotele mette in evidenza le affinità tra la tirannide e gli altri regimi devianti, in primo luogo la democrazia estrema. Al tempo stesso, però, l'imprescindibilità della presenza del νόμος, inteso come norma impersonale e razionale, rende problematici i rapporti tra la tirannide e la monarchia assoluta, in cui il sovrano prescinde dalle leggi.

Si tratta dunque di un tema complesso, la cui comprensione non può prescindere da quella imponente elaborazione sulla figura del tiranno che si colloca nella πόλις greca del V e del IV secolo e che costituisce il retroterra storico e teorico delle analisi aristoteliche.

### 1. *Il tiranno, la città, la legge: un dibattito ricorrente nella πόλις greca*

«Nulla vi è di più ostile alla città di un tiranno, dove al primo posto non vi sono leggi comuni, ma domina uno solo che si è appropriato personalmente della legge e non vi è nulla di uguale»: in questi versi delle *Supplici* di Euripide<sup>1</sup>, fatti pronunciare da Teseo, all'Atene mitica che viene rappresentata sulla scena si sovrappone quella contemporanea, e l'eroe fondatore della città si confonde con Pericle, fondatore della democrazia. Il discorso che Teseo rivolge orgogliosamente all'araldo tebano venuto a intimargli, da parte di Creonte, di rifiutare l'aiuto alle madri dei caduti argivi delinea per la sua città un assetto politico in tutto uguale a quello ateniese del V secolo: la democrazia che prevede la rotazione delle cariche, la piena uguaglianza di diritti tra poveri e ricchi, la pari facoltà di presentare le loro proposte politiche nell'organo comunitario per eccellenza, l'Assemblea. Dal discorso di Teseo emerge che questo assetto è reso possibile proprio grazie alla presenza delle leggi, definite comuni perché stabilite di comune accordo e redatte nell'interesse collettivo: è esplicita la

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<sup>1</sup> E. *Supp.* 430-432. Trad. it. MUSSO (1993). La tragedia è rappresentata tra il 423 e il 421. La centralità della legge si impone, in Atene, a partire da Solone, la cui attività di νομοθέτης produce non solo i νόμοι, ma anche la nozione di "spazio politico" che le leggi istituiscono.

contrapposizione con l'utilizzo tutto personale di norme autonomamente emanate da parte di chi è *τύραννος*, signore assoluto<sup>2</sup>.

Appare evidente che si è di fronte a un'immagine ideologica della democrazia ateniese, come lo è quella delineata da Pericle nell'*Epitafio* tucidideo, da cui Euripide ha largamente attinto<sup>3</sup>, ma tra tutti i motivi ricorrenti nei discorsi tenuti all'interno della città la connessione tra la democrazia e le leggi è sicuramente il più radicato e il più solido, insieme alla presa di distanza dalla tirannide, che sembra sempre rappresentare un pericolo imminente.

Atene, che nel VI secolo ha conosciuto la lunga tirannide di Pisistrato, ha recuperato la libertà grazie ad Armodio e Aristogitone, i Tirannicidi, i primi uomini cui sono stati dedicati una statua e un culto costantemente rinnovato<sup>4</sup>. La vocazione antitirannica della città si è consolidata al tempo delle guerre persiane. Ora il *τύραννος* è identificato con il Gran Re che, già padrone di uno sterminato numero di sudditi, tenta di soggiogare anche i Greci. L'equiparazione tra il Gran Re e il tiranno è particolarmente enfatizzata al tempo della seconda guerra persiana, quando è Serse a impersonare l'autocrate, il cui potere è connotato con tutte le caratteristiche negative destinate a rimanere nel corso del tempo proprie della tirannide. Il documento più significativo in questo senso è senz'altro la tragedia *I Persiani* di Eschilo: Serse è rappresentato come il despota che dispone liberamente delle vite dei suoi sudditi, sicuro di non doverne rendere conto a nessuno, di essere *οὐκ ὑπεύθυνος πόλει*<sup>5</sup>.

Qualche decennio dopo, questi tratti entrano a far parte di quella che può essere considerata la prima riflessione politica sulla figura del tiranno, e cioè il discorso di Otane nel libro III delle *Storie* di Erodoto. Il cosiddetto dibattito costituzionale che

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<sup>2</sup> In questa tragedia il termine *τύραννος* non ha di per sé un senso negativo: in Euripide, come negli altri tragediografi del V secolo, è usato con lo stesso significato di *βασιλεύς* e *ἄναξ*. In questo passo delle *Supplici* il poeta intende tuttavia sottolineare la contrapposizione, di cui Teseo si fa paradossalmente portavoce, tra il governo esercitato da uno solo e il potere ripartito tra tutti i cittadini. Sul significato e sulle modalità d'uso di *τύραννος* cf. PARKER (1998), 145-172 e, in particolare sulle *Supplici*, 160.

<sup>3</sup> Su queste corrispondenze cf. CANFORA (2011), 213-219, che sottolinea come, attraverso la replica dell'araldo, pesantemente critica del regime ateniese illustrato dal re, Euripide mostri di prendere le distanze dalla "retorica democratica", quale emerge soprattutto dagli epitafi, tra cui quello del Pericle tucidideo.

<sup>4</sup> Come è noto, sull'uccisione di Ipparco da parte di Armodio e di Aristogitone nel 514 esistono differenti versioni, tra cui quelle di Erodoto, Tucidide, *La costituzione di Atene* attribuita ad Aristotele. Per una ricostruzione della vicenda alla luce delle testimonianze e sulla trasformazione di questo episodio nel mito fondatore della democrazia ateniese si vedano, tra gli altri, TAYLOR (1991) e AZOULAY (2014).

<sup>5</sup> A. *Pers.* 213. Questa espressione sottolinea la differenza tra il re-tiranno e i magistrati ateniesi, che alla fine del loro mandato devono presentare il rendiconto (*εὐθυνα*) ai loro concittadini.

è ambientato in Persia all'indomani della morte di Cambise e al conseguente tentativo di usurpazione del trono, vede a confronto tre dignitari - Otane, Megabizo e Dario - che propongono rispettivamente il passaggio all'isonomia e all'oligarchia e il mantenimento della monarchia (III 80-82). L'attendibilità storica di questo episodio è molto controversa, ed Erodoto stesso ne è consapevole, affermando che i fatti riportati appariranno ai Greci incredibili (ἄπιστοι) sebbene siano veri<sup>6</sup>. L'intervento più interessante, ma certo anche il meno verosimile, è quello di Otane (III 80, 2-6), che propone di porre fine alla monarchia e di affidare il potere ai Persiani, anzi, letteralmente, di collocarlo «nel mezzo» (ἐς μέσον). Questa espressione è evidentemente mutuata dal lessico politico ateniese: la realizzazione di uno spazio politico comune, a difesa da ogni tentativo di appropriazione individualistica del potere, è l'esito delle riforme di Clistene e proprio l'ἰσονομία è l'assetto politico che Otane esalta, mostrando tutti i mali prodotti dal governo di uno solo. In questo passo, il μούναρχος viene descritto come un tiranno, come colui che, svincolato da ogni forma di controllo - ἀνεύθυνος (secondo la definizione di *Pol.* II 9, 1271a 5), come il Serse dei *Persiani* - compie ogni sorta di azioni turpi.

Nel corso del V secolo è soprattutto la tragedia a rappresentare figure di tiranni e a indurre i cittadini a riflettere sulle modalità di un governo antitetico alla democrazia. Oltre alle *Supplici*, già citate, un'altra tragedia di Euripide, le *Fenicie*, che si collega ancora una volta alla saga tebana, mette in scena un vero e proprio dibattito sulla tirannide, i cui protagonisti sono Eteocle e Polinice, i fratelli rivali per il trono di Tebe, tra i quali la madre Giocasta tenta inutilmente di favorire una mediazione. È proprio la regina a criticare l'ostinazione di Eteocle, che, dopo aver stabilito con il fratello un esercizio del potere a turno, non intende rispettare il patto, e cioè cedere a lui - così si esprime - la sua tirannide. Giocasta gli ricorda che è meglio onorare l'uguaglianza, l'ἰσότης, che è produttrice di unità sia tra gli individui sia tra le città, perché la tirannide è una «fortunata iniquità» (ἀδικίαν εὐδαίμονα: v. 549), che apparentemente conferisce ammirazione, ma che in realtà provoca sofferenza nonostante l'accumulo di ricchezze che consente<sup>7</sup>.

Il tema della tirannide è presente anche nella commedia e, in questo caso, i riferimenti alla realtà politica sono parte costitutiva di questo tipo di rappresentazioni. In Aristofane, le *Vespe*, messe in scena nel 422, danno largo spazio al timore che si

<sup>6</sup> Si veda al riguardo LANZA (1977), 225-232. Le *Fenicie*, rappresentate fra il 411 e il 409, risentono degli avvenimenti drammatici di quel periodo, e in particolare del colpo di stato del 411.

<sup>7</sup> Su questi passi e in generale sulle figure di re-tiranni nel teatro ateniese del V secolo cf. LANZA (1977), in particolare 95-159. Si veda anche GIORGINI (1993), 245-263.



percepisce in Atene proprio riguardo alla tirannide, come attesta il discorso fatto pronunciare da Bdelicleone: accusato di essere *μισόδημος*, nemico della democrazia e amante del governo di uno solo, costui si lamenta che ogni pur infimo gesto, come comprare del pesce, sia visto con sospetto, come un fare provviste in vista della tirannide (vv. 488-99)<sup>8</sup>.

Se in questa commedia Bdelicleone afferma di non aver mai sentito, nell'arco di cinquant'anni, pronunciare il termine tirannide, il colpo di stato oligarchico del 411 mostra che la democrazia può essere rovesciata. L'oligarchia dei Quattrocento e poi il governo dei Cinquemila hanno breve durata: nel 410 viene votato il decreto di Demofanto, riportato da Andocide nell'orazione *Sui misteri*, par. 97, secondo cui chi rovescia la democrazia deve essere considerato nemico (*πολέμιος*) degli Ateniesi e pertanto può essere ucciso impunemente<sup>9</sup>.

Ancora peggiore è il regime dei Trenta, che nella tradizione sono non a caso designati come i Trenta Tiranni. Il regime instaurato all'indomani della capitolazione di Atene sotto il controllo di Sparta e guidato da Crizia si contraddistingue per la sospensione di ogni legge, sostituita dall'arbitrio dei Trenta, che porta all'eliminazione senza alcun tipo di processo dei rivali, specie se abbienti. Una significativa testimonianza è rappresentata dall'orazione di Lisia *Contro Eratostene*, indirizzata contro l'omonimo membro dell'oligarchia responsabile dell'eliminazione di suo fratello Polemarco, che mette in luce tutte le forme di violenza esercitate da questo regime, causate da un *παράνομως ἄρχειν*, cioè un modo di governare senza, e anzi contro, la legge (par. 40).

## *2. Atene τύραννος: le costrizioni del potere*

Vi è un altro uso del termine *τύραννος* che non è riferito a un vero o presunto nemico esterno della democrazia: è Atene a essere definita tale nel suo rapporto con le città della Lega marittima. Questa definizione è utilizzata dai leader ateniesi stessi. Nel libro II di Tucidide è Pericle che, tenendo un discorso agli Ateniesi, scoraggiati dopo la seconda invasione dell'Attica da parte degli Spartani e anche adirati con lui ritenendolo responsabile della situazione attuale, invita i cittadini a proseguire nella guerra: la supremazia nella Lega è definita esplicitamente una tirannide, che può sembrare ingiusto mantenere, ma pericoloso abbandonare, perché provocherebbe la

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<sup>8</sup> Sui riferimenti alla tirannide nella commedia cf. HENDERSON (2003), 155-179.

<sup>9</sup> Questo decreto si può inserire in quella legislazione antitirannica che esisteva già ai tempi di Solone, e che probabilmente risaliva addirittura a Dracone: si vedano OSTWALD (1955), 103-128; GAGARIN (1981), 71-77; DMITRIEV (2015), 35-50.

rivolta degli alleati (II 63). Una posizione del tutto analoga è espressa da Cleone nel dibattito sulla sorte da riservare ai Mitilenesi (427 a.C.) che si sono ribellati al potere di Atene: proponendo come punizione per questo atto la distruzione della città, Cleone, come prima Pericle, ricorda agli Ateniesi che non possono consentirsi nessuna forma di debolezza, proprio perché il loro dominio è una tirannide che si esercita su individui ἄκοντας, che la subiscono malvolentieri, covando ostilità e risentimento (III 37, 2).

In un contesto differente, quello delle commedie di Aristofane, in particolare nei *Cavalieri*, emerge l'immagine ridicolizzata di Demos, la personificazione del popolo di Atene che, pur essendo descritto come un vecchio sordo e cieco, viene apostrofato dal Coro come il possessore di una καλή ἀρχή e per questo è temuto come un tiranno. E come un tiranno, in effetti, il vecchio Demos dichiara di comportarsi, sfruttando i suoi adulatori, che se lo ingraziano offrendogli cibi e bevande, ma tenendoli sempre d'occhio e punendoli quando avranno rubato le ricchezze pubbliche (vv. 1111-1150)<sup>10</sup>.

La rassegna che è stata condotta fornisce un quadro sufficientemente significativo del dibattito presente in Atene nel corso del V secolo e costituisce l'indispensabile premessa per comprendere le modalità con cui i pensatori del IV secolo affrontano il problema della tirannide. A questo riguardo, occorre aggiungere un elemento ulteriore, e cioè il costituirsi, in quel periodo, di nuove tirannidi: quella dei Dionisi a Siracusa, quella di Ermia ad Atarneo e Asso, e anche quella del potente Giasone di Fere in Tessaglia.

Tirannidi vecchie e nuove, dunque, su cui si esercita, sotto punti di vista diversi, la riflessione dei filosofi.

### 3. *Aristotele e la tirannide: un approccio scientifico*

Aristotele, nella *Politica*, fa della tirannide l'oggetto di un'autentica analisi scientifica, per fornirne la definizione e insieme per individuarne le caratteristiche quale forma specifica, ma al tempo stesso anomala, di esercizio del potere.

Anche Platone conduce un'ampia riflessione sul tiranno e sulla tirannide, certamente influenzata dai suoi rapporti diretti, sempre difficili e contrastati, con i due Dionisi, oltre che dall'ampio dibattito che, come si è visto, è presente in Atene. La *Repubblica* è la sede in cui l'elaborazione teorica su questi temi emerge nella misura

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<sup>10</sup> Sull'origine e sul significato della definizione di Atene come πόλις τύραννος cf., tra l'ampia bibliografia disponibile, CONNOR (1977), 95-109; RAAFLAUB (1979), 237-252; TUPLIN (1985), 348-375.

più rilevante. Occorre sottolineare, tuttavia, che la riflessione di Platone sulla tirannide non ne esamina, come avviene in Aristotele, gli aspetti istituzionali e i referenti storici, bensì si sofferma sulle implicazioni etiche di questo tipo di potere, e in particolare sulla psicologia del tiranno. È quanto emerge dalle pagine finali del libro VIII e poi dal libro IX, dedicate appunto alla tirannide come l'ultima e più negativa forma di degenerazione cui la *καλλίπολις* può andare incontro, e al tipo di uomo che la impersona. Come è noto, l'analisi platonica procede sempre su un doppio piano: il mutamento delle forme politiche è connesso alla trasformazione psichica dei soggetti che ne sono protagonisti. In più, la sequenza degli assetti che si susseguono non si conforma a modelli storici, bensì alla logica che regge tutta la trattazione, e cioè alla descrizione di una parabola discendente che porta via via alla prevalenza, nell'anima, dei centri motivazionali inferiori<sup>11</sup>.

L'approccio di Aristotele, in conformità al suo stile di razionalità, può essere senz'altro definito scientifico e la sede per condurre questo tipo di studio è la *Politica*, il trattato che insieme alle *Etiche* è dedicato alle scienze pratiche, finalizzate all'analisi dei comportamenti dei cittadini e degli assetti di potere entro cui vivono.

La tirannide, nella *Politica*, come tutte le altre forme di regime, trova la sua collocazione nello schema generale delle *πολιτεῖαι* che si legge nel cap. 7 del libro III<sup>12</sup>: Aristotele, individuando tre forme corrette e le rispettive deviazioni, indica nella tirannide la deviazione del regno.

Nel cap. 8, Aristotele dichiara che è necessario aggiungere alcune precisazioni in merito alla classificazione condotta nel capitolo precedente, e di conseguenza introduce una serie di brevi definizioni in rapporto a ciascuna delle forme politiche elencate. La tirannide viene definita come una monarchia, cioè il governo di un solo individuo, che esercita un potere dispotico sulla comunità politica: appare evidente già qui la contraddittorietà insita in questa forma di potere, perché la *δεσποτική*, come Aristotele chiarisce nel libro I, è il tipo di autorità che il padrone ha sugli schiavi (1255b 33 ss.) e che pertanto non si addice ai cittadini che formano la comunità politica. Questa distinzione è ripresa nello stesso libro III, al cap. 4, dove, nell'ambito della discussione sulla virtù del cittadino, Aristotele passa in rassegna le varie forme di *ἀρχή* e tra queste annovera anche quella del padrone (*ἀρχή δεσποτική*), affermando

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<sup>11</sup> Questa impostazione è efficacemente spiegata da BERTELLI (2005), 389.

<sup>12</sup> Come è noto, la traduzione di *πολιτεῖα* con 'costituzione', ormai invalsa nell'uso, non è corretta: la nozione greca non fa riferimento a un documento scritto, come nel caso delle costituzioni moderne, bensì - come chiarisce Aristotele in vari luoghi della *Politica* - la *πολιτεῖα* indica l'insieme dei soggetti che partecipano agli organi di governo della città e le modalità secondo cui questa partecipazione avviene.

che essa riguarda τὰ ἀναγκαῖα, le cose necessarie, cioè le incombenze inerenti alla gestione dell'οἶκος svolte dagli schiavi e che rientrano nell'ambito dell'οἰκονομική. Anche in questa sede il comando dispotico è nettamente contrapposto a quello politico.

Passando via via in rassegna gli assetti politici individuati nel cap. 7 del libro III, Aristotele dedica alla tirannide un solo, breve capitolo: il cap. 10 del libro IV. Si tratta dell'ultima forma di governo presa in considerazione e questa collocazione viene motivata: non c'è molto da dire - afferma - su questo regime dal punto di vista della sua rilevanza nel panorama complessivo delle costituzioni e tuttavia deve essere analizzato nell'ambito della μέθοδος politica che Aristotele sta componendo in quanto è stata annoverato tra le πολιτεῖαι.

Queste precisazioni fanno seguito a quanto si legge nel cap. 8, dove si afferma che la tirannide è meno di tutte una costituzione, e di conseguenza merita solo un cenno nella ricerca che si occupa degli assetti costituzionali. Il ruolo marginale che compete alla tirannide trova a sua volta una giustificazione nel cap. 4, in cui Aristotele dichiara che «là dove non sono le leggi a governare non c'è costituzione. Infatti la legge deve governare su tutto» (1292a 32). Questo rilievo, che in quella sede si riferisce alla forma estrema di democrazia, vale allo stesso modo anche per la tirannide, come dimostra il cap. 10 dedicato espressamente a questo assetto.

Nel cap. 10 del libro IV, Aristotele inizia il discorso riacciandosi all'analisi che ha condotto nel libro III sul regno per ricordare che in quella sede - e cioè nel cap. 14 - ha collocato tra le forme di regalità due tipi di potere che sembrano possedere caratteri comuni sia alla regalità sia alla tirannide: la monarchia presente presso certi popoli barbari e la tirannide elettiva, l'esimnetia, tipica dell'età arcaica. Si tratta in sostanza di due tipi di regalità assoluta, in cui chi detiene il potere può agire in modo dispotico, secondo il proprio giudizio (γνώμη), ma lo fa con il consenso dei sottoposti e in presenza di leggi. Se si esamina il cap. 14 del libro III, la differenza tra la monarchia dei popoli barbari<sup>13</sup>, che Aristotele giustifica con il loro carattere più servile, e l'esimnetia consiste nel carattere ereditario della prima, che invece non si riscontra nella seconda. Riguardo al tipo di leggi che sono in vigore presso i barbari,

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<sup>13</sup> Secondo NEWMAN (1902), III, 265, *ad locum*, Aristotele si riferirebbe a popoli come Traci, Illiri, Fenici, Etiopi.

si tratta presumibilmente di norme consuetudinarie, tradizionali, che si tramandano insieme all'esercizio del potere, anch'esse per via ereditaria<sup>14</sup>.

Dopo aver rievocato queste due forme politiche per così dire spurie, Aristotele affronta quella che definisce «la tirannide vera e propria» (μάλιστα [...] τυραννίς), cioè quella che ciascuno, in quel periodo, ritiene tale. Anzitutto, riprendendo lo schema tracciato nel cap. 7 del libro III, la tirannide viene definita ἄντιστροφος della monarchia assoluta, la παμβασιλεία: in conformità al significato di questo termine, che designa un potere totale, illimitato<sup>15</sup>, le due forme sono correlate, in quanto entrambe sono tipi di governo monarchico, ma sono tra loro in opposizione speculare, come si mostrerà successivamente.

I caratteri distintivi della tirannide elencati da Aristotele sono gli stessi che la propaganda antitirannica ha diffuso nel corso del V secolo: è un governo autocratico che non deve rendere conto a nessuno, una nozione che si esprime attraverso l'aggettivo ἀνυπεύθυνος che richiama οὐκ ὑπεύθυνος πόλει con cui Eschilo, come si è visto, connota il personaggio di Serse nei *Persiani* (v. 213). Aristotele sottolinea inoltre che la tirannide è indifferente allo statuto dei sottoposti, equiparando migliori e peggiori e in più, essendo una costituzione deviata, agisce solo nell'interesse di chi la esercita. Evidentemente questo tipo di potere non può ottenere il consenso dei sudditi, perché, trattandosi di un governo dispotico, nessun uomo libero accetterebbe spontaneamente (ἀκούσιος) di sottostarvi.

#### *4. La tirannide e la democrazia estrema: gli elementi di una somiglianza*

Benché Aristotele affermi, nel cap. 10 del libro IV, che la tirannide non merita un lungo discorso, sono molteplici i riferimenti a questo regime nell'ambito della trattazione delle altre forme politiche deviate. È il caso dell'oligarchia: nel cap. 5 del libro IV, passando in rassegna le varie forme che questa può assumere - secondo il principio che ogni πολιτεία non rappresenta un denominatore univoco - Aristotele ne individua il tipo peggiore nella δυναστεία, una vera e propria oligarchia ereditaria,

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<sup>14</sup> A questo riguardo, NEWMAN (1902), III, 265 cita D.H. V 74, secondo il quale i popoli barbari erano governati da regni dispotici, con la presenza, tuttavia, di alcune leggi e di consuetudini patrie (ἔθισμούς πατρίους).

<sup>15</sup> Il termine, in connessione con una specifica forma di potere, non è attestato prima di Aristotele. La forma παμβασιλεία compare invece due volte nelle *Nuvole*, a significare "onnipotente", con funzione di epiteto riferito da Strepsiade rispettivamente alle Nuvole come divinità (v. 357) e alla Frode, elevata al rango divino (v. 1150). Il termine παμβασιλεύς non compare mai in Aristotele ed è comunque di uso rarissimo: si segnala il fr. 308 Voigt di Alceo, dove è riferito a Zeus.

in quanto il figlio subentra al padre. Poiché questo governo non è regolato dalla legge, bensì da coloro che ne sono a capo, è assimilato a una tirannide (1292b 4-10).

Vi è un'altra costituzione deviata a cui Aristotele avvicina la tirannide, ed è l'ultima in ordine decrescente, e cioè la più negativa, tra le forme di democrazia elencate nel cap. 4 del libro IV<sup>16</sup>. Si tratta della democrazia il cui carattere distintivo è rappresentato dal fatto che è il πλῆθος, e cioè la moltitudine, a rappresentare il κύριον, l'autorità suprema, nella città<sup>17</sup>, e non la legge. Come si legge nel cap. 8 del libro III, nel passo citato più sopra, e come Aristotele torna ad affermare alla fine di questo capitolo, il νόμος deve governare su tutto, e solo se questo requisito viene rispettato è possibile che un determinato assetto politico sia a tutti gli effetti una πολιτεία. Nel quadro prospettato da Aristotele, che prende a modello la democrazia ateniese del V secolo, la moltitudine sostituisce le leggi con i decreti, le decisioni che assume di volta in volta nell'Assemblea. Queste deliberazioni sono condizionate dai demagoghi, che si fanno adulatori del δῆμος per conquistarsene i favori e rafforzare il loro potere.

Tracciando questa immagine della peggior forma di democrazia Aristotele ne sottolinea le affinità con la tirannide<sup>18</sup>. Anzitutto, assegnando al δῆμος il ruolo di μόναρχος che, senza attenersi alla legge, governa in modo dispotico, attribuisce a questa forma di democrazia le stesse caratteristiche riconosciute come proprie della tirannide nel cap. 8 del libro III. Inoltre, in entrambi questi regimi, chi governa opprime gli individui migliori: nella democrazia i nobili e i ricchi sono tenuti lontano dal potere e nella tirannide sono temuti e perseguitati perché, anche in questo caso, sono considerati nemici di quanti governano, tali cioè da attentare al loro potere. I decreti, gli ψηφίσματα poi, sono equiparati agli editti, ἐπιτάγματα, del tiranno: il popolo assume di volta in volta, tramite il voto, le decisioni che gli appaiono più utili, così come il tiranno esprime la sua volontà con un ordine coercitivo, minacciando una pena per i trasgressori.

Lo scopo di Aristotele, come appare chiaro, è quello di attribuire alla legge un valore, e soprattutto un ambito di applicazione, più ampi: si tratta di un principio generale che deve essere salvaguardato. Occorre tuttavia rilevare, a proposito della

<sup>16</sup> Sulla classificazione delle varie forme di democrazia nella *Politica* cf. GASTALDI (2016), 273-281.

<sup>17</sup> Aristotele discute il problema dell'attribuzione del κύριον, appunto l'autorità sovrana su ogni cosa, e dunque il potere effettivo, nei capp. 10 e 11 del libro III della *Politica*, analizzando cinque possibili "pretendenti", e cioè la moltitudine (πλῆθος), i ricchi, i cittadini dabbene (ἐπιεικείς), l'individuo migliore di tutti, che più oltre sarà identificato con il sovrano assoluto, e infine il tiranno. Su questi capitoli e sui relativi problemi cf. GASTALDI (2018), 61-79.

<sup>18</sup> Un'analisi puntuale di queste corrispondenze è condotta da JORDOVIĆ (2011), 36-64.

presa di posizione così drastica contro gli ψηφίσματα, che lo stesso Aristotele nell'*Etica Nicomachea*, riconosce che vi sono alcuni casi in cui non è possibile stabilire una legge, e pertanto è necessario procedere per decreto (V 10, 1137b 28-29). Nella città democratica, poi, la distinzione tra leggi e decreti, anche se affermata in linea di principio<sup>19</sup>, appare molto fluida e del resto lo stesso termine ψήφισμα, che traduciamo con “decreto”, fa riferimento unicamente alla modalità di approvazione, e cioè il voto, che è adottata anche in relazione alle leggi.

Un altro motivo di cui Aristotele si serve per criticare la democrazia ateniese equiparandola a una tirannide è la presenza dei demagoghi, assimilati agli adulatori che tradizionalmente circondano i tiranni. A questi “capi del popolo” è riconosciuto un ruolo tanto più rilevante quanto meno valore assumono le leggi: sono questi personaggi a indirizzare le decisioni dei cittadini che danno luogo alla redazione dei decreti. Il quadro disegnato da Aristotele non è diverso da quello che emerge dal *Gorgia* di Platone: in quel dialogo tutti i politici ateniesi, a iniziare dai grandi personaggi che hanno fatto la storia di Atene, sono paragonati ai cuochi, che hanno concesso ai cittadini tutte le gratificazioni che essi desiderano, utilizzando un'abilità retorica definita da Socrate come una forma di adulazione<sup>20</sup>.

Che la democrazia del V secolo sia una tirannide è del resto affermato, come si è visto, dagli ateniesi stessi, ma in un senso differente da quello utilizzato da Aristotele: quella che è stata definita una *Imperial Tyranny*<sup>21</sup> vale nei rapporti della città con l'esterno, e soprattutto con le città alleate della Lega marittima, un comportamento violento e di sopraffazione a cui si contrappongono relazioni tendenzialmente pacifiche all'interno, dei cittadini tra loro.

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<sup>19</sup> Si vedano, al riguardo, i passi delle orazioni citate da de ROMILLY (1971), 208-210. In particolare, Iperide, nella *Contro Atenogene* 22 attribuisce la distinzione tra leggi e decreti addirittura a Solone ma, secondo la studiosa, non vi è alcuna certezza che si tratti di un dato attendibile. Sullo stesso tema cf. OSTWALD (1969), 2-3, che sottolinea come non sia possibile individuare nessuna differenza, quanto alla forma, al contenuto e alla validità legale, tra leggi e decreti, anche se al νόμος, sia nel V sia nel IV secolo, viene attribuito un prestigio maggiore, probabilmente perché gli è riconosciuto un carattere di maggiore permanenza. Del resto, i provvedimenti di Solone e di Clistene sono sempre designati come leggi.

<sup>20</sup> In Pl. *Grg.* 467d-e, dopo aver tracciato lo schema complessivo che mette in relazione le vere tecniche con le loro contraffazioni riguardo rispettivamente all'anima e al corpo, Socrate afferma che il corrispettivo della retorica a livello corporeo è proprio la gastronomia. Il discorso, con un esplicito riferimento al comportamento degli uomini politici ateniesi, sia del passato sia del presente, è ripreso a 502 e ss. In R. VIII 562c-d, Platone definisce i politici della città democratica «cattivi coppieri», che inebriano tutti i cittadini somministrando loro «libertà pura».

<sup>21</sup> Così TUPLIN (1985), 348-375.

### 5. *Tirannide e regalità assoluta: due regimi senza leggi*

La tirannide intrattiene dunque una serie di rapporti con le altre costituzioni deviate e Aristotele ne mette in luce le connessioni. Rimane tuttavia ancora da esaminare un altro nesso, quello tra la tirannide e la regalità assoluta, perché entrambi questi assetti sono forme di potere monarchico e si caratterizzano sotto profili diversi - che è indispensabile precisare - per l'assenza di leggi.

Si è già visto che la tirannide, nel cap. 10 del libro IV, è definita ἄντιστροφος della παμβασιλεία: si tratta di una corrispondenza, basata appunto sul fatto che in entrambe il potere è esercitato da un solo individuo, ma anche di una specularità, individuata tra i due assetti presentati, rispettivamente, come il più positivo e il più negativo.

Per quanto riguarda la regalità assoluta, essa viene trattata come ultima nella rassegna delle forme di regno che si colloca nel cap. 14 del libro III e, a partire dalla definizione che Aristotele ne dà, mostra chiaramente la sua specificità. Si tratta di una monarchia in cui il re è padrone, κύριος, di ogni cosa ed esercita il suo potere, su un popolo o una città, κατὰ τὴν οἰκονομικήν, cioè nello stesso modo in cui un capofamiglia comanda sul proprio οἶκος. Si è qui di fronte a una modalità di governo che non è di tipo politico, così come avviene per la δεσποτική che designa il rapporto tra il padrone e i suoi schiavi. Entrambi questi tipi di relazione prescindono dalla legge e, come Aristotele precisa nel libro V dell'*Etica Nicomachea*, proprio per questo motivo nella famiglia si applica una forma di giustizia che definisce τὸ οἰκονομικὸν δίκαιον, un «giusto domestico» o «familiare» (V 6, 1134b 37) amministrato dal capofamiglia in conformità al suo esclusivo volere.

Alla luce di queste premesse, nel cap. 15 Aristotele dichiara che, riguardo alla regalità assoluta, è necessario esaminare le aporie che solleva: è evidente il riferimento a un dibattito, in cui intende prendere posizione. In questo capitolo, l'argomento in discussione è se sia più utile essere governati dall'uomo migliore o dalle leggi migliori. In effetti, nel corso del IV secolo è molto viva la discussione sulla figura del buon governante, o per meglio dire del governante ideale, che si identifica sempre con un sovrano. Basti pensare alla *Ciropedia* di Senofonte che, costruendo una biografia esemplare di Ciro il Vecchio, fa emergere tutte le prerogative che qualificano un buon re il quale, come un buon padre, si prende cura dei suoi sudditi per assicurare loro la felicità, ricambiato dalla loro venerazione. Non diversa è l'immagine del sovrano delineata da Isocrate nei discorsi indirizzati a Nicocle, principe di Cipro: l'esercizio della regalità è il compito più difficile, che richiede la massima cura e, come in Senofonte, è centrale la nozione del «prendersi cura», ἐπιμέλεια, dei propri sudditi.



In entrambi questi autori si fa costante riferimento alla legge: in Senofonte è fattore d'ordine e la giustizia, come rispetto del νόμος è una delle virtù più importanti attribuite a Ciro; Isocrate indica nell'attività legislativa uno dei principali compiti del principe<sup>22</sup>. Nel *Politico* di Platone, poi, dove la scienza dell'ἄνθρωπος βασιλικός si sostituisce alla legge, è ammessa la redazione di norme finalizzate a risolvere casi particolari<sup>23</sup>.

Negli autori citati non sembra essere presente l'alternativa prospettata da Aristotele: le figure di buoni sovrani o di buoni politici svolgono anche un'attività legislativa, che è parte integrante del loro ruolo.

Aristotele, nel cap. 15, riporta una vera e propria discussione dialettica che dà voce, rispettivamente, ai sostenitori del sovrano assoluto e della legge. Da una parte, si mette in evidenza che le leggi forniscono solo indicazioni di carattere generale, senza adeguarsi alla molteplicità dei casi particolari, dall'altra si afferma che il re possiede in ogni caso una serie di principi generali, ma l'elemento che risulta maggiormente favorevole alla legge è che essa è esente dalla componente emotiva, il παθητικόν, che è connaturata a ogni individuo. Chi dà voce alle critiche nei confronti della regalità vi contrappone il governo di più persone, perché negli organismi plurali è meno facile che i componenti siano soggetti alle spinte passionali o che sbagliano nelle loro decisioni<sup>24</sup>.

Sono proprio la presenza e gli effetti delle dinamiche psichiche a motivare una serie di riserve circa l'auspicabilità che sia un solo individuo a governare. Questo tema è ripreso e ampliato nel cap. 16 in cui Aristotele accentra la sua trattazione sul re che compie ogni cosa κατὰ τὴν αὐτοῦ βούλησιν, secondo il suo volere<sup>25</sup>, e cioè sul sovrano che governa senza leggi. In queste pagine è proprio il ruolo del νόμος a porsi in primo piano. L'argomentazione continua a conservare un carattere dialettico, fornendo comunque ampio spazio alle ragioni di coloro che esaltano il ruolo della

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<sup>22</sup> Cf. *A Nicocle* 17, in cui Isocrate esorta Nicocle a cercare le leggi che siano «assolutamente giuste, utili e tra loro coerenti», al fine di eliminare qualsiasi forma di contestazione da parte dei cittadini.

<sup>23</sup> Il politico, non potendo dirimere tutte le questioni che sorgono tra i cittadini in materia di giustizia e di contratti, potrà ricorrere anche a leggi scritte che si riferiscano a un insieme di casi analoghi, ma avrà sempre la facoltà di modificarle.

<sup>24</sup> Aristotele riprende qui gli argomenti già sviluppati nel cap. 11, a proposito del problema dell'attribuzione del κύριον.

<sup>25</sup> Sarebbe più corretto parlare di desiderio, di aspirazione o appetizione. Come emerge infatti dal cap. 4 del libro III dell'*Etica Nicomachea*, il termine βούλησις, che impropriamente viene tradotto come volontà, indica un'istanza desiderativa, a cui, nella teoria aristotelica dell'azione, descritta in quel contesto, compete di porre il fine. Si tratta dunque di un'aspirazione, di un desiderio, di cui spetta poi alla deliberazione valutare la realizzabilità.

legge: «La legge è ordine (τάξις). È preferibile che governi la legge piuttosto che uno dei cittadini» (1287a 18-20). Ne consegue che quanti esercitano il potere devono essere - e qui Aristotele riprende chiaramente il lessico platonico - custodi e servitori delle leggi<sup>26</sup>.

Il motivo che porta alla superiorità della legge sulle decisioni di un solo individuo è soprattutto quello della sua impersonalità: «Chi raccomanda il governo della legge sembra raccomandare esclusivamente il governo di dio e dell'intelletto (τὸν θεὸν καὶ τὸν νοῦν), mentre chi raccomanda il governo dell'uomo vi aggiunge anche la bestia (θηρίον)» (1287a 28-30). Sembra tornare qui la contrapposizione tra divinità e ferinità che nel cap. 2 del libro I costituiscono gli estremi opposti - l'uno verso alto, l'altro verso il basso - che si contrappongono alla medietà rappresentata dall'uomo quale animale politico. Qui l'elemento bestiale, ferino - aggiunge Aristotele - è rappresentato dal desiderio corporeo, l'ἐπιθυμία, ma anche dal θυμός, l'istanza collerica dell'anima, le due componenti psichiche irrazionali che, mutate dallo scenario platonico, possono sconvolgere quanti occupano posizioni di potere, impedendo il corretto uso della razionalità<sup>27</sup>.

La conclusione dell'argomentazione è esplicita: «La legge è intelletto senza desiderio» (νοῦς ἄνευ ὀρέξεως), cioè rappresenta una norma razionale, indipendente da un soggetto umano sempre passibile di sottostare alle spinte del desiderio. Anche in questa affermazione si avverte un'eco platonica, in particolare della definizione della legge come νοῦ διανομή, la regola impartita dall'intelletto, senza la quale, come rileva anche Aristotele, l'uomo, per sua natura, è travolto dalla tracotanza e dall'ingiustizia<sup>28</sup>.

<sup>26</sup> La definizione dei governanti come νομοφύλακες rinvia alle *Leggi* platoniche, così come l'espressione ὑπηρεταὶ τῶν νόμων: cf. *Lg.* IV 715c 7. Anche in *ENV* 6, 1134b 1-2 Aristotele afferma che l'autorità deve essere esercitata non da un uomo, ma dalla legge, pena il diventare tiranno, e che il governante (ἄρχων) è il custode del giusto (φύλαξ τοῦ δικαίου).

<sup>27</sup> Ἐπιθυμία, θυμός e βούλησις rappresentano, secondo Arist. *de An.* II 3, 414b 1-2, le tre forme dell'ὄρεξις, attraverso cui si esprime la facoltà sensitiva dell'anima. Il loro carattere irrazionale è affermato in Arist. *EN* III 2, 1111b 10 ss. La differenza tra βούλησις, θυμός ed ἐπιθυμία in correlazione alla volontarietà delle azioni che ne conseguono è messa in evidenza in *EE* II 7, 1233a 26-28. Per Aristotele, il θυμός rappresenta l'impulsività, che dà luogo a comportamenti precipitosi (cf. *ENV* VII 7, 1149a 25 ss.), da cui possono scaturire da una parte l'ira (ὀργή) e dall'altra anche azioni coraggiose. Al riguardo cf. VIANO (2013), 169-188.

<sup>28</sup> Pl. *Lg.* IV 713c-714a. Che la legge sia νοῦ διανομή rappresenta per Platone l'etimologia del termine νόμος, come si legge a 714 a. Il termine διανομή ha un doppio significato, quello di regola, ma anche quello di ripartizione, derivando dal verbo νέμω, che significa appunto distribuire: la legge funge da norma perché è il precetto emanato dall'intelletto, che regola l'intero universo, al cui interno è collocata la città.

### 6. *Desiderio senza intelletto: un potere arbitrario*

Benché queste affermazioni siano collocate all'interno di una discussione dialettica, e non sia certamente facile risalire alle posizioni sostenute da Aristotele, si ha l'impressione che egli condivida le affermazioni dei sostenitori della legge: del resto, nella sua analisi delle costituzioni è proprio il νόμος a costituire non solo il criterio che distingue una buona da una cattiva costituzione, ma anche la discriminante tra un regime che si può definire una πολιτεία da quello che non lo è sotto tutti i punti di vista, come la tirannide. Così, il ritratto del re che compie tutto secondo il proprio volere - e meglio sarebbe dire, tenendo conto dello statuto che Aristotele assegna alla βούλησις, secondo il proprio desiderio - contiene alcune caratteristiche che potrebbero a buon diritto essere attribuite anche al tiranno.

La mancanza della legge quale criterio imparziale lascia aperto lo spazio a quelle dinamiche psichiche che del resto si dimostrano comuni al re e al tiranno nel corso della lunga analisi condotta da Aristotele nel libro V, in cui si esaminano le cause dei mutamenti di regime. In questo libro la parte più considerevole è dedicata all'abbattimento dei regimi monarchici - regno e tirannide - e benché Aristotele insista sulle differenze tra i due assetti<sup>29</sup>, quando esamina i motivi che conducono al loro rovesciamento mostra che, in entrambi, le cause sono le stesse. Chiaramente, regno e tirannide sono forme di dominio personale e la concentrazione del potere nelle mani di un solo individuo implica il rischio che la componente bestiale dell'anima, lo θηρίον a cui si fa riferimento nel cap. 16 del libro III, riesca a imporsi.

In effetti, i comportamenti dei monarchi descritti da Aristotele sono determinati costantemente da spinte passionali, tutte contrassegnate dall'eccesso: si assiste a una rassegna che colloca in primo piano gli atti di *hybris*, quella tracotanza oltraggiosa propria di chi detiene un potere assoluto<sup>30</sup>. Secondo una dinamica che Aristotele descrive nella sua analisi delle passioni nel libro II della *Retorica*, l'offesa suscita in chi la subisce l'ira e il conseguente desiderio di vendetta. Di qui i tentativi di

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<sup>29</sup> Non solo il regno rappresenta una costituzione retta, mentre la tirannide costituisce il peggiore tra gli assetti devianti, ma ciascuna delle due ha origini e finalità proprie, come Aristotele spiega nel cap. 10 del libro V della *Politica*. Cf. al riguardo GASTALDI (2009), 139-155, in particolare 143-144.

<sup>30</sup> Questa rassegna si legge nel cap. 10 del libro V, in cui Aristotele esamina le cause che conducono all'abbattimento delle monarchie. Gli atti di *hybris* sono attribuiti sia ai tiranni, e a questo riguardo sono citati i Pisistratidi e Periandro di Ambracia, nipote del più celebre Periandro di Corinto, sia ai re. In questo ambito, il primo nome a essere menzionato è quello di Filippo II, ma poco dopo sono nominati anche Aminta, probabilmente Aminta II, e poi Archelao, tutti sovrani macedoni. Le congiure ordite contro di loro sono state determinate, secondo l'analisi di Aristotele, dagli abusi sessuali da loro compiuti nei confronti di membri della corte o di sudditi. Su questi passi cf. GASTALDI (2017), 55-79, in particolare 65-76.

rovesciamento dei regimi monarchici, e l'abbondante esemplificazione storica presente nelle pagine del libro V vede sia tiranni, sia re protagonisti di vicende determinate dall'ἐπιθυμία, quel desiderio corporeo multiforme, ma sempre molto potente, che Platone paragona nel libro IX della *Repubblica* all'animale (θηρίον) pollicefalo<sup>31</sup>.

### 7. Conclusioni

L'analisi che è stata condotta ha messo chiaramente in luce che, per Aristotele, la presenza della legge costituisce il presupposto per l'esistenza di un assetto che possa definirsi πολιτεία, cioè un regime politico. La tirannide, in cui i νόμοι sono assenti, non è infatti, a rigore, una costituzione. I pericoli connessi alla sostituzione della legge con il volere di chi detiene il potere sono presenti anche nella monarchia assoluta, a meno che la superiorità, o meglio l'incommensurabilità, dell'ἀρετή del sovrano non costituisca una garanzia contro l'incombente minaccia delle spinte desiderative (ἐπιθυμητικά) dell'anima. Aristotele prevede questa possibilità. Nel cap. 13, portando avanti la sua ricerca sul problema dell'attribuzione del κύριον, cioè del potere supremo nella città, afferma che solo una ὑπερβολή di virtù consente di governare senza la legge, perché chi possiede questa superiorità è «come un dio tra gli uomini»<sup>32</sup>, e dunque non deve sottostare alle norme riservate ai cittadini. Il tema è ripreso nel cap. 17, al termine della complessa discussione sulla figura del re assoluto e in questa sede Aristotele, chiedendosi quale tipo di popolazione sia adatta a un certo assetto politico, sostiene che può essere governato da un re un popolo che per natura sappia produrre una famiglia, o un solo individuo, che siano dotati di una virtù del tutto superiore a quella degli altri. Anche qui l'elemento cardine è rappresentato da un'ἀρετή incommensurabile, che rende possibile essere legge a se stessi e agli altri.

Si è molto discusso se l'individuo assolutamente superiore, che detenga una παμβασιλεία del tutto legittima, rappresenti per Aristotele una figura di governante effettivamente collocabile nel quadro istituzionale tracciato nella *Politica* o se al contrario costituisca un modello teorico di sovrano perfetto: non è questa la sede per analizzare le posizioni divergenti degli interpreti su questo tema. Rimane fermo, comunque, nelle linee generali e portanti del pensiero politico di Aristotele, il principio della centralità della legge e, su questo sfondo, si colloca la sua presa di distanza dalla

<sup>31</sup> Pl. *R.* IX 588c.

<sup>32</sup> Arist. *Pol.* 1284a 10-11. Si tratta di una citazione omerica: cf. *Il.* XXIV 258, dove è Ettore a essere designato come tale.

tirannide che non solo sostituisce l'arbitrio al νόμος ma, esercitando la costrizione su sudditi liberi, è contro natura, perché li assimila in tutto agli schiavi.

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# Developing a Sense of Justice. Aristotle and John Rawls on Reasoned Respect for the Law and Stable Political Systems

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## ***Abstract***

In this paper I offer a conceptual characterization of the idea of a “sense of justice” as a suitable motivational basis for respect for the principles of justice in force in a given society, and argue that a similar concern can be found not only in John Rawls, who expressly talks about that notion, but also in Aristotle. My main contention is that both thinkers invite readers to conceive of the sense of justice as an attitude admitting of various degrees, ranging from a fear-inspired respect for the law up to an unconditional appreciation of the established constitutional principles and the laws stemming from such principles. In the first part of this paper, I will address Aristotle’s view of a natural capacity of human beings for sociability, political participation and functional interdependence within the city culminating in a virtue-based political friendship. In the second part I will contend that, in Rawls’ view, the individual sense of justice is at work not only after the establishment of a public conception of justice (contrary to what a *prima facie* reading of *A Theory of Justice* might suggest), but also in a phase *ante legem*.

***Keywords:*** Sense of justice, Aristotle, John Rawls, Constitutional principles

## **Resumen**

En este artículo se presenta una caracterización conceptual de la idea de un “sentido de la justicia” como base motivacional adecuada para el respeto de los principios de justicia vigentes en una sociedad determinada. Además, se sostiene que una preocupación similar se puede encontrar no solo en John Rawls, quien expresamente habla de esa noción, sino también en Aristóteles. El argumento principal es que ambos pensadores invitan a los lectores a concebir el sentido de la justicia como una actitud que admite varios grados, que van desde el respeto a la ley inspirado por el miedo hasta la apreciación incondicional de los principios constitucionales establecidos y las leyes que de ellos emanan. En la primera parte de este artículo, se aborda la visión aristotélica de la actitud natural de los seres humanos hacia la sociabilidad, la participación política y la interdependencia funcional dentro de la ciudad, algo que culmina en una amistad política basada en la virtud. En la segunda parte, se argumenta que, a entender de Rawls, el sentido individual de la justicia se activa no solo después del establecimiento de una concepción pública de esa justicia (contrariamente a lo que podría sugerir una primera lectura de *A Theory of Justice*), sino también en una fase *ante legem*.

**Palabras clave:** Sentido de la justicia, Aristóteles, John Rawls, Principios constitucionales

### 1. *Introduction*

It is perhaps a platitude to say that respect for the laws provides an essential condition for a stable and well-functioning political asset. Less clear, however, is the way in which the members of a given political community (either citizens or non-citizens) might be encouraged to cultivate and actively display that type of respect. It might be supposed that, besides the role played by an efficient penalty system and law-safeguarding authorities in enforcing the ruling power of the laws, a significant help in this direction is supplied by a publicly expressed concern for education to a cooperative behaviour consonant to the established rules of justice.

In this paper I shall frame the individual moral capacity and the desire to comply by the laws in force in terms of a distinctive “sense of justice” of citizens. This, as I will propose, can be conceptualized as a moral capacity for active political participation and interaction according to the established laws, which is to say, one that admits of different attitudes and degrees. To this purpose, I will discuss in a comparative perspective some relevant passages of Aristotle’s ethical and political works and John Rawls’ *Theory of Justice*. My main thesis is that both Aristotle and Rawls invite the reader to think of the sense of justice as a suitable motivation for respecting the laws. The development of the sense of justice can be placed along a continuum, ranging from respect of laws from fear of punishment to an emotionally laden, friendly concern for one’s fellow citizens. As I contend, Aristotle and Rawls would agree on the idea that a maximum level of sense of justice finds its highest expression in a form of political friendship which, although grounded in the search for personal utility, incorporates a genuine appreciation of the constitutional principles in force, a respectful regard for one’s fellow-citizens, and the expectation of a reciprocal, equal treatment between rational and cooperative moral agents.

In the first part of this paper, I will address Aristotle’s view of a natural capacity of human beings to sociability, political participation, and functional interdependence within the city. A conceptual characterization of a supposedly Aristotelian “sense of justice” arguably incorporates both the intention to engage in critical confrontation with one’s community-fellows and a performance of civic functions consonant to the established principles in force. Different underlying motives for respect may encourage forms of civic friendship that, by strengthening ties and a sense of reciprocal obligation between the members of a given political community, prompt respectively different degrees of political stability in the community itself.

In the second part of this paper, I shall take issue with the notion of “sense of justice” and the role it supposedly plays in John Rawls’ conception of justice in well-



ordered (liberal and democratic) societies. I will contend that, in Rawls' view, the individual sense of justice is at work not only after the establishment of a public conception of justice (contrary to what a *prima facie* reading of Rawls might suggest), but also in a phase *ante legem*.

## 2. *Participation in the life of the polis*

A tentative reconstruction of the idea of a “sense of justice” in Aristotle's philosophy can be pursued in relation to his treatment of the dynamics of development of the distinctive human potentialities within pre-political and political communities. It is in the *polis* that human beings find the possibility of achieving their full-fledged rational and communitarian nature. In a well-known passage of the *Politics* Aristotle claims that

[t]he city belongs among the things that exist by nature, and that man is by nature a political animal<sup>1</sup>. He who is without a city through nature rather than chance is either a mean sort or superior to man; he is “without clan, without law, without hearth,” like the person reproved by Homer; for the one who is such by nature has by this fact a desire for war, as if he were an isolated piece in a game of backgammon (*Pol.* I 2, 1253a 1)<sup>2</sup>.

ὁ ἄνθρωπος φύσει πολιτικὸν ζῷον, καὶ ὁ ἄπολις διὰ φύσιν καὶ οὐ διὰ τύχην ἦτοι φαῦλός ἐστιν, ἢ κρείττων ἢ ἄνθρωπος: ὡσπερ καὶ ὁ ὑφ' Ὀμήρου λοιδορηθεὶς “ἀφρήτωρ ἀθέμιστος ἀνέστιος” (Hom. *Il.* IX 63) ἅμα γὰρ φύσει τοιοῦτος καὶ πολέμου ἐπιθυμητής, ἅτε περ ἄζυξ ὦν ὡσπερ ἐν πεττοῖς.

The capability<sup>3</sup> of sharing in the feelings, motivations and dynamics that can be expressed in a certain community (especially the political one), as well as the capacity to be “with laws” represents a distinctive prerogative of human beings. Possession of that capability, at least at this initial stage of discussion, seems to mark a minimum level of human moral decency, which is to say, one without which a person can legitimately be qualified as “mean”. The sense of justice, then, might be qualified as a negation of its conceptual opposite, namely the condition of the *apolis*. In fact, the passage contains the idea that there might be human subjects who, contrary to those who are generally and “by nature” fit to a political sphere, are without *polis* “by

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<sup>1</sup> Cf. *NE* 7, 1097b 11; IX 9, 1169b 18.

<sup>2</sup> Transl. Lord, from which all the passages will be taken, unless differently specified.

<sup>3</sup> As SAUNDERS (2002), 69 explains, «[T]he translation of *politikon*, 'fit for a state', does not imply that a man is born already endowed with the appropriate virtues, but only that he is born with the capacity or faculty (*dunamis*, *EN* 11 i) for developing them by education».

nature” (i.e. without the capacity and the impulse of living in a *polis*<sup>4</sup>). This idea might imply that some persons have physiological defects that possibly affect psychology<sup>5</sup>, and also that the absence of political ties and laws, just like a desire for war, is a natural consequence of an isolated life<sup>6</sup>. These aspects might induce the reader to hypothesize that the *apolis* is not simply a mean human subject, but rather a *non-human* being (as Aristotle will make it clear at *Pol. I 2, 1253a 28*, where he declares that whoever is unable to share in a community (μη δυνάμενος κοινωνεῖν) is either a beast or a god). The capability of acting in a goal-directed cooperative dimension (as the *koinonia politikē*)<sup>7</sup>, in that case, would appear as a threshold below which a human being loses his or her distinctively human features<sup>8</sup>.

In the following lines of his argument Aristotle explains that human beings are not the only political animals that can be found in nature. In fact, “political” is a property which does not exclusively indicate the human capacity to exert one’s full-fledged potential in the city. To the contrary, it seems that the idea of living in a city, although potentially implied in the adjective “political”, may coexist within the meanings of “community”, “friendship”, convergence of aims - all aspects which also some living, non-human beings usually experience<sup>9</sup>. The higher degree of “politicalness” displayed by human beings over other gregarious animals does not seem to reside straightforwardly in their inhabiting a city (which undoubtedly exhibits a high degree of sophistication in terms of organization of functions and cooperative strategies). Rather, it appears to be rooted in their capacity to live the dimension of the

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<sup>4</sup> See SAUNDERS (2002), 69.

<sup>5</sup> See SAUNDERS (2002) 69.

<sup>6</sup> See BESSO and CURNIS (2011), 215-216. As the authors point out, Aristotle forces the interpretation of verse 64 of *Iliad IX*, which imply that isolation is an effect of inclination to war, and not vice versa.

<sup>7</sup> Aristotle regards the political community as the sort of partnership that embraces all the others. While each partnership aims at some good, the political one aims at the best and the most complete, i.e. the human good (*Pol. I 1, 1252a 1-6*). While the phrase ἡ πολιτικὴ in the first lines of the *Politics* appears to address the community of members (cf. SCHÜTRUMPF, 1991, I, p. 173), in the following books it appears to be related to citizens only (on this point see BESSO and CURNIS, 2011, 197). A distinctive trait of every *κοινωνία* (not simply the political one) is the fact that for each member there should be something in common and the same for all partners (*Pol. VII 8, 1328a 25-28*).

<sup>8</sup> Cf. BESSO and CURNIS (2011), 219, who claim that without the *polis* human beings would lower their nature to the one of beasts.

<sup>9</sup> See SIMPSON (1998), 22, especially footnote 20. Simpson agrees with MILLER (1995), 30-31 and KULLMANN (1991), who assume that the idea of “*polis*” at the basis of the adjective “political” ranges from primitive levels of associations to a distinctively human life in organized cities. A different view is held by MULGAN (1974), 439, who claims that the adjective “political”, being referred to both animals and human beings, cannot by any means apply to the case of a life in the city, and would rather bring out the activity of cooperating or working together to some common enterprise.

community thanks to the inclination to rationally and dialogically express their personal views on the useful and the harmful, the just and the unjust. This capacity is not to be understood as an element of rupture with the biological dimension of human politicalness<sup>10</sup>. Indeed, man is described as a “ζῷον”. As such, he shares with some animals the property of sociability and, with a specific subset of the sociable (or gregarious) animals, a distinctively political nature<sup>11</sup>. Provided that only political beings act by having some common object in view<sup>12</sup>, it becomes clear that human beings express a particular way of understanding gregariousness, i.e. one in which sociability does not amount to sheer living in groups without coordination.

At any rate, many are the passages of Aristotle’s works in which the political nature of human beings is described as transcending a purely biological (or zoological) dimension<sup>13</sup>. For example, in his ethical discussions, political animals are treated as beings able to take part in governing activity (*EE* VII 10, 1242a 22-24; *NE* VIII 12, 1162a 16-19). Thus, they display a more sophisticated agential capacity than the one required for successful household management. What is more, in other passages he speaks of political agency within the city (*NE* I 7, 1097b 8-11; IX 9, 1169b 16-22; *Pol.* III 6, 1278b 15-30)<sup>14</sup>. The overcoming of a purely biological dimension appears also in *Pol.* I 2, 1253a 10-14, where we read that possession of reasoned speech (*logos*) is an exclusive prerogative of the human being (λόγον δὲ μόνον ἄνθρωπος ἔχει τῶν ζῴων). While the voice (φωνή), being present in other animals, indicates the painful or pleasant and helps animals to signal these feelings to each other (σημαίνειν ἀλλήλοις), the human *logos* has been devised by nature to express individual perceptions (αἰσθήσεις) of the just and the unjust. It is easy to understand that, in the

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<sup>10</sup> The biological rootedness of the human being has been stressed by MACINTYRE (1999).

<sup>11</sup> As we read in the *Historia Animalium*, probably the earliest among Aristotle’s zoological works, some beings are gregarious (ἀγελαῖοι), some are solitary (μοναδικόι), and some partake of both characters. Human beings seem to belong to the realm of those who can live in both ways (ἐπαμφοτερίζειν; I 1, 487b 32-488a 2). It is interesting that, in the passage at issue, human beings are presented as a particular subset of gregarious animals (ἀγελαῖα), namely the “political” (πολιτικά), as distinguished by those gregarious animals who live scattered (σποραδικά). Scattered beings, although social, are those with possibly with no inclination for cooperation based on differentiation of functions or convergence of goals. These seem to happen in particular to those who live in groups more dispersed than herds, packs, flocks, schools, or cities. For a carefully thought discussion of the taxonomy proposed in *Historia Animalium* I, 1 see DEPEW (1995).

<sup>12</sup> As Aristotle makes it clear at *Historia Animalium* I 1, 488a 7-10, unlike those animals who simply live in association, the political stand out for their capacity and tendency to functionally cooperate towards a common goal.

<sup>13</sup> See BESSO and CURNIS (2011), 217.

<sup>14</sup> A distinctive sense of understanding the political nature of human beings is the one related to governing activity as distinguished from pure householding activity (cf. DEPEW, 1995, 156).

present context of discussion, αἰσθήσεις are not to be regarded as sense perceptions<sup>15</sup>, as those experienced by lower animals and communicated by means of voice<sup>16</sup>, nor they consist in pure alterations suffered by human beings and caused by external objects<sup>17</sup>. Perceptions of utility, harm, justice and injustice are rather to be understood as rationally informed views, the specific content of which supposedly depends on a subjective and active capacity to re-elaborate and communicate experiences within the domain of human interactions. These perceptions are not necessarily to be understood as forms of intuitive reasonings; to the contrary, it is plausible to suppose that they can be progressively shaped and modified by dialogic experiences between human fellows.

Although reciprocal communication of such perceptions is not explicitly mentioned by Aristotle (differently from the case of voice for animals) as a functionality of the *logos*, it is pretty evident that the perceptions at stake can be rationally articulated and publicly exhibited, and its holders can advance justifications in support of the plausibility of their content. In my opinion, this view might be derived from what Aristotle says at *Pol.* I 2, 1253a 14-18:

But (reasoned) speech serves to reveal the advantageous and the harmful, and hence also the just and the unjust. For it is peculiar to man as compared to the other animals that he alone has a perception of good and bad and just and unjust and the other things of this sort; and community in these things is what makes a household and a city.

It is remarkable that the last lines of the passage above focus on the possibility of sharing αἰσθήσεις Aristotle does not pronounce on the possible ways in which a convergence of private views can be turned into a single, shared rational perception<sup>18</sup>. The most plausible solution, however, is that that a shared perception of the values

<sup>15</sup> A detailed treatment of aisthesis as a faculty of aisthesis as sense perception is found in Books II (sections 5, 6, 7, 11, 12) and III (sections 1, 2, 3, 12, 13) of *De Anima*.

<sup>16</sup> On the functional distinction between voice and speech cf. Aquinas' commentary to the *Politics* (tr. REGAN, 2007, 6, of I 21): «Therefore, expressions of sadness and pleasure are signs and so also belong to other animals. For the nature of other animals is such as to have sense experiences of sadness and pleasure and to signify these experiences to one another. But speech indicates what is useful or harmful, and so also what is just or unjust. For, strictly speaking, it belongs to human beings alone, in contrast with other animals, to perceive good and evil, just and unjust, and the like. And communicating these perceptions produces households and political communities».

<sup>17</sup> See *DA* II 3, 416b 32-35, where Aristotle explains that sensation consists in being moved (κινεῖσθαι) and in suffering (πάσχειν) an action, in that it seems to be some sort of change of quality.

<sup>18</sup> A possible reason for this lack of concern on Aristotle's part might reside in the idea that Aristotle understands political deliberation directly as a community-act (differently from the approach adopted by contemporary political theorists, who are inclined to treat deliberation as a way for each person to regard himself or herself responsible for political actions. On this point see B. GARSTEN, 2013, 328).

and related feelings is the outcome of joint deliberation and an exchange of individual reasons in the context of a communicative experience characterized by reciprocal, constructive criticism, and a forward-looking attitude. We might suppose that, even when deliberative processes of political kind involve the participation of a few rational moral agents, their forward-looking views on the ideas of justice, utility, and their contraries, if expressed by way of convincing rational arguments, may be well-received by the other members of the community. By transcending individual and shortsighted and self-oriented rational perceptions, a shared, public view will become the basis for a life characterized by human interdependence along dimensions ranging from a purely domestic to a broadly political level.

Viewed in this light, the distinctive human capacity for civic life that makes use of *logos* can be conceived of as a qualitative and quantitative intensification of a biological cooperative capacity that characterizes other animals<sup>19</sup>. The natural predisposition of human beings to interdependence finds an opportunity for expression not only in the exchange of ideas and perceptions on justice, but also in the exercise of specific functions within political cooperative systems characterized by specific criteria of assignment of tasks and offices. Within a distinctively teleological framework, the city reveals itself not only as the end, but also as the nature of the communities subordinated to its power of coordination. As such, it represents the dimension in which human beings achieve their full-fledged rational and emotional potential<sup>20</sup>. The idea that the city is by nature prior to the family and to each person is explained by Aristotle through a metaphorical picture drawing on the imagery of organic wholes. According to that image, persons are represented as parts of a whole:

[T]he city is thus prior by nature to the household and to each of us. For the whole must of necessity be prior to the part (τὸ γὰρ ὅλον πρότερον ἀναγκαῖον εἶναι τοῦ μέρους); for if the whole body is destroyed there will not be a foot or a hand, unless in the sense that the term is similar (as when one speaks of a hand made of stone), but the thing itself will be defective. Everything is defined by its function (πάντα δὲ τῷ ἔργῳ ὥρισται) and its capacity, and if it is no longer the same in these respects it should not be spoken of in the same way, but only as something similarly termed (*Pol.* I 2, 1253a 19-29).

As it seems, the image above is not employed by Aristotle to convey the idea of instrumental human beings<sup>21</sup>. It is rather more plausible to suppose that human parts within the political whole are individuals functionally active in a cooperative game.

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<sup>19</sup> See KULLMANN (1991); COOPER (1990).

<sup>20</sup> Cf. SCHÜTRUMPF (1991), I, 216.

<sup>21</sup> Cf. YACK (1993), 30.

Indeed, the identity and the quality of persons can be structured and enriched by participation in the political life. As Aristotle claims at *Pol. I 2, 1253a 29-33*:

For just as man is the best of the animals when completed, when separated from law and adjudication he is the worst of all.

ὥσπερ γὰρ καὶ τελεωθὲν βέλτιστον τῶν ζώων ὁ ἄνθρωπός ἐστιν, οὕτω καὶ χωρισθεὶς νόμου καὶ δίκης χείριστον πάντων.

It ought to be noticed, though, that the sheer existence of a set of laws (however good these might be) is not sufficient to promote human development. As Aristotle explains in a passage at Book IV of the *Politics* (IV 8, 1294a 3-b 9) with reference to good laws (which may be either the best laws attainable in imperfect conditions or the best in absolute), no good governance can occur when nobody respects them.

Aristotle is well-aware that a gap may exist between the law and its effectiveness. This emerges in a passage of the *Nicomachean Ethics* in which the incontinent person, i.e. the man who, although in possession of good practical rationality, acts by listening to impulses not aligned to correct reason, is compared to a city:

[S]o the incontinent person is like a city that passes all the right decrees and has good laws, but makes no use of them, as in Anaxandrides' joke: 'The city willed it, which cares nothing for laws.' The wicked person, however, is like a city that implements its laws, but implements wicked ones (*NE VII 11, 1152a 20-24*)<sup>22</sup>.

καὶ ἔοικε δὴ ὁ ἄκρατὴς πόλει ἢ ψηφίζεται μὲν ἅπαντα τὰ δέοντα καὶ νόμους ἔχει σπουδαίους, χρήται δὲ οὐδέν, ὥσπερ Ἀναξανδρίδης ἔσκωψεν "ἡ πόλις ἐβούλεθ', ἢ νόμων οὐδέν μέλει· ὁ δὲ πονηρὸς χρωμένη μὲν τοῖς νόμοις, πονηροῖς δὲ χρωμένη.

The law by itself, however good, is not a guarantee of either good individual behaviour or a stable political order, for obedience is also required. By "obedience" I do not simply mean the tendency not to transgress the laws, but also the performance of tasks and offices whose specific aims and strategies are directed to the promotion of the constitutional principles established in the city. Assuming that, in Aristotle's view, we may speak of a sense of justice precisely in relation to abidance by constitutional principles and legislative settings, it would be appropriate to say that the idea of "sense of justice" itself might contribute to a conceptual characterization of the notion of citizenship. Aristotle discusses that notion in Book III of the *Politics*, precisely within the framework of an investigation into the nature and the characters

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<sup>22</sup> Tr. CRISP (2000).

of each constitution. The constitution (*politeia*) is defined as a certain “ordering”, or form of organization<sup>23</sup> of persons living in the *polis* (ἡ δὲ πολιτεία τῶν τὴν πόλιν οἰκούντων ἐστὶ τάξις τις; *Pol.* III 1, 1274b 38), one guaranteed by the existence of a variety of offices performed by the members of the *polis* (this aspect will emerge more clearly at *Pol.* III 6, 1278b 8-12, where the *politeia* is described as the ordering of the offices of the *polis* - especially of its supreme office - not as an order of persons<sup>24</sup>). Within a similar picture, the idea of a cooperative interaction between fellow citizens appears related to a certain distribution of functions and a participation aimed at the preservation of the order established by the constitutional principles in force in a certain *polis*. The *polis* itself, which in the first pages of the *Politics* is compared to a composed thing (σύνθετον; *Pol.* I 1, 1152a 19), in Book III is presented as a plurality of citizens (πλῆθος; *Pol.* III 1, 1274b 41) and also as particular type of composite entity (ἡ πόλις τῶν συγκειμένων, *Pol.* III 1, 1274b 39). It is evident that the multitude of citizens to which Aristotle refers is not an undefined aggregate of human beings, but a functionally organized entity<sup>25</sup>. The nature of citizenship is initially framed in relation to concrete participation in the functions of judge and offices (πολίτης δ’ ἀπλῶς οὐδενὶ τῶν ἄλλων ὀρίζεται μᾶλλον ἢ τῷ μετέχειν κρίσεως καὶ ἀρχῆς). Under the category of “offices” Aristotle includes even activities which are not strictly regular professions, like those of judges and assembly members<sup>26</sup> (*Pol.* III 1, 1275a 30). With a similar choice, Aristotle seems to invite his readers to think of the nature of citizens as ultimately related to a general capacity for deliberative rationality, and not to the featuring traits of the magistracies active in a certain polis. Rationality will be displayed in various contexts, compatibly with the constitutional principles in force and the laws framed in accordance with those principles. An interest for human deliberative capacity might have brought Aristotle to ameliorate his initial definition of citizens by addressing the issue in terms different

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<sup>23</sup> See ROSS’ translation (1957).

<sup>24</sup> See NEWMAN (1902), 130.

<sup>25</sup> As Aristotle makes it clear in *Metaph.* Z 17, 1041b 11 ff., not every compound is a whole. There aggregates like a heap (mechanical) and others who resemble syllable (organic or formal). In the latter there are not only constituent elements, but a compound in which the relation between parts is more and something else than their sum (cf. NEWMAN, 1902, 131).

<sup>26</sup> See NEWMAN 102: 136, who explains that even Plato in the *Laws* (767a; 768c) holds that a dicast is not properly a magistrate, although he is a magistrate on the specific day on which he decides a lawsuit. Similarly, Aristotle in *Pol.* IV 14, 1297b 41-1298a 3 claims that ἀρχαὶ and τὸ δικαστικόν are to be kept distinct (with the exception of oligarchical constitutions, in which the judge is really a magistrate (*Pol.* V 6, 1306b 8 ff.)). Similarly, a member of the assembly. Cf. *Pol.* III 11, 1282a 34, where it is explained that dicasts and members of the *Boule* are not magistrates, but parts of a magistracy.

from effective participation<sup>27</sup>. By so doing, Aristotle corrects a definition which, if based on effective participation in a variety of political contexts (even those which do not presuppose specific, long-term professions), would qualify as “citizens” only those persons who play a concrete role (even a short-term one) at a certain time (thus ceasing to be a citizen when one stops playing that role). What is more, that definition but would mainly apply to democratic regimes, where a plurality of citizens is allowed to participate in assemblies and judicial courts.

By offering a very generic definition of citizenship, Aristotle seems to invite reflection on the possibility of a functional interdependency which, far from appearing rigid, would enable citizens to assume different roles and ascending to higher ruling offices. The idea that some political roles can be exchanged and that citizens might bring their deliberative capacity to perfection (and consequently deserve participation in specific roles) is a distinctive feature of the *polis*, not of pre-political organizations that appear founded on a rigid complementarity of roles (such as the family, made by women, children, masters and slaves)<sup>28</sup>. The *polis*, then, invokes the idea of possible rulers, not only actual ones, and in this respect it seems to enforce the image of the city as a community of free people (ἡ δὲ πόλις κοινωνία τῶν ἐλευθέρων ἐστίν; *Pol.* III 6, 1279a 21)<sup>29</sup>.

Although being aware that the inclination and the active contribution to the safety of the community ought to concern even non-citizens, Aristotle seems to show a particular interest for the role performed by citizens in ensuring the goals of the city. While addressing the issue of citizenship in Book III of the *Politics*, he explains that

[N]ow just as a sailor is one of a number of sharers, so, we assert, is the citizen. Although sailors are dissimilar in their capacities (one is a rower, another a pilot, another a lookout, and others have similar sorts of designations), it is clear that the most precise account of their virtue will be that peculiar to each sort individually, but that a common account will in a similar way fit all (*Pol.* III 4, 1276b 21-27).

As Aristotle states in the following lines of the passage, the preservation of the *κοινωνία* is the work (ἔργον) of all citizens regardless of their specific functions:

[F]or the safety of the ship in its voyage is the task of all of them, and each of the sailors strives for this. Similarly, although citizens are dissimilar, preservation of the community is their task, and the regime is this community; hence the virtue of the citizen must necessarily be with a view to the regime (*Pol.* III 4, 1276b 26-28).

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<sup>27</sup> This aspect is stressed by GARSTEN (2013), 336-337.

<sup>28</sup> On this point see ACCATTINO (1986), 19.

<sup>29</sup> On this point see NEWMAN (1902), 131.



ἡ γὰρ σωτηρία τῆς ναυτιλίας ἔργον ἐστὶν αὐτῶν πάντων: τούτου γὰρ ἕκαστος ὀρέγεται τῶν πλωτήρων. ὁμοίως τοίνυν καὶ τῶν πολιτῶν, καίπερ ἀνομοίων ὄντων, ἡ σωτηρία τῆς κοινωνίας ἔργον ἐστὶ, κοινωνία δ' ἐστὶν ἡ πολιτεία.

The virtue of a good citizen is generically identified with a form of abidance by the constitutional principles in force that requires only a “true opinion” (δόξα ἀληθής; *Pol.* III 4, 1277b 29) on the things deliberated by lawgivers. More authoritative political offices, instead, require a display of respectively more sophisticated forms of deliberative action. This is the reason why φρόνησις, which in the *Nicomachean Ethics* is presented as the intellectual excellence possessed by a perfectly virtuous moral agent<sup>30</sup>, is introduced in the *Politics* as the distinctive virtue of a good ruler (*Pol.* III 4, 1277a 15-16). Undoubtedly, that virtue can be displayed at its best as an autonomous and good-oriented deliberative agency in the ideal city, where ethical excellence is upheld as a value to be cultivated by the rulers and the ruled. Furthermore, the same virtue can be adopted as a valuable criterion for the assignment of political power. However, even when the legislative activity stemming from phronetic deliberation is performed in a virtue-based city, the existence of virtuous constitutional principles represents a normative bond to be respected. The strength of that bond emerges in a clearer light in those cities governed by less perfect constitutions, where respect for constitutional principles which do not enjoin virtue as a pivotal value must somehow be reconciled with a morally virtuous, creative, and forward-looking capacity of the wise lawgiver to elaborate solutions for the legislative organization of the *polis*<sup>31</sup>. The sense of justice of rulers, in that respect, will not find expression in the initiative to intensify the character of the constitution, but rather in deliberative activity aiming at the preservation of the stability of the constitution. As Aristotle clarifies at *Pol.* V 10, 1310a 13-18, such stability is ensured through an appropriate education to respect of the laws:

[B]ut the greatest of all the things that have been mentioned with a view to making regimes lasting—though it is now slighted by all—is education relative to the regimes. For there is no benefit in the most beneficial laws, even when these have been approved by all those engaging in politics, if they are not going to be habituated and educated in the regime—if the laws are popular, in a popular spirit, if oligarchic, in an oligarchic spirit. If lack of self-control exists in the case of an individual, it exists also in the case of a city. But to be educated relative to the regime is not to do the things that oligarchs

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<sup>30</sup> Cf. *Pol.* III 4, 1276b 33-34, where the good man is described as a man so called in virtue of a single, absolute excellence (τὸν δ' ἀγαθὸν ἄνδρα φημὲν κατὰ μίαν ἀρετὴν εἶναι τὴν τελείαν).

<sup>31</sup> Cf. *Pol.* V 9, 1309a 34-37, where Aristotle explains that not only loyalty to the established regime, but also an excellent administrative capacity and virtue and justice (in the form that suits the specific quality of the constitution in force).

or those who want democracy enjoy, but rather the things by which the former will be able to run an oligarchy and the latter to have a regime that is run democratically.

Understandably, different constitutional principles convey respectively different educational messages on the human good. Whatever the content of the enacted laws, obedience to the laws in force ought nevertheless to be understood as respect of a given order, given that, as Aristotle himself declares in *Politics* VII 4, 1326a 30-31 «law is some sort of order» (ὁ τε γὰρ νόμος τάξις τίς ἐστι), even though only a good legal system is of necessity of a good one (καὶ τὴν εὐνομίαν ἀναγκαῖον εὐταξίαν εἶναι).

### 3. *The sense of justice as “obedience to the laws”. Its connection to political friendship*

Complying with a legislative system involves not only an interiorization of the prescriptive and inhibitory contents of the laws, but also the development of a bond of obligation towards the order itself. As Aristotle explains in *NEX* 10, 1180a 20-21 the law has a coercive power (ὁ δὲ νόμος ἔχει ἀναγκαστικὴν δύναμιν), one which other forms of prescriptions - like the fatherly ones - cannot by nature possess. A purely private education, however appropriate from an ethical point of view, might not be effective in a context in which each person lives privately and according to his personal wishes<sup>32</sup>. In fact, the most virtuous actions are made by way of good laws, which is to say, when virtue becomes a common objective and is cultivated on a public level (cf. *NEX* 10, 1180a 33-35).

Notably, Aristotle declares that the aim of virtuous lawgivers is to make citizens good and obedient to the laws (*NE* I 13, 1102a 9-10). In support of this view, he proposes the case of Cretan and the Spartan lawgivers (*NE* I 13, 1102a 10-11)<sup>33</sup> - people who, in some passages of the *Politics*, are presented as examples of an incomplete concern for virtue<sup>34</sup>, and not as the champions of a model of perfect excellence, understood in the Aristotelian sense. The Spartans, for instance, seem to devote a primary (if not exclusive) concern for the military courage (at the expenses of other virtues like moderation), whereas the Cretans seem to pay attention to the value of richness (cf. *Pol.* II 11, 1273a 21-15). As I believe, the apparent lack of congruence between the two pictures of Spartan and Cretan lawgiving activity might

<sup>32</sup> See for instance *NEX* 10, 1180a 27-29, where Aristotle says that in most cities the issue of public education has been neglected, and each person live as he or she wishes, laying down laws for children and wife like Cyclops (κυκλωπικῶς; cf. Hom. *Od.* XIII 112). Cyclops notably live anarchically.

<sup>33</sup> See also *NEX* 9, 1180a 25, where the Spartans are presented as an example of carefulness about people's upbringing and pursuits.

<sup>34</sup> On this point (and the relevant passages in *Politics* VII 14) see ROSLER (2005), 237-238.

be explained by resort to the following idea: concern for virtue is an attitude that ranges along a continuum of degrees and finds its peak in active commitment to perfect virtue.

The idea of virtue as an attitude ranging along a continuum might also shed insight on Aristotle's account of justice as "conformity to the law" provided in Book V of the *Nicomachean Ethics*. Understood in its highest and most complete sense<sup>35</sup>, justice can be viewed as a set of virtuous dispositional attitudes (e.g. courage, temperance, generosity, mildness and so on) that can be exerted in a variety of contexts of human interaction and involves concern for other persons (see *NE V 10*, 1134b 5, where justice is described as an ἀλλότριον αγαθόν, which is to say, an other-regarding good). By accounting for justice in terms of respect for the laws, Aristotle explains that these tend to a variety of possible goods:

[T]he laws have something to say about everything, their aim being the common interest either of all the citizens, or of the best, or of those in power, or of some other such group. So, in one sense, we call anything just that tends to produce or to preserve happiness and its constituents for the community of a city (*NE V 3*, 1129b 14-17).

As the passage shows, the laws appear to have a comprehensive scope<sup>36</sup> and they can arguably be said to aim at non-arbitrary goods, like effective common utility and virtue. It seems that he ultimately aims to lay emphasis on the capacity of the laws, conceived in their most perfect form, to produce authentic virtue of character and just other-regarding behaviour.

If understood in its most mature form,

[L]aw requires us to do the acts of a courageous person – not, for example, to desert our post, run away or throw down our weapons – as well as those of a temperate person – such as not to commit adultery or wanton violence – and those of an even-tempered person – not to hit or slander anyone, for instance. And similarly it demands actions in accordance with the other virtues, and forbids those in accordance with the vices, correctly if it is correctly established, less well if it is carelessly produced (*NE V 3*, 1129b 19-25).

As it is plausible to assume, a similar view of the aims of the laws does not necessarily imply that conformity to the laws - especially those that enjoin virtuous

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<sup>35</sup> In a second, partial sense, justice is an attitude consisting in treating people fairly in what regards external goods (in contrast with the attitudes implied in complete justice, which concern temperance, courage, and the rest of ethical virtues). On this point see ZINGANO (2019) 123-124.

<sup>36</sup> This point is a highly debated one. As Natali explains, many commentators think that Aristotle is referring to laws of both right and deviant constitutions, and he disagrees with them (NATALI, 2018, 488, footnote 413). For a similar view see COLLINS (2006), 82, and CRISP (2000).

behaviour - ought always to express a mature, critically informed capacity to understand their meaning, inherent worth and practical import<sup>37</sup>. As a matter of fact, a legislative system must be able to speak to a wide variety of human types. Accordingly, the undeniably coercive power of the laws will give rise to a plurality of reactions, ranging from painful efforts to meet the requirements of the laws up to an authentic appreciation of their content. Notably, some persons have not developed either the habit of obedience to the laws or the necessary virtue to appreciate their contents in case the laws are fair and able to contribute to the common good. These persons (whom Aristotle identifies as “the many”), respect the laws simply out of fear of punishment, not in virtue of a real understanding of the overall benefits of respect for the laws<sup>38</sup>. Only authentically virtuous people (in the way in which Aristotle conceives of them) will act “because of the fine”. The value of *to kalon* is an extremely complex one, and this is not the place to pursue an investigation of that notion. For the aims of the present work, suffice it to say that the fine, which in a teleological framework appears as the mark of what has achieved its perfect end<sup>39</sup>, might find a corresponding practical motivation for inherent desirability. As Aristotle says in the *Rhetoric* (I 9, 1366a 33-35), the fine is that which is desirable for its own sake and worthy of praise<sup>40</sup>.

In this respect, we might assume that virtuous people, although recognizing the coercive power of the laws, would not perceive its inherent practical necessity as the cause of pain or resistance. In this respect, they can legitimately be qualified as “lovers of the noble” (φιλόκαλοι)<sup>41</sup>. Among the lovers of beauty, we might also find people

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<sup>37</sup> A different position is held by CRISP (2000), who claims that in that passage Aristotle shows an excessive concern for the possibility of laws inculcating perfect virtue in its citizens.

<sup>38</sup> See *NEV* 10, 1180a 4-5: «... the masses heed necessity rather than argument, punishments rather than what is noble» (οἱ γὰρ πολλοὶ ἀνάγκη μᾶλλον ἢ λόγῳ πειθαρχοῦσι καὶ ζημίαις ἢ τῷ καλῷ).

<sup>39</sup> Many are the passages in which Aristotle establishes a relation between the notion of “end” and that of “beauty” and “perfection”. Just to mention to examples, at *Metaph.* Δ 16, 1021b 23-24 he claims that “perfect” (τέλειον) is defined as whatever has achieved its appropriate end. See also the *Parts of Animals*, where he says that not chance, but conduciveness to an end is to be found in the works of nature at the highest degree, and that the end for which those works are produced occupies «the region of the fine» (τὴν τοῦ καλοῦ χώραν; *PAI* 5, 645a 23-26).

<sup>40</sup> On the idea of the fine as the mark of what is intrinsically desirable see REEVE (2014), 204. Reeve quotes as relevant passages *EEV* III 3, 1248b 18-20 and *NEI* 13, 1103a 9-10. Moreover, he claims: «it is because ethically *kalon* actions are intrinsically choiceworthy ends that a good person can do virtuous actions because of themselves (*NE* II 4, 1105a 32) and for the sake of what is *kalon*» (III 7, 1115b 12-13).

<sup>41</sup> See *NEI* 9, 1099a 12-14, where Aristotle points out that those things pleasant objectively (or, better said, pleasant by nature), such as actions in conformity with excellence, are pleasant to the φιλόκαλοι.

who, albeit not completely virtuous, might still be ahead in their path to the acquisition of virtuous habits. In that case, their motivation would not be informed by sound practical rationality, and it might rather be rooted in a desire to act in view of approbation by one's fellows (or external observers)<sup>42</sup>.

Independently of the motives that shape a distinctive sense of justice, it is a matter of fact that justice, as an other-regarding excellence, can be exercised within the context of purely impersonal relations. It ought to be noticed, however, that the kind of justice to which Aristotle pays special attention is the one that gets shaped in community dimensions disciplined by reciprocal commitments and benevolence<sup>43</sup>. An appeal to the Aristotelian idea of friendship may shed light on the existence of a different, stronger sense of justice than one exhibited in an uncritical (or even solipsistic) respect for the laws with no concern for one's fellows. Indeed, justice towards friends may situate the natural search for personal advantage within a dimension of shared benefits between persons inspired and bound by fellow-feelings. The prospect of an ethically empowered sense of justice is suggested since the beginning of Aristotle's investigation of friendship in Book VIII of the *Nicomachean Ethics*. By presenting a widely shared, common-sensical view which he appears to accept and critically address in his analysis of the phenomenon of friendship and its relationship with justice and politics, Aristotle says:

[F]riendship seems also to hold cities together, and lawgivers to care more about it than about justice; for concord seems to be something like friendship, and this is what they aim at most of all, while taking special pains to eliminate civil conflict as something hostile. And when people are friends, they have no need of justice, while when they are just, they need friendship as well; and the highest form of justice seems to be a matter of friendship (*NE* VIII I, 1155a 22-26).

ἔοικε δὲ καὶ τὰς πόλεις συνέχειν ἢ φιλία, καὶ οἱ νομοθέται μᾶλλον περὶ αὐτὴν σπουδάζειν ἢ τὴν δικαιοσύνην: ἡ γὰρ ὁμόνοια ὁμοίων τι τῇ φιλίᾳ ἔοικεν εἶναι, ταύτης δὲ μάλιστα ἐφίενται καὶ τὴν στάσιν ἔχθραν οὔσαν μάλιστα ἐξελεύουσιν:

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<sup>42</sup> See for instance *NE* IV 10, 1125b 11-12, where Aristotle claims that on some occasions we praise an ambitious man (i.e. a lover of honour; φιλότιμον) as manly and a lover of the fine (φιλόκαλον).

<sup>43</sup> As Aristotle (at least indirectly) suggests in some passages of his ethical works, not every form of justice is directed towards a community member. This is noticed by SCHOFIELD (1999), 72-74, who quotes passages of the seventh Book of the *Eudemian Ethics*. In the first place, while interrogating himself on how a friend ought to be treated, Aristotle explains that asking that question amounts to delving into the nature of a particular form of justice (*EE* VII 10, 1242a 19-22), which implies that not every form of justice is directed towards a community member. Cf. *EE* VII 1, 1234b 19-22, where Aristotle allegedly sets out to inquire into "the nature of the just which is found in friendship" (τί τὸ δίκαιον τὸ φιλικόν; my translation), which might imply that there is a form of τὸ δίκαιον that can be found elsewhere. I agree with FINLEY (1970), 8, who considers "the just" as "fairness in mutual relation" rather than considering it as a synonym of the personal attitude of justice (δικαιοσύνη).

καὶ φίλων μὲν ὄντων οὐδὲν δεῖ δικαιοσύνης, δίκαιοι δ' ὄντες προσδέονται φιλίας,  
καὶ τῶν δικαίων τὸ μάλιστα φιλικὸν εἶναι δοκεῖ.

As specified in the last lines of the above passage, sheer justice does not by itself entail the existence of friendship, whereas the friendship which lawgivers try to promote in view of the elimination of destabilizing conflict invites the members of a *polis* to think of justice in less impersonal terms. This does not mean that political friendship presupposes the kind of reciprocal, thoughtful concern which is generally experienced by intimate friends in private relationships. Reference to concord (ὁμόνοια) in the above passage proves that the kind of friendship Aristotle has in mind is rather a form of agreement over the things that significantly affect the lives of people<sup>44</sup> as a community, as specified at *NEIX* 6, 1167a 26-28:

[but] a city is said to be in concord when people agree about what is beneficial, rationally choose the same things, and carry out common resolutions.

[ἀλλὰ] τὰς πόλεις ὁμοιοεῖν φασίν, ὅταν περὶ τῶν συμφερόντων ὁμογνωμονῶσι καὶ ταῦτὰ προαιρῶνται καὶ πράττωσι τὰ κοινῇ δόξαντα.

Although being considered as something φιλικόν, i.e. “friendly”, or “characteristic of friendships”<sup>45</sup>, concord is a condition of like-mindedness which cannot be fully identified with a friendship arising between people who spend life together, know each other intimately and develop tight bonds of affection for each other. In fact, ὁμόνοια is a condition presupposing the collective deliberation and the shared goals of some sort of community, and it is not by chance that Aristotle initially characterizes like-mindedness as a feature of the *polis*, which is to say, a collective entity<sup>46</sup>.

As a relational experience involving benevolence, reciprocity of concern and a shared awareness of the existing bond, friendship calls the involved subjects to an ethically higher commitment than the one required for sheer respect for the laws. What is more, the idea that friendship should never be hidden to the involved persons<sup>47</sup>. If applied to a political context, it may point to the need for a clear statement of the goals and the ethical and legal principles specifying the terms of a cooperation required to minimize the risk of conflict and recriminations. Absence of recrimination is especially valid in the case of friendship between persons similar in

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<sup>44</sup> Cf. *NEIX* 6, 1167b 2-3.

<sup>45</sup> See LOCKWOOD (2020), 5, who says that the idea of ὁμόνοια, as something φιλικόν, presupposes some level of familiarity between those who experience it (unlike εὐνοια, i.e. sheer benevolence).

<sup>46</sup> See LOCKWOOD (2020), 12.

<sup>47</sup> See *NEVIII* 2, 1155b 34.

virtue, i.e. persons who care for the good of the friend and not only for their own<sup>48</sup>. This is in all probability the reason why people generally say that friends do not need justice.

This is not to say, however, that political friends ought to obey different rules from those established in the city. If civic friendship were to be understood as a virtue-based relation (possibly in a community the laws of which aim at the common advantage), obedience by the existing laws would not rely on their coercive power, but rather on a spontaneous, virtuous choice. No ambitious ideal of friendship, however achievable, can replace the need for justice structural to the good functioning of a political community. It is not a case that in *EE VII 10, 1242a 7* he describes political friendship as a type of friendship *mainly* (although not exclusively<sup>49</sup>) by utility (ἡ δὲ πολιτικὴ συνέστηκε μὲν κατὰ τὸ χρήσιμον καὶ μάλιστα), and also that at *EE VII 10, 1242b 31-32* he classifies that sort of friendship as a specific type of utility friendship, namely “legal (νομικὴ) friendship”, i.e. a friendship which, being properly “political”, looks to the equal and to the object (see line 33: εἰς τὸ ἴσον καὶ εἰς τὸ πρᾶγμα) as sellers do, and proceeds by a definite agreement (καθ’ ὁμολογίαν; lines 35-36)<sup>50</sup>. Just like an economic transaction, in which the terms of exchange are specified, it is a relation free from recrimination. This would explain why, in Aristotle’s view, to inquire into the proper way of associating with a friend amounts to seeking for a form of the just (τὸ δὴ ζητεῖν πῶς δεῖ τῷ φίλῳ ὁμιλεῖν, τὸ ζητεῖν δίκαιόν τι ἐστίν; *EE VII 10, 1242a 19-20*), and also why he identifies the just belonging to political friendship by utility, i.e. the political just, as the just in the highest degree (μάλιστα δὲ δίκαιον τὸ ἐν τῇ τῶν χρησίμων φιλίᾳ, διὰ τὸ τοῦτ’ εἶναι τὸ πολιτικὸν δίκαιον; *EE VII 10, 1242a 11-12*). The idea that the highest form of the just seems to be a matter of friendship (spelled out in the already mentioned *NE VIII 1, 1155a 22-26*), however, seems to direct the reader to the idea that friendship, as concord, is something more than a sheer alliance (or a short-term partnership that gets dissolved once the utility fades away, as Aristotle instead suggests at *EE VII 10, 1242b 24-27*). Indeed, in the *Politics* he declares that a *polis* cannot be a sheer alliance, for friendship between communities

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<sup>48</sup> See for instance *EE VII 10, 1243a 3-6*.

<sup>49</sup> As Aristotle explains in the following two lines of the passage, although men seem to have come together because of lack of self-sufficiency, they would nevertheless have come together for the sake of living in company.

<sup>50</sup> The second kind of utility friendship singled out by Aristotle in this section of *Pol. VII* is “ethical (ἠθικὴ) friendship”. Recrimination is very frequent in this type of friendship because friends based on utility try to act according to excellence and do not require explicit terms of cooperation.

is not friendship within the community, nor can lawgivers, whose interest is the promotion of concord, dispense with virtue:

Whoever takes thought for good governance, however, gives careful attention to political virtue and vice. It is thus evident that virtue must be a care for every city, or at least every one to which the term applies truly and not merely in a manner of speaking. For otherwise the community becomes an alliance which differs from others - from alliances of remote allies - only by location, and law becomes a compact and, as the sophist Lycophron said, a guarantor among one another of the just things, but not the sort of thing to make the citizens good and just (*Pol.* III 9, 1280b 6 ff.).

As the passage suggests, the law should not only make people disciplined and obedient, but also good and able to live together according to shared rules. We might wonder, then, whether there is a possibility of saving Aristotle from the charge of offering contradictory pictures of political friendship. In my opinion, a plausible solution is that the virtue of the citizens is the ultimate, most perfect goal to which a political community aims, even though its well-functioning is based on the search for the most suitable conditions to promote common advantage. This virtue might coincide with the same sense of justice of those persons who respect constitutional principles and the deriving laws out of an authentic appreciation of their content. This is not to say, however, that a utility-friendship inspired by genuinely virtuous motives ought to be the only type of political friendship available. The idea of a political friendship in which (just like an economic transaction) fair terms of cooperation are staked out without necessarily implying a display of reciprocal benevolent attitudes might represent a minimum condition of political decency and friendship.

Only in the case of a political friendship ambitiously striving after virtue friendship would turn into a different, ethically empowered way of implementing a legally framed right conduct towards others (the others at stake being concrete, not impersonal, abstract selves, but concrete others sharing aims and strategies in the political life). It would therefore be in this respect that the just related to friendship, and not sheer justice, ought to be regarded as a priority in the agenda of lawgivers.

#### 4. *John Rawls and the sense of justice in a fair society*

In his highly acclaimed *A Theory of Justice* (published in 1971), John Rawls works out a normative characterization of justice that, as he believes, might best serve the interests of well-functioning liberal societies. By “society” Rawls understands a sphere



of human coexistence and cooperative interaction<sup>51</sup> in which individual rational powers can be freely expressed, compatibly with respect for the same powers recognized in each of the members of that system. As he says, society is «a more or less self-sufficient association of persons who in their relations to one another recognize certain rules of conduct as binding and who for the most part act in accordance with them»<sup>52</sup>. What is more, just like the Aristotelian community, a society is for Rawls a «cooperative venture for mutual advantage», and also a «social union made of social unions»<sup>53</sup> - which implies the idea of a political society as an all-encompassing entity with coordination powers with respect to limited-scope associations. Unlike Aristotelian communities (understood in general terms), Rawlsian societies uphold the priority of liberty. More specifically, Rawls' theory, which he labels *justice as fairness*, offers a sociological<sup>54</sup> defense of the structural features of a conception of justice that is implicit in the social contract tradition<sup>55</sup> and appears to be worked up from certain fundamental ideas interiorized in the public political culture of a democratic society<sup>56</sup>. By so doing, Rawls aims to disclose the conceptual and methodological underpinnings of a scheme of cooperation for reciprocal advantage regulated by principles which rational, advantage seeking, equal and impartial persons would choose in an initial situation that is fair. The two principles at stake (as they are presented in their first formulation in chapter 11 of the book) are the following:

First: 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.

Second: social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage, and (b) attached to positions and offices open to all<sup>57</sup>.

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<sup>51</sup> See J. RAWLS (1999), preface for the revised edition: XV), who describes society as a «fair system of cooperation over time among citizens as free and equal persons».

<sup>52</sup> RAWLS (1999), 4.

<sup>53</sup> See RAWLS (1999), IX.

<sup>54</sup> As KLOSKO notices (1994) 1882, at different stages of his career Rawls attempts to frame the issue of the principle of justice from a variety of methodological approaches. For instance, in his article «Justice as Fairness», published in 1958, he offers a social-contract based argument, whereas in a *Theory of Justice* he seems to have moved towards a sociological account of his principles, which are represented as the ground of a distinctively “political” conception of justice.

<sup>55</sup> See RAWLS (1999), VIII.

<sup>56</sup> See RAWLS (1999), 13.

<sup>57</sup> See RAWLS (1999), 53.

I will not engage here in a critical discussion of the two principles of justice. For the purposes of the present paper, suffice it to say that such principles reveal that a just society is understood as one in which liberty and equality are accorded pride of place. In that society, liberty can be violated only for the sake of liberty, the individual tendency to partiality is suitably constrained and the inequalities must be justified before the worst-off members of society<sup>58</sup>.

Justice, which Rawls considers to be “the first virtue of social institutions<sup>59</sup>, as truth is of systems of thought”<sup>60</sup>, becomes the object of a theory framed by the author in compliance with the aims, strategies and regulative principles that a well-ordered society ought to adopt. This, as Rawls contends, can be thought of a society «designed to advance the good of its members and effectively regulated by a shared conception of Justice»<sup>61</sup>, which implies that in such a society not only are the adopted principles of justice for institutions just and able to promote the utility which each and every rational person looks for<sup>62</sup>, but also that this fact is publicly understood and recognized<sup>63</sup> by its members. As Rawls explains in his book,

[T]hus it is a society in which (1) everyone accepts and knows that the others accept the same principles of justice, and (2) the basic social institutions generally satisfy and are generally known to satisfy these principles<sup>64</sup>.

The fact that a just society, being regulated by a public conception of justice, successfully promotes the well-being of each of its members, normally prompts each of them to act according to the established rules<sup>65</sup>. In fact, as Rawls explains, this attitude is inspired by a “strong and normally effective desire to act as the principles of justice require”<sup>66</sup>, even more so because the expected individual advantages (and those for the persons which individuals love and care for) can be secured by a well-ordered society in a stable manner, and not simply temporarily<sup>67</sup>. As a suitable motivation for respect of the ruling prescriptions of a just society, such a desire

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<sup>58</sup> See KUKATHAS (2003), 121.

<sup>59</sup> Institutions are understood as those publicly recognized systems of rules which are generally acted upon and which, by defining offices and positions, rights, and duties, give political and social activity its form and structure.

<sup>60</sup> See RAWLS (1999), 3.

<sup>61</sup> See RAWLS (1999), 4; cfr. p. 397.

<sup>62</sup> See RAWLS (1999), 294.

<sup>63</sup> See RAWLS (1999), 274 and 49.

<sup>64</sup> See RAWLS (1999), 397 (cf. p. 4).

<sup>65</sup> See RAWLS (1999), 398.

<sup>66</sup> See RAWLS (1999), 398.

<sup>67</sup> See RAWLS (1999), 398.

contributes to shaping one of the two moral powers which Rawls attributes to human beings *qua* beings and citizens, namely the “sense of justice” (the other power being the individual capacity to articulate one’s own conception of the good)<sup>68</sup>. Arguably, many are the functions which the sense of justice appears to perform - not only *after* reaching a public agreement on the principles of justice to be adopted in a just society, but also *before* reaching such an agreement (although it ought to be said that Rawls seems to be primarily concerned with the role that an exercise of the capacity for a sense of justice might play after the establishment of the fundamental principles). This is precisely the phase in which the principles of justice, once agreed and turned into the ethical and constitutional pillars of the political organization, are to be applied to the basic structure of society - a structure which Rawls describes as «the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation». As Rawls explains in the following lines of the passage «[B]y major institutions I understand the political constitution and the principal economic and social arrangements<sup>69</sup>». The examples of major institutions he gives are «the legal protection of freedom of thought and liberty of conscience, competitive markets, private property in the means of production, and the monogamous family». The basic structure of society, being composed of a scheme of such institutions, not only becomes a source of definition of men’s reciprocal rights and duties, but also affects their life prospects, expectations and hopes.

It is easily understandable, then, that the basic structure of society is in more than one occasion identified as “the primary subject of justice”<sup>70</sup>. Rawls motivates his declaration by pointing out that the effects of a given basic structure are “so profound and present from the start”. What is more, this structure, on a purely intuitive level, can be perceived as containing various social positions which, in their turn, end up determining respectively different expectations of life. The principles regulating the choice of a political constitution and the main elements of the economic and social systems will distribute fundamental rights and duties on the various sectors of society<sup>71</sup>.

More surprising is perhaps the fact that even the sense of justice - which each citizen ought to possess as an individual attitude - is presented as “the main object described by a theory of justice”. Besides the idea of justice as the first virtue of social institutions,

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<sup>68</sup> See RAWLS (1999), preface to the revised edition, XII. Cf. RAWLS (1993), 40.

<sup>69</sup> RAWLS (1999), 6.

<sup>70</sup> See for instance RAWLS (1999), 3, 6, 7, 9, 47, 73, 82.

<sup>71</sup> See RAWLS (1999), 7.

what emerges is the prospect of a justice understandable as a personal virtue of the members of a good society (just as in Aristotle).

Evidence of the pivotal role accorded to the sense of justice in Rawls' *Theory of Justice* is his claim that both moral theory itself and a (political) theory of justice might be thought of as attempts to describe the sense at stake<sup>72</sup>. This sense involves not only an emotional component, namely a desire to abide by the agreed principles and make them effective in the basic structure of society, but also a rational capacity to elaborate judgments on the good life for oneself and one's fellow citizens, and make intuitive, everyday judgments compatible with the established principles of justice by way of justificatory reasons<sup>73</sup>. It is reasonable to assume that justice, in Rawls' view, takes shape and develops not only in the dimension of structural social and economic arrangements, but also in individual attitudes and patterns of conduct, especially those which may stabilize the arrangements themselves. With regard for the need for stability, Rawls says:

[O]nce principles are acknowledged the parties can depend on one another to conform to them. In reaching an agreement, then, they know that their undertaking is not in vain: their capacity for a sense of justice insures that the principles chosen will be respected<sup>74</sup>.

Respect for the established principles of justice will cause individuals to enact laws, establish institutions, distribute political offices according to talents and other specific requirements and develop the respective obligations. The same sense of justice, as we might evince from Rawls' book *Political Liberalism* (published in 1993), will enable citizens to abide by the institutions set up in accordance with the fundamental principles:

[I]ts citizens have a normally effective sense of justice and so they generally comply with society's basic institutions, which they regard as just. In such a society the publicly recognized conception of justice establishes a shared point of view from which citizen's claims on society can be adjudicated<sup>75</sup>.

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<sup>72</sup> See RAWLS (1999), 41.

<sup>73</sup> See RAWLS (1999), 41.

<sup>74</sup> See RAWLS (1999), 125.

<sup>75</sup> RAWLS (1993), 35. For an in-depth discussion of the role of the concept of coherence, rationality and reasonableness in determining "public reasons", i.e. reasons underlying and justifying a public and shared conception of justice, see TESTINO (2012).

Notably, the good quality of the chosen principles in (a well-ordered) society, rather than the sheer existence of any principle of justice, will activate the needed motivation for respect. As Rawls explains, a just system must generate its own support:

This [i.e. to generate its own support] means that it must be arranged so as to bring about in its members the corresponding sense of justice, an effective desire to act in accordance with its rules for reasons of justice<sup>76</sup>.

From a motivational point of view, respect for the principles of justice and the basic structure of society (including the legislative endeavours that make the principles operationally active across different dimensions) appears to be primarily rooted in desire for stability, which is to say, for an enduring condition of well-being guaranteed by just institutions. As Rawls will point out in *Political Liberalism*, the problem of stability cannot be exhausted by sheer reference to a sense of justice developed by people who grow up under just institutions in a well-ordered society. In fact, the liberal conception of justice as fairness always abstracts from the knowledge of the citizens' specific conceptions of the good<sup>77</sup>. Persons, however, endorse determinate and often different conceptions of what is valuable in human life, a (religious, philosophical, and moral) scheme of particular ends and attachments (what Rawls calls a "comprehensive view"), and Rawls seems to imply that such views, if compatible with the established principles of justice, contribute to strengthening one's abidance by such principles in a different way from the role played by a generic, reciprocal desire to cooperate on fair terms<sup>78</sup>.

The condition generated by a match of individual views on goodness with a rational understanding and appreciation of the established principles of justice is called "overlapping consensus". In that condition, the members of a society realize that the established, publicly accepted principles of justice might be justified and get interiorized not simply on abstract and widely accepted terms, but also on the basis of private, comprehensive views (religious, philosophical, and/or moral doctrines) that would prescribe the same attitudes, although by way of reasons that would never by themselves be publicly accepted. In an overlapping consensus, a certain political

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<sup>76</sup> RAWLS (1993), 230.

<sup>77</sup> See KLOSKO (1994, especially 1883-1884), who explains that stability is generally understood by Rawls as an attribute of political systems, not only as one of moral principles endorsed by the citizens.

<sup>78</sup> This is the well-known idea of overlapping consensus developed in *Political Liberalism* (Lecture IV). As FREEMAN (2002), introduction 45-46, points out, Rawls' idea of "overlapping consensus", as well as those of a "political conception of justice" and the one of "public reason", is introduced and developed to show that and how a just and stable society is not simply utopical, but realistically possible.

society does not appear united by affirming one and the same comprehensive doctrine. To the contrary, a public, unanimously shared conception of justice is accepted and is seen as compatible with a plurality of reasonable comprehensive doctrines. As *reasonable*, those doctrines endorse principles that might be justified also and especially on public terms, and not simply by those who subscribe to specific view of goodness.

In a state of overlapping consensus, each citizen singularly becomes aware that the same mechanisms of interiorization of the principles of justice apply of necessity also to the other citizens. That awareness, being reciprocated, will develop a joint awareness of the political society as a unit of association in which the same principles might be (and are) endorsed on different viewpoints and comprehensive conceptions of the just. The same awareness, as we have seen in Aristotle, might be understood as the basis for civic friendship within a political association in which distinct principles of justice have already been set up. In the first place, friendship reduces the risk of conflict to a minimum, and so does an overlapping consensus, although unable to radically eliminate a plurality of views (different and hardly reconcilable in their premises).

In the second place, reasonableness is a cooperative trait of those moral and political agents who, by advancing views compatible with others rooted in different conceptual and normative premises, set the basis for a shared public and political conduct, one nourished and justified by public reasons<sup>79</sup>. Reasonableness, then, prompts moral agents to make their private, comprehensive views compatible with a scheme of cooperation which, in its generality, shows compatibility with other views. In this light, then, the sense of justice might be understood not simply as willingness to comply with the agreed principles of justice, but also as inclination to enforce belief in those principles by means of one's private, reasonable comprehensive views. Although Rawls speaks properly of a sense of justice only in relation to the phase following the elaboration of public principles of justice, it is plausible to assume that this sense is active also at a purely procedural state of political deliberation. A joint discussion aimed at establishing public principles of justice requires a shared willingness to cooperate on fair terms.

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<sup>79</sup> See LADEN (2014) 63, who proposes a constructivist reading of Rawls' theory of justification of a public conception of justice. On that reconstruction, the reasonableness of the principles proceeds from what all parties to the discussion hold in common, but it is premised on the possibility of a clash of views between persons. A theory, then, seeks to convince us and others of the reasonableness of the chosen principles. From the point of view of personal attitudes, reasonableness has to do with treating others justly, which involves being able to face them openly.

Rawls imagines those moral agents involved in this sort of deliberation as acting in what he labels as “the original position”. In that position, those agents treat themselves and one another as equal, impartial and rational beings, making efforts to imagine themselves as fully unaware of their effective position in society and of the advantages (or disadvantages) which those positions provide in existing societies<sup>80</sup>. In the original position, persons who have not yet developed a mature public sense of justice possess a private sense of justice. That sense might be subject to gradual, progressive critical scrutiny and confrontation with other views. What at an embryonic stage of human reflection might be regarded as intuitive views on justice become “considered judgments”. Those judgments are ready to enter a condition named “reflective equilibrium”. This is a state of affairs in which individual principles and judgments eventually come to joint solutions and private senses of justice are made coherent. That sort of equilibrium is called “reflective” because it presupposes knowledge of what principles our judgments conform to and also the premises of their derivation<sup>81</sup>. This, however, is not by itself a guarantee of stability<sup>82</sup>, not even in the procedural phase. A willingness «to propose fair terms of cooperation and to abide by them provided that others do the same» is needed.

##### *5. A psychological construction*

Although a normative characterization of the fundamental principles of justice that ought to regulate a well-ordered society constitutes the bulk of Rawls’ theory of justice as fairness, that theory could never be made effective without a previous identification of the moral requirements that specify the citizen’s institutional ties or, better said, what citizens owe to their state. As Rawls explains,

[H]owever attractive a conception of justice might be on other grounds, it is seriously defective if the principles of moral psychology are such that it fails to engender in human beings the requisite desire to act upon it<sup>83</sup>.

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<sup>80</sup> With regard to this device, in the original position Rawls speaks of a “veil of ignorance” (RAWLS, 1999, especially 118-122). See also MANDLE (2014), 133: «A veil of ignorance, of course, would ensure impartiality and generate consensus far more effectively than either repression and satisfaction or the prospect of social mobility and change».

<sup>81</sup> See RAWLS (1999), 18.

<sup>82</sup> See RAWLS (1999), 18: «At the moment everything is in order. But this equilibrium is not necessarily stable. It is liable to be upset by further examination of the conditions which should be imposed on the contractual situation and by particular cases which may lead us to revise our judgments».

<sup>83</sup> RAWLS (1999), 398.

Rawls draws a conceptual distinction between two kinds of moral requirements: obligations and natural duties. Obligations are patterns of individual conduct the content of which is always specified by existing institutions. Persons holding specific positions and offices (like political, judicial, or administrative ones) within a given society must know both what their task is and the binding nature. As such, obligations are the result of voluntary acts (either expressed or tacit), such as promises and agreements; what is more, these are identified as specific things owed to definite individuals within an already settled scheme of cooperation, i.e. in the context of cooperative games the rules of which are clear to each of the persons involved. It is not a case that, in Rawls' view, obligations find their normative justification in a principle called "principle of fair play", which compels those who join a game to play by the established rules. According to that principle, citizens are not allowed to get benefits from a cooperative scheme without doing their fair share. The principle presupposes two conditions:

first, the institution is just (or fair), that is, it satisfies the two principles of justice; and second, one has voluntarily accepted the benefits of the arrangement or taken advantage of the opportunities it offers to further one's interests.

Each citizen within a certain cooperative scheme is ready to discharge institutional tasks and responsibilities with the expectation that each of the other persons involved in that scheme will perform their respective tasks too. Were that expectation not met, there would be no reason to stick to one's individual obligation.

Natural duties, instead, are requirements that do not arise out of voluntary acts, nor are they to be understood as obligations towards distinct roles and persons<sup>84</sup>. What is more, they have no necessary relation to specific social arrangements, in that their content is not defined by the rules that represent the contents of these arrangements<sup>85</sup>. Examples of such duties - which seem to be very generic in character - are the duty of helping another when in need or jeopardy (provided that one can do so without

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<sup>84</sup> As GREENAWALT (1985), especially 5-7, says, obedience to the laws can rest on different normative foundations. The notion of "natural duties" offers one of many possible underlying justifications for such the duty of obedience, alongside and rule-utilitarian accounts, the principle of fair play in cooperative games, which leads participants to accept their rules as binding, and contract theories in which persons make promises to obey the laws and express an explicit consent.

<sup>85</sup> Cf. RAWLS (1999), 98.



excessive risk or loss to oneself)<sup>86</sup>, the duty not to harm or injure another, and the duty not to cause unnecessary suffering<sup>87</sup>.

In Rawls' theory of justice as fairness, a special place is held by the so-called natural "duty of justice", which amounts to the requirement to support and comply with existing just institutions, to further just arrangements that have not yet been established and those that need amelioration (at least when this is done without an exceeding cost to ourselves)<sup>88</sup>. As Rawls explains, although the principles of natural duty can be derived from a contractarian point of view, they do not presuppose any voluntary act. Indeed, they would be acknowledged already in the original position, when no formal contract has yet been established<sup>89</sup>. This means that, on the one hand, it would be possible to act according to natural duties before the basic structure of society has been set up. On the other hand, it is uncontroversial that Rawls regards this duty as deeply related to the sphere of political obligations. In the first place, Rawls believes that natural duties can be specified by a well-articulated and publicly agreed conception of justice - which implies that natural duties so specified are premised on existing social forms. In the second place, it is evident that citizens in a well-ordered society cannot perform institutional functions regulated by (good) laws and principles of justice unless they support at the same time the institutions set up according to those laws and principles<sup>90</sup>. The deep connection between natural duty of justice and political obligations makes it difficult for us (at least *prima facie*) to accept that, in Rawls' view, the natural duty of justice is not to be accounted for by the principle of fairness (as it occurs instead in the case of political obligations). I believe that a reasonable justification for Rawls' choice resides in thinking that the natural duty of justice - and the respect for institutions which such a duty implies - are conceptually and normatively independent from expectations of reciprocally fair attitudes. The awareness of interdependence between fellows is certainly a powerful incentive for respecting the laws in force (especially if the laws are derived from fundamental principles of justice capable of promoting the interests of each member of a given society). Nevertheless, the natural duty of justice seems to focus on what each person can do for society independently of the possibility that others exhibit an

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<sup>86</sup> The formulation of this last duty (as well as the natural duty of solidarity) has been criticized by SANGIOVANNI (2015), especially 343 and 346-349, who wonders whether a natural duty to establish just institutions where none exists has a binding value only when this can be done at little cost to ourselves.

<sup>87</sup> Cf. RAWLS (1999), 99.

<sup>88</sup> Cf. note 35 above.

<sup>89</sup> Cf. RAWLS (1999), 99.

<sup>90</sup> See RAWLS (1999), 93.

equal commitment to the laws and their functions within the political society. A focus on individual tasks and responsibilities towards society is perceived as a necessary, although not as a sufficient condition for a society able to make its principles effective. Consciousness of the risk that some of the others might benefit from a cooperative scheme without undergoing burdens might not necessarily prompt good-willed citizens to give up their tasks. To the contrary, this might encourage persons to take on this risk, with the expectation that each citizen will agree that the only possibility of creating a stable, well functioning society is to undertake fair cooperative strategies. These would be paths of joint action in which burdens and benefits are distributed among citizens in ways that recognize each of them as endowed with equal moral worth, even when distributive shares are not equal (and that citizens themselves might accept as reasonably justified). The sense of what one ought to give (rather than simply of what one ought to receive) appears to be tightly related to an understanding that being just and desiring to live justly involves complying with restrictions. The desire at stake is embedded in both voluntary incurred obligations and natural duties, as is implied in the passage that follows:

Clearly the two principles of justice and the principles of obligation and natural duty require us to consider the rights and claims of others. And the sense of justice is a normally effective desire to comply with these restrictions<sup>91</sup>.

The idea of “giving” is expressly stated in a passage of *A Theory of justice* (167). Here, by discussing the difference between the ideas of “love of mankind” and “sense of justice”, Rawls explains that, although the former exhibits greater intensity and pervasiveness, “both include *a desire to give justice*”<sup>92</sup>. Capacity for a sense of justice (alongside capacity to feel desire to give justice) will ensure individual respect for established fundamental principles and laws<sup>93</sup> in a *post-legem* phase of civic interaction. In a well-ordered society, in which institutions are just and this fact is publicly recognized, «its members also have a strong sense of justice, an effective desire to comply with the existing rules and to give one another that to which they are entitled»<sup>94</sup>. It is interesting, though, that in the following lines Rawls seems to hint at

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<sup>91</sup> RAWLS (1999), 128. The idea of “giving” is also expressed at p. 167, where Rawls says that both the love of mankind and the sense of justice include a desire to give justice (although love of mankind is characterized by a greater intensity).

<sup>92</sup> My italic.

<sup>93</sup> See RAWLS (1999), 125: «In reaching an agreement, then, they know that their undertaking is not in vain: their capacity for a sense of justice insures that the principles chosen will be respected».

<sup>94</sup> RAWLS (1999), 274.

a possible role of the sense of justice in an *ante-legem* stage of political activity<sup>95</sup>. Indeed, the principles of justice are those that would be chosen in the original position, and desire to act in accordance with those principles would be only the (long-term) effect of a process started before the attainment of a public agreement<sup>96</sup>.

The sense of justice, then, might also be directly involved and employed at a procedural state of public deliberation, in the same way in which the natural duty of respect is. With regard for the duty of respect, Rawls explains that moral agents in the original position (and hypothetically free from legislative constraints) are called to engage in public deliberation by treating each other equally and impartially, showing a willingness to see the situation of others from their point of view<sup>97</sup> and to explain the grounds of their actions, especially when the claims of others are overruled<sup>98</sup>. As I believe, the requirement of respect encapsulates some degree of awareness that, in a sphere of people endowed with (and recognized as having) equal moral worth, each person is entitled to equal consideration. That awareness prompts people to treat others justly and to submit themselves to institutions designed to protect equal rights (a goal which demands restrictions in individual desires and ambitions). Most crucially, as Rawls explains in a well-known paper entitled *The Sense of Justice* (published in 1963), the concept of equality applies to the original position itself, not to a *post-legem* stage of political interaction. This gives rise to the following question:

what qualifies a person as holding an original position so that in one's dealings with him one is required to conduct oneself in accordance with principles that could be acknowledged by everyone from an initial position of equality?

The answer to this question, as Rawls declares,

is that it is necessary and sufficient that he be capable, to a certain minimum degree, of a sense of justice<sup>99</sup>.

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<sup>95</sup> This point is stated by FREEMAN (2002), 284.

<sup>96</sup> See RAWLS (1999), 275.

<sup>97</sup> See RAWLS (1999), 297: «There are, of course, other natural duties. A number of these were mentioned earlier (§19). Instead of taking up all of these, it may be more instructive to examine a few cases, beginning with the duty of mutual respect, not previously referred to. This is the duty to show a person the respect which is due to him as a moral being, that is, as a being with a sense of justice and a conception of the good. (In some instances these features may be potentialities only, but I leave this complication aside here; see §77.) Mutual respect is shown in several ways: in our willingness to see the situation of others from their point of view, from the perspective of their conception of their good; and in our being prepared to give reasons for our actions whenever the interests of others are materially affected».

<sup>98</sup> See RAWLS (1999), 156.

<sup>99</sup> RAWLS (1963), 284.

As the passage suggests, the sense of justice seems to guide the choice of the most appropriate attitude for a constructive and respectful interaction between fellow citizens committed to a joint deliberative activity. The “procedural” principles under discussion are the same that would be acknowledged from an initial position of equality. It is interesting that, by referring to “a certain minimum degree”, Rawls indicates the possibility that the sense of justice admits of various levels and forms of expression. This would be confirmed from a passage of a *Theory of Justice* in which Rawls, reflecting on the stability of certain conception of justice, speaks of a sense of justice whose strength varies depending on the contents prescribed by institutions:

[O]ne conception of justice is more stable than another if the sense of justice that it tends to generate is stronger and more likely to override disruptive inclinations and if the institutions it allows foster weaker impulses and temptations to act unjustly<sup>100</sup>.

Although Aristotle distinguishes the principle of fair play from the one of natural duty, it is evident that even a duty of justice, however natural, finds expression in an institutional context in which each citizen is called to perform his or her own task, besides abiding by the (fair) laws in force. The relationships between the principle of fair play and the natural duty of justice appear more clearly in the discussion offered by Rawls in the already mentioned article *The Sense of Justice*. In that article Rawls frames the sense of justice within an attempt to explain how justice as fairness generates its own support. Rawls does not seem to distinguish political obligations from natural duties, and he addresses the issue of “obligations of justice” with special reference to the principles of justice achieved through a public agreement. The capacity to enter cooperative games in which roles and functions are fairly distributed is central in the educational process. More specifically, Rawls aims to show that once the principles of justice have been established, education ensures that persons feel bound to act in compliance with principles recognized in the original position. The sense of justice, on the one hand, does not arise out of principles, but out of our primitive natural attitudes<sup>101</sup>. On the other hand, we ought not to forget that Rawls’ account of the moral psychology of the person aims to strengthen and bring to completion a political conception of justice as fairness, as he expresses in *Political Liberalism*:

I stress that it is a moral psychology drawn from the political conception of justice as fairness. It is not a psychology originating in the science of human nature but rather a

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<sup>100</sup> See RAWLS (1999), 398.

<sup>101</sup> See RAWLS (1999), 285.

scheme of concepts and principles for expressing a certain political conception of the person and an ideal of citizenship<sup>102</sup>.

These aspects might justify the fact that the capacity for a sense of justice, being rooted in human nature, could and ought to be already present (although in a way not specified by public principles of justice) in the original position. The path towards the acquisition of a sense of justice to employ in the civic life is illustrated by means of a psychological construction which gets progressively structured through three phases (and corresponding psychological laws). In the first phase, which concerns the family sphere, children are seen to interiorize the love and trust that parents show them. That love is reciprocated, but not in an instinctive way. The love children experience becomes a model of conduct which children themselves accept as reliable. Being utterly dependent from their parents and with no developed standards of moral criticism, children learn how to treat parents and their injunctions as sources of correct behaviour. Indeed, being aware of their lack of self-sufficiency, they start to see obedience to them as the only alternative available to them for survival. To contravene parental rules generates in children a sense of guilt - labelled by Rawls as "authority guilt" - which might be regarded as the basis for the development of an embryonic sense of moral conduct<sup>103</sup>.

The second kind of morality (and corresponding psychological law) concerns participation in joint activities within associations and cooperative schemes regulated by rules. By regarding one another as associates, the participants in cooperative games develop ties of friendship and mutual trust just by way of an active, fair, joint participation<sup>104</sup>. Such ties presuppose seeing one another as showing evident intention to live up to one's own duties and obligations. Finding a confirmation of the good will and commitment of each member of a given community is the basis for developing friendly feelings towards them, alongside feelings of trust and confidence<sup>105</sup>. Friendship within small associations presuppose familiarity between their members,

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<sup>102</sup> RAWLS (1993), 86-87. For a treatment of the role of moral psychology in Rawls' political philosophy see BALDWIN (2008).

<sup>103</sup> See RAWLS (1963), 286-288.

<sup>104</sup> See RAWLS (1963), 289: «I suppose that these feelings have been generated in any given person by his participating in the activity itself».

<sup>105</sup> A similar point can be found in RAWLS (1999), 411: «We may suppose that these feelings and attitudes have been generated by participation in the association. Thus once a person's capacity for fellow feeling has been realized by his acquiring attachments in accordance with the first psychological law, then as his associates with evident intention live up to their duties and obligations, he develops friendly feelings toward them, together with feelings of trust and confidence. And this principle is a second psychological law».

and attachments are acquired once each member has correctly assessed the nature and the extent of the commitment of each to the goals and the rules of the cooperative scheme underlying the association<sup>106</sup>.

When the requirements for participation are not successfully met, feelings of guilt arise. Rawls calls that form of guilt “association guilt”. Interestingly enough, friendship towards fellow-citizens who fail to stick to the rules of a given cooperative game may mitigate anger against them. All the same, the friendship arising between fellows prompts each of the participants in the cooperative game to act in such a way to satisfy the expectations of their fellows (in a way which impersonal others would not be able to stimulate). Shame, then, seems to be the prevailing motive in relational dynamics based on cooperative associations. Equally remarkable is the fact that this psychological law seems to apply also to the case of more complex associations, like the political ones. Rawls does not draw a stark distinction between the morality of association and the so-called “morality of principles”, namely the one pertaining to activity in a political society. To the contrary, a political society is portrayed as a cooperative game of a more complex level than the one characterizing small associations oriented to a (pre-political or non-political) goal. To put the issue another way, the ideal of equal citizenship expresses a more complex form of the morality of association<sup>107</sup>. The continuity between the morality of association and the morality of principles is explicitly stated by Rawls in the following sentence of *A Theory of Justice*:

the morality of association quite naturally leads up to a knowledge of the standards of justice<sup>108</sup>.

As he points out, in order to get a full-fledged sense of justice, one must have previously learnt how to develop an attachment to particular individuals and communities. He or she will have previously acquired a disposition to follow the moral standards required that apply to him or her in specific positions, the same standards establishing justified approval and/or disapproval in relation to performance of those positions<sup>109</sup>. The morality of principles does not necessarily apply to people who entertain friendly, affectionate and intimate feelings. Nevertheless, the experience of intimate friendship within a community, as well as the one of love and trust ripened

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<sup>106</sup> See RAWLS (1999): «Thus if those engaged in a system of social cooperation regularly act with evident intention to uphold its just (or fair) rules, bonds of friendship and mutual trust tend to develop among them, thereby holding them ever more securely to the scheme».

<sup>107</sup> See RAWLS (1999), 414.

<sup>108</sup> RAWLS (1999), 414.

<sup>109</sup> See RAWLS (1999), 414.

within a family, contributes to the recognition that fellow-citizens are called to share a highly articulated form of cooperation, one the stability of which cannot be reached without reciprocal trust and an individual responsible commitment to a good performance of individual functions. Experience in developing trust, in showing benevolent attitudes towards one's fellows and in engaging in a cooperation within an association fosters the awareness of lack of self-sufficiency and of the importance of establishing profitable conditions for a stable, well-functioning interdependence between citizens. In a well-ordered society, citizens must take an interest in political affairs and offices (e.g. legislative, judicial, and other similar ones). This requires not only a (more or less critical) commitment to specific interpretations and adaptations of the fundamental principles of justice to the functions performed, but also the ability (and possibly the habit) of taking up the point of view of others with a view to reaching a balance between competing claims<sup>110</sup>.

Rawls does not exclude that friendly and intimate feelings can arise or be preserved in political agency, nor does he deny that love and care for one's beloved do not engender a desire to respect fair principles of justice in the community for their well-being. From the point of view of the psychological motives that might underly a civic sense of justice, one cannot exclude that people are sensitive to social approval just like it happens in less complex forms of association, in which people know each other well and develop friendly feelings. Rawls, however, makes it clear that the distinctive motive at the basis of a sound sense of justice in the civic dimension is a deep concern and commitment to the relational dynamics that get structured within a well-conducted political society. As he claims,

[I]n due course we come to appreciate the ideal of just human cooperation<sup>111</sup>.

The passage suggests that an appreciation of human cooperation is the outcome of a long process of experiences and stages of human education. While in other forms of association people comply with the established principles mainly out of ties of personal friendship and fellow feelings for others (and also by desire of getting approval from one's friends), desire to become a just person offers the opportunity to be open to an intellectual and emotional acceptance of rules of fair cooperation, also stimulating a willingness to work for (or at least not to oppose, in the case of a minimum sense of justice) the setting up of just institutions, or for the reform of

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<sup>110</sup> See RAWLS (1999), 414.

<sup>111</sup> RAWLS (1999), 415.

existing ones where justice requires it. Transgression of the principles of justice will give rise to feelings of guilt that are related to an awareness that the instantiation of (good) public principles of justice has been put at risk by unlawful behaviour, not (or not necessarily) to a sense of having betrayed intimate friends.

Civic friendship, rather than arising out of an intimate familiarity between fellow-citizens, seems to be generated precisely by a sense of justice, which is to say, and by a shared conformity of each citizen to the principles of justice nurtured by an appreciation of such principles. What causes people to consider each other as civic friends is “common allegiance to justice”, which “provides a unified perspective from which they can adjudicate their differences” even if it is impossible that each citizen is a friend to all<sup>112</sup>.

Rawls is well-aware of the motivational import of personal friendship in promoting correct behaviour and reciprocal trust. As he points out, a possible transgression of rules within a context of cooperation between friends will appear justifiably more serious than one addressed towards impersonal subjects. This is not to say, however, that a civic friendship is a friendship in name only, which is to say, an impersonal relation where the people involved lack the psychological strength to appreciate and behave according to the laws. To the contrary, even people who see each other as civic friends in a context of impersonal cooperation might develop friendly ties. This is because the principles have the power to engage the affections of citizens simply by being appreciated for their content and for the capacity to promote a stable cooperation in view of the individual and the general wellbeing. Whatever the source of friendship, this raises moral feelings and creates attachments, “*even at the stage of the morality of principles*”, as Rawls claims with special reference to feelings of guilt and indignation<sup>113</sup>.

The possibility to view each fellow in a cooperative game of political nature as equipped with a minimum degree of a sense of justice will foster the expectation of decent behaviour and commitment to the established rules. Of course, citizens might legitimately lack trust towards people who they never met (or people with whom they do not have intimate ties). This legitimate mistrust, however, might be compensated by coercive measures capable of either preventing or punishing possible transgressions of the laws<sup>114</sup>, and contribute to an appreciation of those principles out of which friendship arises.

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<sup>112</sup> RAWLS (1999), 415.

<sup>113</sup> See RAWLS (1999), 416.

<sup>114</sup> See RAWLS (1999), 211.



### *Conclusions*

In this essay I have tried to explore two different ways of understanding motives, civic functions and cooperative relations underlying respect for the laws in force, namely those proposed respectively by Aristotle and John Rawls. More specifically, I have tried to supply a reconstruction of their approach to respect for the laws aiming primarily at establishing points of convergence between the two formulations. In the first place, I have tried to argue that Aristotle offers a glimpse into the possibility that the idea of a sense of justice is already at play in his ethical and political works. This idea encompasses a wide range of forms of respect, understood not only in terms of obedience to the laws, but also as participation in civic functions within the political community (like performance of judicial and deliberative offices). A sense of justice emerges not only in desire to comply with established principles of justice and the laws deriving from those principles, but also in the inclination to take part in a scheme of cooperation based on an interdependence of functions. It is possible to frame the sense of justice in terms of a variety of types and levels of friendship in which a motivational basis like search for individual and collective utility can reach the level of a community in which human interactions are conducted not only on a footing of equality, but also along respectful attitudes that mirror the contents expressed by virtuous constitutional principles. A political friendship, then, will include levels that range from a pure alliance to a proper friendship between people who feel reciprocally and stably connected by way of a shared appreciation of the virtuous principles in force.

Although Aristotle's ideal of a community governed by virtuous citizens is far from one governed under a democratic constitution, the mechanisms of participation and interaction characterizing strong bonds of political friendship seem to share the similar features of equality and appreciation of the principles of justice in a democratic liberal society proposed by Rawls in his *A Theory of Justice*. As we have seen, Rawls conceives of the sense of justice as an indispensable basis for a critically informed political deliberative activity both in the original position and in the phase subsequent to the establishment of the principles of justice. As an individual inclination, the sense of justice implies a desire to comply to principles able to secure a fair distribution of goods and opportunities. The stronger the sense of justice, the more stable a liberal society will be. Rawls does not include political friendship in his view of "a minimum sense of justice". Nevertheless, he seems to establish a line of continuity between a minimum level of cooperative behaviour according to the laws and a level of political friendship in which the search for personal advantage is supported by a rational and attitudinal appreciation of fair and efficient principles of justice. Just like the highest

form of Aristotelian political friendship, Rawlsian civic friendship expresses a fully informed desire to contribute to correct dynamics of cooperation.

The Rawlsian ideal of a liberal society, as a society open to a plurality of reasonable and reciprocally respectful views of goodness, may appear different from the commonly held view of the Aristotelian community, which is characterized by a substantial agreement on the good life. Contrary to this view, I have tried to show that even an Aristotelian community includes conflicting views on the political principles to adopt, as well as a shared desire to reach an agreement on the governing principles of the *polis* and elaboration of strategies of political action respectful of laws and individuals.

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# *Logos* and Political Order. Representation in the Political Philosophy of Eric Voegelin

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## **Abstract**

This article aims to show the anthropological and political relevance of *logos* or rationality as understood by Eric Voegelin. The paper is divided into two parts, the first elaborates what Voegelin considers to be the discovery of *logos* by Plato and Aristotle, which represents a historical and at the same time epistemological phenomenon of self-illumination of the human psyche. Through the concept of *logos*, the human soul is discovered and, with it the political reality can be ordered and organized. The second part of the article focuses on this political dimension of *logos* or rationality as an element that allows the foundation of political science as it is exposed in Voegelin's *The New Science of Politics* (1952), and the concept of political representation as a central element of Voegelin's political philosophy is explored.

**Keywords:** Eric Voegelin, Plato, *Logos*, Rationality, Political Philosophy, Representation, Political representation

## **Resumen**

El objetivo del artículo es mostrar la relevancia antropológica y política de la noción de *logos* o racionalidad en la obra del filósofo Eric Voegelin. El artículo se divide en dos partes, en la primera se elabora lo que para Voegelin es el descubrimiento del *logos* por parte de Platón y Aristóteles, lo cual representa un fenómeno histórico y al mismo tiempo epistemológico, de auto-descubrimiento de la *psyche* humana, a través del cual el alma humana queda iluminada desde su interior. Esto permite no solamente una ordenación de la dimensión individual de la persona, sino también de la dimensión política de la vida humana. En la segunda parte del artículo se profundiza en este aspecto político de la racionalidad tal como se presenta en la obra más política de Voegelin, *The New Science of Politics* (1952), y se analiza como a través del concepto de representación política se descubre la relevancia del concepto clásico de racionalidad como fuente de ordenación y comprensión de la realidad política.

**Palabras clave:** Eric Voegelin, Platón, *Logos*, Racionalidad, Filosofía política, Representación, Representación política

### 1. *Introduction: Eric Voegelin and the community of being*

The core of Eric Voegelin's (1901-1985) thought is to formulate a theory of man, society, and history based on a theory of order. A project that assumes there is a connection between the order of the soul, the order of the city, the order of the cosmos and, finally, the divine order - all four elements constituting what Voegelin calls the «primordial community of being» (VOEGELIN, *CW*, 14: 39)<sup>1</sup>. He himself affirms that he attempts to create «a new social field of existential order in competition with the fields whose claim to truth has become doubtful» (VOEGELIN, *CW*, 18: 39). Indeed, faced with the complex political situation in which he lived, the combined influence of Communism, Fascism, National Socialism, racism, constitutionalism, liberalism, and authoritarianism, Voegelin tried to revive the form of confrontation with political situations that characterized Platonic and Aristotelian political science, considering that «the center of a philosophy of politics had to be a theory of consciousness» (VOEGELIN, *CW*, 12, 304).

According to Voegelin, through the study of our consciousness, we are aware that man is always in the in-between - between animality and divinity, between wisdom and ignorance, between indeterminacy and determination. Man's attunement with order is only possible through his participation in the community of being; and this participation is allowed by virtue of a proper understanding of human rationality or *logos*. When this proper stance of human being in the in-between is lost, forgotten or destroyed, a great danger emerges at both the individual and political levels. This article aims to clarify Voegelin's conception of reason or *logos* so as to discern its relevance in the understanding and orientation of political reality and science. In order to do that, we will clarify Voegelin's conception of political representation as he presents it his *The New Science of Politics*<sup>2</sup>.

### 2. *The discovery of reason as a force of resistance against personal and social disorder*

From Voegelin's perspective, the discovery of reason or *logos* is a historical event. Plato and Aristotle discovered reason or *logos* as a source of order, and in doing so they discovered one important moment of the "community of being" as well. The

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<sup>1</sup> All references to Voegelin follow his *Collected Works (CW)*, as published in 34 volumes by the University of Missouri Press. The first number of the quotation indicates the volume, and the next one the page. See the bibliography below.

<sup>2</sup> Along this article we will quote the original English version from the *Collected Works*. There is also a Spanish translation of this work (VOEGELIN, 2006).

philosopher from Cologne considers this truth to be a historical achievement, meaning that it is the result of a long process of differentiation of an experience.<sup>3</sup> This aspect has to do with Voegelin's conception of the theory of consciousness as an unfolding process in history, a process that is not linear, but needs to be rather understood as moving «backward and forward and sideways, in order to follow empirically the patterns of meaning as they revealed themselves in the self-interpretation of persons and societies in history» (VOEGELIN, *CW*, 17: 106)<sup>4</sup>. The closer an experience is to being an opening towards transcendence, the more differentiated it is. Thus, a process in which the attunement with the divine order plays a central role:

The truth of man and the truth of God are inseparably one. Man will be in the truth of his existence when he has opened his psyche to the truth of God; and the truth of God will become manifest in history when it has formed the psyche of man into receptivity for the unseen measure. This is the great subject of the *Republic*. (VOEGELIN, *CW*, 5: 143).

In *Reason, the classical experience* (1974) (VOEGELIN, *CW*, 12), Voegelin explores the process of discovery and differentiation of the *logos* or rationality. He argues that this discovery implies the discovery of our existence in the *metaxy*, in the in-between - between God and man, between transcendence and immanence, between νοῦς and ἄπειρον. Existence in the in-between means existence in the μεταξύ, a Platonic term that Voegelin uses to designate the situation of the human being in the whole of reality (see *Symposium*, 202a; *Philebus*, 16de and 30bc; cf. Voegelin, *CW*, 12: 279-292)<sup>5</sup>. There is a tension between the divine νοῦς that pulls us and the human νοῦς (or reason) that moves us towards its origins thanks to the strength of the ψυχή. In other words, there is no ζήτησις (research) without ἔλκειν - the drag understood as the experience of the power of attraction exercised by transcendence (VOEGELIN, *CW*, 12: 281): «the experience is neither in the subject

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<sup>3</sup> The concept of differentiation is central to understand Voegelin philosophy of history. As he would put it, «when a new differentiation occurs, the area of reality newly articulated will be understood as an area of particular importance; and the overrating of its importance amidst the joy of discovery may lead to the neglect of other areas of reality that were contained in the earlier compact experience but now are neglected. The most important such event of neglect has occurred in the modern age in the wake of the newly differentiated natural sciences» (VOEGELIN, *CW*, 34: 134).

<sup>4</sup> Compare the first three volumes with the fourth and the fifth of *Order and History*. See RHODES (1992).

<sup>5</sup> For Voegelin's interpretation of Plato, see, most importantly, volumes 15th and 16th of his *Collective Works*. See also PLANINC (2001); RHODES (1992); ANASTAPLO (1988); ROSEN (1958), 257-284. For the specific case of his interpretation of Plato *Philebus*, see TORRES-MONTSERRAT I MOLA (2017).

nor in the world of objects, but In-Between, and that means In-Between the poles of man and of the reality that he experiences» (VOEGELIN, *CW*, 34: 98)<sup>6</sup>.

What is relevant for us here is that the existence of man under this tension is sustained through the strength and orientation of *logos* or reason as understood by the classical philosophers, that is, as the possibility of order of the human soul. As Voegelin puts it, «the life of Reason in the classic sense is existence in tension between Life and Death», between immortalizing and moralizing. When man abandons himself to his desires (ἐπιθυμία) and ambitions (φιλονικία), all his thoughts (δόγματα) become mortal, but when he cultivates his love for wisdom and truth, when he thinks immortal and divine things, he will then become immortal as far as this is possible for man's nature (VOEGELIN, *CW*, 12: 282; cf. Plato, *Timaeus*, 90ab).

This adverbial situation of man defines him as a being open to the knowledge of the whole. Yet, at the same time, as a being that constantly has to fight to avoid falling into one of the poles of tension, namely, either into the materialistic or *apeironic* pole of reality or into its divinized pole that leads to religious dogmatism, Gnosticism or other *parousistic* extremes<sup>7</sup>. In this sense, the discovery of reason is not only a theoretical achievement, but also an act of resistance against personal and social disorder:

I shall not deal with the “idea” or a nominalist “definition” of reason but with the process in reality in which concrete human beings, the “lovers of wisdom”, the philosophers as they styled themselves, were engaged in an act of resistance against the personal and social disorder of their age. From this act there emerged the *nous* as the cognitively luminous force that inspired the philosophers to resist and, at the same time,

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<sup>6</sup> For Voegelin there is a difference between human *nous* and divine *nous*, which is also often called «ground of being» (VOEGELIN, *CW*, 17: 301-302; VOEGELIN, *CW*, 6: 62-139). Voegelin's interpretation of the first sentence of Aristotle's *Metaphysics* (“All men by nature desire to know”, *Met.* I i 980a21) can clarify the difference. As Voegelin sees it, what they desire to know is the ground of being, which attracts us and at the same time produces a desire in us. *Nous* means for Voegelin both the human capacity for intelligent search of the Ground as well as the Ground of being itself (see Arist. *Metaph.*, 993b 2 ff. and 1070a 4 ff.). As Voegelin puts it, «From the side of the human nous, the knowing questions and questioning knowledge [wissende Fragen und fragende Wissen], that is the noetic act (noesis), is cognitive participation in the Ground of being; the noetic participation, however, is possible because it is preceded by participation of the divine in the human nous» (VOEGELIN, 1966, 290-292). See SANDOZ (1981), 158-159.

<sup>7</sup> In his *Science, Politics and Gnosticism* Voegelin claims to have found the right term to characterize a new phase of Western gnosis: parousiasm, a term inspired by the heideggerian conception of *parousia*: «For this purpose we shall take over from Heidegger's interpretation of being the term ‘parousia’, and speak of parousiasm as the mentality that expects deliverance from the evils of the time through the advent, the coming in all its fullness, of being construed as immanent» (VOEGELIN, *CW*5: 327). *Parousia* (παρουσία) is an ancient Greek word meaning presence, arrival, or official visit. The word is used 24 times in the *New Testament*.



enabled them to recognize the phenomena of disorder in the light of a humanity ordered by the nous. Thus, reason in the noetic sense was discovered as both the force and the criterion of order (VOEGELIN, *CW*, 12: 265).

For Voegelin, religious dogmatism or Gnosticism can be seen in authors ranging from Hobbes, Hegel, Nietzsche, Heidegger or even the theorists of National-Socialism, all of which promise some kind of salvation from the sufferings of this world:

In the modern Western history of unrest [...] from the Hobbesian 'fear of death' to Heidegger's Angst, the tonality has shifted from joyful participation in a theophany to the *agnoia ptoiodes*, to the hostile alienation from a reality that rather hides than reveals itself. A Hobbes replaces the *summum bonum* with the *summum malum* as the ordering force of man's existence; a Hegel builds his state of alienation into a system and invites all men to become Hegelians; a Marx rejects the Aristotelian quest of the ground outright and invites you to join him, as a 'socialist man,' in his state of alienation; a Freud diagnoses the openness toward the ground as an 'illusion,' a 'neurotic relict,' and an 'infantilism'; a Heidegger waits for a 'parousia of being' which does not come, a Sartre feels 'condemned to be free' and thrashes around in the creation of substitute meanings for the meaning he has missed (VOEGELIN, *CW*, 12: 277).

Inspired by the Platonic description, the author of the *New Science of Politics* identifies as eristic the different ways the tension in the *metaxy* can be broken into, producing what he calls an «act of libidinous transgression with the *apeironic* depth» (VOEGELIN, *CW*, 12: 283). In this sense, the different symbolizations of the classic philosophers, especially the notion of *logos* or reason, are instruments and symbols at the service of political and individual order. Therefore, the classical sense of *logos* and rationality should be at the very base of science and of political science also. The aspiration to be "scientific" in the narrow sense (meaning in a more quantitative, value-free kind of knowledge) has led social scientists to overlook the fundamental problems of human existence. In this regard, the call for a new science of politics is not simply a nostalgic desire to return to the past, but a necessity for the future (VOEGELIN, *CW*, 6: 376).

### *3. Order and disorder in the political sphere and the different levels of representation*

In his most important political work, the *New Science of Politics*, presented in Chicago in 1951 and published a year later, Voegelin shows the political relevance of his findings in the field of the theory of consciousness (findings that include, in a privileged position, his understanding of reason and rationality). As we mentioned above, a political science needs to be based in a theory of consciousness in a self-

illuminating process that allows the clarification of reality and that can also serve as a source of resistance against disorder. From his perspective, there is no way, against Max Weber (who inspired large parts of Voegelin's work)<sup>8</sup>, to understand the political reality without attending to the values attached to it, and, more specifically, without seeing the transcendental and religious dimension of society<sup>9</sup>:

Human society is not merely a fact, or an event, in the external world to be studied by an observer like a natural phenomenon. Though it has externality as one of its important components, it is as a whole a little world, a *cosmion*, illuminated with meaning from within by the human beings who continuously create and bear it as the mode and condition of their self-realization. It is illuminated through an elaborate symbolism, in various degrees of compactness and differentiation –from rite, through myth, to theory- and this symbolism illuminates it with meaning in so far as the symbols make the internal structure of such a *cosmion* [...] transparent for the mystery of human existence (VOEGELIN, *CW*, 5: 109).

Society needs to be seen as a small cosmos (a *cosmion*, as he calls it) that is constantly created, interpreted and transformed by its own citizens. To understand a *cosmion*, which means everything that makes possible the political unity of a given society, the political scientist needs to take into account three aspects or dimensions. All these three aspects allow us, in fact, to understand how the political scientist uses his rationality or *logos* in a non-instrumental sense, that is, in a sense inspired (although not identical) in the platonic-aristotelian science:

i) First of all, there is the self-interpretation of society. Every society interprets itself through certain symbols that show its participation in the common (what Heraclitus called the *xynon*). These symbols, Voegelin states, may not be part of the vocabulary of the political scientist, but they all indicate that there is something that transcends mere individuality. In today's situation, these symbols could be, for instance, 'country', 'empire', 'nation', 'emancipation', 'freedom', 'independence', etc. It is of relevance to notice that, for Voegelin, the political scientist must start its inquiry from these symbols found in the context of the *cosmion*, in the self-understanding symbols used by the citizens of a given community. This way of approaching social reality is directly derived from the way both Plato and Aristotle, in his respective works and in different ways, understood the relevance of *doxa*. In Plato's case, the most part of his

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<sup>8</sup> For Voegelin's relationship with Max Weber and the influence that he had on him, see VOEGELIN (*CW*, 34: 39-41) and also SIGWART (2004) and PETROPULOS (2006).

<sup>9</sup> See, in this sense, one of his first works, *The political Religions*, from 1933 (VOEGELIN, *CW*, 5: 19-74), translated into Spanish (VOEGELIN, 2014).

dialogues start or include the confrontation with the opinion to be found in society: *doxa* is not only the contrary to *episteme*, but also the first step to be followed in order to attain any kind of knowledge (see, for instance, Plato, *Republic*, 358e and ff.). In the case of Aristotle, as we can see in almost all of his major works, his research starts from a recollection of the *endoxai* accumulated upon time to clarify the issue that needs to be explained (see, for instance, Aristotle, *Politics* 1280a 7 and ff.).

ii) Secondly, Voegelin argues the need to translate all these symbols into the language of political science in order to make them understandable. This process, the author clarifies, would be the one that Plato and Aristotle followed in order to explain society through symbols like ‘polis’, ‘justice’, ‘philosophy’ or ‘happiness’. The political scientist must be able to find the symbols that may reflect and also describe what can be found in the self-interpretation of society.

iii) Finally, there is the need for a “critical clarification” in order to distinguish and establish which elements found in i) should become elements in ii) since this process will determine which elements deserve real attention for the scientist. This process, Voegelin argues, would be similar to the one that Plato described as the movement from *doxa* (or ideology) to proper knowledge or *episteme*. In a similar way, Aristotle did not invent his own conception of notions like ‘polis’, ‘constitution’, ‘form of government’, ‘justice’, or ‘happiness’ when wrote his *Ethics* and *Politics*, «he took rather the symbols that he found in his social environment, surveyed with care the variety of meanings that they had in common parlance, and ordered and clarified these meanings by the criteria of his theory» (VOEGELIN, *CW*, 5: 110). Voegelin is fully aware that «there are numerous political scientists today that would even call the Platonic-Aristotelian *episteme* an ideology» (VOEGELIN, *CW*, 5: 111). Nonetheless, he considers that the critical clarification is one of the most important moments of the constitution of a science of order.

Voegelin’s intention is to apply this methodology to the question of representation, which I will clarify in the next sections. Originally, the title of the Walgreen Lectures that took place in 1951 at the University of Chicago and that would later be published as *The New Science of Politics*, was in fact «Truth and Representation». The concept of political representation is the chosen example to put into action the “new” method of facing political reality. As we shall see, Voegelin, using the aforementioned dimensions, distinguishes between three levels of political representation: elementary, existential and transcendental.

### 3.1. *Elementary level of representation*

Voegelin begins with a pre-theoretical understanding of political representation that he calls elementary. This form of representation concerns what people would answer to the question: what is political representation? In this regard, we shall find different models of representation in different countries and contexts - depending on how elections are organized, the system of voting, the participation and the party system, etc. Observing this diversity of opinions, one could endorse different models, like the one defending the need of multiple parties or of two parties or even of a single one. All these different ways of understanding political representation are reflected, at the same time, in real models of action through history, models that can be seen in today's China (one party system), USA (two parties system) or Europe (various parties model). At the same time, this model of representation applies also to the mixed constitutions of the one, the few, and the many of Greek and Roman antiquity.

According to the author of the *New Science of Politics*, the constitutional form of democracy is not a guarantee to the establishment of a democratic order, and in fact this very democratic system can be extraordinarily susceptible to internal overthrow by a ruler who becomes an enemy of democracy. This is so because, as he states, «if a government is nothing but representative in the constitutional sense, a representative ruler in the existential sense will sooner or later make an end of it; and quite possibly the new existential ruler will not be too representative in the constitutional sense» (VOEGELIN, *CW*, 5: 126). In this regard, although being a supporter of democracy, Voegelin doesn't want to make this system the quintessence of political order. More than ever, modern societies are confronted today with different forms of populism that arise from fully constitutional democracies. That, among other elements, makes Voegelin's reflection on the way political science should base its research of great actuality.

### 3.2. *Existential level of representation*

The political scientist, as Voegelin asserts, needs to move from an elementary to an existential level of representation, that is, representation understood as the core of an effective government. Existential representation may be exemplified with the fact that a given government is accepted and tolerated because it carries on fundamental purposes for which any government is established, like securing the domestic peace, the defense of the realm, the administration of justice, taking care of the welfare of the people, etc. The main notion that explains this form of representation is articulation: there is always an articulation of the community that allows representation to take

place. «As a result of political articulation, - Voegelin says - we find human beings, the rulers, who can act for the society, men whose acts are not imputed to their own persons but to the society as a whole» (VOEGELIN, *CW*, 5: 117).

This articulation can take a variety of forms that can be observed, for instance, in the shift from monarchy to parliamentarism or to democracy, where the symbol of the “people” becomes central. Precisely, in the democratic sense of articulation, Lincoln’s sentence reflects its complexity: a «government of the people, by the people, for the people». Voegelin’s crucial intuition here is that, without a representative who could ‘articulate’ the totality of the community to each and everyone of its members, without a representative who would allow society to represent itself for itself, this society will not, in its turn, be able to select its ‘representative’ and, thus, will not be ‘democratic’ (VOEGELIN, *CW*, 5: 120). From the point of view of the author of the *New Science of Politics*, the effective representation of individuals within a given society does not occur everywhere except only in Western societies: «it is by far not an appurtenance of the nature of man but cannot be separated from certain historical conditions that, again, are given only in the Occident» (VOEGELIN, *CW*, 5: 120)

For our author, following here Sir John Fortescue (chief justice of the kingdom of England in the XIVth century), the final articulation could allow us to call the community a *corpus mysticum*, were

the sacramental bond would neither be the *Logos* of Christ that lives in the members of the Christian *corpus mysticum* nor the perverted *Logos* as it Lives in modern totalitarian communities. Nevertheless, while he [Fortescue] was not clear about the implications of his search for an immanent *Logos* of society, he found a name for it; he called it the *intencio populi*. This *intencio populi* is the center of the mystical body of the realm; again, in an organic analogy, he described it as the heart from which is transmitted into the head and members of the body as its nourishing bloodstream the political provision for the well-being of the people (VOEGELIN, *CW*, 5: 122).

That means that in order to be representative, it is not enough for the government to be representative in the constitutional sense (our elemental kind of representational institutions), it must also be representative in the existential sense of accomplishing the idea of the institution. All in all, for Voegelin, the existential dimension is needed, because when our representatives do not fulfill their existential task, there is no constitutional legality in their position that could save them: «the practical disregard for this problem», he concludes in his *New Science of Politics*, «has been an important contributive factor in our time in the serious internal upheavals of Western political societies as well as in their tremendous international repercussions» (VOEGELIN, *CW*, 5: 128)

### 3.3. *Transcendental level of representation*

In Voegelin's analysis, there is still another level or dimension of representation beyond the existential one, «something like a representation of truth to be found in political societies in history» (VOEGELIN, *CW*, 5: 130); the existential representation needs to be «supplemented in historically existing societies by a claim to 'transcendental representation' [...] by 'transcendental representation I meant the symbolization of the government function as representative of divine order in the cosmos [...] Nothing has changed in this fundamental structure of governmental order, not even in the modern ideological empires. The only difference is that the god whom the government represents has been replaced by an ideology of history that now the government represents in its revolutionary capacity» (VOEGELIN, *CW*, 34: 92). This kind of representation can be seen in three different models or paradigms: the cosmological, the anthropological and, finally, the soteriological sense of truth.

#### 3.3.1. *The cosmological truth: empires and cosmic order*

This form of representation seems to be the right one for what Voegelin calls the cosmological empires, where the political system appears to be an analogue of the cosmic order - a little world reflecting the order of the great, comprehensive world. Voegelin mentions the example of the Behistun Inscription and that of the Mongols under the rule of Genghis Khan, who believed their empire represented the truth of God or of the cosmic order itself (VOEGELIN, *CW*, 5: 135). Nonetheless, the author of the *New Science of Politics* considers that this sense of the transcendental truth is not exclusive of the ancient empires, it is also present in some ideological movements of the XXth century:

Not only does cosmological representation survive in the imperial symbols of the Western Middle Ages or in continuity in to the China of the twentieth century; its principle is also recognizable where the truth to be represented is symbolized in an entirely different manner. In Marxian dialectics, for instance, the truth of cosmic order is replaced by the truth of a historically immanent order. Nevertheless, the Communist movement is a representative of this differently symbolized truth in the same sense in which a Mongol Khan was the representative of the truth contained in the Order of God; and the consciousness of this representation leads to the same political and legal constructions as in the other instances of imperial representation of truth. Its order is in harmony with the truth of history; its aim is the establishment of the realm of freedom and peace; the opponents run counter to the truth of history and will be defeated in the end; nobody can be at war with the Soviet Union legitimately but must be a representative of untruth in history, or, in contemporary language, an aggressor; and the victims are not conquered but liberated from their oppressors and there with from the untruth of their existence (VOEGELIN, *CW*, 5: 134-135).

This way of interpreting equivalences between political structures and symbolization is one of Voegelin's most peculiar features. Societies reproduce similar forms of symbolization of order in different ways and in different historical circumstances. This is possible because in different historical circumstances humans experience similar experiences, and these experiences can be traced through the symbols they leave<sup>10</sup>.

3.3.2. *The anthropological truth: the discovery of the human soul as a source of order.*

The truth that will come to challenge the truth of the cosmological empires is, according to Voegelin, an event of major dimensions that occurs in different civilizations at a similar time (between the 800 and the 200 BC)<sup>11</sup> - in China with Confucius and Lao-tse; in India with the Upanishads and Buddha, in Persia with Zoroastrianism, in Israel with the prophets and in Hellas with the philosophers and the tragedy. Although Voegelin develops in other places the other models of truth, in the *New Science of politics* he focuses on the establishment of Philosophy in Greece, because it is only in this particular case that the revelation of the truth leads to the creation of a political science at the same time. And that happened thanks to the Platonic-Aristotelian efforts, and specifically through the idea that the polis is man written large (developed in Plato's *Republic*, 368c and ff). Political science is based on this very idea, the idea that the man (its soul) is at the center of the political order: «a political society in existence will have to be an ordered *cosmion*, but not at the price of man; it should be not only a microcosmos but also a macroanthropos. This principle of Plato will briefly be referred to as the anthropological principle» (VOEGELIN, *CW*, 5: 136).

According to Voegelin, the so-called anthropological principle has two main functions: first of all, it serves as a general principle for the interpretation of society based on the model of the truth of the soul, as represented by the philosopher as a lover of the divine *sophon* (*Phaedrus* 278de; *Republic*, 492ab; 435e; 544de).

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<sup>10</sup> The relevance of equivalences of symbolization is clarified especially in his «Equivalences of Experiences and symbolization in History» (VOEGELIN, *CW*, 12: 115-133).

<sup>11</sup> Voegelin refers here to the term known as "axial age" coined by K. Jaspers in his *Vom Ursprung und Ziel der Geschichte* (1949), a notion discussed by Henri Bergson's *Les deux sources de la morale et de la religion* (1932). A latter article reads: «With impeccable caution it has been characterized by Bergson as the 'opening of the soul'; and less impeccably, with an anti-Christian prejudice, by Jaspers as the 'axis-time' of mankind. The outbreak of imperial expansion was thus accompanied by an opening of spiritual and intellectual horizons which raised humanity to a new level of consciousness» (VOEGELIN, 1962, 171).

Secondly, the principle serves as an instrument of social critique: «the new measure that is found for the critique of society is, indeed, not man himself but man in so far as through the differentiation of his psyche he has become the representative of divine truth» (VOEGELIN, *CW*, 5: 141-142). This function can be seen, for example, through the opposite pairs of concepts philosopher-sophist or philosophy-philodoxy, in which the second terms of each pairing represent the prototype of disorder, whereas the former terms represent the truth. In *Order and History*, this aspect of philosophical thinking will be clarified as one of the most peculiar aspects of platonic philosophy, where «pairs must be understood in their aggregate as the expression of a man's resistance to a social corruption that goes so deep that it affects the truth of existence under God. Philosophy, thus, has its origin in the resistance of the soul to its destruction by society» (VOEGELIN, *CW*, 16: 122-123)

For the author of *The New Science of Politics*, the discovery of the anthropological principle is intimately connected with the discovery of the soul as a source of order: «the true order of the soul in this sense furnishes the standard for measuring and classifying the empirical variety of human types as well as of the social order in which they find their expression» (VOEGELIN, *CW*, 5: 138). This soul can be seen from a variety of expressions altogether, each one reflecting different experiences of the philosopher in face of his existence: reason or *nous*, as we explained before, furnishes one of these expressions. This experience was also anticipated in the tragedy, specifically in the *Suppliants* or the *Prometheus* of Aeschylus, which represents, as Voegelin puts it, a public liturgy that re-enacts the great decision of Dike and consists mainly in representative suffering<sup>12</sup>. The model of the philosophical soul inspired by the love of a divine *sophon* is also to be found in Heraclitus (B35, B40, B50, B108), Plato (*Phaedrus*, 278de) or Augustine (*Civ. Dei* VIII 1); or further in the Aristotelian *spoudaios*, the mature man (*EN* 1113a, 29-35). All these principles serve, Voegelin conveys, as the basis of the Platonic-Aristotelian political science and for the new model of truth to represent the community of men, that is, the anthropological truth. As the philosopher from Cologne points out, «the discovery and exploration of these experiences started centuries before Plato and continued after him» (VOEGELIN, *CW*, 5: 140).

From Voegelin's perspective, the Platonic discovery allows the creation of a new model of political representation, a representation in which we are identified with a certain a community that has the complete spectrum of this community of being in

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<sup>12</sup> This same idea is fully developed in *Order and History*, were platonic dialogue is described as a «successor to Aeschylean tragedy under the new political conditions» (VOEGELIN, *CW*, 16: 65).



its center: man, city, cosmos and god. In the platonic image, God appears as the Measure of all things (Plat. *Leg.* 716c) and, in this sense, the parable of the cave can be interpreted as a description of a *periagoge*, understood as a conversion from the sophistic society «to the truth of the Idea»:

The meaning of the anthropological principle must, therefore, be qualified by the understanding that what becomes the instrument of social critique is, not an arbitrary idea of man as a world-immanent being, but the idea of a man who has found his true nature through finding his true relation to God. The new measure that is found for the critique of society is, indeed, not man himself but man in so far as through the differentiation of his psyche he has become the representative of divine truth (VOEGELIN, *CW*, 5: 141-142).

As shown above, as we described the discovery of reason or *logos* by Plato and Aristotle, the discovery of the soul serves as a source of order for both the individual and the community, and as an instrument of social critique also. Thanks to the platonic model of representation, deviated or imperfect forms of political order can be criticized. Be that as it may, for the philosopher from Cologne, the anthropological truth was a reality during a short period of time only, over the span of time going from the Greek tragedy to Plato. But the lesson that we learned from this truth would endure all history (VOEGELIN, *CW*, 15: 5-6). Nonetheless, great part of Voegelin's effort is devoted to revive, not the anthropological principle in itself, but its essence, distilled from the contextual and historical ambient of Plato and Aristotle. Notably, Voegelin aims to preserve the power of reason and the soul to maintain the equilibrium between the poles that constitute the human nature and that allow a political order, as we shall see.

### 3.3.3. *Soteriological truth: the representation of men through salvation*

The last model of truth that appears in the history of order is, for the author of *The New Science of Politics*, the soteriological truth, that is, the truth derived from Christianity and its message of salvation (*soterios*). The main difference between the anthropological truth and the soteriological is that, according to Christianity, the transcendence of God allows a more direct relationship between man and God or, in other words, there is a direct and salvatory relationship between both, a difference best expressed by the Aristotelian conception of political *philia*:

The impossibility of *philia* between God and man may be considered typical for the whole range of anthropological truth. The experiences that were explicated into a theory of man by the mystic philosophers had in common the accent on the human side of the orientation of the soul toward divinity. The soul orients itself toward a God

who rests in his immovable transcendence; it reaches out toward divine reality, but it does not meet an answering movement from beyond. The Christian bending of God in grace toward the soul does not come within the range of these experiences -though, to be sure, in reading Plato one has the feeling of moving continuously on the verge of a breakthrough into this new dimension. The experience of mutuality in the relation with God, of the *amicitia* in the Thomistic sense, of the grace that imposes a supernatural form on the nature of man, is the specific difference of Christian truth (VOEGELIN, *CW*, 5: 150).

For Voegelin, the new truth of Christianity implies (contrary to Karl Jaspers and partly conflicting with Bergson) a real new stage in the comprehension of human nature and political order and the political theorist needs to take it into account. This fact has to do with Voegelin's conception of history and its process of differentiation: «the substance of history consists in the experiences in which man gains the understanding of his humanity and together with the understanding of its limits» (VOEGELIN, *CW*, 5: 151). In the process of differentiation, having absorbed and enriched the understanding of the soul attained by Greek philosophy, Christianity represents the maximum openness of man toward transcendence, thus representing the real understanding of the human being in the μεταξύ of god and man:

Since the maximum of differentiation was achieved through Greek philosophy and Christianity, this means specifically that theory is bound to move within the historical horizon of classic and Christian experiences. To recede from the maximum of differentiation is a theoretical retrogression; it will result in various types of derailment which Plato has characterized as *doxa*. Whenever in modern intellectual history a revolt against the maximum of differentiation was undertaken systematically, the result was the fall into anti-Christian nihilism, into the idea of the superman in one or the other of its variants - be it the progressive superman of Condorcet, the positivistic superman of Comte, the materialistic superman of Marx, or the Dionysiac superman of Nietzsche (VOEGELIN, *CW*, 5: 152).

*Conclusions: logos as a source of political order and political criticism*

Thus, Voegelin's philosophy can be understood as a confrontation against different kinds of δόξα in the Platonic sense. The deformations of reality carried out by modern ideologies or philosophical schools are only possible after the appearance of Christianity:

The bond is tenuous, indeed, and it may snap easily. The life of the soul in openness toward God, the waiting, the periods of aridity and dullness, guilt and despondency, contrition and repentance, forsakenness and hope against hope, the silent stirrings of love and grace, trembling on the verge of a certainty which if gained is loss-the very lightness of this fabric may prove too heavy a burden for men who lust for massively possessive experience. The danger of a breakdown of faith to a socially relevant degree, now, will increase in the measure in which Christianity is a worldly success, that is, it

will grow when Christianity penetrates a civilizational area thoroughly, supported by institutional pressure, and when, at the same time, it undergoes an internal process of spiritualization, of a more complete realization of its essence. The more people are drawn or pressured into the Christian orbit, the greater will be the number among them who do not have the spiritual stamina for the heroic adventure of the soul that is Christianity (VOEGELIN, *CW*, 5: 187-188)

Notice that classical philosophy, specially the conception of *logos* or rationality as symbolically differentiated by Plato and Aristotle, serves as a source of orientation towards a proper comprehension of our place in the *metaxy*. As Voegelin explains in the aforementioned article: «historically, the experience of immortalizing in the unfolding of rational consciousness has been, and still is, the storm center of misunderstanding, fallacious misconstruction, and furious attacks» because «if man exists in the *metaxy*, in the tension ‘between god and man’», then, «any construction of man as a world-immanent entity will destroy the meaning of existence, because it deprives man of his specific humanity» (VOEGELIN, *CW*, 12: 280). The same idea expressed in his «What is nature?»:

If the consciousness of the cosmic bond of being that lies in the background of all philosophical thinking fades out, then there emerges the well-known dangers of an ungodded world and of an unworlded god, of a world reduced to nothing but a nexus of relationship among existent things, so that it is no longer a world, and of a God reduced to mere existence so that it is no longer a god (VOEGELIN, *CW*: 6, p. 165).

Christianism, and with it the soteriological truth, effectively accomplishes what was in the spirit of classic or mystic philosophers. Revelation only places man in front of his true humanity. This new truth would have been effective for the government during the Roman empire, when by the IIIrd century after Christ the empire had to decide what truth to represent after the Roman myth had lost its power. Rome seems to have ended up accepting the practice of Christianity for religious and cult reasons. The problem was that there were fundamental incompatibilities between Christianity and paganism, and the radical dedivinisation of the world could only destroy the empire. The central problem that Voegelin discloses here is the presence of a transcendental form of representation in the immanent world, specifically, in a dedivinized world:

Western Christian society thus was articulated into the spiritual and temporal orders, with pope and emperor as the supreme representatives in both the existential and the transcendental sense. From this society with its established system of symbols emerge the specifically modern problems of representation, with the resurgence of the eschatology of the realm (VOEGELIN, *CW*, 5: 178).

As the philosopher from Cologne stated in the last chapter of *The New Science of Politics*, there is a need, anticipated by Thomas Hobbes, of a civil theology in order to confront all possible gnostic or *parousistic* deviations of society. The movement from the *summum bonum* to the *summum malum* described by Hobbes clearly shows the shift from classical thought to modernity. Rather than rationality or *Logos*, rather than the image of the human being in its attunement with the whole, at the center of a political philosophy we find the human passion of egoism. There is not a sense of the Aristotelian or Christian *homonoia* in the construction of the social structures but, instead, isolated individuals who seek their own protection. If human nature is assumed to be nothing but passionate existence, devoid of the ordering resources of the soul, the horror of annihilation will be, indeed, the overriding passion that would compel submission to order. If pride cannot bow to Dike, or be redeemed by grace, it must be broken by the Leviathan, who «is the king of all the children pride». If the soul cannot participate in the *Logos*, then the sovereign who strikes terror into the soul will be the «essence of the commonwealth». The “King of the Proud” must break the *amor sui* that cannot be relieved by the *amor Dei* (*CW*, 5: 237-238).

Voegelin’s project aims towards an awareness and a transformation of society that reflects his understanding of the relationship between man, god and the political reality. In his effort to confront the political reality, the classical sense of *Logos* or rationality is presented in all its strength and significance. Nowadays, political science tends to be a more positivistic science (based on quantitative analysis) than anything else. In stark contrast to the positive conception of social science, Plato and Aristotle believed that a serious reflection on the human nature should be the foundation for political order and political science. «Only when ontology as a science was lost», Voegelin states, «and when consequently ethics and politics could no longer be understood as sciences of the order in which human nature reaches its maximal actualization, was it possible for this realm of knowledge to become suspect as a field of subjective, uncritical opinion» (VOEGELIN, *CW*, 5: 96).

For Plato and Aristotle, as we have seen, reason was not merely instrumental, or merely a means to an end, but the principle that should order the soul, let the passions embark in a dialogue and provide a guide to reach social and political order in doing so. Indeed, rationality seems to be far away from something that connects us with a cosmic order or with a divine ground, as a tool to fight against personal and political disorder. We believe that the classical question of what would be the best regime has not yet been settled and needs to be further questioned. Clearly, democracy is the most appropriate answer in many aspects, but when we face the problem of representation,

when we face the problem of justice, more than often, democracy orphans us of a proper answer to our problems.

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BRUNO CENTRONE, *La seconda polis. Introduzione alle Leggi di Platone*, Carocci, Roma 2021, pp. 341, ISBN 978-88-290-0541-3.

Per lungo tempo, si è data quasi per scontata l'idea secondo cui le *Leggi* dovessero ritenersi un dialogo minore rispetto alla *Repubblica*, ma il dibattito in seno alla comunità scientifica durante gli ultimi decenni ha finalmente riconosciuto l'ultima opera di Platone come un autentico capolavoro filosofico e politico. Più che un 'ripiego senile frutto di disillusione', i *Nomoi* rappresentano una vera e propria fonte, inesauribile e insostituibile, per comprendere la riflessione filosofica, politica, pedagogica, etica e storica del Platone più maturo. L'impresa, a cui ha ambiziosamente lavorato Centrone, è quella di aggiornare la notevole quantità di temi elaborati nelle *Leggi* in un'introduzione complessiva, con lo sguardo rivolto a Morrow e Pierart, eppure con un approccio metodologico innovativo. Sulla seconda *polis*, appunto, che non vuol dire secondaria, o modello di ripiego. Le *Leggi* dimostrano la loro complessa articolazione, anche a causa della probabile mancanza di una revisione e organizzazione narrativa finali, in un testo in cui non è semplice districarsi; lo studioso, invece, riesce nella fatica di fornire un'introduzione coerente, almeno secondo un percorso metodologico preciso (anche se alcuni argomenti sono soltanto accennati; d'altronde, si tratta di un'introduzione a un testo molto esteso).

Il saggio è composto di undici capitoli, preceduti da un'introduzione decisamente chiarificatrice, che si sofferma opportunamente sull'argomento, sul metodo, sui primati del dialogo, sulla progettualità, l'ambientazione, i personaggi, la struttura, il contenuto e i riferimenti storici (11-51). Il primo capitolo rassegna i temi del I libro: la trama, le virtù, l'anima (52-65). Nel secondo capitolo vengono trattati gli argomenti del II libro, con un interesse speciale per la tipologia di educazione che si vuole impartire a Magnesia, e con essa la funzione dei cori (66-93). Il terzo capitolo (94-126) tratta, ancora nel formato "monografico", del libro III: l'origine dello Stato e l'analisi storica delle costituzioni, attraverso cui si illustra il processo storico che ha condotto i primi superstiti post-diluviani - le "scintille dell'umanità", come le definisce lo stesso Platone, rifugiate sulle cime dei monti - alla scoperta delle tecniche. Il diluvio, dunque, e poi le forme di organizzazioni patriarcali, simili a quelle presenti al tempo dei Ciclopi; poi la discesa degli uomini a valle, la loro laboriosa intraprendenza e l'inesorabile percorso verso la graduale acquisizione delle tecniche, delle norme e dei costumi attirano l'attenzione dello studioso in questo capitolo. Sebbene la padronanza della *technè* abbia concorso a migliorare le condizioni generali degli esseri umani, essa

rappresenta anche uno dei motivi del loro lento declino: dalla purificazione fisiologica dei cataclismi al processo di corruzione interiore. Non solo: andando avanti con gli sviluppi legislativi (prima con l'aristocrazia o la monarchia regale basata sulle leggi, successivamente con la 'forma costituzionale che comprende tutte le rimanenti specie') si introducono il quarto *ethnos* e la confederazione degli stati dorici, ossia Argo, Messene e Sparta. La stoltezza ravvisabile nell'atteggiamento delle prime due *poleis* rappresenta un ulteriore motivo di decadimento. Tuttavia, sebbene auspichi in più luoghi la realizzazione della medietà tra i modelli costituzionali, rispettivamente democratico e monarchico (adducendo con quest'ultimo una forma più tendente al governo degli *aristoi*, più che di uno solo), Platone non parla mai della costituzione mista, bensì di una costituzione nuova. È inoppugnabile che il filosofo ateniese provi ad avanzare dei lineamenti per una filosofia della storia, di cui Magnesia rappresenti il risultato finale.

Dal quarto capitolo, Centrone non segue più ordinatamente il percorso dei libri del dialogo platonico, ma intreccia tematiche presenti in più passaggi di tutta l'opera. Terminata infatti l'analisi dei preamboli, Centrone si sofferma sulla fondazione e sull'organizzazione della città: un atteggiamento metodologico che risulta efficace, perché riesce a sintetizzare gli elementi fondamentali del discorso platonico: la popolazione, la cittadinanza e la sua composizione; la programmazione territoriale; le regole sul comportamento sessuale, la politica economica e il diritto di famiglia. Soffermandosi, nel mezzo, anche sull'ingegneria istituzionale della *polis*: i *nomophylakes*, il consiglio, l'assemblea popolare, l'esercito, gli altri magistrati. Giungendo, in questo caso, a soluzioni condivisibili: Magnesia come un andare oltre rispetto ad Atene e Sparta. Molti sono gli elementi istituzionali riscontrabili nella città democratica, così come nella *polis* oligarchica (non, però, il modello ilitico - si veda la p. 154 - che Platone sconfessa in VI 776d-778a), che si ritrovano in Magnesia. La nuova colonia cretese rappresenta però un *unicum* platonico, è «sintesi originale in cui trovano la sua realizzazione principi filosofici specificamente platonici» (127-156). Il quinto capitolo descrive con attenzione le norme sull'educazione, che l'allievo di Socrate aveva in parte anticipato nel libro II, per poi riprenderle nel libro VII. Nel capitolo sesto, Centrone ritorna alla trattazione di un unico libro: si tratta del IX, ossia quello del codice penale, di cui offre una sintesi efficace, e di cui sottolinea la necessità, perché si tratta, “pur sempre, di una città di uomini, alcuni dei quali saranno inevitabilmente poco flessibili e resistenti a qualunque tentativo di plasmarli” (180). Il capitolo tratta anche dell'involontarietà dei reati, dei casi generali, degli omicidi specifici, delle purificazioni, delle disposizioni interiori dei rei e della funzione



rieducativa della pena (179-195). Anche il capitolo settimo tratta solo del libro X, quello riguardante la teologia, la religione di Magnesia e la dura condanna dell'ateismo, altro motivo di decadenza della società, che prende di mira i pensatori materialisti. Dopo aver disquisito dell'empietà e delle tre cause che conducono a essa, Centrone si sofferma sulla confutazione platonica delle tre tesi, per giungere alle severe leggi e alla conferma della necessità di una spiritualità nuova, appunto a partire dalla nuova città (196-236).

L'anima e il consiglio notturno sono gli argomenti principali del capitolo ottavo. A entrambi si era fatto cenno nel corso del saggio, ma la delicatezza di questi due temi obbliga a una trattazione in un capitolo specifico. La testa della *polis*, come si specifica a partire dal titolo, è composta da uomini saggi e di una qualità filosofica eccelsa, considerato il compito di generale supervisione su tutto l'andamento istituzionale della seconda *polis* (237-249). Nel capitolo successivo Centrone recupera l'approccio tematico, per proseguire nello stesso senso anche nei capitoli che seguono. A giudizio di Centrone, il trattato platonico appare come la rappresentazione di un codice legislativo, alle cui leggi i nuovi cittadini devono aderire con obbedienza, sia quelle scritte sia quelle non scritte. È necessario che il Legislatore persuada i cittadini dubbiosi della bontà delle leggi, che, tuttavia, necessitano di preamboli per essere meglio comprese (249-270). Il decimo capitolo riguarda le virtù necessarie affinché Magnesia possa essere costruita per durare nel tempo (271-301). Nel capitolo undicesimo e ultimo Centrone pone la questione, a diversi livelli dialettici, sulla realizzabilità di questa nuova *apoikia*, tratteggiandone sia gli elementi favorevoli sia quelli più problematici (302-322).

La peculiarità tematica, la struttura generale, la chiarezza espressiva e argomentativa, permettono di apprezzare nel lavoro di Bruno Centrone una funzione introduttiva importante e a tutto campo sulle *Leggi* di Platone: tanto nei termini generali del trattato quanto negli aspetti specifici.

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ÉTIENNE HELMER, *La parte de bronce. Platón y la economía*, Traducción y prefacio de María del Pilar Montoya, LOM Ediciones, Santiago de Chile 2019, pp. 312, ISBN 978-95-60-01395-8.

El ensayo que a continuación reseñamos se sitúa en la intersección de dos campos de investigación que pueden considerarse -sin miedo a exagerar- entre los más densamente tratados en la historia de la investigación sobre el mundo clásico. El primero de ellos es el pensamiento platónico. Dado que no soy un especialista en esta área de conocimiento, ni siquiera voy a intentar situar mínimamente este libro en el complejo contexto académico de estudios sobre Platón. El segundo de estos campos es el de los intensos -aunque no tan crudos como antaño- debates sobre la economía de la Antigüedad. Esta confluencia ya hace que el libro tenga un gran interés para cualquier estudioso del mundo antiguo.

Un primer punto sobre el que me gustaría llamar la atención es la escasa atención recibida por la historiografía precedente sobre la relación entre Platón y la economía. Apenas unos pocos trabajos (ESPINAS 1914; BODÉÛS 1985; DANZIG-SCHAPS 2001; FÖLLINGER 2016), casi todos ellos breves aportaciones en forma de capítulos o artículos. Para llenar este vacío de investigación, en los últimos años, el autor de este libro -el Prof. Étienne Helmer, Catedrático de Filosofía de la Universidad de Puerto Rico- ha desarrollado diversos trabajos de investigación que finalmente desembocaron en la publicación de una síntesis monográfica -publicada inicialmente en francés por la Librairie Philosophique Joseph Vrin en 2010- que ha sido merecedora de una traducción en español a cargo de la editorial LOM Ediciones, radicada en Santiago de Chile.

La tesis central de este ensayo es relativamente sencilla: en contra de lo que piensa una gran parte de la investigación precedente, el pensamiento de Platón contiene diferentes elementos que permiten afirmar la existencia de un corpus coherente de teoría económica netamente platónica. El libro adopta una visión más filosófica del estudio de la economía antigua que va a contracorriente de la investigación más reciente sobre este tipo de cuestiones, más centrada en buscar indicadores empíricos adecuados para la aplicación de modelos econométricos basados en una concepción neoclásica (en la acepción modernista del término) de la economía (ejemplificada por ejemplo en muchos de los capítulos de la *Cambridge Economic History of the Graeco-Roman World*). Partiendo desde una perspectiva más antropológica, Helmer nos propone una relectura de varios conceptos esenciales del corpus filosófico platónico

en clave económica. Sin embargo, la principal implicación de este proyecto es la constatación de la existencia de un pensamiento económico coherente registrable, al menos, desde la Grecia clásica, lo que contraviene una parte muy importante de la historiografía sobre la economía del mundo antiguo.

El primer capítulo del libro, elocuentemente titulado *Economía: hacer y deshacer la ciudad*, nos plantea una definición alternativa de la *polis* en tanto que *synoikia*, es decir, como un fenómeno de convivencia de varios *oikoi* con el objetivo de optimizar las posibilidades de cubrir las necesidades materiales para que permita asegurar la subsistencia de todos los núcleos domésticos. Esta concepción supone la base que sustenta el planteamiento de una economía política (otra vez en la acepción modernista del término). Como el propio Platón afirmó en varias ocasiones (*Rep.* II 358c, 372c-373e, 365b), la configuración económica de la ciudad plantea una contradicción dialéctica implícita puesto que, si la asociación de muchos *oikoi* genera mayores posibilidades productivas, también engendra una dinámica centrípeta o de competición entre todos ellos. Esto tiene efectos negativos sobre la cohesión político-social de la ciudad.

Esta forma de concebir la *polis* en términos político-económicos, se articula -dentro del pensamiento platónico- según una antropología simbólica de la ciudad basada en la metáfora corporal. La *polis* aparece un cuerpo con sus necesidades materiales básicas, pero también acechada por vicios y tendencias a la corrupción. De esta manera, Platón introduce la concepción de “ciudad sana”, aquella cuyos *oikoi* se limitan a cubrir de forma frugal sus necesidades básicas (lo que implica un claro matiz ascético vinculado a la virtud). Por oposición, se infiere la existencia de “ciudades enfermas” en las que los *oikoi* se dejan llevar por la *pleonexia*, el vicio relativo al hambre desmesurada que induce a la acumulación de bienes más allá de la necesidad de subsistencia. Del mismo modo que la *pleonexia* se manifiesta de forma instintiva en la conducta de muchas personas, los fundamentos económicos de la *polis* pueden generar un afán acaparador que acabe por restar recursos al esfuerzo público.

A partir del establecimiento de esta antropología económica, el segundo capítulo del libro está destinado a discutir algunos mecanismos esenciales del funcionamiento de la economía política platónica utilizando varios ejemplos extraídos de los textos. Para articular esta discusión, el autor del libro fija su atención en las críticas que el filósofo esgrime contra los pensadores sofistas. Según Helmer, los sofistas pueden considerarse como filósofos comerciantes cuya actividad está guiada más por sus propios intereses privados que por el desarrollo comunitario por medio de la extensión de la virtud del conocimiento filosófico. En un pasaje realmente interesante del libro

(101-108), Helmer nos propone la reinterpretación de la visión platónica de los filósofos sofistas como especuladores «hábiles para vender su saber como comerciales pero incapaces de inculcar la habilidad de producir verdadero conocimiento en sus discípulos».

En oposición a esta dimensión especuladora de los sofistas, Platón nos presenta a Sócrates como ejemplo de *praxis* filosófica orientada al procomún. Sin embargo, una virtud así «surge muy pocas veces entre los hombres y en pequeño número» (*Rep.* VI 491a-b) por lo que es poco realista aspirar a que este modelo virtuoso de economía política se imponga de un modo orgánico. La única salida pues, según el filósofo, sería la de limitar el espacio que en ella ocupa lo superfluo, evitando la práctica de la sofística y los regates que genera (109). Trasladando este mismo principio a la esfera de la teoría política, el final de este segundo capítulo está dedicado a evaluar la posible aplicación de mecanismos de regulación económica en los distintos tipos de régimen político que caracterizan a las ciudades empíricas en el contexto de la *República*. Aquellas ciudades con regímenes tiránicos son aquellas en que sus gobernantes actúan más preocupados por el enriquecimiento personal que por el desarrollo isonómico de los ciudadanos. Según el filósofo, esta tendencia a la *pleonexia* condenó a muchos regímenes tiránicos del periodo arcaico a sucumbir a la pujanza de otras ciudades con modelos económicos más comunitarios. Para ilustrar esta idea, Helmer reinterpreta el caso de la Atlántida como ejemplo de *polis* en la que los ciudadanos se consideraban a sí mismos como miembros de *oikoi* competidores antes que conciudadanos.

Finalmente, el tercer capítulo del libro está destinado a exponer y comentar las recetas esbozadas por Platón para el desarrollo de una economía política verdaderamente comunitaria. El punto inicial de esta discusión se refiere a los diferentes modos de conceptuar lo público y lo privado en el marco del pensamiento platónico. Para Platón, el *oikos* es la institución económica fundamental, la célula básica de la estructura económica de la *polis*. Sin embargo, a diferencia de lo que nos plantea el pensamiento aristotélico (BRENDAN NAGLE 2006), el propio *oikos* también puede ser considerado como una especie de ciudad en miniatura. La crítica aristotélica a este principio (*Pol.* I 1, 1252a) sirve a Helmer como fundamento de la necesidad de la creación de un *kleros* como órgano político regulador destinado a imponer normas encaminadas a limitar el afán de enriquecimiento privado dentro de la ciudad. Este *kleros* platónico podría ser definido como la agrupación de todas las parcelas o fincas asignadas a cada *oikos* dentro de la *polis*. Esta distribución debe ser justa e isonómica, para evitar la creación de oligopolios. Se entiende que la asignación de los *kleroi* debe hacerse en función de clases censitarias por las que los que más tienen serán los que

más aporten y los que menos tienen y más necesitan puedan recibir recursos redistribuidos de la misma proporción. Con esta visión Platón plantea la necesidad de politizar la actividad económica de los ciudadanos de tal modo que las tendencias perniciosas asociadas a la *pleonexia* de determinadas familias puedan quedar desdibujadas en el seno de un proyecto político isonómico considerado como un gobierno ideal.

La tesis que propone Helmer en este capítulo sugiere que, del mismo modo que en textos como la *República* o las *Leyes* es posible registrar la descripción de un modelo ideal de gobierno, atendiendo a los argumentos anteriormente expuestos, se podría afirmar que estos modelos políticos virtuosos también se caracterizan por la creación de diferentes dispositivos políticos orientados a la regulación de la iniciativa privada en el seno de la ciudad.

La revisión de los textos de Platón en clave económica que nos propone este libro, nos permite vislumbrar las raíces platónicas del pensamiento económico socialista. La lectura del libro de Helmer nos sugiere la pertinencia de articular un proyecto de investigación ambicioso para esclarecer de forma pormenorizada las raíces platónicas del socialismo utópico y, por ende, del propio pensamiento filosófico de Marx. Un horizonte de investigación para el que este libro que aquí hemos reseñado habrá de servir como punto de referencia ineludible.

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DELBA WINTHROP, *Aristotle. Democracy and Political Science*, Foreword by Harvey C. Mansfield, The University of Chicago Press, Chicago-London 2019, pp. 254, ISBN 978-0-226-55354-2.

Delba Winthrop (1945-2006, d'ora in poi DW) fu docente presso la Harvard Extension School e direttrice del programma "Constitutional Government" di quell'istituzione. Come scrive nella prefazione Harvey C. Mansfield, che dell'autrice fu collega e coniuge, oggetto della tesi dottorale della studiosa, discussa nel 1974 ma non pubblicata durante la sua vita, fu l'analisi del III libro della *Politica* di Aristotele. Come omaggio alle ricerche e alla memoria di DW, il testo di quella tesi è stato pubblicato nel 2018 e ripubblicato nel 2019 dalla University of Chicago Press per le cure dello stesso Mansfield. Il libro, pertanto, vede la luce con quarantacinque anni di ritardo rispetto alla redazione della tesi; per questo risulta alquanto difficile stabilire un rapporto dialettico tra questa pubblicazione e il dibattito attuale sulla filosofia politica aristotelica. Al contrario, sul piano storico-esegetico la metodologia di lettura di DW si rivela molto interessante. Prima di tutto, il tema di fondo della tesi continua a essere attuale, perché ruota attorno alla critica aristotelica della democrazia, comparata con alcune grandi *auctoritates* del pensiero politico antico e moderno, da Platone a Hobbes e Locke, da Tocqueville a Strauss. Inoltre, il merito principale del libro consiste nell'originalità della sua struttura: tre grandi capitoli, il cui ordinamento rispecchia la successione testuale del III libro della *Politica*, riprendendo (apparentemente) la forma tradizionale del commentario perpetuo. Seguono due appendici (la prima è una nota alla traduzione, la seconda è la traduzione inglese del III libro del trattato aristotelico), le note ai tre capitoli, una succinta bibliografia e un utile indice finale (dei nomi e dei temi più importanti). Su come intendere l'edizione della tesi si esprime con onestà e condivisibile equilibrio Mansfield, concludendo così la prefazione: «For a scholar of reputation, this publication might be an act of sentimentality or of biographical interest; in this case it does more to establish than to honor a reputation. For Delba's book, which she completed at the age of twenty-eight, is - if you will allow me this intimacy and this declaration - a work of stunning originality and maturity» (p. XV).

L'originalità dell'impostazione, in effetti, si percepisce gradatamente; mentre nei primi due capitoli i vari paragrafi riprendono, parafrasando e problematizzando, i corrispondenti capitoli del III libro della *Politica*, nel terzo le dimensioni si dilatano, e a ogni nuovo paragrafo DW rielabora precedenti argomentazioni, con titoli anche

provocatori e comparazioni con altri testi antichi e moderni. Il risultato consiste in una serie di estese introduzioni a ogni nuovo blocco di *Politica* III. Dal momento che la tesi manca di una sezione dedicata alle conclusioni dell'indagine, appunto in quest'ultimo capitolo sono frequenti le ricapitolazioni sintetiche, che esprimono il pensiero dell'autrice sulla trattazione della democrazia. Si veda, per esempio, la sintesi introduttiva alla sezione 1287a 1-1288b 6, nel paragrafo *The King of Beasts*: «Aristotle writes in a democracy, but democracy is not inevitable. Aristotle demonstrates the good citizenship of the political philosopher by attempting to reconcile the capable to their powerlessness while attempting to make the powerful more capable, and to defend their power only insofar as it is defensible. In other words, he provides both the manly man and the democrat with a demonstration that democracy is just, a public demonstration that Socrates might have made and profited from» (p. 179).

Come sempre accade nei commentari alla *Politica*, molte argomentazioni sono costruite per completare il ragionamento aristotelico. Uno dei principali interessi della studiosa è la definizione della moltitudine democratica di cui si parla nei paragrafi centrali del III libro. Se i tre principali difetti di tale moltitudine, secondo Aristotele, sono la mancanza di mezzi materiali, l'assenza di virtù e il non essere uno, DW arguisce che le qualità contrarie, ossia l'essere facoltoso, virtuoso e unitario coincidano con le caratteristiche del re filosofo di Platone e che dunque anche il III libro della *Politica* scaturisca dalla critica della filosofia politica socratica. Questo potrebbe essere vero (sul piano gnoseologico, o su quello tipologico) se anche Aristotele fosse un seguace della dottrina accademica, ma non lo è nei termini "storici" e "dinamici" in cui l'autore della *Politica* si esprime. In 1281b 38 Aristotele suggella infatti questa sezione con l'esplicazione chiara dei difetti del singolo componente della moltitudine democratica: se l'insieme, costituendo un tutto, è certamente superiore ai pochi migliori cittadini, «ciascuno, preso separatamente, è immaturo per decidere» (χωρίς δ' ἕκαστος ἀτελής περὶ τὸ κρίνειν ἐστίν; traduzione di Paolo Accattino). DW traduce la clausola «And each separated is incomplete with respect to judging» (p. 221), ma non le dedica alcun commento peculiare. Evidentemente, *incomplete* non è lo stesso che *immaturo*: la traduzione inglese definisce una condizione permanente, mentre quella italiana suppone una dimensione dinamica, che può permettere al cittadino privo di mezzi, inesperto di virtù e indifferenziato rispetto alla moltitudine di diventare altro, pur restando parte di quella stessa moltitudine. Oltre all'implicito dinamismo dei rapporti comunitari della *Politica*, va poi ricordato l'argomento istituzionale, giacché l'ipotesi della costituzione mista (aristocratico-democratica)



proposta da Aristotele a 1281b 15-38 si completa con le controdeduzioni che lo stesso filosofo elabora a 1282 23-41. Questo passaggio dimostra che l'opposizione netta tra moltitudine indifferenziata e pochi migliori, che DW mantiene costantemente nella sua analisi, in realtà non rende giustizia al plusvalore istituzionale previsto da Aristotele. Come ha scritto Paolo Accattino, «il confronto non deve essere istituito tra i singoli da una parte e i singoli dall'altra, perché l'equivalente delle cariche importanti rivestite da questi ultimi non è un potere dei singoli membri della moltitudine, bensì l'autorità dei collegi nei quali essi si adunano. Siccome collettivamente la moltitudine supera i singoli, è giusto che collettivamente eserciti un controllo sul governo dei singoli» (Aristotele, *La Politica, Libro III*, a c. di P. Accattino e M. Curnis, «L'Erma» di Bretschneider, Roma 2013, p. 200).

La prospettiva dell'analisi delle componenti politiche di DW è quasi sempre gnoseologica e si alimenta della dialettica fra l'opera di Platone e quella di Aristotele; per questo, nel testo abbondano (molto opportunamente) citazioni e trascrizioni dalla *Metafisica*, oltre che rimandi frequenti ai dialoghi platonici. A volte, però, il trattamento delle entità cittadine è troppo schematico, come se la loro relazione dovesse rispondere esclusivamente a un ragionamento logico e non alle esigenze della storia. Di fatto, la studiosa centra la propria critica della rappresentazione democratica aristotelica sull'eterogeneità delle parti incaricate di formare il tutto della πόλις (come se la perfezione del tutto unitario fosse il solo obiettivo della *Politica*): «It might seem that the political multitude is in fact nothing more than a combination of the two multitudes, each of the many and the serious men. That is, the city will be composed of the two kinds of multitudes with fundamentally different ends, without there being any real connection between the two» (p. 112).

Per contro, uno degli atteggiamenti metodologici più fecondi della scrittura di DW è la costante interrogazione sulla ricezione del testo della *Politica* in età antica e contemporanea. Da un lato, l'autrice storicizza il contributo aristotelico attraverso la storia della democrazia occidentale, senza tralasciare appunti e note di critica ai modelli contemporanei («We now live in democracies that for all their imperfections surely seem more just than the old aristocracies or monarchies they have replaced», p. 107). D'altro canto, però, si interroga anche sulle reazioni, sulle perplessità e sui dubbi che il lettore di Aristotele - durante la vita del filosofo o poco dopo - dovette sperimentare di fronte alla valutazione della democrazia, in particolare nel III libro del trattato. Questa seconda attenzione conduce la studiosa a riflettere sulle formule con cui il filosofo introduce i propri giudizi, sull'oscurità e sulle frequenti ambiguità della sua scrittura. Tutte queste indeterminazioni sarebbero volute, a detta di DW,

quali conseguenze di un ambiente di lettura sostanzialmente scettico di fronte a una valutazione anche soltanto parzialmente positiva del modello democratico. La tesi è interessante, soprattutto se applicata all'analisi di alcune formule esclamative (come "per Zeus", ἢ Δία), che sembrerebbero tradire una connivenza emozionale con i lettori "conservatori" (ossia un gruppo di cittadini fautori dell'oligarchia aristocratica, a cui lo stesso Aristotele apparterebbe). La disamina, tuttavia, non è sistematica; anzi, il medesimo problema dell'oscurità espressiva in altri luoghi è trattato diversamente (come si legge nella prima appendice, *A Note on the Translation*: «the *Politics* is intentionally written in an ambiguous manner with the understanding that, while philosophers do not tell untruths, not all philosophic truths - or, rather, philosophic speculations - can be baldly announced», p. 204).

Non è il caso di insistere sulle mancanze bibliografiche e sulla scarsità di apertura di fronte ad altri progetti editoriali o esegetici relativi alla *Politica*. Certo, quando DW redigeva la propria tesi era già disponibile l'edizione critica, per molti aspetti innovativa, di Alois Dreizehnter (Beck, München 1970), ma essa non è citata nel volume (l'editore più recente incluso nella scarna bibliografia è Jean Aubonnet, che in effetti pubblicò il volume contenente i libri III e IV della *Politica* nel 1971 per la CUF delle Belles Lettres). Giacché l'autrice rivendica l'originalità della propria traduzione rispetto alle precedenti (menzionando quelle di Rackham, Aubonnet, Barker), è importante rilevare che il testo greco su cui si basa è quello di Ross (Oxford 1957), confrontato con quelli di Newman (1887) e di Susemihl-Hicks (1894, ossia la quarta edizione della *Politica* curata da Franz Susemihl). A questo proposito è interessante rilevare la precisione con cui DW segnala i punti in cui si discosta dal testo di Ross, per scegliere altre varianti della tradizione manoscritta o correzioni. Si tratta soltanto di quattro *loci*, il cui trattamento rivela un certo buon senso, ma anche una certa ingenuità filologica: a 1277a 15 DW legge τὸν δὲ πολιτικὸν ἀναγκαῖον εἶναι φρόνιμον (ossia il testo dei manoscritti) contro la correzione di Congreve accettata da Ross τὸν δὲ πολίτην οὐκ ἀναγκαῖον εἶναι φρόνιμον; a 1283a 4 legge μᾶλλον (lezione dei manoscritti) contro la correzione di Bywater accettata da Ross ἐνάμιλλον; a 1283a 7 legge ἀρετῆς μέγεθος contro la correzione di Ross ἀρετῆ μέγεθος; a 1287a 4 legge βασιλείας (ossia il testo unanime dei manoscritti) contro la correzione di Pier Vettori πολιτείας, accettata da tutti gli editori moderni. Va detto che nei primi tre casi le scelte di DW sono pienamente condivisibili (sono le stesse, per esempio, della già citata edizione di Accattino-Curnis 2013); nell'ultimo, invece, forse per difendere l'unanimità della tradizione, DW ha conservato un errore antico, traducendo «The king according to law spoken of is not a form of kingship

[βασιλείας], exactly as we said. In all it is possible for there to be an eternal general, for example», *etc.* (p. 231), invece di: «In effetti colui che viene detto re secondo la legge non rappresenta - come abbiamo già detto - una forma di costituzione [πολιτείας], perché in tutte le costituzioni vi può essere un comando militare supremo a vita», *etc.* (Accattino). La lezione βασιλείας è, a tutti gli effetti, indifendibile, soprattutto per ragioni di coerenza interna, come si argomenta in un'apposita nota testuale nell'edizione di Accattino-Curnis (pp. 252-255).

In termini generali, la ricerca di DW costituisce un capitolo importante nella storia degli studi sulla democrazia aristotelica in rapporto alla tradizione politica successiva. Anche al di là del testo e della sua ricezione, la studiosa cerca di spiegare perché Aristotele abbia dedicato alla democrazia un'analisi così articolata come quella del III libro, e perché la “cultura occidentale” abbia poi trasformato tale idea politica in sinonimo di modernità e di scienza. «The modern philosopher seems to be a partisan of democracy, first, because his teaching about nature seems to provide an argument that political democracy is according to nature [...]. Second, even as he pursues his science, he appears to have the same interest as do democrats, that is, making the poor wealthy. Both modern politics and modern science are fundamentally “democratic”» (p. 108, dal paragrafo *The Multitude, the Demos and the Free Men*).

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STEPHEN HARRISON, STAVROS FRANGOULIDIS, THEODORE D. PAPANGHELIS (eds.), *Intratextuality and Latin Literature*, Walter de Gruyter, Berlin-Boston 2018, pp. 496, ISBN 978-3-11-061021-5.

Cuando leemos *O Hymenaeae / O Hymen Hymenaeae* en el *Carmen* 61 de los Cantos de Boda catulianos, una especie de estribillo que se repite en varios de sus versos, se despierta en nosotros, como probablemente en los entonces contemporáneos, la certeza de que es el eco que nos guiará a través del poema, nos mostrará su estructura y nos ayudará a identificar su tiempo y, en él, sus momentos claves y sus cesuras. Escuchándolo, nuestros oídos se emparejan con las palabras apelando a nuestra memoria, a lo que somos y conocemos, y con los sonidos llegan también imágenes que evocamos a voluntad del poeta. Es él quien ha desencadenado el proceso, porque ha sabido utilizar y combinar el poder connotativo, denotativo e inferencial del lenguaje; emplear los significados y significantes de las palabras; construir un texto sirviéndose del sostén de otros textos que contribuyen a conformar el mundo que comparte con sus lectores. De estos y otros muchos aspectos estudiados por la crítica literaria se ocupan los veintisiete ensayos de este libro, dedicado al análisis inter- e intratextual de algunas de las obras de la literatura latina. En verdad, se centra fundamentalmente en el género poético y es con el análisis del poema de Catulo mencionado, a cargo de G. Trimble, como da comienzo esta recopilación de trabajos que se iniciaron en un congreso sobre “*Intertextuality and Roman Literature*” celebrado en la *Aristotle University of Thessaloniki* con la colaboración del *Corpus Christi College of Oxford* en mayo de 2017.

A pesar de que el libro sistematiza los ensayos en nueve partes según los géneros literarios de las obras analizadas, los trabajos podrían haberse dispuesto también atendiendo al modo en que cada uno aplica la intra- e intertextualidad como instrumentos de análisis, ya que favorecería que se apreciara de forma clarificadora las aportaciones diferentes con las que el método contribuye a la comprensión literaria. Por ejemplo, analizar de forma interrelacionada las distintas partes de un texto y su conexión con otros textos externos a la obra sirve a algunos estudiosos para examinar cómo el lenguaje es utilizado por el autor para aportar unidad a su obra o para identificar el género poético al que esta pertenece. En el ámbito de la elegía, donde se hace tan presente la ilusión y la desilusión amorosa, L. Fulkerson aprecia que el concepto de *spes* se muestra crucial en los sentimientos de la *afflicta puella* de los poemas de Tibulo; aún más, actúa, según él, como un elemento identificador del

propio género elegíaco, como demuestran los versos de Ovidio en el exilio, en los que el mismo término *spes* aparece con asiduidad. Ocurre esto mismo en otros géneros literarios, como el de la poesía didáctica, y G. Kazantzidis señala que los términos relacionados con la enfermedad (*morbus*) y con el deterioro biológico suponen la urdimbre de la obra de Lucrecio y dan unidad al poema *De rerum natura*, al mismo tiempo que aparece un uso semejante en los *Himnos* de Calímaco o, antes, en la *Historia* de Tucídides. Una aproximación similar a la que realiza A. Keith respecto de los poemas de Virgilio, en los que individualiza como elementos programáticos y unificadores de lectura los términos relacionados con el ganado bovino y su cuidado, fuertemente enraizados, como se sabe, en toda la cultura mediterránea; o el de T. Antoniadis, quien analiza el lenguaje perteneciente al campo semántico de la *ira*, el peligro y la sed de venganza en Silio Itálico, *Punica* 1-2. Incluso, la contribución de P. Hardie, que hace emerger los patrones estructurales compartidos por la *Eneida* de Virgilio y la *Psychomachia* de Prudencio; o la de C. Trinacty, que identifica el lenguaje empleado por un mismo autor en sus distintas obras como un elemento distintivo del género literario de cada una de ellas.

Son también interesantes los ejemplos en los que la intra- e intertextualidad sirve al intérprete como instrumento para la datación de una obra o para la identificación de su autor, como ocurre en el ensayo de J. Fabre-Serris sobre el *Corpus Tibullianum* y la problemática atribución de algunos de sus poemas a Sulpicia, sobrina de Mesala. Y sirve, incluso, para detectar las fases de elaboración de una obra, como proponen S.J. Heyworth sobre Ov. *Fast.*3 y T. Franklino sobre Ov. *Ex Ponto* 4; o para hacer emerger su originalidad y su grado de apropiación de otros textos literarios, como muestra S. Frangoulidis tras relacionar la *Ifigenia en Áulide* de Eurípides y las *Troyanas* de Séneca.

Por otro lado podrían señalarse los ensayos que se apoyan en el análisis intra- e intertextual para detectar las estrategias seguidas por los autores con el fin de guiar al lector a través del texto y ayudarle a construir el sentido de la obra en su conjunto. Así lo hacen W. Kofler, confrontando la obra de Horacio con la lectura de algunos poemas de Catulo; S. Harrison, que relaciona la estructura global de las *Odas* del mismo poeta con las estrategias de otros autores latinos y griegos, como Calímaco; o C. Henriksen, que indica los patrones temáticos y los vínculos léxicos que construyen la estructura de los libros de *Epigramas* de Marcial. Es más, puede decirse que la intertextualidad habría sido la base misma de las *Heroidas* de Ovidio, si atendemos al análisis de G. La Bua, quien señala cómo el poema, mediante la utilización de muchos

recursos propios del género declamatorio, se edifica sobre la crítica del tipo de amor que es propio de la poesía elegíaca.

Merecen asimismo un espacio los ensayos que utilizan este tipo de análisis intra- e intertextual para detectar los valores socioculturales con los que un autor construye sus personajes, o con los que estructura toda su obra. C. Perrell confronta la *pietas* que Virgilio atribuye a Eneas y a *Iapyx*, señalando matices contrapuestos en cada sujeto; y E. Karakasis analiza el carácter del personaje de Julio César en el poema épico sobre la guerra civil de Lucano. Por otra parte, M. Lowrie investiga sobre el uso metafórico de la decadencia de las costumbres de los antepasados que los autores latinos utilizaron para explicar la decadencia política, y el análisis intratextual de Hor. *Odas* 3.6 le lleva a detenerse en las alusiones expresas e implícitas al matrimonio y la fidelidad y a poner de manifiesto que es mediante el uso literario de tales valores como Horacio construye su obra y da unidad al poema.

Otros estudios, finalmente, reflexionan sobre la metodología utilizada por la crítica literaria misma. El trabajo de M. Korenjak aplica la intertextualidad para confrontar los trabajos de A. Parry sobre la *Eneida*, H. Patin y C. Bayley sobre *De rerum natura* y algunos tratados sobre la *Divina Comedia* de Dante. A partir del análisis de estos estudios literarios, Korenjak propone la revisión de algunas afirmaciones que sobre ellos ha realizado la crítica, como, por ejemplo, que la metodología de Parry se adscribía a la corriente intelectual del *New Criticism*, cuando en su opinión, debería situarse próximo a quienes buscan el alma y la esencia del autor en su obra. C. Tsitsiou-Chelidoni se plantea hasta qué punto un análisis intratextual de la obra de Horacio confirma o no los postulados de la Teoría de las máscaras y del *New Criticism*, que niegan que deba tenerse en cuenta la personalidad y la biografía de un autor para comprender su obra; una línea de estudio que aplica T.S. Thorsen a *Heroidas* 18-19, donde aprecia los verdaderos sentimientos de Ovidio, privado de su patria en el exilio del Ponto; incluso la que ofrece G. Manuwald, quien propone la posibilidad de conocer un autor y su forma de presentarse al mundo a través del estudio de toda su obra, tal y como ocurre tras su análisis de los argumentos y alusiones reiterativas que Cicerón disemina en sus diferentes tipos de textos. En cambio, U. Egelhaaf-Gaiser, a través del análisis intratextual, lo que cuestiona es que la interpretación de la obra de Aulo Gelio deba verse condicionada en todo momento por la información que el autor proporciona en su *praefatio*, puesto que algunos comentarios de las *Noches Áticas*, como por ejemplo los relativos a las *Saturnalia*, contradicen las declaraciones del paratexto.

Interesan también a la metodología de la crítica literaria, aunque desde otro punto de vista, los ensayos de D. Konstan, que alerta sobre la dificultad de integrar el análisis de las partes de un texto con la percepción global de toda la obra, es decir, de su unidad; de A. Sharrock, que argumenta su escepticismo acerca del aprovechamiento de la psicología cognitiva y la neurociencia en la crítica literaria; y de T. Fuhrer, que combina el estudio intratextual del *Bellum Catilinae* de Salustio con la teoría sobre la emisión y recepción de la información en el género dramático, que fue elaborada por M. Pfister y que se centra en analizar cómo se presentan los hechos en la narrativa de la historiografía a través del punto de vista de los distintos personajes a los que el autor da voz en su relato.

El libro ofrece un interesante y rico repertorio de estudios, ligados, todos ellos, por la utilización del método al que J. Kristeva dio el nombre de intertextualidad ya casi en los años 70, pero revela asimismo la evolución y las preocupaciones de la moderna crítica literaria.

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RICHARD J. DOUGHERTY (ed.), *Augustine's Political Thought. Rochester studies in medieval political thought*, 2, Boydell & Brewer Ltd., Woodbridge 2019, pp. IX + 290, ISBN 978-15-804-6924-1.

La obra, aparecida en 2019, tiene por objeto el pensamiento político de Agustín de Hipona y se presenta con la pretensión de colmar una laguna en la materia, pues, según afirma su editor en la introducción, en las últimas décadas han sido las dimensiones filosófica y teológica de sus escritos las que han acaparado la mayor atención de los estudiosos, en detrimento de su dimensión política, si bien los últimos años han conocido una cierta inversión de esta tendencia. No obstante, este renovado interés por la reflexión política de Agustín ha buscado principalmente compararlo con otros autores y no tanto ahondar en sus propias concepciones políticas, como el presente volumen pretende.

El volumen se halla dividido en dos bloques, en los que se encuentran agrupados los 11 capítulos que lo componen: el primero de ellos (*Politics, nature and virtue*) está consagrado al estudio de algunos temas nucleares en el pensamiento político agustiniano, y el segundo, bajo el título *St. Augustine and Ancient Political Philosophy*, a analizar su relación con autores e ideas precedentes— si bien no solo con ellas, pues aborda también la proyección de las ideas de Agustín en la Edad Media, en la modernidad e incluso alguna cuestión historiográfica de tiempos recientes- .

El libro se abre, tras una nota introductoria, con un primer trabajo de R. Dougherty («St. Augustine and the Problem of Political Ethics in *The City of God*») en el que toma la cuestión del suicidio, a la que Agustín dedica un espacio no desdeñable en *La ciudad de Dios*, como muestra para ilustrar la tensión que se establece entre la ética pagana y la cristiana. Prosigue esta indagación abordando la diferencia entre la doctrina estoica acerca de las pasiones y la cristiana, para concluir con una serie de reflexiones acerca de la valoración de Agustín sobre la vida buena, los hallazgos de los filósofos paganos y sus errores, o el valor de la vida para el cristiano. Las cuestiones abordadas son, pues, eminentemente éticas, y solo de un modo muy tangencial se tocan algunas cuestiones políticas, como sucede, por ejemplo, con el imperialismo, al hilo de una exposición sobre los héroes paganos.

El ensayo de D. Foley («The Other Happy Life: The Political Dimensions to St. Augustine's Cassiciacum Dialogues») desarrolla una interesante lectura en clave política de los Diálogos de Casiciaco, obra de corte netamente filosófico en el seno del *corpus augustinianum*. De ella concluye que existe una clara influencia de la teoría

política clásica (Platón, Aristóteles, Cicerón) en el pensamiento de Agustín, que repercute en su toma en consideración de la dimensión política del ser humano y de la vida comunitaria como algo muy importante. No obstante, se separa de ellos en cuanto subraya, como cristiano, la insuficiencia de la vida política para colmar la vida del hombre y llevarlo a la plena felicidad, lo que no obsta para que el cristiano deba ponerse al servicio de su *polis*, pues la Revelación no anula la naturaleza política del hombre.

P. Bush («Peace in the Order of Nature: Augustine, Giles, and Dante») emprende la tarea de indagar en la cuestión de la paz según el orden natural para Agustín, poniéndolo en relación con Gil de Roma (Egidio Romano) y con Dante Alighieri, quienes en sendas obras (*De ecclesiastica sive summi pontificis potestate* y *De monarchia*) defendieron posturas opuestas acerca del poder papal y sus límites. La exposición de estas es, en nuestra opinión, una cuestión muy compleja que demanda de un análisis más detallado que el que las páginas dedicadas en el libro a la cuestión permiten.

El enfoque que ofrece A. Menchaca-Bagnulo («Deeds and Words: Latreia, Justice, and Mercy in Augustine's Political Thought») se centra en el culto como concepto clave para la cuestión de la justicia en S. Agustín, según recaba la autora de su análisis del *De civitate Dei*. Se trata de un análisis ciertamente sugestivo, que pone el foco de atención en la compasión y los sacrificios de piedad como elementos clave en el pensamiento político agustiniano. A través de la participación en la Eucaristía, sacramento del sacrificio de Cristo, que purifica e inspira a los cristianos, el culto deviene modelo de una acción política activa, caracterizada por el sacrificio heroico y la compasión por el otro. Este planteamiento, en la medida en la que la autora presenta el sentimiento de compasión como una propuesta agustiniana que funda una ética accesible también a los paganos, acusa una cierta proyección de principios de una ética más moderna, difícil de armonizar con otros pasajes dentro de la misma obra. Como la propia autora honestamente sostiene, para completar esta visión se hace necesario todavía indagar más en otros textos del vasto *corpus* agustiniano y ahondar en el papel que desempeña la razón práctica en relación con la acción política. Se trata, por tanto, de una propuesta de investigación interesante, pero que deberá recorrerse con las debidas cautelas.

Toma también la justicia como su principal objeto el estudio de A. Thomas «The Investigation of Justice in Augustine's Confessions», presentándola con un carácter más autónomo con respecto a su pensamiento político. Como anuncia el título, se circunscribe para su análisis a las *Confesiones*, si bien en no pocas ocasiones estas se

ponen en diálogo con *De libero arbitrio*, especialmente en relación con la pregunta por el origen del mal, en qué consiste este y su concreción en determinados actos. Esto lleva directamente a la cuestión de la justicia, que se concreta en el amor a Dios y a los hombres, y que en ocasiones demandará, por tanto, obedecer las leyes divinas antes que las humanas si hubiere oposición entre ambas. La justicia de Dios es, pues, diferente de la de los hombres. Afirma el autor que este planteamiento arroja la pregunta de si para Agustín las leyes divinas pueden conocerse con la mera razón, sin que pueda encontrarse una respuesta clara por parte del obispo de Hipona, pues en algunas ocasiones afirma que sí le son accesibles— como en el caso del Decálogo—, y en otras, que es preciso en ocasiones obedecer por fe en lugar de por entendimiento. Al hilo de la presentación de este marco teórico general se mencionan cuestiones más particulares, como el derecho de defensa o la pertenencia a la milicia. El análisis de Thomas se ciñe de forma rigurosa a los textos, si bien para abordar la cuestión de la justicia natural en S. Agustín le habría sido probablemente de utilidad cierta bibliografía secundaria, aparte de la que él cita, que ahonda con profusión en el tema.

La rúbrica de la segunda parte del libro (*St. Augustine and Ancient Political Philosophy*) indica que versa principalmente sobre la influencia en Agustín de otros autores de la Antigüedad, aunque encontraremos también referencias a autores más modernos. Se abre con la contribución de T. P. Harmon, «The Few, the Many, and the Universal Way of Salvation: Augustine's Point of Engagement with Platonic Political Thought», que ahonda en la influencia de Platón en el pensamiento político agustiniano, prestando especial atención a la mediación de Porfirio. También D. Kries («Echoes and Adaptions in Augustine's Confessions of Plato's Teaching on Art and Politics in the Republic») se centra en la influencia, en concreto en las *Confesiones*, de la *República* platónica en cuestiones como la crítica del arte, que se considera directamente conectada con lo político. Analiza la presencia de Terencio y de Virgilio en las *Confesiones*, el carácter imitativo del arte y su valor político. El autor no llega a explicitar qué entiende por *lo político*, o cómo quedaría esta noción acotada en el pensamiento de Agustín, de modo que lleva a cabo una lectura en clave política de episodios cuya naturaleza puede resultar discutible, v. gr., la mediación de Mónica en controversias vecinales narrada en el libro 9 de las *Confesiones*.

El estudio de R. K. Balot («Truth, Lies, Deception, Esotericism: The Case of St. Augustine») aporta una original indagación acerca del valor de la verdad (y la mentira) en S. Agustín, que le lleva hasta algunos filósofos de la modernidad (Hobbes, Locke, Kant, Rousseau) como receptores, con matices, del pensamiento agustiniano.

V. Roberts Ogle («Augustine's Ciceronian Response to the Ciceronian Patriot») aborda el valor del patriotismo para S. Agustín, contrapuesto al que le otorga Cicerón. La discrepancia radica en la imposibilidad de otorgar, por parte del cristiano, un carácter absoluto a las realidades políticas de este mundo. No obstante, esto no anula la virtud cívica (no en vano, el arrojar luz sobre esta verdad es, de algún modo, un servicio que Agustín presta a la comunidad, según la autora), sino que la ensalza a la vez que la libra de la idolatría. Este trabajo enlaza bien, por su temática, con el siguiente, de D. Strand («Augustine's *City of God* and Roman Sacral Politics»), que ahonda en la dimensión política de lo religioso en Roma. Como advierte el autor, aunque están íntimamente relacionadas, religión romana y política sacral no son exactamente lo mismo, y por ello Agustín critica ambas: de un lado, la falsedad del politeísmo romano y, de otro, la íntima unión del culto a los dioses con la fortuna de Roma, esto es la *pax deorum*, cuya discusión por parte de Agustín analiza Strand en el trabajo, así como su exposición del episodio del Altar de la Victoria.

Para finalizar el volumen, D. E. Burns nos ofrece una reflexión sobre los presupuestos desde los que J. Ratzinger ha estudiado el pensamiento de Agustín (si bien nunca lo hizo de una forma sistemática y completa), centrándose específicamente en la cuestión de la teología política y señalando nuevas vías para posibles estudios con vistas al futuro.

La obra editada por R. Dougherty ha de ser, sin duda, bienvenida, pues constituye una aportación no carente de valor al elenco de estudios del pensamiento político agustiniano. Cuenta con el acierto de haber detectado la necesidad de ofrecer una síntesis de los principales temas políticos agustinianos en un único volumen. Con ello, la laguna queda parcialmente colmada (solo parcialmente, pues la potencia del pensamiento político agustiniano es tal que difícilmente puede una obra de dimensiones reducidas recogerla, siquiera imperfectamente). No obstante, dicho esto, debe señalarse también que la declaración de intenciones al principio de la obra por parte de su editor acerca de su pretensión de colmar esta laguna llama poderosamente la atención si se pone en relación con la bibliografía citada (cuya consulta, por cierto, se hubiera facilitado al lector de haber incluido un índice final). El peso abrumador de la tradición anglosajona en ella nos da razón del porqué de la percepción de ese vacío: apenas son tenidas en cuentas obras escritas en lenguas distintas del inglés (con la notoria excepción de la obra de J. Ratzinger, insoslayable por otra parte cuando se habla de estudios agustinianos). Se han obviado, por tanto, la mayoría de los trabajos que en alemán, italiano, francés o español se han dedicado al tema, que no son ni pocos ni menores, y de cuyo conocimiento la obra habría podido beneficiarse

grandemente. Por tanto, la presentación del trabajo como obra que pretende mostrar de forma más o menos completa, en la medida en la que su extraordinaria complejidad lo permite, el pensamiento político de Agustín debería circunscribirse principalmente al ámbito angloamericano, extremo del que debe advertirse al lector.

Por otra parte, el trabajo no deja de acusar su formato de conjunto de artículos. Como sucede en todas las obras de estas características, el interés y la calidad de las distintas contribuciones pueden resultar desiguales. Se echa en falta una cierta cohesión y organicidad en el tratamiento de los temas, lo que es inevitable en cierta medida al tratarse de un trabajo colectivo en el que no acaba de poder adivinarse una idea rectora común, un estudio de conjunto, armonizado, en el que de verdad se ofrezca una visión completa del pensamiento político de Agustín (no en vano, dos de los trabajos presentados habían sido ya publicados con anterioridad), más allá de una mera yuxtaposición de artículos, por más que estos hayan podido seleccionarse y disponerse con un sentido acertado. De igual modo, los diversos estudios, al centrarse en el análisis de obras y textos concretos de Agustín, rara vez permiten al lector apreciar la dimensión histórica de su pensamiento acerca de dichas cuestiones, comprender cómo fueron evolucionando con el tiempo.

Hay, por lo demás, cuestiones de relevancia para el pensamiento político de Agustín que han quedado fuera del volumen (como no podía ser de otra manera, dada la riqueza del pensamiento político agustiniano) y que, por su estrecha conexión con alguno de los temas que sí se tratan, el lector habría agradecido encontrar mencionadas (por ejemplo, el derecho, tanto positivo como natural, en conexión con la cuestión de la justicia). También se echa en falta, especialmente en alguna de las contribuciones, la explicitación de un marco teórico de conceptos de filosofía política que ayude a comprender la perspectiva desde la que cada autor se enfrenta a la lectura de Agustín.

No deben, sin embargo, estas consideraciones ser óbice para reconocer las bondades innegables de la obra. Volver a poner sobre la mesa la importancia del pensamiento político de Agustín y su fecundidad a lo largo de los siglos es ya, de por sí, un valioso mérito. También hacerlo en diálogo con autores de tiempos más recientes, lo que confiere a estos estudios un valor especial para el ámbito de la Historia de las Ideas. En todos ellos se pueden encontrar afirmaciones o enfoques sugerentes, que podrían alumbrar trabajos futuros.

Otra virtud fundamental de la obra radica, a nuestro juicio, en haber abordado la dimensión política de textos que aparecen en obras pertenecientes a géneros de corte más filosófico o teológico (exegético, apologético) y que no suelen ser examinados

cuando se aborda el pensamiento político agustiniano. Más allá de la ampliación del repertorio textual para los estudios de corte político sobre Agustín, este dato es importante pues revela un estudio de los diversos temas políticos en conexión con las cuestiones teológicas, filosóficas y éticas con los que están conectados, evitando abordarlos de forma aislada y tratando de comprender su influencia recíproca. Esta es ya, de por sí, una aportación que justifica sobradamente la lectura de la obra, que representa un escalón de valor apreciable en la tarea, titánica sin duda, de sintetizar y exponer todo el pensamiento político de Agustín de Hipona.

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SERGEI MARIEV (ed.), *Byzantine Perspectives on Neoplatonism* (“Byzantinisches Archiv - Series Philosophica” 1), De Gruyter, Boston-Berlin 2017, pp. 289, ISBN 978-1-5015-1167-7 / e-ISBN (PDF) 978-1-5015-0363-4 / ISSN 1864-9785.

El volumen inaugura una nueva serie del *Byzantinisches Archiv*. En España, la historia medieval en el ámbito universitario suele limitarse, con destacadas excepciones, no sólo a la Europa occidental, sino casi de manera exclusiva a la realidad española, entendiendo por española la que específicamente se reduce a los pueblos de la península con dialectos derivados del latín. Por fortuna, en nuestro país existen también importantes especialistas en lengua y cultura árabe, aunque la historia medieval universitaria dedicada a España no le ha dado a esa parte de la historia española toda la relevancia que merece. Con demasiada frecuencia, hay quienes suponen que pueden consagrarse a la historia medieval ignorando las lenguas clásicas, latín, árabe, hebreo y griego. Bizancio tuvo una importancia capital no sólo en la Alta Edad Media, sino a lo largo del milenio medieval en todos los ámbitos de la cultura y como fuerza ideológica y política de primera magnitud. Es por ello que esta serie puede contribuir de manera decisiva a promover los estudios de un objeto sin el cual no puede entenderse ni la filosofía medieval ni la contemporánea. En el libro objeto de esta reseña, cada capítulo va acompañado de una bibliografía específica con las referencias a las fuentes y la literatura secundaria citadas en él. Al final hay una amplia selección bibliográfica (263-289) muy útil para los que se inicien en el tema, así como para aquellos especialistas que estén investigando un punto específico.

El volumen abre con un instructivo panorama que presenta las figuras más relevantes de la filosofía bizantina (*Neoplatonic Philosophy in Byzantium*: 1-29) a cargo del editor del volumen. La contribución ofrece una visión de la influencia del platonismo en el pensamiento bizantino desde sus comienzos hasta la actividad de difusión en Occidente desarrollada por el cardenal Besarión. El importante impacto del filósofo neoplatónico Proclo en la filosofía bizantina se ve reflejado con claridad en las contribuciones al volumen. M. Trizio estudia la estrategia de Eustracio en su apropiación de la obra del Licio en su comentario a la *Ética a Nicómaco* (*The Waves of Passions and the Stillness of the Sea. Appropriating Neoplatonic Imagery and Concept Formation-Theory in Middle Byzantine Commentaries on Aristotle*: 67-77). A través de un análisis de los pasajes en los que Eustracio parafrasea el comentario de Proclo al *Alcíbades I*, T. pone de manifiesto las metáforas utilizadas por Proclo que

enraízan en la tradición neoplatónica. J. Robinson (*Proclus as Heresiarch: Theological Polemic and Philosophical Commentary in Nicholas of Methone's Refutation (Anaptyxis) of Proclus' Elements of Theology: 103-135*) presenta un detallado análisis de la obra de Nicolás de Metona en su contexto histórico y sus implicaciones teológicas y filosóficas. R. subraya que el tratado, que refuta la obra del filósofo platónico proposición por proposición, busca fundamentalmente mostrar las diferencias entre su metafísica y la doctrina cristiana con el fin de servir de defensa contra la simpatía con que contaba el pensador pagano entre muchos intelectuales bizantinos en el s. XII. El representante más importante de esa corriente es Pselo a quien G. Miles (*Psellos and his traditions: 70-101*) caracteriza como muy influido por el filósofo pagano aunque fiel a la fe cristiana.

El capítulo de M. Mtchedlidze (*Two Conflicting Positions Regarding the Philosophy of Proclus in Eastern Christian Thought of the Twelfth Century: 137-152*) analiza la existencia de dos corrientes interpretativas en el área de influencia cultural bizantina en el siglo XII que se observan en los dos comentarios sistemáticos conservados de los *Elementos de Teología*, el del georgiano Juan Petritsi y el de Nicolás de Metona. Petritsi era un claro admirador de Proclo, mientras que Nicolás, como se ha señalado más arriba, lo considera peligroso y contrario a la fe cristiana. J. de Garay ofrece un panorama de la recepción del pensamiento de Proclo en Bizancio y en la Europa occidental (*The Reception of Proclus: From Byzantium to the West [an Overview]: 153-173*). Especialmente notable en la exposición de G. es el detallado análisis del paganismo de Pletón, aunque su valoración del impacto del pensador en la difusión de Proclo en el pensamiento renacentista sea quizás demasiado negativa. Baste pensar simplemente que el mayor artífice de la conservación de muchos textos griegos fundamentales, el cardenal Besarión, fue su alumno. Según la biografía de Marino, Proclo también tuvo un importante interés en la política práctica y de hecho sufrió persecuciones cristianas que lo obligaron a huir temporalmente de Atenas. Asimismo, cultivó amistad de personas muy influyentes en la política de la época. Proclo tenía un exhaustivo conocimiento de las *Leyes*, tal como se revela especialmente en la *Teología Platónica*. Una valoración muy positiva merece la exposición de la diferencia entre Pletón y el neoplatonismo en el plano metafísico. Pletón identifica el Ser con lo Uno contra la tradición neoplatónica (160 s.) y defiende una teología positiva. No menos valiosos son los análisis de G. sobre el impacto de Proclo en el pensamiento de Nicolás de Cusa y en Ficino.

En el capítulo segundo (*The Divine Body of the Heavens: 31-65*) S. Mariev y M. Marchetto presentan un panorama de la teoría del quinto elemento desde la Antigüe-



dad tardía hasta el impacto en Miguel Pselo y Juan Ítalo. Tal como sucediera en el platonismo, en los cristianos las posiciones se dividieron entre los que aceptaban la doctrina aristotélica y los que la repudiaban. Pselo adopta una postura ecléctica y considera sobre todo las implicaciones teológicas de la doctrina, mientras que Ítalo intenta conciliar las doctrinas de Proclo y Simplicio con la doctrina cristiana. En el penúltimo capítulo (*Plato on the Grades of Virtues: Back to Plato via Neoplatonism: 221-242*), L. Alexidze sostiene la independencia de la doctrina de las virtudes de Pletón respecto de sus antecesores neoplatónicos y ve en ella una prefiguración del pensamiento renacentista italiano. Según A., Pletón considera al hombre como un compuesto de alma y cuerpo y no tiene una visión negativa de este último, tal como sucedía en la tradición platónica. Además, sostiene que Pletón pone el acento en la vida activa y en la individualidad. Su interpretación no hace justicia a la tradición platónico-aristotélica en lo que concierne a la importancia de la vida activa y tampoco a la relación entre alma y cuerpo.

El capítulo de F. Buzzetta y V. Napoli (*Elementi di demonologia neoplatonica nell'opuscolo bizantino Τίνα περὶ δαιμόνων δοξάζουσιν Ἕλληνας. Alcune considerazioni: 176-220*) estudia una obra tardía que habitualmente se atribuía a Pselo, pero que en la actualidad se considera posterior. El opúsculo contiene noticias sobre la demonología neoplatónica, un tema central en esa corriente filosófica, cuyas fuentes están prácticamente perdidas. Según B. y N., el autor del escrito toma a los pensadores paganos como una unidad doctrinaria, aunque no existía ninguna coherencia entre los diferentes filósofos y sus convicciones eran ocasionalmente contradictorias. El autor bizantino considera que existe un sistema, probablemente con la finalidad de oponer las creencias de los diferentes autores griegos a la doctrina cristiana. Las contribuciones se cierran con el capítulo de U.R. Jeck (*Europa entdeckt die Byzantinisch-georgische Philosophie, Klaproth, Sjörgen, Brosset und Creuzer über Ioanne Petritzi: 243-262*) que presenta las contribuciones en el siglo XIX de esos cuatro miembros de la Academia de Ciencias de San Petersburgo que dieron a conocer a la Europa occidental al filósofo más importante de Georgia, Juan Petritsi, en especial, el comentario a los *Elementos de Teología* de Proclo.

En resumen, el presente volumen es una importante contribución al estudio de la historia de las ideas Bizantinas y a su papel en la transmisión de la filosofía griega a Occidente. Se trata de un complemento necesario para comprender en toda su dimensión el desarrollo de la filosofía moderna.

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## Jens Halfwassen (1958-2020)

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El 14 de febrero de 2020, el filósofo alemán Jens Halfwassen falleció inesperadamente a la temprana edad de 61 años. Con él, la Filosofía continental en el sentido tradicional y, en especial, la investigación en Historia de la Filosofía Antigua pierde uno de sus representantes más destacados. En el momento de su muerte era catedrático de Filosofía en la Universidad de Heidelberg.

Halfwassen nacido en Bergisch Gladbach el 16 de noviembre de 1958 cursó estudios en la Universidad de Colonia en las especialidades de Filosofía, Historia, Ciencias de la Antigüedad y Pedagogía. En 1989 presentó la tesis doctoral *Der Aufstieg zum Einen. Untersuchungen zu Platon und Plotin (El ascenso a lo Uno. Investigaciones sobre Platón y Plotino)*<sup>1</sup>. Entre 1990 y 1995, fue asistente de la cátedra de Klaus Düsing en la Universidad de Colonia, en la que presentó su habilitación en 1995 (*Hegel y el neoplatonismo. Investigaciones sobre la metafísica de lo Uno y del espíritu en la interpretación especulativa e histórica de Hegel*)<sup>2</sup>. A continuación, fue profesor Heisenberg de la *Deutsche Forschungsgemeinschaft*<sup>3</sup> en la Universidad de Munich entre 1997 y 1999. En ese período, pasó un año en la Universidad de Tubinga. En 1999 fue nombrado catedrático de la Universidad de Heidelberg.

El profesor Halfwassen se destacó no sólo por su obra escrita, sino también por su importante actividad académica. Fue miembro fundador de la Academia Platónica Septima Monasteriensis a la que pertenece un reducido grupo de especialistas internacionalmente destacados que se dedican a la investigación de Platón y el platonismo. De 2001 a 2007 fue miembro de la Comisión de Investigaciones de la Universidad de Heidelberg. Además, formó parte de diversas instituciones científicas.

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<sup>1</sup> *Der Aufstieg zum Einen. Untersuchungen zu Platon und Plotin*, "Beiträge zur Altertumskunde" 9, B.G. Teubner Verlag, Stuttgart 1992.

<sup>2</sup> *Hegel und der Neuplatonismus. Untersuchungen zur Metaphysik des Einen und des Nous in Hegels spekulativer und geschichtlicher Deutung*, "Hegel-Studien" 40, Bouvier Verlag, Bonn 1999.

<sup>3</sup> Aunque no tiene la misma organización la DFG podría equipararse en España al Consejo Superior de Investigaciones Científicas (CSIC).

También fue coeditor de la prestigiosa revista *Philosophische Rundschau*. En 2012 fue cooptado como miembro de número de la Heidelberger Akademie der Wissenschaften, donde dirigió el Centro de Estudios sobre Karl Jaspers (Karl Jaspers Arbeitsstelle). En 2014 la Universidad de Atenas le otorgó el grado de doctor *honoris causa*.

Con su disertación, *Halfwassen* sienta las bases para lo que será más tarde su línea de investigación preponderante, la continuidad en la historia de la metafísica occidental desde Platón hasta nuestros días. En ese trabajo sigue los pasos de las investigaciones que pusieron de relieve la importancia de la doctrina no escrita de Platón, especialmente las realizadas por Hans Joachim Krämer quien demostró el impacto de la metafísica del fundador de la Academia en la historia de la filosofía antigua. El estudio de H. pone en evidencia la importancia de la lectura que realiza Plotino para entender el mensaje de la filosofía platónica en sus dos vertientes, la obra escrita y la tradición indirecta. La contribución de *Halfwassen* es especialmente importante por su aporte a una corriente científica que había soportado los cuatro estadios de una actitud hoy extendida a todos los ámbitos de la vida intelectual y política: silenciamiento, tergiversación y descrédito, expulsión o aniquilamiento. A partir de *El Ascenso a lo Uno* ya no resulta posible desacreditar una interpretación de los diálogos aduciendo que es neoplatónica. Después de su tesis de doctorado, *Halfwassen* continuó las investigaciones en la historia de la filosofía antigua con algunos artículos. Destaca especialmente en este período su contribución sobre las aportaciones de Numenio y Plotino a la historia del platonismo,<sup>4</sup> en el que desarrolla la tesis que el descubrimiento de la subjetividad no es propio de la filosofía moderna, ni siquiera de la medieval, sino que está presente ya en el centro de la filosofía platónico-aristotélica a través del ‘conócete a ti mismo’, un desarrollo del apotegma delfico. Su trabajo de habilitación da forma definitiva a su pensamiento sobre la continuidad de la metafísica occidental. En él muestra cómo Hegel se orienta en la elaboración de su filosofía más hacia las fuentes antiguas, especialmente Platón, Plotino y Proclo, que hacia la filosofía moderna y coetánea. En esa obra fundamental, *Halfwassen* además de completar una importante parcela de la continuidad histórica de la metafísica occidental, refuta las interpretaciones que como la de Kojève pretenden que Hegel haya sido un pensador ateo.

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<sup>4</sup> *Geist und Selbstbewusstsein. Studien zu Plotin und Numenios (Espíritu y autoconciencia. Estudios sobre Plotino y Numenio)*, “Abhandlungen der Akademie der Wissenschaften und Literatur Mainz. Geistes- und Sozialwissenschaftliche Klasse” Jg. 1994, 10, F. Steiner Verlag, Stuttgart 1994.

En febrero de 2018, el profesor Halfwassen visitó la Universidad Carlos III de Madrid invitado por el Instituto de Estudios Clásicos sobre la Sociedad y la Política “Lucio Anneo Séneca”. En esa oportunidad desarrolló en un seminario su visión sobre otro tema al que estaba dedicando sus estudios, la relación entre filosofía y religión (“*¿Por qué la teología negativa es atractiva para las religiones monoteístas?*” fue el título de la conferencia del 28 de febrero de 2018).

Los que hemos tenido la fortuna de tratarlo personalmente, ya sea en la Academia Platonica Septima o en otras ocasiones, apreciamos en Jens Halfwassen a una persona de carácter afable y de extraordinaria apertura y bonhomía. Su desaparición deja un vacío en un campo de importancia fundamental para la historia de la filosofía y la metafísica.



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