

Aristotle's Many Multitudes and their Powers

Cathal Woods

Politics 3.11 appears to show Aristotle at his most democratic, for in this chapter he defends the right of ordinary people to participate in government and he might even make a multitude of ordinary people authoritative in the polis. Contrary to the dominant interpretation, I argue, however, that this chapter concerns different multitudes at different points and that the first multitude forms a polity and the second is used as a moderating force and (by discussing in detail the historical regimes mentioned by Aristotle in *Politics* and by drawing on our knowledge of classical polises) does not necessarily form a democracy — Aristotle's focus here is not on typology but on the argument that power should be shared and not held exclusively by any one group. The paper is, in effect, an extended discussion of what Aristotle means, in terms of governance shared by the multitude, by "authoritative".

1. Introduction

Chapter 11 of book 3 of Aristotle's *Politics* is justly famous, for in it he defends the right of ordinary people to participate in government, at least to the extent of collectively electing and auditing officials, and he might even make a multitude of ordinary people authoritative in the polis.

The first question I address in this paper is whether or not the same multitude is discussed throughout the chapter. I shall be concerned in particular with the multitudes of what I shall call "Part 1" and "Part 2" of the chapter and refer to these two multitudes as "Part 1's multitude" or "the first multitude" and "Part 2's multitude" or "the second multitude". For reference purposes, Part 1 is the discussion of the claim that some multitude should be authoritative at the beginning of the chapter;¹ Part 2, beginning at 1281b23, 3.11.6,² concerns

¹ In this paper I do *not* discuss the analogies Aristotle uses to defend the participation of multitudes in government, analogies describing various other collective enterprises and entities. How this collectivity is supposed (by Aristotle) to work is a large topic deserving of its own treatment and indeed it has already been the subject of much academic work. Of the items in the bibliography, see Bates, Bookman, Cammack, Mackenzie, Mulgan 1977, Newman Vol. III, Risse, Waldron, as well as Barker *The Politics Of Aristotle*, Jaffa "Aristotle" in Strauss & Cropsey's *History Of Political Philosophy*, Keyt "Aristotle's Theory of Distributive Justice" in Keyt & Miller's *A Companion To Aristotle's Politics*, 1991.

the “connected” question, “Over what matters should the free be authoritative?” (Part 3, beginning at 1281b39, 3.11.10, is the first of two objections to Part 2’s proposal that the free should be allowed to elect and audit officials, namely that audits should be conducted by equals, not by inferiors; and Part 4, beginning at 1282a25, 3.11.15, deals with another objection, that it is “absurd that the mean should be sovereign over greater matters than the respectable”. The final paragraph, on the desirability of the rule of law, makes a fifth Part.)

I argue that the Parts 1 and 2 concern different multitudes and I do so on the grounds that the multitude of each part is characterized differently, that the coming together of its members and the result of that coming together are described differently, and that the powers allocated to them are described differently.

I also consider *which* multitudes are under discussion. The chapter has typically been taken to refer to a democratic multitude throughout. I argue that the first multitude is in fact the moderately wealthy hoplite multitude and do so by comparing it to the multitude of the preceding chapter, 3.10; the second, different, multitude is a democratic multitude.

The third question I address concerns the regime that is formed when each of these multitudes is granted its stated powers. A closely related question is whether or not the multitude in each case is authoritative in the polis. I argue that the first multitude is probably authoritative and forms a polity. On the much more interesting matter of the second multitude, my position is that the matter is underdetermined, in the sense that the regime formed could be any of the mixed regimes (oligarchy, polity, democracy, or even so-called aristocracy). What we can conclude, however, is that Aristotle does *not* think that a democracy must arise as a result of granting the democratic multitude the power to elect and audit officials.

2. Change of Multitude

Politics 3.11 continues 3.10’s discussion of “what the authoritative element of the polis should be” (*ti dei to kurion einai tēs poleōs* 1281a11, 3.10.1). The candidates are the many, the rich, the respectable, the single best person, or the tyrant.

² References, including chapter sections, are to Lord *The Politics*, Chicago, University of Chicago Press, 1984. Translations are by Lord, except where noted.

The Greek for “authoritative” (or “sovereign”) is *kurios*.³ The idea of ‘being authoritative’ or ‘in authority’ applies not just to being authoritative over the polis but to individual offices or functions, such that different offices or officials are said to be authoritative over particular domains. This breadth of scope means that a multitude might have authority over an office or function, such as electing and auditing officials, without being authoritative over the polis.

Aristotle’s first question is *posed* in terms of authority over the polis. Book 3 chapters 6, 7, 8, and 9 discuss different types of regime at the level of the polis, not at the level of offices. It’s also notable that up to 3.11, the possibility of distributing power amongst various groups (such that no group can be exploited) has not appeared (polity in 3.7 is described simply as a regime of the hoplite multitude rather than as a mix). This might lead us to think that when Aristotle asks the question “Who should be authoritative?” he is thinking of a single group taking control of the offices. And I suppose that in a sense he is, because this is the way most partisans think and for this very reason – namely, that they desire sweeping power because it will enable them to exploit others – Aristotle tries to shift in this section (3.10 to mid-3.13) to the idea that rule would properly be shared in many cases.

Related to the concept of sovereignty is that of the *politeuma*, which Lord translates as the “authoritative element” or “governing body” and Warrington as the “sovereign body”; what these translations have in common is the idea that the politeuma is not the regime in an abstract sense but in a concrete sense: it is a body of citizens.⁴ The question “What should be authoritative?” could also be “Who should be authoritative?” or “Which group or faction (if we count the best person and the tyrant as groups) should be the authoritative?”

The concept of ‘the politeuma’ is used in classifying regimes. *Politics* 3.6 introduces the issue of different regimes by noting that a regime in general is an arrangement of the polis’s offices⁵ “particularly the one that has authority over all matters” (1278b10, 3.6.1; see

³ I use “authoritative” in this paper, in order to avoid any connotation of extra-legal monarchy that might be associated with “sovereign”. (See Mulgan “Aristotle’s Sovereign”, *Political Studies*, 18, 1970 and *Aristotle’s Political Theory*, Clarendon Press, Oxford, 1977 p. 59.) Lord also worries that “sovereign” connotes a legal status (1984 p. 71n, 240).

⁴ As Hansen notes (“Polis, Politeuma and Politeia”, in *From Political Architecture to Stephanus Byzantium: Sources for the Ancient Greek Polis*, David Whitehead (ed.), Franz Steiner Verlag, Stuttgart, 1994, p.92), politeuma takes the place of politai (citizens) from the preceding chapters of book 3.

⁵ “Office” most familiarly (to the ancient Greek) applies to a position involving command (i.e. an executive office, as we would call it, though with latitude to make decisions within a specified domain) and offices of command are typically held by an individual or a small group. In 3.1,

also 1283b5, 3.13.5) and the suggestion seems to be that it is by having authority over a single office that the people, the few (and so on) are sovereign. In general, the deliberative functions give rise to the highest offices,⁶ but as we shall see, however, the simple idea from 3.7, that a single office filled by a single group can make that group authoritative, is later a more complex one, namely, that this overarching power can be divided in many ways, and different powers assigned to (different offices and to) different groups.⁷ Alternatively, a

therefore, Aristotle has to stipulate, for the purposes of 3.1's discussion of the definition of "citizen", that bodies such as juries and assemblies, where decisions are taken by a number of people together, *are* offices. He writes, "it would be ridiculous to deprive those with greatest authority of the title of office <...> the argument is over a term" (1275a29, 3.1.7). Thus, there is a broader meaning of "office" that includes all of the functions of government; in this sense, to serve on a jury is to fill an office. (See Greenidge *A Handbook Of Greek Constitutional History*, London, [1896] 1920, pp. 6-7.) Where the discussion pertains specifically to the executive offices, I include the modifier "executive". The ambiguity is present throughout *Politics*. The difference between offices broadly construed and offices in the narrow sense of executive offices is sometimes important. For example, in 3.11 itself, Aristotle writes that it is unsafe to give the free poor access to the greatest offices because of their individual failings. Does he mean that they should not be admitted to the highest executive offices? Or that they should not be admitted to the other deliberative functions (besides electing and auditing)? In this instance, I take it that he means executive offices, but Pianka, for example, takes him to be referring to deliberation ("The Sovereignty of the *Plêthos* in Aristotle's *Politics*", in Boudouris, 1995, p. 122). See also the next note for some examples of the term being used sometimes broadly and sometimes only about executive offices.

⁶ Of the possible forms that deliberative bodies might take, Aristotle in particular mentions the council: "Besides all these offices, there is the one that is most particularly authoritative in all matters. For the same office often has authority over the final disposition as well as the introduction of all measures, or else it presides over the multitude, wherever the people have authority; for there should be something which convenes the authoritative element in the regime" (1322b12-6, 6.8.17). The council is authoritative in that it controls the measures that the broader assembly gets to vote on. In some functions, it is not the "first" body but the "last" which is authoritative: an appellate court, for example, has the final say in judicial matters.

⁷ A variety of clearly different functions are described as "greatest" or as being of high rank: those who sit on jury and assembly are said to be those with "greatest authority" (*tous kuriōtatous*) (1275a29, 3.1.7); electing and auditing is said to be very great (*megiston*; 1282a27, 3.11.15) and yet <...> the "greatest offices" are (e.g.) "treasurer and general" (1282a31, 3.11.16); 6.8: the council is said to be "the one [i.e. office] that is most particularly authoritative in all matters" (*hē malista kuria pantōn*, 1322b12, 6.8.17). Part of the problem here is that the superlative in Greek can mean "most X" or "very X". In the case of "authoritative", the same Greek word might be translated either as "most authoritative" or "very authoritative". But the main problem here is that these uses are made in the context of different regimes. Across the variety of regimes, a variety of different types of office will be found and in each regime a different group might be authoritative by giving it control of a particular office or offices. For example, in a democracy, power is held by the people, who exercise it by forming juries and an assembly which enacts legislation, making decisions about all matters, and judging capital cases. (The definition of *citizen* in 3.1 is given in terms of deliberating and judging. It does not follow that these are the greatest offices as these are merely two *broad* categories of political function and thus can accommodate the fact that democracies have citizens. A general is definitely a citizen, but citizenship could not be defined in terms of generalship. So instead, the citizen is defined in terms of those "offices" in which the people first share.) Other regimes have no assembly or popular courts, while some have a council which writes legislation and proposes executive action for

single most powerful office might be held by more than one person, and the different individuals can be drawn from different groups (and chosen by different methods), meaning that the power of this office is shared. Regardless of the precise mechanism used, the result is that while one group is most powerful (and so authoritative) other groups also share substantially in power, making it (deliberately) unclear as to whether any group is authoritative “over all matters” or has “dominant” authority.⁸

3.10 asks who *should* be authoritative. It is obvious in many actual regimes who *is* in charge, but that is not Aristotle’s question now. 3.9 discussed the claims of the oligarchs and democrats (which brought in the claim of the virtuous, too) and showed that each group has only a partial grasp of political justice, elevating free birth or wealth to the sole criterion of participation without realizing that each of these is only a necessity of the polis, in contrast with the political virtue needed for its excellent functioning.

At the opening of 3.10, Aristotle asks what should be *kurion tēs poleōs* and (as mentioned) lists as candidates the multitude, the rich, the decent, the best person, and a tyrant. In a brief survey, he shows that each of them faces an important objection, of one of two types: either the group will rule in its own interest exclusively, victimizing others, or, political honors will be concentrated in the hands of a few.⁹ The problem with the multitude is of the first type: it acts in its own interest, operating by force, seizing the property of the rich and dividing it up.¹⁰ This multitude is clearly the sovereign in a democracy: the multitude

the people to approve. And so on. It is for this reason that I use the word “function(s)” in addition to “office(s)”. The whole paper could be described as an attempt to understand how Aristotle thinks the functions of government might be performed by different offices filled by different people in order to share power.

⁸ I hesitate to use “absolute” authority (rather than “dominant”) because not every form of regime has a pure form: although Aristotle calls a variety of democracy “extreme”, the regime in which the common people are eligible for *every* office remained purely theoretical; an extreme democracy is one in which the people have assumed control over the laws. There was in practice never any unmixed form of democracy, no pure rule of the people, if only because military offices were political offices and these were filled on the basis of merit. See Greenidge p. 123.

⁹ In 3.13, when Aristotle considers the claim of the best few to be authoritative, he repeats (in other language) the problem from 3.10, that they will disenfranchise many, and then adds the multitude has “an argument of some justice to make” against them based on its collective virtue (1283b33, 3.13.9). Thus neither the multitude nor the best few should rule exclusively.

¹⁰ Mackenzie takes this dialogue to present the *phainomena*, the commonly accepted beliefs of the man-in-the-street, and also accepted by Aristotle (“Aristotelian Authority”, in MacKenzie and Roueché (eds) *Images of Authority*, Cambridge Philological Society, Supplement 16, 1989, pp. 153-4).

holds the power to propose and pass legislation of an unjust nature, such as cancelling debts and appropriating land.

In 3.11, Aristotle puts asides the other candidates and focuses on the multitude. And although there are objections to the idea, there is “some truth” to the thought that it should be authoritative. The contention of the first part of 3.11 is that “the many (the *polloi* or, just before, the *plēthos*), of whom none is individually a good man, nevertheless can, when joined together, be better – not as individuals but all together – than those [who are best]” (1281b1-3, 3.11.1). Aristotle hastens to add (b16-21) that this “collectivity” argument will not work for every multitude, for some multitudes differ little, if at all, from beasts, but it will work for some multitudes.

Part 2 of the chapter is introduced (at 1281b22, 3.11.6) by saying that “by means of these considerations”, that is, by the kind of thinking in which people are considered collectively, one might resolve the further question of “over what [matters] free persons or the multitude (*plēthos*) of citizens <...> should have authority” (1281b23-25, 3.11.6). The contention here is that in order to avoid the polis being “filled with enemies” (b31, 3.11.7), the free poor should be allowed to elect and audit officials. (b34, 3.11.8)

One interpretation of the two Parts holds that the multitude of free people mentioned in Part 2 is the same multitude who are the subject of the collectivity argument in Part 1. The thought is that Aristotle has presented the reasoning behind the claim that some multitude might be exclusively authoritative and is now moving on to say over what *it* – the same multitude – should be authoritative.¹¹ I will argue for an alternative interpretation according

¹¹ Almost all those who write on 3.11 assume that the same multitude is discussed throughout. One of the reasons for doing so is that the “arguments” of Part 1 are so vague and generally thought to be poor; Parts 2-4 thus offer more material with which we can attempt to make sense of Part 1. I think that this attraction has encouraged scholars to gloss over the differences between the two Parts and that Aristotle instead uses the same kind of thinking to answer two *different* questions. Lindsay (“Aristotle’s Qualified Defense of Democracy through “Political Mixing””, *Journal of Politics*, 54.1, February 1992) notices a change in tone following the “by Zeus” objection to Part 1’s collectivity argument but thinks that what follows concerns the same (democratic) multitude, with the latter discussion supplanting the former. Lindsay argues that the collectivity argument is advanced by Aristotle but is subsequently seen to fail because the multitude lack the prudence needed. Lindsay expects the prudence which Aristotle says is the virtue of the statesman and adduces passages from elsewhere in *Politics* and *Nicomachean Ethics* to show that it lacks it. Thus, Lindsay claims, the original argument trades on the democratic failure of thinking that their individual defects in character and mind are “remediable simply through physical aggregation <...> amenable to enhancement in simply the same manner that feasts improve with the addition of more dishes” (p. 105). Part 2 is the compromise between a strong claim on behalf of the multitude and its complete dismissal. In arguing in this fashion, Lindsay appears to overlook the partial virtue attributed to the individuals of the multitude and fails to take seriously Aristotle’s rejoinder to the objection, that while the argument will

to which Aristotle in Part 2 moves on to a different group and gives it the minimum political participation needed to stabilize any polis that contains it.

There are many indicators that Part 2's multitude is not the same as Part 1's. These include:

1. Aristotle says that the two questions are different;
2. the second multitude is described as poor but there is no mention of this with respect to the first multitude;
3. the second multitude is lacking in virtue while the first multitude has a part of virtue;
4. the second multitude will use force to gain power but there is no indication that the first multitude will do so and they are contrasted with the multitude of 3.10 which does so;
5. the second multitude adds weight or roughage to decisions but the first multitude makes virtuous decisions;
6. Part 2's multitude can (only) elect and audit officials;
7. the second multitude collectively has "adequate perception" rather than the first multitude's virtue.

Each of these will be considered in turn. They are of varying strengths in making the case for two multitudes and I will add rejoinders in various cases. But they all suggest a difference in multitude and some do so, I think, decisively.

[1] The first thing to notice is that Aristotle takes the question of Part 1 to have been answered and the second question is said to be one that is related to or which follows from the question of Part 1. He writes: "Through these things, accordingly, one might resolve both the question spoken of earlier and one connected with it (*tēn echomenēn autēs*)" (1281b23, 3.11.6). Even though it does not claim that the question has been definitively resolved,¹² this sentence certainly reads as the end of one question and the turn to another which, although related and similar to the first, is distinct from it.¹³ Aristotle similarly says at the opening of

not work for beastly multitudes, it will work for some multitudes. This is not the place to stage a defense of the collectivity argument itself. The point here is that the change in tone can be better explained by taking Aristotle to accept the force of the objection as qualifying the *scope* of the argument – it does not apply to *every* multitude – rather than to the *effectiveness* of the argument, which leads Lindsay to think that it does not apply at face value to *any* multitude. (Lindsay goes on to make the second multitude authoritative and thinks it is the multitude of farmers of the first democracy (though he thinks, incorrectly in my view, that these farmers are moderately wealthy (rather than peasants) and are also "the middling element" from the discussion of polity) and thus a democracy).

¹² The partial truth of the discussion in Part 1 is that while the multitude should be authoritative, it is not true that it should be exclusively authoritative. That Aristotle thinks that rule should be shared when all of the groups are present becomes clear in 3.13.

¹³ The collectivity argument is deployed a *third* time, in 3.15, to answer the question of whether the many or the one is better able to resolve a matter upon which the law is silent (1286a25-b7, 3.15.6-10). The "multitude" here might be a multitude of the few, as opposed to the king; see in particular a39. Aristotle is wary of allowing any multitude the power to legislate. For discussion see Taylor

Part 5, “Let the discussion of these things stand thus, then. As regards the first question, it makes nothing more evident than that it is laws – correctly enacted – that should be authoritative” (1282b1-3, 3.11.19). Aristotle again appears to indicate that, while the questions are related, the first is distinctive.

What is the relationship between the questions of Parts 1 and 2 if we think that the multitude remains the same? Scholars are silent on this point but the impression they give is that Part 2 is a more specific version of Part 1: Part 1 holds that there is some truth to the (or at least, *a*) multitude’s claim to be authoritative, while Part 2 articulates precisely which powers can be entrusted to it and which would make it authoritative. I will argue later that the power to elect and audit officials likely does not make a multitude authoritative. For now, however, let us turn to the ways in which Aristotle describes the second multitude.

[2] Aristotle characterizes the second multitude as a multitude *of the poor* (1281b30, 3.11.7).¹⁴ Aristotle does not characterize the first multitude in terms of wealth in Part 1. If it is the hoplite multitude – see the next section – it is not poor. Its members have enough property to supply their own arms and the property assessment can be raised. The second multitude is also described as “inferior” or “base” (*tous phaulous*)¹⁵ which the first is not.

[3] Aristotle says that the people under discussion in Part 2 are “those who are neither wealthy nor have any claim at all deriving from virtue” (b24, 3.11.6; author’s translation). The first multitude, by contrast, has a part of virtue; it is this part of virtue that (somehow) makes the collective decision of the multitude superior to the decision of any one of its members and equal to that of the best few.

Neither the members of the first multitude nor of the second can compete with the best person or the best few and claim to be their equal. (And similarly with respect to wealth: these individuals couldn’t rub shoulders with the wealthiest few.) But the second multitude is undistinguished when it comes to virtue. Aristotle adds a *mēden* here, meaning no claim *at all* based on virtue or wealth, which might suggest a difference between those of the first multitude who have some virtue. But it is unclear how much virtue is necessary to

“Public Deliberation and Popular Government in Aristotle’s *Politics*” (with a response by Susan Collins) *Interpretation*, 29.3, Spring 2002, p. 252.

¹⁴ And also as “being from the lowest assessments” at 1282a29, 3.11.16.

¹⁵ Lord translates as “mean”. Surveying various other translators, Garrett adds to the list “slight”, “low”, “ordinary”, “no account” (“The Moral Status of “the Many” in Aristotle”, *JHP*, 31, 1993. p. 177). Risse appears to think that the *phauloi* are the multitude Aristotle has in mind throughout 3.11 and thinks that the benefit of coming together to deliberate lies in that fact that such people are constrained by not wanting to appear base in front of their peers.

substantiate ‘a claim’. If partial virtue is not enough on which to base any claim, the members of the two groups might be the same. But Aristotle goes further in describing the second multitude as “mean” (at 1282a26, 3.11.15).

[4] Aristotle also states in Part 2 that if these people are disfranchised, then the polis is “full of enemies” (1281b30, 3.11.7¹⁶) and hostile (1274a17, 2.12.5).¹⁷ There is no mention of this antagonism towards the regime in Part 1.

[5] In Part 2 Aristotle says that mixing the (second) multitude in with the better people is like adding “impure sustenance” (*mē kathara trophē*¹⁸) to pure and yet mixing the second multitude with the better people makes the joint decision “more useful” to the polis (1281b36-7, 3.11.9), perhaps because it means that the polis is unified rather than suffering the internal dissension of a hostile multitude. With respect to the first multitude, however, there is no mention of being mixed with the best few in order to benefit the polis. Now the best few will be included in this (first) body; the point here is not that the first multitude is self-sufficient.¹⁹ Rather, it is that granting powers to the second multitude is made more palatable by this “bulking up”.

[6] Part 2’s multitude is allocated the function of electing and auditing officials. It is not clear precisely what powers are allocated to Part 1’s multitude, but they appear to be unrestricted, at least with respect to those offices that would make it authoritative. Whether the powers allocated to each multitude could possibly be the same depends on whether or not the power to elect and audit officials is enough to make the second multitude authoritative, and this is a question that we shall take up at length later. For now, we can say that it seems *prima facie* unlikely, given that auditing and electing officials is a specifically named power, in contrast with the unspecified general power of the first multitude.

¹⁶ Kraut downplays this consideration (*Aristotle: Political Philosophy*, Oxford University Press, New York, 2002, p. 408) while taking the ‘roughage’ passage (see below) to be somehow akin to the collectivity “argument”. I take this argument from force and the ‘roughage’ argument from increased stability to be more alike, as distinct from the collectivity “argument”.

¹⁷ Compare this thought (that the polis might be full of enemies) to 1297b6: For the people are willing to remain tranquil even when they take no part in the prerogatives, provided that no one acts arrogantly toward them nor deprives them of any of their property.

¹⁸ Lord glosses as “raw or crude foodstuffs” and points to *Generation Of Animals* 728a26 which suggests a meaning of “in need of being acted upon”, or “unprocessed”.

¹⁹ Lindsay (1992) argues that the first multitude’s collective improvement cannot be achieved “absent an additional “mixing” with “those who are better”” (p. 107) and, based on this *necessity* of co-deliberation, argues that Aristotle does not simply wish to restrict the collectivity “argument” to ‘certain multitudes’ but fundamentally rejects it (p. 105). Taylor (2002) appears to endorse this co-deliberation thesis (p. 250, 1).

[7] A possible difference is the state or activity achieved by the two multitudes when each meets collectively. Part 2's multitude is said to achieve "perception" (*aisthesis*) of the character of those it elects and audits (1281b35, 3.11.9). What state Part 1's multitude achieves when it meets is not described. And so we cannot draw any definite conclusion: perhaps by perceiving the character of those standing for office and those standing down from office, the second multitude does what the first multitude does.²⁰

A more definite difference lies in the *quality* of the activity. The second multitude's perception is "adequate".²¹ Even if the perception of the second multitude replicates the functioning of the first multitude, the second multitude achieves only a standard of adequacy, which seems to be a lesser estimation than of the first multitude's functioning, which is said to be as good as or better than the best few. The functioning of the best few is presumably very good (though not perfect) and so the first multitude's ability is similarly more than "adequate". Conversely, the virtue touted of the first multitude is nowhere mentioned in connection with the second multitude.

It is also noticeable that the second multitude elects and audits alongside the others in the regime. Compare this with the claim that the first multitude is better *than* the best few. Rather than lumping the multitude in with the rest of the citizens, Aristotle seems to be explicitly comparing its abilities to the rest of the citizens. This claim is repeated in 3.13 (1283b33-5, 3.13.10), and this, coming well after the close of the explicit discussion of the multitude (in 3.11), ties together 3.11 Part 1 and 3.13, and so omits Part 2.

We might also include here the description of the second multitude's ability as individuals in Part 3, where Aristotle addresses the objection that only 'those who know'²² (1282a12, 3.11.13) should judge a practitioner and so only those who know about political office should audit officials. In addition to considering the multitude collectively, Aristotle adds the argument that the user of a product, such as of a house, rudder, or meal, can judge it better than the maker. So, he implies, as the "users" of the decisions made by the officials, the

²⁰ Pianka (1995) states that even in Part 1 "Aristotle also places strong emphasis on *senses* and *judging*. These seem to be the particulars of the virtue he attributes to the collective *plethos*" (p. 118).

²¹ Note, however, that the perception of the second multitude is also said to be collectively "better or no worse" (1282a16, 3.11.14) than the experts'.

²² Aristotle describes three levels of expertise – the master craftsman, the practicing artisan, and the generally educated person – and denies that the members of the second multitude are any of these three. He thus describes the lack of political ability of the individuals in this multitude. However, the individuals of the first multitude might fall into the same category, if their partial virtue is not enough to qualify them as 'generally educated' about politics.

poor are *individually* fit judges of whether or not the officials are legislating well (1282a14-24, 3.11.14). Even the free poor can perceive whether or not they are being treated justly or unjustly by the current officials.

This “user” argument seems to be limited to electing and auditing and not applied to other forms of decision and judgment. If it did apply more broadly, there would be no need to apply the collectivity-style argument to either multitude, in Part 1 or Part 2: the claim of the multitude could be based on the adequate perception (or virtue) of each person. The “user” argument presumably works for the first multitude when it is engaged in electing and auditing officials, but since the “user” argument is added only in Part 2, Aristotle suggests that the first multitude’s powers are not limited only to electing and auditing. He thus indicates that it is a different multitude. One could argue (in response) that Part 2 concerns a specific function of the same multitude as in Part 1 and that the second multitude’s collective “perception” (1281b35, 3.11.9) is just the first multitude’s collective “character and mind” applied to electing and auditing and that the “user” argument over-determines the multitude’s right to elect and audit, as if to say “the same collectivity-style argument is used as in Part 1, but when it comes to electing and auditing, we can also add the “user” argument.”²³

In sum, Aristotle’s description of the first multitude is exceedingly brief and his description of the second is far from being detailed. This means that the comparisons with respect to some of the aspects listed above – the poverty, powers, role, and antagonism of the poor – are arguments from silence, that is, comparisons to something that Aristotle does *not* say about the first multitude. And even where there are descriptors of each multitude concerning a similar aspect, they are not direct opposites and not sufficient to categorically establish a distinction.

The clearest points of difference seem to me to be the virtue of the members (the partially virtuous vs. the mean) and the quality of their activity (as good as the best few vs. adequate). But even if no one point of comparison is by itself sufficient to convince us that the multitudes are different, all of the points taken collectively, I think, is. Maintaining that

²³ One problem with this “user” argument is that it assumes that the user wants to use the “product” properly. But a democrat might think that he is being abused when an official imposes or enforces a non-democratic way of living. In other words, if a person would prefer a system in which he can live as he likes (one of the marks of democracy at 1310a32, 5.9.15), he will find that he is always being oppressed. Aristotle here seems to be assuming that, in practice, people are not so revolutionary and have a good sense of what is and is not appropriate. If the objection is taken seriously (and remember, Aristotle in 3.11 Part 2 is worried about the polis being “full of enemies”) then the collectivity argument is needed.

the two multitudes are one means thinking that a multitude made up of free, poor, mean individuals that collectively (in the company of others) achieves sufficient perception to elect and audit officials, is the same as the multitude made up of partially virtuous individuals that collectively achieves ‘character and mind’ equal to or better than that of the best few and is authoritative in the polis.

My thesis in this section receives further support from the other sections. My responses to the three main questions of the paper interlock and together form an interpretation that is consistent both internally and with the text.

3. *Character of the Multitudes*

3.10 asks what should be authoritative in the polis and lodges objections against each of the contenders. The multitude is first to be given prolonged consideration; the others are put aside until later. Considering the multitude ahead of the other candidates is an interesting move, especially given that the multitude of 3.10 is envisaged making laws, one presumes collectively, to expropriate the property of the rich. It is the shadow of the unjust multitude in 3.10 that perhaps prompts the objection – “by Zeus!” – that the collectivity argument will not work for every multitude, for some multitudes differ little, if it all, from beasts. The multitude of 3.10 has the power to enact legislation against the rich (such as cancelling debts and redistributing land) and so there is no hope that they can be transformed by “meeting together” (*sunelthontas*) into a body that rules well, as they are already collectively deliberating and doing so poorly. The multitude that victimizes the rich in 3.10 is one multitude to which the collectivity argument does not seem applicable, while the multitude for whom it works is a different multitude. Aristotle must thus retreat to the position that *some* multitudes can rival the virtue of the best few (1281b15-20, 3.11.5).

Part 1’s multitude is thus not the multitude of 3.10. But which multitude is it? The members of Part 1’s multitude are said to have a share of virtue and wisdom; it is this that makes the collective productive of virtue equal or better than that of the best few. The hoplite multitude of 3.7 – the multitude of the middle class, who are wealthy enough to be able to provide their own armor – is similarly described as having at least some virtue.²⁴ But do the

²⁴ “It is possible for one or a few to be outstanding in virtue, but where more are concerned it is difficult for them to be proficient with a view to virtue as a whole, but some level of proficiency is possible particularly regarding military virtue” (1279a40-b2, 3.7.4). Bookman (p. 2, pp. 4-5) lumps this quote in with all of the descriptors of the multitude of 3.11 Part 2 and on p. 11 thinks that the

two multitudes have the same partial virtue? It might be objected that the part of virtue that the hoplite multitude has is courage, while other virtues are involved in the political participation of Part 1's multitude. But (in rebuttal) along with military virtue come moderation and justice. Aristotle reports that "once they [the Spartans] were at leisure they could place themselves in the hands of the legislator having been well prepared by the soldiering life — for it involves many of the parts of virtue." (1270a3, 2.9.11) The additional parts are disclosed when he writes that "courage and endurance are required with a view to occupation; philosophy, with a view to leisure; moderation and [the virtue of] justice for both times, and particularly when they remain at peace and are at leisure" (1334a23, 7.15.3).²⁵

A hoplite multitude is also suggested by the fact that the hoplite multitude can be authoritative, as Part 1's multitude is said to be. We cannot be certain that Part 1's multitude is authoritative; Aristotle's highly qualified introduction guarantees uncertainty, for there is only "some truth" to the argument and Aristotle does not explain in what way it is true and in what way it is not and at its conclusion, he says only that in this way someone might solve the question of who should be authoritative (1281b22, 3.11.6).

However, since this multitude can be better than the best few in terms of virtue, it would have the strongest kind of claim to rule. It does not follow immediately from this that it should be *exclusively* authoritative as the whole point of the discussion of 3.9-13 is that no single claim can negate the others. But this multitude can also put forward, again collectively, a superior claim in terms of wealth (1283a40, 3.13.4). It also contains a large number of free people and thus disenfranchises fewer people than the rich and the best few. On the basis of these claims, it would seem to warrant primary position within the regime. There are several powerful offices that for practical reasons are not held by a large body (such as general and treasurer) and the members of Part 1's multitude are not suited for these positions since they are worse than the members of the best few, having only partial virtue.²⁶ By comparison, the

farmers who form the first democracy are middle class.

²⁵ At *Topics* 117a34, 3.2 Aristotle writes, "Also, that is more desirable which is more useful at every season or at most seasons, e.g. justice and temperance rather than courage; for they are always useful, while courage is only useful at times" (Pickard-Cambridge, trans.).

²⁶ It is stated clearly about *Part 2's* multitude that they cannot: "through injustice and imprudence they would act unjustly in some respects and err in others" (1281b27, 3.11.7) and it is their collective quality that is emphasized in response to the second objection (to awarding them the right to elect and audit officials, the objection being "Is it right that the democratic multitude should have authority over such great matters by electing and auditing officials?"), when he states, "neither the juror nor the councilman nor the assemblyman acts as a ruler but the court, the council and the people, and each individual is only a part of these things" (1282a34, 3.11.17). If the second multitude is the first

best few are in 3.15 further described as being “excellent in soul” and “good men” (1286a38, b3, b4, 3.15.9-10).²⁷ Nonetheless, many judicial and deliberative functions can be undertaken by a multitude, and a multitude that had control over the courts and the deliberative functions would certainly be authoritative in the polis.²⁸

A final piece of evidence for thinking that 3.11’s multitude is a political multitude is Aristotle’s language early in 3.13 (1283b1, 3.13.4). He writes, “If, therefore, all should exist in a single city – I mean, both the good and the wealthy and the well born, as well as a *political* multitude apart from them – will there be a dispute as to which should rule, or will there not?” He has of course moved away from the multitude considered in 3.10 and is thinking of the multitude of moderately wealthy hoplites in contention with the nobles, the rich, the magnificent, and the tyrant.

In sum, it seems that the multitude at the start of 3.11 is not the same as the multitude from 3.10 and is the hoplite multitude.

(Before moving on to consider the second multitude, we can briefly address the question of the regime formed in 3.11 Part 1. If the multitude is authoritative and decides virtuously, the regime will be correct. It follows immediately that it cannot be a democracy (even a mixed democracy). It would thus be a polity. We do not know on what basis the

multitude, these remarks can be transferred to the first multitude.

²⁷ They are not perfect, however. Aristotle allows that the virtue and wisdom of 3.11’s initial multitude can be not just the equal of but *better* than the virtue and wisdom of the few. When these people deliberate together they are to be preferred to one of them acting as king, and the same kind of collectivity argument as is used concerning the multitude is used (1286a27-35, 3.15.7-8), indicating that the virtue of these individuals can be improved by being brought together. Aristotle asserts this twice, first in the initial claim and again in chapter 13, where he writes that “nothing prevents the multitude from being at some point better than the few and the wealthier — not as individuals but taken together” (1283b33-5, 3.13.10). Even virtuous individuals are subject to error and corruption; every person, it seems, except perhaps a divine individual, is subject to passion: “Spiritedness perverts rulers and the best men” (1287a30, 3.16.5. See also 1286a16, 3.15.5). Perhaps another reason for lowering the virtue of the virtuous is that Aristotle suggests that the second multitude can be “mixed with those who are better” because “each separately is incomplete with respect to judging” (1281b37, 3.11.9). Similarly at 1298b20, 4.14.12, “All will deliberate better when they do so in common — the people with the notables and these with the multitude”. However, the ‘notables’ here seem fairly straightforwardly to be the rich. If the few here are (also) the virtuous, then it seems that even when making decisions collectively, the virtuous few are improved by the presence of a democratic multitude.

²⁸ Aristotle often treats deliberation and judgment as a pair. The reason is perhaps that the courts would make law as they decided cases. The six thesmothetae at Athens recorded their judgments. (Andrewes “The Growth Of The Athenian State”, in *The Cambridge Ancient History* (2e), III.3, Cambridge University Press, 1982, p. 365) When Aristotle describes the extreme forms of democracy and oligarchy as taking control over the law, the mechanism might be through the courts and not just the parliament.

individual offices are filled, but even if they are awarded on the basis of merit and wealth (1294a24, 4.8.9) rather than a property assessment (alone), the regime would nonetheless lean towards the people.)

It seems that the multitude of Part 2 is not the multitude of Part 1. What multitude is being discussed in Part 2? They are described as the multitude of “free persons ... those being whoever is neither wealthy nor has any claim at all deriving from virtue” (1281b23, 3.11.6) and later as “poor” (b30) and “common” or “mean” (1282a25, 3.11.15).

If this multitude is worse than the partially virtuous multitude (the hoplite multitude), then the multitude of the free is, broadly speaking, a democratic multitude. The description of the multitude as being composed of the free and of people who can make no claim based on wealth also fits the democratic multitudes generally speaking. It is not an aristocratic multitude since its members have no claim based on virtue, and it is not an oligarchic multitude since its members have no claim based on wealth (1281b25, 3.11.6).

There are, however, a variety of democratic multitudes. As described in *Politics* 4.4, in addition to the hoplite multitude there is the multitude of farmers, the multitude of herdsmen, the multitude of craftsmen, the multitude of merchants, and the multitude of laborers (1290b40-1291a9, 4.4.9-10; see also 6.4).²⁹ Of the various multitudes, the farmers and herdsmen together are said to be a cut above the others. Grouping them together, let us thus distinguish the agricultural multitude from the urban multitude. The agricultural multitude resembles the hoplite multitude in that its members are fit and resilient, but its members lack any training in virtue, while the members of the urban multitude are degraded by their work and are public slaves rather than public servants (1278a13, 3.5.4).

As in Part 1, the second multitude is described in comparison with another multitude for which the collectivity argument does not work: the second multitude must be “not overly slavish” (*mē lian andrapopōdes* 1282a15, 3.11.14) otherwise it will lack sufficient perception. Aristotle thus seems to have it in mind that the second multitude is not entirely or predominantly composed of the very worst individuals. If the poor were all or predominantly the urban poor, we would have the slavish multitude of Part 2 (and perhaps the beastly multitude of Part 1 and the exploitative multitude of 3.10).³⁰ For example, Aristotle mentions

²⁹ There are other, specific, multitudes, as in 1.8, but nothing is gained at present by attempting to speak more precisely than these.

³⁰ For “slavish” see *Nicomachean Ethics* 1095b16-19: the slavish are like grazing animals and pursue only pleasure. This helps make the connection to the beastly multitude of Part 1: the beastly multitude pursues its own pleasure at the expense of the city; the slavish multitude cannot judge officials well

Kleisthenes's creation of new tribes (1319b20, 6.4.18; see also *Ath. Pol.* 21) and takes the Kleisthenic revolution to show the limits of the idea that a democratic multitude can be safely incorporated, for rather than working with the betters, the Athenian poor became arrogant and continued to pursue increased power (1274a3-17, 2.12.3-5).³¹ As 'users' of the laws, the base multitude will be unable to see that they are being treated fairly; they will only complain that they are being unjustly treated.

The second multitude might include *some* of those meanest individuals; free artisans were a substantial part of the Athenian population even by the time of Solon. In Parts 2 to 4 of 3.11 Aristotle is unlikely to be assuming a monolithic multitude, either of naturally modest peasants or of the power-hungry urban poor. "Free" and "poor" and "inferior" describes both kinds of democratic multitude. Part 4's objection – "Is it not absurd that the *phauloi* should be sovereign over more important matters than the respectable?" – likewise might not distinguish between democratic multitudes, even though the agricultural multitude is not as inferior as the urban multitude: "The other sorts of multitude [beyond the agricultural multitudes] out of which the remaining sorts of democracy are constituted are almost all much meaner (*pollōi phaulotera*) than these: their way of life is a mean one (*phaulos*), with no task involving virtue among the things that occupy the multitude of human beings who are vulgar persons and merchants or the multitude of laborers" (1319a24-28, 6.4.12).³² The *phauloi* in general can include those who are somewhat inferior and those who are vastly inferior, the agricultural multitude as well as the urban. For Aristotle asserts that the poor multitude deserves its power because of their resentment at being excluded, and, Aristotle adds for the first time, because they have more wealth, collectively, than the best few (1282a40, 3.11.18).

We can also return to the fact that the second multitude will be an enemy of the regime if excluded from office. The peasant multitude, in particular, is not ambitious with respect to power. It is content to be ruled so long as it is not abused (1318b11-9, 6.4.2-3). (In 6.4. Aristotle notes that if it has any ambition, it can be granted the power to elect and audit.

because it will condemn them for causing it pain and failing to gratify it. Alternatively, though to largely the same effect, its members are unstable in their preferences. (See Garrett sections 4 and 5.)

³¹ See also 1319a24-b10, 6.4.12-17 for further description of the power-seeking multitudes.

³² Garrett (1973) (pp. 171, 173) suggests that the democratic many are to be contrasted with both the virtuous and the wealthy rather than with the vicious. They are those who have no particular claim on either of these grounds (virtue, wealth), yet who can put forward the claim of native free birth. They are not "wholly bad" or directly opposite to the best but rather are ordinary or average. This characterization applies more to the farmers and herdsmen than to the other democratic multitudes.

This is, of course, the power granted to it in 3.11 Part 2, suggesting that Aristotle has in mind an ambitious peasant multitude perhaps alongside a fair contingent of the urban multitude.)

To summarize our results so far: Part 1's collectivity argument concerns a hoplite multitude; Parts 2, 3, and 4 concern a mixed democratic multitude, not dominated by the worst people, but also one willing to assert itself. By admitting such a multitude to office, Aristotle shows that there is no tension between virtue and the idea that this multitude might have to be admitted for the sake of stability by showing that even this second multitude has a very limited virtue: it can collectively do a good job of electing and evaluating officials as this power is sufficient to sate its ambition.

In the form of an informal dialogue between Aristotle and an objector, Aristotle says, [Part 2] "We're going to have to admit the poor multitude and electing and auditing officials is the minimal form of participation". Then [Part 3] the oligarchic objector says, "But surely officials should judge officials!" Aristotle replies: "the multitude can do this reasonably well when (i) mixed with the better folks [from Part 2] and (ii) because they know when they are being abused." The oligarchic objector: [Part 4] "But, but, but, they're <...> inferior!" Aristotle: "Yes. But it's not the people individually who rule. And besides, it has greater combined wealth. (But clearly, [Part 5] it's better that the law is untouched.)"

4. *The Regime of 3.11 Part 2*

We turn now in detail to the question of the authority of Part 2's multitude and the type of regime established in Part 2. In Part 1, a multitude of partly virtuous individuals can be authoritative; in Parts 2-4, a multitude of the free poor can participate in decision and judgment (electing and auditing). Is this second multitude authoritative in the polis? And, what type of regime is formed by giving the free poor the right to elect and audit officials?

These questions are extremely difficult to answer. Indeed, it seems to me that there is no definite answer, which by itself is enough to tell us that Aristotle does not think that a democracy is the necessary result and suggests instead that Aristotle has other aims here.³³

³³ Mulgan thinks the regime is "a mixed constitution which contains some democratic elements <...> which Aristotle, on this occasion, particularly associates with the Athenian lawgiver, Solon" (1977 pp. 103-4; see also "Aristotle on Oligarchy and Democracy", in Keyt and Miller, 1991 p. 322). Simpson, influenced by the second multitude's *co*-deliberation with the others in the regime, thinks the regime is polity (*A Philosophical Commentary on the Politics of Aristotle*, Chapel Hill, U. of North Carolina Press, 1998, p. 168). Taylor appears to think similarly, reinforced by the advice to *democracies* to include the rich in deliberation (p. 254). Bluhm ("The Place of "Polity" in Aristotle's Theory of the

Let us first review what we know about the structure of the regime of 3.11, Part 2. Here is the relevant text from Part 2 of 3.11:

To give them [i.e. whoever is neither wealthy nor has any claim at all deriving from virtue] no part and for them to have no part in the offices is a matter for alarm, for when there exist many who are deprived of prerogatives and poor, that city is necessarily filled with enemies. What is left, then, is for them to take part in deliberating and judging. Hence Solon and certain other legislators arrange to have them both choose officials and audit them, but do not allow them to rule alone. For all of them when joined together have an adequate perception and, once mixed with those who are better, bring benefit to cities. (1281b28-38, 3.11.7-9)

On the one hand, admitting the free poor to “the greatest offices is not safe: through injustice and imprudence they would act unjustly in some respects and err in others” (1281b27, 3.11.7). On the other, it is an alarming state of affairs to give them no share in government (*to mē metadidonai mēde metechlein phoberon*). As a result, they must share in

Ideal State”, *Journal of Politics*, 24.4, Nov. 1962) takes it to be about polity, but he takes this to be the best regime of books 7-8 (p. 746-7). Bookman (“The Wisdom of the Many: An Analysis of the Arguments of Books III and IV of Aristotle’s Politics”, *History of Political Thought*, Vol. XIII.1, Spring 1992) thinks the regime is *middle-class* polity (pp. 11-12). Bradley assumes in passing (“Aristotle’s Conception of the State” in Keyt and Miller, 1991. Originally published in *Hellenica*, ed. Evelyn Abbott, London, 1880, p. 52-3) that Part 1 concerns polity (specifically, mixed polity); that Part 2 is included in this judgment is not clear. The following appear to think the regime of Part 2 is a democracy (though some of these are judgments made in passing): Lindsay (*passim*), MacKenzie (p. 155-6), Miller (*Nature, Justice, and Rights in Aristotle’s Politics*, Oxford, Basil Blackwell, 1995, p. 261), Robinson (*Aristotle: Politics Books III and IV*, Oxford, Clarendon Press, 1995, commentary *ad loc*), Waldron (“The Wisdom of the Multitude: Some Reflections on Book 3, Chapter 11 of Aristotle’s Politics”, *Political Theory*, 23.4, Nov. 1995, p. 566). Newman does not comment, though he does quote Athenagoras’s speech from Thucydides 6.39, which concerns democracy (Vol. 1, p. 255). Bates, who acknowledges (*Aristotle’s “Best Regime”*, Louisiana State University Press, Baton Rouge, 2003, p. 138) that there are different multitudes, takes Aristotle to argue throughout that the capacity for judgment of even the worst multitude exceeds that of the best individual and thus gives a strongly democratic reading; see the section entitled ‘The many’s limits rejected’ on pp. 141-5. Lintott thinks that Aristotle approves of Solonian polity (“Aristotle and democracy.” *The Classical Quarterly (New Series)*, 42.01 1992, p. 126) but does not explicitly comment on Part 1’s multitude except to say (confusingly) in back-to-back sentences (on p. 117) both that Part 1 is true of some multitude but that Part 2 is a compromise; on p. 126 he says that because Aristotle approves of the Solonian regime the Solonian multitude must be agricultural (and so also is the multitude of 3.11?), though he (Lintott) then goes on to discuss the middle class. Lintott’s paper is also confusing because he treats polity as a form of “democracy” (presumably in a wide sense, of plethocracy or “popular” government). Pianka is explicitly non-committal (p. 123). I sympathize with this, but in Pianka’s case this non-judgment is reached in part because, taking the multitude to be the same throughout, he cannot reconcile the first multitude’s sovereignty with the second’s “limited” (p. 122) powers. He does recognize, however, that, as I discuss here, the regime of the second multitude has “a number of salient characteristics in common with the so-called polity” (p. 123). Kraut is perhaps excessively non-committal in so far as he does not attempt to distinguish between multitudes in 3.11 and so concludes that “Precisely what the role of the ordinary citizen ought to be will vary from one city to another <...> the many do not have the same character in all cities” (p. 409).

deliberating and judging (1281b31, 3.11.8, *tou bouleuesthai kai krinein*), and specifically, that the multitude of such people can, alongside the betters, elect and audit officials.

What part does electing and auditing play in politics? Deliberating and judging are two of the main types of participation in government. Aristotle writes, “There are, then, three parts in all regimes with respect to which the excellent lawgiver must attempt to discern what is advantageous for each. <...> one is the part that is to deliberate about common matters; the second, the part connected with offices <...> and the third, the adjudicative part” (4.14.1-2).

Concerning deliberation, Aristotle lists the main matters as war and peace, alliances and their dissolution, laws, judicial cases carrying a penalty of death or exile or confiscation, and audits. The main executive offices are listed in 6.8 as market overseer, city overseer, country overseer, treasurer, clerk of the court, arresting officers and wardens, military generals, financial auditor, deliberator. And in 4.14 the eight courts are those concerned with audits,³⁴ common matters, crimes affecting the regime, disputes over fines, large transactions, homicides (of which there are four subtypes), aliens, and small claims.

For each of these functions (deliberative, executive, adjudicative), a regime might declare that only some people can perform it (“from whom”) and/or that only some people have a say in choosing officers (“by whom”) and/or that that a specific method (“how”) is used to select the officer. It is democratic to make everyone eligible while it is oligarchic to restrict those who can stand; it is democratic to allow everyone a say in choosing officers

³⁴ It is not clear how auditing fits into the categories of deliberating, executing, and judging, as it is listed under both deliberative and adjudicative functions. Notice also that the deliberative functions include *judging* cases in which the penalty will mean the effective end of the defendant. Notice also that electing and auditing is an indirect form of involvement in the executive offices. In sum, it’s not clear which exactly are the deliberative functions and it is difficult, moreover, to keep them strictly separated from the executive offices and (especially) the judicial functions. Aristotle’s tripartite classification of the functions of government does *not* seem to be based on a well-grounded distinction between deliberative (What shall we do?), executive (Do!), and adjudicative (Was it well done?) offices and the division seems to be influenced by historical precedent, that is, by the powers the most powerful bodies takes for themselves, regardless of their type; the functions are defined by the practice of the body and not the other way around. This is an odd thought but it helps explain why Aristotle does not offer a theory of division of powers. Robinson remarks (p. 629), “Why did he [Aristotle] not ... assign each function [legislative, executive, adjudicative] to a separate organ? Had he done so, he would have anticipated Locke and Montesquieu. But this combination, obvious as it seems to-day, was not possible. <...> For the division of power in ... its modern form rests upon one fact alone – that the sovereign does not act directly except when ordaining and amending the constitution <...> the modern division of power was in ancient times, not only impossible, but even inconceivable.” See also Mulgan 1974 pp. 58-60 for a discussion of the interweaving of the three and the smaller role that legislation plays in Greek political practice.

while it is oligarchic to restrict those who have a say, and, it is democratic to choose by lot while it is oligarchic to choose by election.

There is thus a bewildering number of possible ways to organize a polis and establish a regime.

The multitude of 3.11 Part 2 participates in two of the three main types of political function and deliberates on one of the five main matters. The executive offices, the judiciary, and the other deliberative functions, it seems, would be undertaken by those who are not poor. Certainly, Aristotle in 3.11 makes it clear that the members of the second multitude are unsuitable for the greatest executive offices – “through injustice and imprudence they would act unjustly in some respects and err in others” (1281b27, 3.11.7) – nor does it appear necessary to award either the greater or the lesser executive offices to this multitude in order to make it friendly to the polis; merely having the power to elect and to audit is enough.

We can thus say that the regime of 3.11 Part 2 is a mixed regime, in the sense that some functions are allocated to/among one type of person while others are allocated to others.³⁵ The term “mixed regime” in its basic sense of having some offices filled by some and others by others, applies very broadly. There are mixed forms of oligarchy, democracy, polity, and so-called aristocracy, and thus it is possible that the regime of Part 2 is a democracy. We must consider which of the functions are the basis for naming a regime a mixed version of one of the six main types.

Unfortunately, no theory of the balance of powers is given by Aristotle, not even a theory of the deliberative functions, which in a number of places he asserts are “authoritative” (1299a1, 4.14.16; 1316b30, 6.1.1³⁶). He does not explicitly tie the various ways of dividing up the deliberative powers and their ‘from whom’ and ‘by whom’ to the

³⁵ There is another sense of “mixed regime” in which a variety of mechanisms are used for allocating functions and/or offices to groups and/or individuals but they all come from the same broader pool. In 4.14, Aristotle describes a number of ways in which regimes might be described as having “all decide concerning all”, such as having the members of the broad group take turns, or having a general assembly consider some matters and sub-groups or individuals *from the same broad group* consider other matters. He also describes a number of ways in which regimes might be described as having “some decide in all matters”, and this also includes having all consider some matters and some consider other matters. The assumption that the broader group is different in the former, democratic, arrangement, from the latter, oligarchic, arrangement explains how these superficially identical arrangements are in fact different and have their respective characters: in the former case, the broader group is the free poor, who sit together for some deliberations but have more exclusive groups for other deliberations, while in the latter case, the broader group is the rich, who likewise decide some matters collectively but leave others to more exclusive bodies or individuals.

³⁶ See Mulgan 1970 p. 519 and footnotes 6, 7, and 8 for discussion and textual references concerning the difficulty in equating any one of the three with political authority.

different forms of regime; he merely gives a survey of oligarchic-leaning and democratic-leaning devices. As a substitute, then, our only recourse is an examination of the power structures of regimes named and described by Aristotle while comparing these to the regime of 3.11 Part 2.³⁷

We begin with the thought that the regime of 3.11 Part 2 can be an oligarchy. If this claim could be made good, we could conclude forthwith that granting the many the power to elect and audit officials does not necessarily create a democracy. The evidence we have, however, does not quite make the case.

At 1309a29, 5.8.21 Aristotle advises lawgivers generally to “assign equality or precedence to those who participate least in the regime ... in all respects other than the authoritative offices of the regime”. In an oligarchy, this would mean admitting some of the poor to some lesser functions while reserving the real power for the oligarchs. And at 1305b30, 5.6.6 he remarks that oligarchies can stabilize themselves by letting the many elect officials. This advice runs contrary to the descriptions of oligarchy in 4.5 and 4.6, all of which begin with citizenship being based on a high property qualification, but Aristotle is clear that it applies to an oligarchy. He must therefore think it possible to divide up the offices in such a way that the regime, although mixed, is an oligarchy. We learn from the admission that electing officials is not considered to be one of the authoritative offices: if this regime grants the power electing officials to the multitude but remains an oligarchy, then the authoritative offices have not been given away.

The multitude of 3.11, on the other hand, is admitted to both the electing *and auditing* of officials and so the mixed oligarchy of 5.6.6 is not a perfect match with the regime of 3.11 Part 2. We might argue that electing and auditing are similar powers but since we know little about how much power each of these has for Aristotle, for now we will move on to examples of polity.

A polity is formed by mixing features of democratic and oligarchic regimes, either by implementing the arrangements of both (with respect to a certain aspect of government), by finding the mean between them (on a certain aspect), or by making a selection from each (on different aspects). An example of ‘both’ is fining the rich for non-attendance and paying the poor for attendance. An example of ‘the mean’ is setting a low property qualification. An

³⁷ At the opening of book 6, Aristotle promises to discuss various mixes where the three branches are in the hands of different groups, but this discussion is missing from *Politics* as we have it.

example of ‘selection’ is both fining the rich for non-attendance and paying the poor.³⁸

The result should be a regime that can be described as both an oligarchy and a democracy or neither.³⁹ His example is the Spartan regime, of which he writes, “Of the two great offices, one [the senators] is elected by the people, while they take part in⁴⁰ the other [the board of five overseers]” and the board of overseers “has authority by itself over the greatest matters among them” (1270b9, 2.9.19).⁴¹ The Lakedaimonian *dēmos* plays a substantial role in Spartan politics.⁴² Its power is such that one might wonder why it is a polity and not a democracy. The answer is that in other respects it is substantially oligarchic: the senators are elected on the basis of virtue and a small body (presumably of elites) has authority over capital cases (1294b28-35, 4.9.9). Most importantly, even the Ephors (overseers) are elected, rather than chosen by lot. This is an oligarchic dimension to an otherwise popular body, as elections discourage the least able people from standing. Finally, the whole culture of the regime has the semi-aristocratic goal of military virtue as an aim. The regime, overall, is “finely mixed”⁴³ (1294b36) though if it is a polity it leans more

³⁸ For the forms of polity, see 4.7-9, 4.11-12, and 5.7.

³⁹ Although roughly even in its distribution of power, a regime that “leans toward” (*tas apoklinousas*) the multitude is a polity and (one form of) a regime that leans toward oligarchy is (mistakenly) called a so-called aristocracy (1293b34, 4.8.3). That authoritativeness comes in degrees is suggested when in 3.7 (when first surveying the different types of regime) Aristotle speaks of the hoplite class being “the most” authoritative in polity (*kata tautēn tēn politeian kuriōtaton ta propolemoun*, 1279b3, 3.7.4). Thus, even in a regime where the hoplite class is most authoritative, it is possible to be confused about the nature of the regime.

⁴⁰ According to 1270b9, 2.9.19, the board is filled entirely from the people. See also 1272b37, 2.11.3: “drawn from average persons”.

⁴¹ In 2.9, Aristotle writes that the rise in power of the Ephors (the overseers) has harmed the regime in two ways: because it is elected from the people or from all, the Ephorate itself is now subject to corruption when very poor people are elected, and, because of its power, the (two) kings are beholden to it. The result of this double harm to the regime is that “from an aristocracy it has become a democracy”. (1270b17, 2.9.20) I take it that Aristotle means here that the democratic element within the regime has usurped the aristocratic one, (or most of it, for the Elders/senators are elected on the basis of merit, though, because they are not audited, they are subject to corruption (1271a1-5, 2.9.26)). If Aristotle meant that the regime had straight out become a democracy, he would not say in the next sentence that “all parts of the city wish it to be preserved” (1270b21, 2.9.22) nor would it be treated in book 2 as one of the regimes “justly held in high repute” (1273b26, 2.11.16), nor would it serve as an example of polity.

⁴² In Carthage, the people’s power is even greater: the king and the senators together set legislation, but if these cannot agree, the matter comes before the people for decision (1273a6, 2.11.5).

⁴³ In 2.12.2 (1273b40), Solon is also said to have established a regime that is “finely mixed – the council of the Areiopagos being oligarchic, the element of elective offices being aristocratic, and the courts being popular”. This judgment – that this regime is finely mixed – is what “some say” and not necessarily endorsed by Aristotle: his next thought has to do rather with the claim that this mixture

towards democracy than oligarchy.⁴⁴

Aristotle's account of the Spartan regimes as one that can be described as both oligarchy and democracy is informative for our purposes. The Spartan regime gives much stronger powers to the people than the regime of 3.11 Part 2, being restricted to electing and auditing and, even though it might have other powers, does not dominate (and perhaps is not even allowed to participate in) the body which deliberates on the most important matters. If the Spartan regime is a polity, and the power of its multitude is greater than that of the regime of 3.11 Part 2, it is certainly possible that that regime (in 3.11 Part 2) can be a polity (or a more oligarchic-leaning regime) and not — and this is the current point — a democracy.

One might object to the claim that the regime of 3.11 Part 2 is a polity on the grounds that polity is also described (in 3.7 though not explicitly in 4.11) as the “middle” regime, meaning the regime in which the moderately wealthy hoplite class – the middle class – is authoritative. 3.11, by contrast, admits the poor. The argument would be that if a regime admits these to any role *at all*, it is not a polity.

But the middle class being authoritative does not mean that it is the only class in government, or even the only class in the offices allocated to the multitude. Indeed, the middle class is described as being a counterweight to the rich and the poor; it need only be superior to one of these classes (the rich, the poor) so that it can act as a moderating force. (1295b39, 4.11.10) It must be granted that 3.11's multitude of free poor is large enough to be a political force that would fill the polis with enemies if ignored, but it might be so without making polity impossible.

We turn now to democracy. One way that the regime of 3.11 Part 2 could be a democracy is if additional powers are in fact granted to this multitude. Someone who wants to argue that the regime of Part 2 is a democracy might thus suggest that the second multitude's participation in deliberation and judgment by electing and auditing officials is just *one type* of deliberating and judging and that it is in fact being admitted generally to

was *Solon's* doing.

⁴⁴ In 2.11, the Carthaginian so-called aristocracy is criticized for leaning in some respects too far towards democracy in that, in addition to a similar set-up to the Spartan regime, rather than giving the *ekklēsia* the right to hear the decisions of the kings and senators, it allows the many to decide questions when the officials disagree and also gives anyone the right of speaking on the decisions (1273a10, 2.11.6). And yet (despite its democratic excesses) the regime of Carthage is probably a polity.

deliberative office, perhaps on the grounds that perception is used in all kinds of deliberation. And if the deliberative offices are authoritative, then the regime is a democracy.

However, in Parts 3 and 4 of 3.11, in which Aristotle considers two oligarchic objections, he talks only about these specific functions — electing and auditing — and not about criminal trials or deciding on current affairs or establishing law (for example). The first objection is that auditing is properly undertaken by fellow practitioners (in this case, other officials). The second objection is that, by auditing them, it might be unseemly that the multitude has power over their superiors. Both objections concern auditing specifically. Thus, while “perception” might well be involved in other deliberative and judicial activities, its application is limited here to electing and auditing.⁴⁵

In this way, Aristotle does not appear, in 3.11 Part 2 at least, to be opening up the multitude to additional powers.

But perhaps additional powers are *assumed*. Every (historical) regime, before and after Solon, had an *ekklēsia* (assembly). And this explains why Aristotle can write in 3.11 Part 4 (1282a29, 3.11.15) that the powers of electing and auditing are in some regimes given to the *ekklēsia*. He does not mean that the *ekklēsia* is *founded* with these powers, but rather than these are additional powers granted to it.

What powers did the *ekklēsia* traditionally have? Ancient assemblies had the right to hear the decisions of the king and to approve them, and this “approval” could truthfully mean approval or rejection. However, even if the *ekklēsia* could veto a certain proposal, it could not deliberate and develop its own proposals.⁴⁶ As noted above,⁴⁷ Aristotle thinks control over ‘first and last’ (i.e. the first and last stages of deliberation) is important. An *ekklēsia* that can veto proposals thus has a certain amount of power, though not as much as the body which introduces the proposals.

Against these background powers, the powers of electing and (especially) auditing officials might be additional powers, brought in (by Solon and by Aristotle in 3.11 Part 2) to appease *a particular complaint* of the multitude, namely that they are unwilling to submit

⁴⁵ In *Ath. Pol.* 7.3 Aristotle states that the poorest of the Solonian classes, the thetes who generated fewer than 200 measures of wealth, had access only to “the assembly and the law court”. This might mean only that they took part in electing and auditing. So Andrewes p. 385.

⁴⁶ This was true of the Solonian assembly, although Hignett thinks that Solon’s reforms gave the multitude power over war and peace and to alter the laws once Solon’s embargo of ten years had passed. (*A History of the Athenian Constitution to the End of the Fifth Century BC*, Clarendon Press, 1962, p. 97)

⁴⁷ See footnote 6 above.

without question to the various executive officials of the regime. This is what is in fact said of the best democracy in 6.4. Aristotle explains how the peasant multitude, when it is authoritative, forms the best democracy and notes that if the peasant multitude has any ambition, it can be granted the power to elect and audit.⁴⁸

Thus it seems that the multitude has powers in addition to electing and auditing. Do these (combined) powers make the regime a democracy?

If regimes have always had an assembly, a regime can have an assembly and not be a democracy — but we do not know what the impact of adding electing and auditing might be. And, on the other hand, in the peasant democracy of 6.4 the multitude is already authoritative, even without electing and auditing, which are mentioned as additions, conditional on their ambition. The additional powers that this multitude acquires are mentioned in the trailing comment about the possibility of electing in shifts, which more fully reads “they have no [permanent] share in election to the [executive] offices but certain persons are elected to do this from all by turns, as at Mantinea, provided they have authority over deliberation” (1318b25, 6.4.4). Electing and auditing, that is, might only be granted in a limited form and the multitude’s ambition will still be sated, because they are already authoritative over deliberation. We’re not sure what Aristotle means by “deliberation” here but whatever form it takes, the same basic power might apply to 3.11’s multitude, that is, they have broader authority than electing and auditing and they might thereby form a democracy.

Is the democracy of 6.4 a fair comparison for the regime of 3.11, Part 2? Can we assume that Part 2’s multitude already has powers that make it authoritative? I think not. 3.11’s population is not necessarily dominated by a multitude; it has a sizable multitude but Aristotle gives no indication that it is (already) authoritative. Rather it seems that the second multitude, which is worse than the first, is being given only the minimum needed to placate it, without it already being authoritative.

Further, we see that Aristotle writes that “to give them no part (*mē metadidonai*) and for them to have no part in the offices (*mēde metechein*) is a matter for alarm”. The articulation of two kinds of (not) sharing is noteworthy: Aristotle notes that there is danger in

⁴⁸ He goes on to say that it is not necessary that an assembly of the whole be called in order to elect officials, it can be done by small groups in rotation, and this is still a democracy. At *Nicomachean Ethics* 1167b9, 9.6, in a discussion of concord, which he describes as “political friendship”, Aristotle writes that the phauloi have it only to a small extent “since in matters of benefit they aim at getting more than their share, and where exertion or public service is required they fall short.” The many, it seems, want to have a say in offices without being able to do the work or actually doing the work.

excluding this multitude from the regime generally and from offices.⁴⁹ It seems that the multitude under consideration in 3.11 Part 2 effectively has no power, and not just no say in the offices. Even if there are in fact some background functions of the *ekklēsia*, Aristotle seems to consider them as amounting to not participating in the regime. The solution is admission to ‘deliberation and judging’ and also, in a way, to executive offices. Although the second multitude is full of inferior individuals who cannot hold office individually, electing and auditing give the multitude some say over them: the power to elect officials and bring them to account is some surety against being abused by those people when in office. Aristotle writes, “for if the people did not even have authority over this, they would be enslaved and an enemy to the regime”. And for their part, the multitude doesn’t have to do any of the ruling itself. We can in this way understand why Aristotle thinks electing and auditing is sufficient to placate the multitude while being only the “most necessary power” (1274a14-7, 2.12.5).

In sum, although the comparison with 6.4 is suggestive, I don’t think that the situation described in 3.11 Part 2 is the same as it.

If the multitude does not already have powers which make it authoritative, perhaps electing and auditing are by themselves (in addition to the minor privileges of the ancient *ekklēsia*) sufficient to make the second multitude authoritative.

One way to argue for this proposition is to note that it was from the limited powers granted by Solon’s reforms that the full Athenian democracy emerged 200 years later. In the particular case of Athens, the establishment of a popular court of appeal eventually became the full dicastic system of classical Athens, by which the multitude rendered verdicts on all kinds of cases, and the assembly likewise had broad sway.

All of this was to come later, but one might argue that the limited powers of 3.11 Part 2 are enough to constitute a democracy because once the many have power over the elections and audits the aristocratic or wealthy candidates for offices (of all three kinds) must curry favor with the people in order to get elected and must act roughly in accord with the promises made in order to be honorably discharged.⁵⁰

⁴⁹ The words “in the offices” do not appear in the text; Lord supplies them from the context. This is a reasonable insertion and it is not clear what alternative reading there might be. In any case, by doubling the verbs here, Aristotle indicates that this multitude has no share in the regime worth mentioning.

⁵⁰ That the Athenian multitude did not immediately become sovereign is that in the years after Solon’s reforms, the strife in Athens was over the office of archon, not over access to the assembly. *Ath. Pol.* 13.1-2; Adcock, “The Reform Of The Athenian State” in *The Cambridge Ancient History* (1e), IV, Cambridge University Press, 1927, p. 60; Andrewes p. 392.

Were the office-holders of Solon's regime or other historical regimes influenced by the fact that they were elected and could be audited by the people? Aristotle himself writes of the Solonian regime:

There are also some who blame him [Solon] for dissolving the other elements of the existing regime by giving authority to the court, which was to be chosen from all by lot. For once this had become strong, they tried to gratify the people as if it were a tyrant, and altering the regime established the current democracy. (1274a3-7, 2.12.3-4)

The power of auditing officials had previously rested with the Areiopagos⁵¹ but now the final say rested in the hands of the many in the guise of the *hēliaia*, the assembly sitting as a court.⁵² Aristotle also mentions that at Larisa, where the oligarchs were elected by the people, a revolution resulted, and says that this is a risk in all scenarios where the assessments are high (and the politeuma is small) and a multitude elects (1305b30-39, 5.6.6). The oligarchs, because they are elected, curry favor with the electorate, be it the middle class or the people (b33).

In this way, it might seem that the multitude of Solon's Athens and of 3.11 Part 2 not only becomes authoritative but takes over the whole regime when it is admitted to electing and auditing.

Is it possible to give the free multitude the right to elect and audit without bringing about (immediately or inevitably) a democracy? It certainly seems that Solon's intent was only, as Aristotle himself puts it, to end an oligarchy that was too extreme (1273b38, 2.12.2). He cancelled the debts of the poor and made it illegal for a person to give himself as surety, but he aimed to give neither the poor nor the rich exactly what it wanted.⁵³ At 1274a12 Aristotle continues the passage above by saying that the eventual democracy

appears to have happened coincidentally rather than in accordance with the intention of Solon. For because the people were the cause of [Athens's] naval supremacy during the Persian wars, they began

⁵¹ Ostwald, *From Popular Sovereignty to the Sovereignty of the Law*, Berkeley, Los Angeles, and London, U. of California Press, 1986, p. 7.

⁵² See Ostwald pp. 10-12 for discussion of this claim.

⁵³ From the Aristotelian *Ath. Pol.* 12: "To the people I [Solon] gave as much privilege as was enough for them." Andrewes (p. 390) writes "In contrast to the censure of the rich reported at *Ath. Pol.* 5, these [fragments in *Ath. Pol.* 12] mainly rebuke the *demos*, and may have been selected by Aristotle to refute the fourth-century view <...> that Solon was responsible for the form contemporary democracy had taken." Adcock (p. 37; see also p. 49): "He was as bold in resisting the undue claims of the poor as in assailing the injustice of the rich." *Ath. Pol.* 2 repeats the claim that the regime prior to Solon was "oligarchic in every way" and adds that the masses "had no share in anything". It is unlikely, then, that the regime resulting from Solon's reforms is a democracy in which the poor are dominant; rather, Solon's aim is to redress the grievances of the poor and moderate the oligarchy.

to have high thoughts to obtain mean persons as popular leaders <...> Solon seems, at any rate, to have granted only the most necessary power to the people, that of electing to office and auditing; for if the people did not even have authority over this, they would be enslaved and an enemy to the regime.

As Aristotle says, the development of democracy among the Athenians was the product of a variety of factors, including naval technology.⁵⁴

More importantly, Aristotle's attention to, and espousal of, polity, along with the existence and stability of mixed regimes, such as those of the Spartans, Cretans, and Carthaginians,⁵⁵ shows that granting these powers to a multitude does not make democracy inevitable. Aristotle thus presumably thinks that it is possible to arrange things so that the regime is well balanced and none of its factions – including the poor – would prefer a different regime (1294b34, 4.9.10; 1297a40, 4.13.6; 1270b21, 2.9.22).

The problem with the narrow oligarchies involving elections by a multitude (mentioned above, from *Politics* 5.5.6) is that these regimes do not give everyone a reason for wanting the regime to continue: the rulers are so few that other notables are excluded, and it is these who promise increased power to the multitude in return for electoral support.

We cannot thus conclude on these grounds that Solon's regime, or the regime of 3.11 Part 2, is a democracy on the grounds that electing and auditing by themselves make it authoritative or inevitably will make it authoritative.

But the proponent of making the regime of Part 2 a democracy might well say that there can be a democracy without extreme changes such as the notables playing to the many or the development of extreme democracy. To put it another way (the proponent will continue), "sovereign" doesn't have to mean that the multitude rules and everyone else is ruled. That is the crude understanding of 'sovereignty' but Aristotle is arguing against precisely this understanding and in favor of mixed structures. There are lesser (and better) democracies, and in these a multitude is authoritative even though power is shared with others. Might there be any reason to think that the regime in which a multitude elects and audits is a moderate democracy?

The strongest reason for thinking so is that Solon's regime in 2.12 is called "the traditional (*patrios*) democracy".⁵⁶ The Solonian regime as Aristotle understands it has a

⁵⁴ Adcock (p. 56) thinks economic prosperity and devaluation of the drachma play a role.

⁵⁵ Also the Malian regime (1297b14, 4.13.9) which admitted present and former hoplites to the citizen body. Greenidge (p. 107) attributes Spartan stability to its central role within the Peloponnesian confederacy.

⁵⁶ At 1305a29, 5.5.10, Aristotle writes that revolution in democracy sometimes moves "from

council filled on the basis of wealth, executive offices filled on the basis of virtue, and a multitude that elects officials and is the final word in cases of malfeasance while in office. And if we take it that the Solonian assembly was weak and that the multitude had no other powers beyond approving proposals, we have an example of a democracy without requiring the powers that seem to have been assumed of the peasant democracy of 6.4.⁵⁷ And the powers of the multitude in the Solonian regime are those of the multitude of 3.11 Part 2, which is thus also a democracy: these minimal powers make the multitude authoritative.

Undermining this reasoning is the fact that the term used to describe the Solonian regime, “the traditional democracy”, is a loaded one, used by later politicians who attempt to associate their proposals with a venerable regime of the past. Aristotle realizes that not everything that is attributed to Solon is genuine (1274a11, 2.12)⁵⁸ and so he might well be

traditional democracy to the most recent sort.”

⁵⁷ It would still *be* a ‘best democracy’; the point of the argument would be to show that the other powers of 6.4 are not necessary in order to declare the regime a democracy. The conceptual space does not exist for an “even milder” democracy without making the regime a polity.

⁵⁸ Adcock describes it as “the disturbing attraction of the personality of Solon” (pp. 31-2; also p. 42 and pp. 51-2). Hignett says that Aristotle “hardly realized to what extent the truth had been distorted by a false historical tradition.” (p. 89) Andrewes describes Plutarch’s claim that the Areiopagos was created by Solon as “a misunderstanding assisted by the Athenian tendency to ascribe all their institutions to the great lawgiver” (p. 365; see also pp. 372, 375, 384). See also Hignett pp. 18-21 and p. 80. Hignett argues (p. 92 ff.) that the Council of 400 mentioned in the *Ath. Pol.* as having been established by Solon did not exist and that its presence in the Aristotelian *Athenaion Politeia* is a myth that has passed into the collective memory, that the (much later) council of 500 was referred back to a Solonian council of 400. Andrewes accepts this council as Solonian (pp. 365 and 387), though he notes (on pp. 387-8) that nothing is heard of this council in the years after 594, which is also noted by Adcock (p. 53), who thinks that the existence of such a council does not in any case mean that Solon created a democracy (p. 54). We (present-day ancient political theorists but perhaps not Aristotle) know the powers of electing and auditing were in practice less than they would become in the classical period. Concerning elections, although the people had the power to elect officials, the candidates were constrained by the property qualification and could in practice allocate the offices to themselves (Adcock p. 49; Hignett p. 79, 84, 89; Ostwald pp. 9-14, 40). And auditing in the time of Solon did not mean (as it would in classical Athens) an automatic audit for all office-holders at the end of their term; rather it meant that charges could be brought against officials to the Areiopagos (a body of elites) and that these could be appealed to the new court of appeals (*hēliaia*), which was a popular body. Andrewes (p. 388) takes the reform to be that anyone could appeal *any* decision of an archon before the *hēliaia*. Perhaps this is substantially in agreement with Hignett, if appealing an archon’s decision is to accuse him of malfeasance; Adcock (p. 56) makes this connection. It is possible that the right of appeal (*epheisis*) is what Aristotle is thinking of when he mentions audits; this at least is one way of resolving the competing claims that the Areiopagos had control over audits and the *ekklēsia* was given the power to audit. See Ostwald pp. 12-14 and Hignett p. 204; Hignett writes: “it is clear from other references in the *Politics* that in this passage [2.12 and 3.11] he must be using *euthunein* in a wider sense [than the regular auditing of officials].” Hignett accepts Wilamowitz’s conjecture that the *hēliaia* was a court for magistrates to appeal to when they wanted to exceed the limits placed on the punishments they could mete out (p. 97). If correct, the usefulness of the power in placating the multitude is even less than otherwise. Whatever its nature, it seems that at the time this

using it with a knowing wink, “the *so-called* traditional democracy”.

Another reason for caution concerning the meaning of the term “traditional democracy” is that “the regimes we now call polities used to be called democracies” (1297b24, 4.13.11). It thus follows that what are referred to as democracies in historical contexts, certainly when referred to by others, will be polities rather than democracies. The “traditional democracy” of Solonian Athens meets both of these criteria and so is probably a polity rather than a democracy.

Why might the ancient polities have been called democracies? The history of Greek politics is the gradual expansion of participation in government, from monarchy⁵⁹ to aristocracy to polity. Although in Aristotle’s political theory, “democracy” is the name of a deviant regime-type, deriving no doubt from the extreme democracies that have lately come into existence in various Greek cities, throughout the history of the expansion from kings to nobles to middle class, the term does not have this connotation, of admitting the peasants and the craftsmen. As Aristotle notes, kingships first expanded to include cavalymen and then those who could serve as hoplites (1297b17-24, 4.13.10). As additional people are successively brought into government, the new inductees are always “the people” and “democracy” is used to describe the newly formed regime. The terms perhaps did not apply to the very first historical steps – e.g. at Athens, the move from a single king to a second and third (polemarch and archon) and then to nine – but perhaps were applied as early as the expansion of power from those who participate in hereditary aristocracies to the nobles generally. Even the regime of (king) Theseus was described by ancient historians as a democracy!⁶⁰

In this way, there have been a succession of “the people”s, agitating for a new “democracy”, no matter how narrow the regime is from the perspective of late-stage Athenian democracy. A democracy in this sense, then, is any regime in which the franchise is expanding and in particular any regime that gives a role to the peasants (and in latter-day democracies, to artisans and traders). That role might be quite limited, but their inclusion at

appeal was rarely used and that the conduct of audits was “firmly in the hands of the Areiopagos” (Ostwald p. 14). The same is said of the process of vetting elected candidates and assigning them to their magistracies. The *ekklēsia* similarly is thought to have been “ill-organised” (Greenidge p. 136) and that it generally “counted for little more than it did in the Homeric poems” (Hignett p. 79).

⁵⁹ Aristotle notes the concentration of powers in a single individual at 1305a16, 5.5.8.

⁶⁰ Hignett pp. 48-9.

all is enough to warrant the (no doubt alarmist!) name “democracy”.⁶¹ This is one sense of “democracy”: any regime which admits into government a wider body than previously. In another sense, “democracy” means any regime which admits the many on the basis of their birth and regardless of wealth (i.e. the “people” as it would be understood in classical Greece) to some limited role; and finally, it means the regime-forms in which the people have become dominant.

Now, when Aristotle notes that present-day polities would have been called democracies (1297b24, 4.13.11), the context shows that he means that the regimes that admitted the hoplite multitude would have been considered democracies. The traditional democracy of Solonian Athens has already reached this point and the Solonian reforms surpass it,⁶² admitting for the first time in Athenian political history the people (*dēmos*) in something close to the form that they take in contemporary (4th century BCE) times. This ‘people’ comprises those who are free and citizen-born, both peasants and artisans.⁶³

Because Solon’s multitude is not the hoplite multitude, we cannot conclude that Solon’s traditional democracy is not a democracy but a polity; we are not able to determine its nature. And the regime formed by the multitude of 3.11 Part 2 is different again, in that that multitude has fewer powers than in Solon’s regime. It thus is less democratic than Solonian Athens, but since Solon’s regime might yet be a democracy, so might the regime of 3.11 Part 2.

We are thus left in confusion about the precise nature of a regime that allocates

⁶¹ This history also helps explain why Aristotle includes the form “so-called aristocracy”. The type is unfamiliar to our ears, as we take democracies as our starting point and refer other regimes to them, but for Aristotle a so-called aristocracy is *an aristocracy* that has (over time) blended some popular measures into its constitution. For aristocracies are what (properly) came before the age of broad regimes, as the king would extend power to those others who were notable, and this process then went on to include the middle class on the basis of their virtue. The oligarchic claim of ‘wealth’ and the democratic claim of ‘freedom’. Solon is notable for changing the qualification for office from birth/virtue to wealth. Andrewes interprets: “It implies that Solon was under considerable pressure from a class of men who felt themselves entitled to take a hand in public affairs but had hitherto been excluded by the criterion of birth” (pp. 385-6). Aristotle criticizes the Carthaginians, for example, for basing the greater offices on wealth rather than virtue (1273a22-38, 2.11.8-10). Polity, while a correct regime, is likewise a corruption of aristocratic values, in which the executive offices are filled on the basis of wealth rather than virtue.

⁶² The forms of democracy listed in 4.4 and 4.6 go from admitting those who can meet a small assessment, to those of unquestioned descent, to those who are free persons.

⁶³ Aristotle is not comfortable with this understanding of ‘the people’, especially in so far as it is tied to ‘the citizen’, as the chapter-long discussion (3.5) of whether or not manual laborers should be citizens reveals.

electing and auditing to a multitude. It appears unlikely that the regime of Part 2 is a democracy, but this cannot be concluded with absolute certainty. What we can conclude, however, is that the regime of 3.11 Part 2 is not necessarily a democracy. It could be a polity or a moderate oligarchy. Which regime, precisely, is formed depends on the distribution of *other* powers, and in 3.11 Aristotle's focus is not on continuing his typology of regimes but to argue that no one group should hold power exclusively.

5. Summary

Politics chapters 3.10 to 3.13 concern the question of which group should (*dei*) be authoritative. And Aristotle starts the discussion (in 3.10) by throwing out the deviant regimes: the poor will abuse the rich, acting by force, as the tyrant does, and the rich will abuse the poor. What about the good? But this disenfranchises many. Well, then, how about the many? Not the many from 3.10 but a *political* many, the hoplite multitude. They have an interesting argument, though the answer (in 3.13) to the original problem will be that when the best and the rich and the political multitude compete, no one group should rule exclusively, (which for Aristotle immediately raises a concern about the status of the divine individual, including a discussion of ostracism for those who are preeminent in terms of strength or wealth or political connections (1284b27), ultimately leading to the “glad obedience” of a willing population under such a person (1284b32); mixed rule turns into exclusive rule by acclamation).

When Aristotle asks in Part 2 what powers *the poor* should have, he is taking a detour from his main question. Even though we are not in the “useful” books (4, 5, 6), Aristotle in Parts 2 to 5 of 3.11 sees an opportunity to apply a mode of thinking that was used to answer the lead question (i.e. the collective wisdom of a multitude) to a practical question: if there is a substantial multitude of free poor, what should follow, constitutionally? And even though he asks what power the poor multitude should have, the “should” of Part 2 has a different basis from the one in 3.10 and in Part 1. The admission of the poor is based on stability, and Aristotle attempts to make their inclusion as palatable as possible, limiting their involvement to perceiving the character and actions of officials.

Once a distinction between the multitudes has been made, the question of what regime is formed in Part 2 is opened up; it is no longer necessary to think that, since the first multitude might be authoritative, the second is too. Conversely, it is no longer necessary to

think that, because the second is clearly a democratic multitude, that the first forms a democracy and that Aristotle approves of democracy. Rather, he approves of polity in Part 1, and in Part 2 the regime is not necessarily a democracy; it could be any mixed regime at all, so-called aristocracy, moderate oligarchy, polity, or moderate democracy. Aristotle's point is that some power must be granted to all those who have some claim to participate in government; the second multitude must be admitted, but the regime it joins is unlikely to be a democracy.

Cathal Woods
Virginia Wesleyan College

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