

# POLI 341: ANCIENT AND MEDIEVAL POLITICAL THOUGHT

## Session 6- ARISTOTLE'S RULE OF LAW AND DEFENSE OF PRIVATE PROPERTY

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# Session Overview

- In this session, we examine three aspects of the state on which Aristotle expresses some interesting views, his conception of law and his theory of private property.
- Aristotle's *De Politicis* is also covered in this session.
- We are particularly interested in three of them, namely: kinds of rule; authority; the rule of law; and laws to police Aristotle's Theory of Property also features prominently in this session.
- Aristotle argues that property is too good to be denied rulers.
- Our focus here is to explain this interesting disagreement between a teacher Plato and his student, Aristotle.
- Specifically, we will deal with a criticism of Plato's attitude to private property; Aristotle's justification and caution of the use of private property.

# Session outline

This session covers the following topics:

- Citizenship
- Rule of Law
- The Theory of Property

TOPIC ONE

# CITIZENSHIP

# Citizenship

- The nature of citizenship, like that of the state is a question which is often disputed: there is no general agreement on a single definition.
- It is therefore not surprising that Aristotle tries to define citizenship to suit his own purposes.
- He begins his definition of a citizen by first looking at those who do not qualify as citizens.
- In his view, a citizen proper is not one by virtue of residence in a given place because resident aliens and slaves share a common place of residence.
- The name of citizen can also not be given to those who share the right to sue and be sued in the courts because this right belongs also to aliens.

# Citizenship ; Citizenship

- He also insists that children who are too young to be entered on the roll of citizens and men who are too old to be excused from civic duties, can be described as citizens only in a qualified sense.
- For Aristotle, the young are undeveloped citizens and the old are superannuated citizens.
- Aristotle's definition, a citizen is the qualified sense is a man who takes part in the affairs of the state. As he puts it: "He who holds the right of sharing in deliberative or judicial office attains thereby the status of a citizen of his state"

# Citizenship ; Aristotle

- He therefore equates citizenship in a state to participation in its political life.
- Aristotle excludes slaves, resident foreigners, children, the aged and women, from citizenship.
- Similarly, Aristotle excludes all categories of workers from citizenship.
- While Aristotle is aware that in some states workers have full citizenship, in his view, they cannot by the nature of their occupation possess the qualities and abilities necessary for citizenship.
- Thus, for Aristotle, a citizen is one who has the ability and the chance to participate in government.

# Claims to Power

- Aristotle's principle that the law must be supreme also affects what he thinks are justifiable claims to power.
- Whereas in Plato's view, wisdom and virtue gives the philosopher king an absolute claim to power, Aristotle thinks no one class or group has such absolute claim to power.
- While he admits that property has moral consequences and too important to be completely left out of the picture, he still thinks, wealth does not have absolute moral claim to power because the state is not a trading company.
- Similarly, while good birth, good education and good association are important as claims to political influence, Aristotle insists that, often those who profess to be wise persons may be wrong.
- The law, as an impersonal authority, is less subject to passion than men can claim to be.



TOPIC TWO

RULE OF LAW

# Kinds of Rule/Authority

- Aristotle makes distinction between different kinds of rule or authority:
  - the rule of a ruler over his subjects (political authority),
  - the rule of the master over his slaves, and
  - the rule of the husband/father over his family (children/wife).
- He points out that the authority of a constitutional ruler over his subjects is different from that of a master over his slaves.
- Political authority differs also from that which a man exercises over his wife and children.

# Kinds of Rule/Authority ;cont'd

- In the case of the wife, Aristotle believes that women are too different in nature from men, though not necessarily inferior, to stand with them on equal footing.
- The child is not an adult, and even though he is ruled for his own good, he is still not in a position for equality with his father.
- Thus, what distinguishes political authority from the authority of the household is the sense of equality between the ruler and the ruled.

# The Rule of Law

- What Aristotle says about the rule of law is related to his response as to whether it is better to be ruled by a best man or the best laws?
- For Aristotle, in any good state, the law must be the ultimate sovereign and not any person whatsoever. This is known as the supremacy of the law. He gives three reasons for this:
- Even the wisest ruler cannot do without law because the law has an impersonal quality which no man however good, can attain.
- To him, the law is superior to the wisest ruler because it is the collective wisdom of a people.
- The law also gives to the ruled the authority which a good ruler could not otherwise have.
- Ruling according to the law is consistent with the dignity of the subjects and allows the ruler to rule over willing subjects and not by force.

# The Rule of Law ;cont'd

- Aristotle's view, therefore, the supremacy of the law is not a concession to human weakness or an unfortunate necessity but an intrinsic part of good government and therefore a characteristic of the ideal state.
- Aristotle identifies three elements of ruling according to the law (i.e. constitutional rule).
- First, it is a rule in the public interest and differs as from a factional rule which is in the interest of a particular group or tyrannical rule which is in the interest of an individual.
- Secondly, it is lawful rule in the sense that government is carried on by general regulations and not by arbitrary decrees.
- Finally, constitutional rule means the government of willing subjects and not one which is supported merely by force.

TOPIC THREE

# **THE THEORY OF PROPERTY**

# Rejection of Plato's Attitude to Private Property

- Private ownership of property is one of the major issues over which Aristotle does not agree with his teacher, Plato.
- For Plato, private ownership of property by rulers poses a possible threat to the society.
- For Plato, private interests distract a man from his duties to the community; private property leads to nothing but disunity in society; and the pursuit of riches corrupts government and disrupts society.
- Because Plato has no doubt about the harmful effects of private property on government and society, he insists that rulers should not own private property.
- In his view, to cure the greed of rulers, there is no way short of denying them the right to call anything their own.
- He, therefore, abolishes private property, (whether houses, land or money), to the rulers.
- But Aristotle criticizes Plato's abolition of private property.
- He argues that we do not necessarily get rid of evils by changing institutions since the fault may lie in human nature and not in the system of private property.

# Aristotle's Support for Private Property

- Aristotle indicates that communal ownership of property is difficult to achieve even at the best of times, because such a property is often treated with the carelessness that is often shown what belongs to other people.
- First, the instinct to possess is natural: every man bears love towards himself and every man likes to have a bit of property he can call his own, and Aristotle thinks nature has made it so.
  - He however, condemns selfishness which he describes as excessive love to oneself.
- Secondly, there is immense pleasure to be derived from a sense of ownership. Ownership is virtuous and makes life worth living.
- Thirdly, private ownership is an incentive for an individual to continue working hard.
- Fourthly liberality (kindness, open-handedness, generosity, etc.) is another justification for private ownership of property.
- Finally, private property is also beneficial to society as a whole.



# Aristotle's Caution on Private Property

- Aristotle, however, condemns excessive acquisition of private property and he illustrates this in an interesting way.
- Aristotle sees wealth as a mode of instruments to be used in a household or in a state and not something to be pursued as an end in itself.
- The essential thing about an instrument is that its dimension is limited by the function to which it is intended. For example, a hammer must be heavy enough to drive in a nail but not so heavy that it cannot be lifted.
- The end to which wealth is an instrument is the good life within the household or in the state.

# Aristotle's Caution on Private Property

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- When the art of acquisition is not related to its end, it becomes an unnatural form of acquisition and therefore wrong.
- The household or state therefore should not aim at producing the greatest amount of wealth but the right amount.
- Aristotle is also conscious of the fact that excessive acquisition of private property can be dangerous to the harmony and stability of the state.

# Aristotle's Caution on Private Property

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- That is why he advocates a society in which the middle class should be the largest and the strongest.
- Where some possess much and others nothing, a tyrannical government will result.
- Aristotle sees the evils that occur in relation to private property as due to the excess of human nature and the cure is not the abolition of private property but the moral training of man.
- To Aristotle, the beginning of reform is not so much to equalize property as to train the noble sort of nature not to desire more and to prevent the lower from getting any.
- The legislator therefore must aim at equitable not equal distribution of property.