

Why Are Democracy and Oligarchy the Most Important ‘Constitutions’ in Aristotle’s View and How Do They Fundamentally Differ?*

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Abstract: According to Aristotle, democracy and oligarchy are empirically the most widespread and analytically fundamental ‘constitutions’. I analyse how in different places in his *Politics* Aristotle ‘positively’ defines and differentiates between democracy and oligarchy. At the same time, I substantiate in detail a new interpretation of Aristotle’s view that significantly differs from the current interpretation. ‘Combining’ the elements, procedures, and principles of democracy and oligarchy gives rise to mixed ‘constitutions’, a special place among which is occupied by the polity or republic, which is the best regime ‘for most states and for most people’. I show the ways in which, according to Aristotle, it is possible to form such a regime. Carl Schmitt and, later somewhat differently, Bernard Manin draw a link between Aristotle’s mixed regime and the representative democracies of today.

Keywords: Aristotle, democracy, oligarchy, equality and inequality, mixed ‘constitutions’, polity or republic, representative democracy, elections

Sociologický časopis / Czech Sociological Review, 2024, Vol. 60, No. 2: 187–211

<https://doi.org/10.13060/csr.2023.033>

* I have already outlined some of the ideas of this essay in my earlier article ‘Aristotelova politická sociologie a moderní reprezentativní demokracie’ (Aristotle’s Political Sociology and Modern Representative Democracy) (see Novák 2001). I thank Michal Janata and Jaroslav Rytíř, as well as the two anonymous reviewers of *Sociologický časopis/Czech Sociological Review*, for their valuable comments on a preliminary version of the text.

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Introduction

In Aristotle's *Politics*¹ a distinction can be made between the 'speculative' and the 'positive' approach.² If we focus on the study of political regimes ('constitutions', for the speculative approach the essential regimes are the perfect aristocracy and its limit case, which is the total kingdom (παμβασιλεία, i. e. pambasileia). However, here I will deal primarily with the positive approach, for which the basic regimes are democracy and oligarchy, which, according to Aristotle, were empirically the most widespread regimes not only in Greece and not only in his time.

The aim of this paper is to explain how Aristotle analyse these two regimes and, in particular, to provide a detailed justification for a new interpretation of Aristotle's 'positive' definition of democracy and oligarchy, which differs significantly from the standard interpretation as formulated most notably by Richard G. Mulgan. After discussing democracy and oligarchy, I will consider mixed regimes, which are formed by 'mixing' the elements, procedures, and principles of democracy and oligarchy. Among these mixed regimes, according to Aristotle, a special position is occupied by the polity or the republic as the regime that is best for most cities and for most people.

Different approaches in Aristotle's *Politics*

Many of the differences in Aristotle's *Politics* stem from the fact that Aristotle typically employs not one but at least two distinct approaches. When Aristotle states that oligarchy is a 'deviation'³ from aristocracy or that democracy is a deviation from polity, i.e. constitutional government (or 'constitutional democra-

¹ I abbreviate Aristotle's *Politics* as Pol. and *Nicomachean Ethics* as EN. I use the Greek original of *Politics* from the bilingual Greek-English edition (see Rackham, 1932/1998). Unless otherwise noted, quotations from Aristotle's *Politics* are from the translation by Carnes Lord.

² On how these different approaches manifest themselves in Aristotle's *Politics*, see, among others, Pellegrin (1990/2015, p. 52), Pellegrin (2003), Grubellier and Pellegrin (2002, pp. 200–201). The speculative approach roughly corresponds to what some German political scientists refer to as the 'normative-ontological' approach. The positive approach then roughly corresponds to what they label the 'empirical-analytical' approach. On the normative-ontological, empirical-analytical, and historical-dialectical approaches, see Berg-Schlosser and Stammen (1974/2003).

³ The Greek term παρέχβαισις (parekbasis) corresponds to 'digressio' in Latin and 'deviation' in English.

cy⁴), he is using a 'speculative' approach (where aristocracy and polity, along with kingship, are the correct regimes). By contrast, when he speaks of 'so-called' aristocracy⁵ and polity (i.e. a republic, timocracy, or 'constitutional democracy') as mixed regimes⁶ combining the elements, procedures, and principles of oligarchy and democracy (here democracy and oligarchy are the basic regimes), he is employing a 'positive' approach.

Those who are astonished that, according to Aristotle, the two right forms of government (the polity and the 'so-called' aristocracy) emerge out of a combination of the elements and principles of the two deviated forms of government (oligarchy and democracy) are thus mistakenly conflating two different approaches.⁷ One could argue in favour of Aristotle's thesis in yet another way. Unlike tyranny, which is the worst regime of all (see Pol. IV, 2, 1289b 2), oligarchies and democracies contain not only bad but also good elements, procedures, and principles, and therefore, by combining their good elements, procedures, and principles, it is possible to arrive at the correct forms of government. As Jules Tricot, the distinguished French translator of Aristotle, says in a note in his translation of *Politics*,

⁴ Milan Mráz translates the term *politeia* (in a narrow specific sense) as 'ústavní demokracie' (constitutional democracy) (see Mráz I, 1998, p. 32).

⁵ While in a real aristocracy those who are truly virtuous rule, in a 'so-called' aristocracy the noble and rich rather than the truly virtuous rule, or the virtue of those who rule is not real and absolute and they are considered virtuous or excellent only in their own community. Aristotle distinguishes three more types of 'so-called' aristocracy (see Pol. IV, 7, 1293b 5–22). Moreover, Aristotle speaks more than once of a 'so-called *politeia*', but this does not mean that, as in the case of aristocracy, he distinguishes a 'so-called' *politeia* from a real *politeia*; he speaks of a so-called *politeia* because it is a regime (or constitution) that has the same name as the constitution (regime) in general.

⁶ According to Aristotle, tyranny is also a mixed regime. In contrast, he considers absolute or total kingship (*pambasileia*), 'perfect' aristocracy, pure democracy, and pure oligarchy to be unmixed regimes. I will come back to 'pure' democracy.

⁷ Thus, for example, the French political scientist and constitutional lawyer Marcel Prélot (1898–1972), who was an expert on Aristotle and whose *Politics* he adapted for French readers on the basis of modern constitutionalism (I mention this in the bibliography; see Prélot, 1950/1977), considers it a 'serious inconsistency' that, according to Aristotle, the elements of the two deviated forms of government (oligarchy and democracy) give rise to a correct government (polity or republic): 'Comment logiquement concevoir que deux régimes corrompus engendrent, en se combinant, un régime pur?' (How logically to conceive that two corrupt regimes, when combined, give birth to a pure regime?) (Prélot, 1959/1966, p. 88). This objection is not new. Sir Robert Filmer already argued against Aristotle in this way in 1652 (see Filmer, 1652/1991, p. 247).

'Politeia in its own sense must borrow from oligarchy and democracy the best of their measures' (Tricot, 1962/1995, p. 312, note 4).⁸

Below we will show how, according to Aristotle, it is possible to arrive at a good 'combination' or 'selection' of elements of democracy and oligarchy, how to get the 'right mixture' of them, and how we can tell whether the combination or selection we have is good and successful (see especially Pol. IV, 9, 1294a 36 – 1294b 2, 1294b 7–19, Pol. IV, 12, 1297a 39–41).

Francis Wolff, in his *Aristote et la politique*, distinguishes not just between two approaches in Aristotle's *Politics* ('speculative' and 'positive'), but between two intentions as well ('descriptive' and 'prescriptive'). Both 'approaches' can be combined with both 'intentions'.

For example, among the so-called realist books of Aristotle's *Politics*, namely Books IV, V, and VI, all of which represent a positive approach, one of them (IV) has a descriptive intention (a combination he calls 'sociological'), while the other two books (V and VI) have a prescriptive intention (a combination he calls 'Machiavellian').⁹ Books I, II, III, VII, and VIII are characterised by a 'speculative' approach. The combination of a speculative approach with descriptive intent (which we find in Books I and III) corresponds, according to Wolff, to 'political philosophy in the strict sense', while he calls the combination of a speculative approach and prescriptive intent (represented by Books II, VII and VIII) 'idealistic'.

Four distinct 'projects' or programmes can thus be distinguished in Aristotle's *Politics*, 'for one can inquire

1. into the foundations of politics for descriptive purposes (for example, to investigate what the polis is in its essence), or
2. for prescriptive purposes (for example, to inquire what is the best or ideal city, in absolute terms);
3. one can also positively consider the data of political experience for descriptive purposes (by asking, for example, what types of political regimes exist) or
4. for prescriptive purposes (by asking, for example, what needs to be done to preserve each existing regime from ruin)' (Wolff, 1991/1997, p. 18).

⁸ However, Aristotle also explains in detail that the worst form of democracy (in which the people do not accept the rule of law, decide everything only by vote, and become despotic under the influence of 'demagogues', i.e. the leaders of the people) is very similar to tyranny and is even a kind of tyranny (see Pol. IV, 4, 1292a 4–38).

⁹ This relates to Aristotle's interpretations of how various 'constitutions' (regimes), even those that are deviated, can be kept alive, i.e. how they can be prevented from falling. Aristotle, for example, devotes a great deal of space to a seemingly controversial question: how to keep tyrannies in power. The way he discusses it, however, does not leave the slightest doubt about his views and refutes any objections that he is a Machiavellian or cynic in this respect (see Novák, 2018, pp. 126–129).

Table 1. The four distinct programmes of research according to Francis Wolff

	Descriptive intent	Prescriptive intent
Speculative approach	Books I and III (political-philosophical project)	Books II, VII and VIII (idealistic project)
Positive approach	Book IV (sociological project)	Books V and VI (Machiavellian project)

Democracy, oligarchy and the question of equality and inequality

Particularly noteworthy from a positive perspective are Aristotle's reflections on democracy and oligarchy in association with a certain social structure and certain types of ruling classes. As he states in Book V of *Politics*, there are two forms of government that most commonly arise: democracy and oligarchy (Pol. V, 1, 1301b 39–41). Aristotle very often makes it sound as if these two forms of government are the only ones that really matter, and he seems to ascribe practical importance to them alone (see Moraux, 1965, pp. 142–143). Democracy is the rule of the poor (but free) and oligarchy is the rule of the rich. Depending on whether the rich or the poor win, the state will be oligarchic or democratic, and this explains why most Greek city-states are democracies or oligarchies (see Moraux, 1965, pp. 143–144).

These, then, are the two most empirically widespread and analytically basic forms of government. Both are, according to Aristotle, only partially justified and considerably defective. One of them, however, is more stable and less vulnerable to factional conflict:

Nevertheless, democracy is more stable and freer from factional conflict than oligarchy. In oligarchies two sorts of factional conflict arise, one against each other, the other against the people; in democracies, though, there is only that against the oligarchy, there being none that arises among the people against itself that is worth mentioning. Moreover, the regime made up of the middling elements¹⁰ is closer to

¹⁰ This means a polity (republic).

rule of the people than to rule of the few, and this is the most stable of regimes of this sort. (Pol. V, I, 1302a 8–16; trans. Lord)¹¹

Democracy and oligarchy are based on different conceptions of equality and inequality (and corresponding conceptions of justice):

Rule of the people arose as a result of those who are equal in any respect supposing they are equal simply, for because all alike are free persons, they consider themselves to be equal simply; and oligarchy arose as a result of those who are unequal in some one respect conceiving themselves to be wholly unequal, for as they are unequal in regard to property they conceive themselves to be unequal simply. Then the former claim to merit taking part in all things equally on the grounds that they are equal, while the latter seek to aggrandize themselves on the grounds that they are unequal, since 'greater' is something unequal. All regimes of this kind have, then, a certain sort of justice, but in an unqualified sense they are in error.¹² And it is for this reason that, when either group does not take part in the regime on the basis of the conception it happens to have, they engage in factional conflict. (Pol. V, 1, 1301a 29–39; trans. Lord)

A little further on, Aristotle adds:

Some engage in factional conflict because they aim at equality, if they consider that they have less in spite of being equal to those who are aggrandizing themselves; others, because they aim at inequality and preeminence, if they conceive themselves to be unequal but not to take a greater part, but an equal or lesser one. To strive for these things may be justified; it may also be unjustified. The lesser engage in factional conflict in order to be equal; those who are equal, in order to be greater. (Pol. V, 2, 1302a 25–32; trans. Lord)

¹¹ Sinclair translates it similarly: 'of all such constitutions'. Barker and Stalley translate it as: 'of all the forms with which we are here concerned'. Jowett has: 'of the imperfect forms of government'. One could interpret this to mean, for example, that the polity (in the narrow sense) is the most stable of all 'mixed' forms of government or of those forms of government that are not perfect (absolute or total kingships and/or true aristocracies may be considered perfect).

¹² Aristotle elaborates on this elsewhere, 'But since those who are equal in one thing alone should not have equality in everything, nor those who are unequal in a single thing inequality, all regimes of this sort [i.e. in which those who are equal in one thing only have equal rights in all, and those who are unequal in one thing only have unequal rights in all] are necessarily deviations.' (Pol. III, 13, 1283a 26–29; trans. Lord)

We can say then that factional conflict (στάσις, i.e., stasis) is most likely to break out when there is inequality among equals or when there is equality among unequals, while not only equality among equals but also inequality among unequals are better tolerated. Aristotle offers a good example: ‘a permanent kingship is unequal if it exists among equal persons’ (see Pol. V, I, 1301b 27–29; trans. Lord).

Aristotle further distinguishes between (a) numerical equality, i.e. according to number, and (b) proportional equality, i.e. according to merit.¹³

Equality is twofold: one sort is numerical, the other according to merit. By numerical I mean being the same and equal in number or size; by according to merit, being equal in respect to a ratio. For example, three exceeds two and two one by an equal amount numerically, whereas four exceeds two and two one by an equal amount with respect to a ratio, both being halves. (Pol. V, I, 1301a 28–35; trans. Lord)

The difference between numerical equality and proportional equality is clear. Numerical equality means that honours, goods, etc., are distributed in such a way that everyone, whatever they are, gets the same. Proportional equality means that they are distributed according to the merits of each. It is less obvious why Aristotle states several times that supporters of democracy and supporters of oligarchy alike agree that equality should be proportional (see Novák, 2018). Is it not rather the case that, according to supporters of democracy, there should be numerical equality (those who are equal in something want to be equal in everything)? Similarly, Aristotle further asserts that the justice of democracy ‘is the antithesis of the sort of justice that is based on merit’ (Pol. VI, 6, 1321a 1–2; trans. Lord).

What Aristotle meant here was that the supporters of oligarchy are for the distribution of power in proportion to wealth, and the supporters of democracy are for the distribution of power in proportion to freedom. So, in this sense, it is in both cases a matter of the distribution of power according to merit (see, e.g., Pellegrin, 1990/2015, p. 342, note. 1). Aristotle explains this in the *Nicomachean Ethics*:

for all men agree that what is just in distribution must be according to merit in some sense, though they do not all specify the same sort of merit, but democrats identify

¹³ A similar distinction is already outlined in Plato’s *Laws* (VI, 757b).

it with the status of freeman, supporters of oligarchy with wealth (or with noble birth), and supporters of aristocracy with the virtue. (EN V, 3, 1131a 25–29; trans. Ross/Brown)

To summarise, Aristotle expresses the relation of the supporters of oligarchy (i.e. the rich) and the relation of the supporters of democracy (i.e. the poor) to equality and inequality in three ways that might at first sight seem to contradict each other but in fact are only three different forms of interpretation that substantively indicate one and the same thing. According to the first interpretation, the supporters of oligarchy are concerned with inequality (in the sense of superiority), while the supporters of democracy are concerned with equality (in the sense of equalisation). According to the second, both the supporters of democracy and the supporters of oligarchy are concerned with equality, but for the democrats this means equality in numerical terms, while for the oligarchs it means equality in proportional terms. Finally, according to the third interpretation, it is not just the oligarchs who are concerned with proportional equality but everyone else as well, including the supporters of democracy (on this, according to Aristotle, everyone agrees). However, they disagree on what should be taken as the criterion for this proportional equality: for example, the oligarchs think that wealth should be taken as the basis for proportional equality, the democrats think that freedom should be the basis. And if we take freedom as the basis, the result will be the same as if we had proceeded from numerical equality, because, as Aristotle put it, ‘all alike are free’.

Aristotle dwells at length on the question of how to achieve equality, but then he sadly makes the following conclusion:

But concerning equality and justice, even though it is very difficult to find the truth about these matters, it is still easier to hit on it than it is to persuade those who are capable of aggrandizing themselves. The inferior always seek equality and justice; those who dominate them take no thought for it. (Pol. VI, 2, 1318b 2–5; trans. Lord)

The sophistic ruses of oligarchs and democrats

In Chapter 13 of Book IV of *Politics*, Aristotle describes the cunning stratagems or ‘tricks’¹⁴ that are devised and practised in these two basic regimes, apparently or ostensibly ‘for the benefit of the people’.¹⁵ The stratagems relate to the assembly, ‘offices’, the courts, armament, and exercise. Aristotle fittingly begins his interpretation of such subterfuges with oligarchies.

As regards the assembly, the device is that it is open to all to attend assemblies, but either a fine is imposed on the well off alone for not attending, or a much larger one on them; as regards the offices, that it should not be open to those who are assessed to abjure, but it should be to the poor; as regards the courts, that there should be a fine against the well off if they do not attend, but impunity for the poor, or else a large fine for the ones and a small fine for the others, as in the laws of Charondas. (Pol. IV, 13, 1297a 17–23; trans. Lord)

In some localities, everyone who signs up has the right to attend assemblies and courts. If after registering, however, a person fails to appear at an assembly or court, heavy pecuniary penalties shall be imposed to deter him from registering, and if a person does not register he shall not be allowed to attend an assembly or court. The same objective is pursued by the legislation on carrying heavy weapons and on exercise. The poor do not have to carry weapons, but the wealthy are fined if they do not. Also, the non-wealthy are not penalised in any way for neglecting exercise, but the wealthy are fined for this, so that some people (the wealthy) take part in exercise out of a fear of being fined, while others (the non-wealthy) do not because they need not fear any penalties.

Now these devices of legislation are oligarchic. In democracies, however, there are counterdevices to them. To the poor they give pay for attending the assembly and adjudicating, and arrange not to have the well off fined for not attending. So it is evident that if one wishes to have a just mixture, elements from both must be brought together — for example, the ones being provided pay, the others fined; in this way all would participate, while in the other way the regime comes to belong to one side alone. (Pol. IV, 13, 1297a 34 – 1297b 1; trans. Lord)

¹⁴ Literally sophisms. Marxists today would probably talk about ‘ideologies’ in the ‘class interest’.

¹⁵ In Chapter 8 of Book V of *Politics*, Aristotle warns that no one should believe such sophisms, invented to confuse the people, because the facts (or acts) refute them.

As we see, once Aristotle has laid out the ideological sophisms of some (oligarchs) and others (democrats), he returns to his own recommendations to suggest what combinations of democratic and oligarchic measures are 'right'.

'Mixing' elements of democracy and oligarchy

The fact that both democracy and oligarchy are partly justified and partly unjustified creates favourable terrain for a good 'mixing' of elements from these two forms of government, which will contain their positive aspects and omit their negative ones.¹⁶ According to Aristotle, there are three mixed regimes in total: polity ('constitutional democracy', 'timocracy', republic), so-called aristocracy, and tyranny. While in a polity there are more elements, procedures, and principles from democracy than from oligarchy, the opposite is true in a so-called aristocracy. Tyranny consists of elements, procedures, and principles of extreme oligarchy and extreme democracy, whereas polity and so-called aristocracy consist of elements, procedures, and principles of moderate democracy and moderate oligarchy.

Further, it is possible to have a good mixture of elements, procedures, and principles of the two main forms of government or a bad one. Aristotle defines precisely what he means by a 'finely mixed' constitution, gives the example of Sparta, and describes various ways of constructing a successful compound.

As Aristotle puts it,

The defining principle of a good mixture of democracy and oligarchy is that it should be possible for the same polity to be spoken of as either a democracy or an oligarchy, and it is clear that it is because the mixture is a fine one that those who speak of it do so in this way. The mean too is of this sort: each of the extremes is revealed in it. (Pol. IV, 9, 1294b 14–19; trans. Lord)

¹⁶ Richard Robinson (1902–1996) argued against the term 'mixing': 'You cannot mix democracy and oligarchy like gin and vermouth in a glass. In a cocktail, gin and vermouth are both really present. In a mixture of democracy and oligarchy neither is present.' (Robinson, 1962/1995, p. 90) This remark can only refer to shorthand statements (see Pol. IV, 8, 1293b 34 and Pol. V, 7, 1307a 11–12) isolated from many of Aristotle's other explanations. And as far as the elements, procedures, and principles of oligarchy and democracy are concerned, these are 'really present' in mixed forms of government (constitutions).

As Bernard Manin, for example, has stated, this can be interpreted to mean that a constitution is well or successfully mixed if it can be considered democratic and oligarchic or neither (cf. Manin, (1995) 1996, pp. 199–200).¹⁷ A little further on we can read:

In a polity that is finely mixed, the regime should be held to be both – and neither. And it should be preserved through itself, not from outside – through itself not because those wishing its preservation are a majority (since this might be the case even in a base regime), but because none of the parts of the city generally would wish to have another régime. (Pol. IV, 9, 1294b 35–39; trans. Lord)¹⁸

To summarise we can say that a well-mixed form of government is characterised by the following features:¹⁹

1. It actually contains elements of both basic forms of government, i.e. democracy and oligarchy.
2. The followers of democracy, i.e. especially the poor, find in it mainly democratic characteristics, while the followers of oligarchy, i.e. especially the rich, find in it mainly oligarchic characteristics.
3. However, it is not too apparent in a well-mixed form of government that it is either democratic or oligarchic or even that it is mixed.
4. Therefore, neither the middle classes, nor the rich, the poor, or generally ‘any section of the city’ desires any other form of government.

Needless to say, it is in the current representative democracy of the 21st century, where opinion polls and mass media play a big role, that it is important that, insofar as possible, no part of the state should even wish for some other form of government.

¹⁷ I am basing this on the French original, but for English-speaking readers I also link to the corresponding pages of the English translation.

¹⁸ Similarly, in Book II of *Politics*: ‘If a regime is going to be preserved, all the parts of the city must wish it to exist and continue on the same basis.’ (Pol. II, 1270b 21–22)

¹⁹ I analyse this in detail in Novák (2016, pp. 48–50).

How to construct a regime that is best ‘for most cities and most people’

Aristotle is especially interested in the particular way in which a polity (or republic) is formed, which he believes is best ‘for most cities and most people’. He states how, alongside democracy and oligarchy, the so-called polity comes into being and how it is to be constructed (cf. *Pol. IV, 8, 1293b 32–39*). Like other mixed regimes, a polity arises from a combination of elements, procedures, and principles of the two analytically most basic and empirically most widely used forms of government, i.e. democracy and oligarchy.

Aristotle lists three methods. The first and third methods resemble and represent a real ‘mixing’ of the elements, procedures, and principles of democracy and oligarchy: in the first method only one area is the source of all elements, procedures, and principles, while in the third they are selected from several areas. The second method is then more of a ‘compromise’ between democracy and oligarchy (see Braun, 1967, pp. 79–89). These three methods could be described as

- 1) ‘combinations’,
- 2) ‘compromise’,
- 3) ‘selection’ (cf. Miller Jr., 1995, p. 257).

The first mixing method, i.e. combination, which Aristotle explains using the example of the financial payment for participation in court hearings, involves accepting one of the laws that apply in an oligarchy and at the same time one of the laws that apply in a democracy. As we have seen, in oligarchies the rich are fined when they do not attend court hearings and the poor receive no payment when they do attend. In democracies, the opposite is true: the poor are financially compensated for attending court hearings and the rich are not fined for not attending court hearings. If we take both, the fines for the rich and the financial payment for the poor, the result is the ‘common and middle’ situation that is characteristic of the polity, since the latter is a mixture of elements from both regimes (see *Pol. IV, 9, 1294a 37 – 1294b 2*). Both the rich (to avoid fines) and the poor (because they will be financially compensated for their presence) are then likely to attend court hearings.

The second method, i.e. compromise, is to accept the mean or average of what is mandated in both regimes. For example, in a democracy no property or a very low property qualification is required to participate in an assembly; in an oligarchy, on the other hand, a high property qualification is required to participate in an assembly. The solution here is that neither one nor the other is adopted and instead a middle property qualification is prescribed (see *Pol. IV, 9, 1294b 2–5*).

The third method of mixing, i.e. selection, is similar to the first method, i.e. it involves accepting one of the laws that apply in an oligarchy and at the same time one of the laws that apply in a democracy. But unlike the first method, we do not select in one area only.

I mean, for example, it is held to be democratic for offices to be chosen by lot, oligarchic to have them elected, and democratic not to do it on the basis of an assessment, oligarchic to do it on the basis of an assessment. It is characteristic of aristocracy and polity, therefore, to take an element from each — from oligarchy making offices elected, from democracy not doing it on the basis of an assessment.²⁰ (Pol. IV, 9, 1294b 4–14; trans. Lord)

It is this constellation (selection, i.e. the filling of public offices on the basis of elections on the one hand and the absence of property qualifications on the other) that bears a striking resemblance to today's representative democracies. According to Aristotle's analyses, contemporary representative democracies could be institutionally described as mixed regimes or, more precisely, as the above-mentioned form that is based on a 'selection' of democratic and oligarchic elements.

Carl Schmitt (1928, p. 257) and, somewhat differently after him, Bernard Manin (1995/1996, p. 195)²¹ rightly associated contemporary representative democracies with Aristotle's mixed regime. How do Schmitt's and Manin's interpretations differ? Here it is instructive to consider how they understood elections. According to Schmitt, elections can have an aristocratic or a democratic meaning:

In comparison with lot, designation by election is an aristocratic method, as Plato and Aristotle rightly say. In election both potentialities lie; it can have the aristocratic sense of elevating the superior and the leader or the democratic sense of appointing an agent, proxy, or servant; compared to the elected, the electors can appear either as subordinates or as superiors; election can serve the principle of representation as well as the principle of identity (...). One must discern which sense is given to election in the concrete situation. If election is to form the basis of true representation, it is the instrument of an aristocratic principle; if it merely signifies the selection of a dependent delegate, it may be regarded as a specifically democratic method. (Schmitt, 1928, p. 257)²²

²⁰ In the first and third methods, i.e. combination and selection, the result is a 'mixed' form of government; in the second, compromise, the result is a 'middle' form of government. Polity or republic can generally be described not only as a mixed form of government but also as a 'middle' form of government.

²¹ Cf. also the English translation of this passage in Manin (1997, p. 152).

²² It is true, however, that the position of citizen-voters in relation to elected political representatives is not as hopeless as it might at first glance seem in today's pluralistic democracies. As Manin (1995/1996, p. 228), for example, has pointed out, the fact that political representatives are put to the test of re-election here encourages them to 'anticipate' the retrospective 'popular judgement' of citizen-voters over the policies they implement. This principle or rule of 'anticipated reactions' was formulated by Carl Friedrich (see Friedrich,

It can be argued that, from this point of view, elections in a representative democracy in practice lead to 'true representation' because the elected representative is neither a subordinate nor a dependent agent of those who elected him. In other words, elections today correspond to an aristocratic (or rather, according to Aristotle, an oligarchic²³) principle. The democratic sense, which requires an 'identity' (or at least a similarity) between the ruled and the rulers, remains purely hypothetical. Thus, Schmitt probably more or less shares Aristotle's (and Plato's) view that elections are an aristocratic or oligarchic principle.

In Manin's case it is somewhat different. According to him, 'Schmitt does not see that elections *actually* have both an aristocratic and a democratic component, irrespective of the constitutional relationship between elected and electors' (Manin, 1995/1996, p. 195).²⁴ Elections, as Manin argues, successfully mix or combine democratic and aristocratic (or oligarchic) elements: representative government is a 'balanced or equilibrated regime' (*régime balancé ou équilibré*) (Manin, 1995/1996, p. 306). According to Manin, 'naive democrats' see only democratic and egalitarian elements in representative democracy, while the followers of realism and 'demystification' reply that 'representatives' belong to the learned (higher) social categories.

1941 and 1963). The rule of 'anticipated reactions' could be formulated as meaning that if political representatives want to be re-elected under conditions of free competition, it is in their interest to anticipate how the electorate will react to their policies at the next election. Thus, in plural democracies, a kind of feedback loop between politicians and citizens is created, which means that the influence of ordinary citizens does not end with the act of election but operates to some extent in the interval between elections (see Sartori, 1987, p. 152). As is well known, Karl R. Popper rightly places great emphasis on the role of the retrospective judgement of citizen-voters over the ending government (see, among others, Popper, 1945/2003, 1988, 1994). I must add here, however, with regret that Pericles' alleged 'quote' from Thucydides, which Popper liked to cite repeatedly to support his non-classical theory of democracy ('Although only a few may originate a policy, we are all able to judge it.' (Popper, 1945/2003, p. 1, 1988, p. 28, 1994) was invented by Popper. This sentence does not exist in any edition of the *History of the Peloponnesian War*, nor in any separate edition of Pericles' speech (see Novák, 2017, p. 292). It would have been enough to refer to Aristotle, but Popper condemned him perhaps even more than he did Plato.

²³ According to Aristotle, elections follow an aristocratic principle when those elected are chosen from all citizens (as was possible in small city-states), whereas they follow an oligarchic principle when those elected are chosen from only some citizens (as is the case in today's representative governments).

²⁴ Cf. the English translation in Manin (1997, p. 152).

Between wealth and poverty

According to Aristotle, the various forms of government are not so much based on the number of rulers, but on different kinds of inequality: socio-economic inequality, i.e. inequality between wealth and poverty; moral inequality, i.e. between virtue (excellence) and vice; and family inequality, i.e. between nobility and unnobility. Aristotle states that the greatest difference is probably between virtue and vice and then between wealth and poverty (cf. *Pol.* V, 3, 1303b 15–16).

Thus, even though there is, according to him, an even greater difference between virtue and vice than between wealth and poverty, in practice this is of little importance, because virtuous people are hard to find: ‘Good birth and virtue exist among few persons, these things among more: nowhere are there a hundred well-born and good persons, but in many places the well off [and poor]²⁵ are many’ (*Pol.*, V, I, 1302a 1–3; trans. Lord).

Then, ‘oligarchy is when those with property have authority in the regime; and democracy is the opposite, when those have authority who do not possess a great amount of property but are poor’ (*Pol.*, V, I, 1279b 17–19; trans. Lord).

The notion that democracy is the rule of the poor and oligarchy is the rule of the rich originated in the positive approach, while Aristotle’s ‘classical’ typology of three good forms of government and their three deviations, based on two criteria (the number of those who rule and in whose favour they exercise power), falls into the speculative approach. From the speculative point of view, the most important distinction is between virtue and vice; from the positive point of view, the most important distinction is between wealth and poverty.

It is usually the case that the rich are fewer in number while the poor are greater in number. Aristotle himself points out the difficulties that can arise from this understanding of democracy and oligarchy. For if we associate democracy also with the rule of the great in number, and thus define it as the rule of the poor majority, and associate oligarchy also with the rule of the small in number, and thus define it as the rule of the rich minority, what should we call a regime headed by a wealthy majority or, conversely, by a poor minority?

²⁵ Aristotle took it for granted that the poor were numerous, and therefore he did not mention them here. Some editors, however, add this to the text (see, among others, Tricot, 1962/1995, p. 342, note 2).

As Aristotle points out in Chapter 8 of Book III of *Politics*, the main thing that defines oligarchy and democracy is not the number of those who rule, but whether it is the rich who rule or the poor:

it is accidental that few or many have authority in oligarchies on the one hand and democracies on the other, and that this is because the well off are everywhere few and the poor many. (...) What makes democracy and oligarchy differ is poverty and wealth: wherever some rule on account of wealth, whether a minority or a majority, this is necessarily an oligarchy, and wherever those who are poor [whether they are the majority or, exceptionally, the minority], a democracy. (Pol. III, 8, 1279b 35 – 1280a 3; trans. Lord)

As Jakub Jinek puts it, this leads to a ‘preference for quality over quantity, which can be considered a typical Aristotelian choice’ (Jinek, 2017, p. 494).

This is contrasted more than once with what Aristotle writes in Chapter 4 of Book IV of *Politics*. Let me cite him at length here.

One should not regard democracy, as some are accustomed to do now, as existing simply wherever the multitude has authority, since in oligarchies and indeed everywhere the major part has authority²⁶, nor oligarchy as existing wherever the few have authority over the regime.

For if the male inhabitants of a city were one thousand three hundred in all, and a thousand of these were wealthy and gave no share in ruling to the three hundred poor, though these were free persons and similar in other respects, no one would assert that they are under a democracy.

Similarly, if the poor were few, but superior to a majority of well-off persons, no one would describe this sort of thing as an oligarchy, if the others had no part in the prerogatives although they were wealthy. It must rather be said, therefore, that rule of the people exists when free persons have authority, and oligarchy when the wealthy have it; but it turns out that the former are many and the latter few, for many are free

²⁶ This means the major part of those who participate in power (cf. Tricot, 1962/1995, p. 268, note 2). Aristotle, moreover, directly states this elsewhere: ‘The [principle of] what the major part resolves is present in all: in an oligarchy, an aristocracy, or in regimes ruled by the people, what is resolved by the greater part of those taking part in the regime is authoritative.’ (Pol. IV, 8, 1294a 12–14; trans. Lord) This does not, of course, apply to monarchical governments; for this reason Aristotle does not mention them in this statement.

but few wealthy. Otherwise, there would be an oligarchy where they distributed offices on the basis of size, as some assert happens in Ethiopia, or on the basis of good looks; for the number of both goodlooking and tall persons is few. (Pol. IV, 4, 1290a 30 – 1290b 7; trans. Lord)

Only now Aristotle formulates a new view:

Yet neither is it adequate to define these regimes by these things²⁷ alone. But since there are a number of parts both in the case of rule of the people and of oligarchy, it must be grasped further that rule of the people does not exist even where a few free persons rule over a majority who are not free, as at Apollonia on the Ionian Sea, for example, or Thera (...); nor is there rule of the people where the wealthy rule through being preeminent in number, as was formerly the case at Colophon (...). Democracy exists when the free and poor, being a majority, have authority to rule; oligarchy, when the wealthy and better born have authority and are few. (Pol. IV, 4, 1290b 7–20; trans. Lord)

What are the defining features of democracy and oligarchy?

Richard G. Mulgan's commentary (see Mulgan, 1977, pp. 62–65) can be summarised (for greater clarity, I number his individual points) as follows:

1. In Book IV of his *Politics*, Aristotle changed his position, 'by saying that *both criteria are essential*; oligarchy implies the rule of both the few and the wealthy, and democracy entails the rule of both a majority and the poor' (Mulgan, 1977, p. 64; emphasis added). The result, however, is that it is impossible to capture the exceptions where the wealthy are in the majority and the poor are few, which is why William L. Newman (1834–1923) and Ernest Barker (1874–1960) criticise Aristotle's modified position here.

2. Although this previous problem²⁸ did not arise in Aristotle's original statement 'the earlier solution, however, by solving one problem raises another, just as difficult, at least in connection with democracy' (Mulgan, 1977, p. 65). For

²⁷ That is, wealth and freedom. 'Democracy presents itself as the rule of all or its bases its claim on freedom, not on poverty, because titles to rule are more credible if based on an excellence rather than on a defect or need.' (Strauss, 1964/1978, p. 36). That it is a 'coincidence' that the majority of free people in virtually all cities are poor and democracy is therefore the rule of the poor was likewise noted by Leo Strauss

²⁸ It is, of course, the problem of a regime headed by a rich majority or, conversely, a poor minority.

if democracy is the government of the poor, and if its prevailing principle is liberty, there is an essential connection between democracy and the multitude.

3. The second solution, in which both criteria are essential, is actually not unsatisfactory if we recognise that a specific case may have characteristic features that belong to more than one general type. 'The constitution where a rich majority or a poor minority rule will be in one respect an oligarchy and in another a democracy.' (Mulgan, 1977, p. 65)

I propose a different interpretation. Again, I number its individual steps.

1. Aristotle first clearly explains that it is a mistake to define democracy as the rule of the majority and oligarchy as the rule of the few, as is sometimes done. Why? The following are his arguments based on four cases, three of which are hypotheticalal:

a. If a majority (a thousand) of the rich ruled over a minority (three hundred) of the poor, 'no one would assert that they are under a democracy'.

b. 'Similarly, if the poor were few, but superior to a majority of well-off persons, no one would describe this sort of thing as an oligarchy.'

c. 'Otherwise, there would be an oligarchy where they distributed offices on the basis of size'

d. or 'on the basis of good looks; for the number of both goodlooking and tall persons is few.'

2. 'It must rather be said, therefore, that rule of the people exists when free persons have authority, and oligarchy when the wealthy have it; but it turns out that the former are many and the latter few, for many are free but few wealthy.' I should emphasise that the entire argument so far is in accordance with Aristotle's original statement.

3. To define democracy as the rule of the free and oligarchy as the rule of the rich is not wrong, but it is not enough; it is incomplete because both democracy and oligarchy consist of several parts and therefore cannot be determined on the basis of only one characteristic.

4. The argument is then based on two cases, but this time they are not hypotheticalal, but really occurred historically, at least according to Aristotle. I'll start with the second one, which is simpler:

a. 'Where the wealthy rule through being preeminent in number, as was formerly the case at Colophon, *it is not a democracy.*'

However, *this is still an argument in favor of Aristotle's original position*, according to which democracy cannot be defined as the rule of a large number. It is therefore not in any way inconsistent with the original statement that in such a case what we have is rather an oligarchy, because it is the rich who are ruling, even if they are the majority.

If both defining characteristics (wealth and the few for an oligarchy, freedom and the many for a democracy) were really equally important, as Mulgan, among others, asserts, then at this stage of the argument we would expect Aristotle to write that when we have rule by the rich who constitute a majority, *this is not oligarchy* because it is the rule of the majority.

b. Nor does democracy exist 'where a few free persons rule over a majority who are not free, as at Apollonia on the Ionian Sea, for example, or Thera'.

These two historical cases are not about a small number of the poor and the free ruling over a majority of the rich, as we might expect according to Mulgan, they are about a small number of the free ruling over a majority of the unfree. Here the 'free' were not the poor but the better born, who were first founders. These were not cases of democracy not because the rulers were few in number but because it was the better born who ruled.

5. 'Democracy exists when the free and poor, being a majority, have authority to rule; oligarchy, when the wealthy and better born have authority and are few.'

As can be seen from this quote, Aristotle's supplemented definition of democracy and oligarchy is not composed of two equally essential features, as stated by Mulgan, but of *three features* (for oligarchy these features are the rule of the rich, the better born, and the few; for democracy these features are the rule of the free, the poor, and the many). *One of those features can be considered basic or prevailing* – for oligarchy this feature is wealth, for democracy it is freedom; therefore, wealth in an oligarchy and freedom in a democracy are the primary features. In my view we can therefore continue to regard the exceptional case of rule by the rich when they are large in number rather as an oligarchy, and, similarly, the exceptional case of rule by the poor and free who represent only a minority can be seen rather as a democracy. To sum up: Aristotle does not completely abandon his 'original statement', he only adds to.

Do democracy and oligarchy represent perfectly 'symmetrical' deviations?

According to Aristotle, there are four types of both democracies and oligarchies, which he ranks from the most moderate (and therefore, according to him, the least bad) type to the most extreme (and therefore the worst) type. Aristotle constantly emphasises that the worst (fourth) types of democracy and the worst (fourth) types of oligarchy correspond to each other and also correspond to tyranny, which, according to him, combines the worst elements, procedures, and principles of extreme democracy and extreme oligarchy. By analogy, the most moderate types of democracy and oligarchy are quite close, not only to each other

er but also to some of the 'right' forms of government: the most moderate type of democracy²⁹ is especially close to polity ('constitutional democracy') and the most moderate type of oligarchy is especially close to so-called aristocracy.

This does not mean, however, that there is, according to Aristotle, a perfect 'symmetry' between democracies and oligarchies. On the contrary, it is clear that Aristotle regards democracy as less bad than oligarchy and as the least bad of the three deviated regimes (see Pol. IV, 2, 1289b 2–5). Among other things, because democracy is closer to a polity (republic), i.e. the most stable form of government that is best for the majority of cities and the majority of people, than it is to an oligarchy. It is not surprising then that democracy is also more stable than oligarchy and less subject to the factional conflicts that I pointed out above. Last but not least, Aristotle's original definition of 'citizen' is, so to speak, made to measure for democracy, which is no coincidence. After all, according to Aristotle, rule by the people is almost inevitable as a consequence of social development.

However, the basis of the asymmetry between democracy and oligarchy, according to Aristotle, is that while the rich (the supporters of oligarchy) want to exalt themselves over the poor in everything, the poor (the supporters of democracy) need only draw even with the rich in everything, as Jean Terrel points out in particular in his remarkable book on Aristotle's *Politics*. In addition to this, it is worth mentioning what Aristotle considers to be the 'first democracy'.

The first sort of democracy, then, is that which is particularly said to be based on equality. The law in this sort of democracy asserts that there is equality when the poor are no more preeminent than the well off, and neither have authority, but both are similar. For if freedom indeed exists particularly in a democracy, as some conceive to be the case, as well as equality, this would particularly happen where all share in the regime as far as possible in similar fashion. But since the people are a majority, and what is resolved by the majority is authoritative, this will necessarily be a democracy. (Pol. IV, 4, 1291b 30–37; trans. Lord)

This statement about the 'first democracy' (δημοκρατία πρώτη) stands out from other descriptions of types of democracy. This sounds very 'modern', by the way.

²⁹ Aristotle explains what types of democracy there are first in Chapter 4 of Book IV of *Politics* (and then in Chapter 5 he explains what types of oligarchy there are). A second typology of democracies (and then oligarchies) is found in Chapter 6 of Book IV. The first typology is based on what are the formal conditions of access to 'offices' (governmental posts); the second typology is based on who actually exercises supreme power. For reasons I explain below, I assume that not only in the second but also in the first typology there are, according to Aristotle, only four types of democracy.

Counting this ‘form’, that makes a total of five types of democracy, whereas his later classification of democracies, which is in Chapter 6 of Book IV of *Politics*, has only four types. All other forms of democracy can be quite easily harmonised with the four corresponding types in Aristotle’s second typology of democracies, but not this first ‘form’. If we were to include it, the ‘symmetry’ between the four deviations of democracy and the corresponding four deviations of oligarchy would also be lost.

The question can therefore be asked whether we should even consider the ‘first democracy’ as a type of democracy. Terrel (2015, pp. 201–208) argues that it is a ‘project’, we might say an ‘ideal type’, but it is not a concrete historical form of democracy. That is why it is listed in the first place.

That which is first is this intention (*visée*), as inscribed in the older name *ἰσονομία* (*isonomia*), the first name which the government of the many acquired from those who desired it, whereas the word ‘democracy’ had at first a pejorative accent, and so could not be used. (...) Aristotle describes this ideal type without, for the time being, voicing any criticism. Indeed, when he defined *the true citizen* at the beginning of Book III [of *Politics*], he proceeded from this very intention and took it up himself in Book IV, Chapter 11, as well as in Book VII, where he defined the political community as a community of *similars*. (Terrel, 2015, pp. 203–204; emphasis added)

Thus, as Terrel argues, there is a ‘fundamental asymmetry’ (*dissymétrie fondamentale*) between democracy and oligarchy in the sense that oligarchy cannot be opposed on its own principle, since the rich will always want to control the poor. On the contrary, deviated democracies can be opposed for their first purpose of equality. ‘For majority rule, a consequence of the egalitarian principle, does not lead to equality between the poor and the wealthy, i. e. to the pursued goal [of democracy], but on the contrary to the domination of the poor.’ (Terrel, 2015, p. 207) ‘Pure’ democracy is thus very far from its own goal or purpose and therefore needs to be ‘mixed’ with elements, procedures, and principles of oligarchy to bring it closer to its own goal.

Conclusion

Within the ‘positive’ approach, the analytically basic and empirically most widespread political regimes in Aristotle’s *Politics* are democracy and oligarchy. There is also a significant role for mixed regimes (‘constitutions’) that are formed from the elements, procedures, and principles of democracy and oligarchy by ‘mixing’ them. Among such mixed regimes, a special place is occupied by the polity or republic, which is the best regime ‘for the majority of the cities and for the majority of the people’. Carl Schmitt and, more recently and somewhat differently, Bernard Manin rightly connect this Aristotelian mixed regime with today’s

representative democracies, as I have tried to show. In particular, I focus on how Aristotle 'positively' defines and distinguishes democracy and oligarchy in various places. In doing so, I provide detailed reasons for reinterpreting how to understand Aristotle's definition of democracy and oligarchy. This interpretation differs markedly from the standard interpretation articulated by, among others, Richard G. Mulgan. In contrast to Mulgan and his predecessors, I have tried to show that Aristotle did not abandon his original definition of democracy and oligarchy, based on freedom in the case of democracy and wealth in the case of oligarchy, but merely added to it. Following Jean Terrel, I further point out that, according to Aristotle, democracy and oligarchy are not such 'symmetrical deviations' as some analyses in *Politics* might suggest, but that, on the contrary, there is a 'fundamental asymmetry' between democracy and oligarchy.

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³⁰ Marcel Prélot, a French constitutional lawyer and professor of political science, introduced above, decided to redivide and modify this version of Aristotle's *Politics* so that the numerous imperfections that result from the form it is written in (it is comprised of just unfinished notes, and it not a work that was actually prepared by the author for publication) and from the state of the 'original' versions available today insofar as possible disappear. Prélot did not just move Books VII and VIII of *Politics* so that they became Books IV and V, like many others have before him (and others after him as well, including, among contemporary specialists, Peter L. Phillips Simpson in 1997). He also turned Book II, which is devoted to a critical analysis of Aristotle's predecessors and some then-famous regimes (the 'constitutions'), into just five 'appendices' at the end after the work proper; he also deleted or radically reduced all sorts of awkward transitions between topics and various repetitions, returns to a topic, or variations on one and the same thing. He then divided the whole of *Politics* into just four basic sections on (1) the household, (2) the citizen and the state, (3) political government, and (4) revolutions and regime maintenance.

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