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Educational materials for Aristotle

In this article, Michael Pakaluk outlines how Aristotle's thought has contributed to the natural law tradition, and in particular its influence on the [American founders](#). Aristotle's arguments about republican forms of government were especially compelling for the Founders and he was credited as the source for many of the foundational doctrines of the American Republic. The Founders also relied heavily on Aristotle's views about the rule of law, which was understood to be connected to natural justice and to involve the consistency and harmony of human law with the "law of nature." Since the claims of justice in human affairs are conventionally justified by an appeal to a standard of equality, Aristotle understood "natural justice" to be a claim about what is just that appeals instead to "the nature of things." Because natural justice must then be based on the laws of nature, Aristotle understood justice and "lawfulness" as interchangeable. In other words, just as natural justice takes priority over conventional justice, natural law is by extension of a higher authority than conventional law. This is born out by Aristotle's belief that natural law may be invoked as grounds for disobeying a contravening human law, as well as his recognition of "moral absolutes": actions which must never be done if one is to live in accordance with the laws of nature.



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ARISTOTLE

Aristotle was born in Stagira in 384 BC, and began studying in [Plato's](#) Academy at the age of seventeen. At Plato's death in 347, Aristotle went to Asia Minor for three years, then Lesbos for two years, where he married and had a daughter. In 343, King Philip of Macedon summoned Aristotle as a tutor to his thirteen-year-old son, Alexander (later "the Great"). Aristotle eventually returned to Athens in 335, at which time he established his own school, called the Lyceum. The Lyceum collected the manuscripts produced by its members in their research, assembling one of the first great libraries.

During this period, Aristotle's first wife died. He remarried and had other children, including a son, Nicomachus, after whom his most famous work, the *Nicomachean Ethics*, is presumably named. In 323, Aristotle left Athens, perhaps for fear of anti-Macedonian sentiment in Athens, following Alexander's death. In so doing, Aristotle allegedly said that he saw no reason to let Athens sin twice against philosophy (referring to the infamous execution of the philosopher Socrates, in 399 BC). Aristotle died the following year in 322 BC of natural causes in Chalcis, a town on the island of Euboea.

To read more about Aristotle's life and works, see [this](#) encyclopedia article or visit TheGreatThinkers.org/Aristotle.



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Adams, John:

(1735 - 1826) a Founding Father and the second president of the United States, Adams valued the rule

of law and praised Aristotle for his support of it and of other republican principles. For more information

on John Adams, please see his biography under the Educational Materials of the section of this website

on "[Foundation Era Constitution-Making](#)."

Antigone:

a tragedy by the 5th-century B.C. playwright, Sophocles, written c. 442 BC. In it, Antigone buries her brother against the king's edict, an act which she justifies by appealing to natural justice.

aristocracy:

from the Greek words for "best" and "rule", a form of government in which the power of the state is vested in a minority of the best citizens; may also refer to the more powerful and privileged group within a society

Cicero:

(106 - 43 B.C.) a Roman philosopher, statesman, and orator whose written legacy on the natural as the universal basis of justice and right greatly influenced the American Founders. For more information on Cicero and his relationship to the natural law tradition, please see the section of this website on "[Cicero and the Natural Law](#)."

Grotius, Hugo:

(1583 - 1645) a Dutch jurist and philosopher who was particularly well known for his contribution to international law. An admirer of Aristotle, Grotius interpreted him to say that the law of nature is unalterable. For more information on Grotius and his relationship to the natural law tradition, please see the section of this website on "[Natural Law and the Law of Nations](#)."

Harrington, James:

(1611 - 1677) an English political theorist and advocate of republican government who greatly influenced the American Founders. He praised Aristotle for placing such importance on the law.

Harvey, William:

(1578 - 1657) an English physician who first accurately described the complete circulatory system.

Hercules' columns:

the promontories on either side of the Straights of Gibraltar, of which it was said in the Renaissance "nec plus ultra" ("nothing further beyond")

Hobbes, Thomas:

(1588 - 1679) a prominent English philosopher whose political philosophy set natural rights against natural law, which he disparaged. For more information on Hobbes and his relationship to the natural law tradition, please see the section of this website on "[Thomas Hobbes: From Classical Natural Law to Modern Natural Rights](#)."

Jefferson, Thomas:

(1743 – 1826) a Founding Father, the third president, and the primary author of the Declaration of Independence who cited Aristotle as a source for the foundational principles of the [Declaration of Independence](#).

jury nullification:

when a jury reaches a verdict contrary to the judge's instructions as to the law; for instance, if a jury finds the defendant to have broken a positive law which they believe is unjust, they find him "not guilty" because they don't want him to be punished unjustly.

law of nature:

recurring equalities or inequalities in the nature of things, which Aristotle thought serve to justify general claims involving the distribution of things and actions. These can be invoked to ignore unjust conventional laws, and can be discovered by sensitive humans.

Law of Nature:

a law which does not depend purely on a pre-existing agreement or convention. Laws of nature are implied by (and imply) moral absolutes, and can be used to void contravening laws

Livy:

a first century BC Roman historian and advocate of republican governments whose thought was influential for the Founding Fathers

Locke, John:

(1632 – 1704) a prominent English philosopher in the natural rights tradition, widely known as the "Father of Liberalism." His writings were foundational for the Founding Fathers for whom these natural

rights justified the American Revolution and grounded the founding of a republican government. For

more information on John Locke and his relationship to the natural law tradition, please see the section

of this website on "[John Locke and the Natural Law and Natural Rights Tradition](#)."

magistracy:

office of a magistrate (also, the group of magistrates)

natural law:

the law whereby natural justice is followed, external to human conventions

Nicomachean Ethics:

Aristotle's book on ethics, named after his son, Nicomachus, wherein he distinguishes natural from conventional justice

nous:

the Greek word for intelligence; Aristotle equated the law with *nous*

oligarchy:

a political system in which a small group of people rule

Plato:

(c. 428 – c. 348 B.C.) a Greek philosopher, and the teacher of Aristotle, whose influence has been felt in almost every area of philosophy. For more information on Plato and his relationship to the natural law tradition, please see the section of this website on "[Platonic Philosophy and Natural Law](#)."

Platonic communism:

a form of communism proposed by Plato in the *Republic*, where the political community is governed by philosopher kings

Politics:

a work containing eight books, in which Aristotle considers the nature of the political community, analyzes a variety of forms of government, and proposes the ideal state

regime - mixed:

a regime which combines democratic, aristocratic, and monarchic forms of government; Aristotle preferred mixed to pure regimes, because they were more stable.

regime - pure:

a kingship, oligarchy, or timocracy (rather than a government which combines elements of each). See also [OLIGARCHY](#) and [TIMOCRACY](#).

Rhetoric:

the book in which Aristotle outlines the art of rhetoric; in it he describes appeals to natural rather than merely conventional justice

rule of law:

consistency and predictability of written law, as well as its accordance with the "law of nature"

Sidney, Algernon:

(1623 – 1683) an English politician and political theorist who opposed monarchy and argued, following Aristotle, that men should be governed by the law, not by other men

timocracy:

rule by property owners; one of the pure forms of government

tyranny of the majority:

a situation in which political minorities risk oppression because of the power of the democratic majority

Wilson, James:

(1742 – 1798) a Founding Father, legal theorist, and original member of the Supreme Court of the United States who praised Aristotle, especially for the emphasis he placed on the rule of law. Author of the political treatise, *Of the General Principles of Law and Obligation*.



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I. Aristotle's influence on the [American Founders](#):

- A. Aristotle was listed by the Founders (e.g. [Jefferson](#) and Adams), and those they cited (e.g. Harrington, [Sidney](#), and [Grotius](#)), as a reliable political philosopher.
- B. Aristotle was cited as the source for many of the Founders' doctrines, including the following:
 - 1. government should govern for the good of the people, not for the good of those in power;
 - 2. there is a natural aristocracy, and skilled statecraft arranges things so that this element acquires authority, or, failing that, blends democratic and oligarchic influences in society to approximate to that outcome;
 - 3. mixed regimes are better than pure regimes, because they are more stable;
 - 4. the best form of government in nearly all circumstances involves the balancing of aspects of all three pure regimes (kingship, aristocracy, and timocracy);
 - 5. a pure democracy can easily turn into a tyranny of the majority.
- C. Aristotle's views on the rule of law were most influential
 - 1. For both Aristotle and the Founders, the rule of law included consistency and harmony with the "law of nature"

II. Aristotle on the rule of law:

- A. Laws of nature vs. laws of justice
 - 1. For Aristotle, a claim of justice is a statement about what should be the case (by a standard of equality)
 - 2. Natural justice refers to an equality based on something other than a preexisting agreement
 - 3. Conventional justice is equality justified by the decision
 - 4. For Aristotle, there is no opposition between natural justice and natural law; on the contrary, he describes the virtue of justice as "lawfulness"

III. Consequences of Aristotle's beliefs:

- A. Aristotle rejects [Platonic communism](#) as against nature and therefore unjust
- B. Regarding the laws of nature:
 - 1. A law of nature may be invoked to disobey a contravening human law, which is of a higher authority
 - 2. People disobey the laws of nature out of insensitivity, not because the laws aren't fundamental
 - 3. No laws of nature are purely natural: every situation partially depends on conventional and particular considerations

IV. Correcting the misconception that Aristotle didn't recognize natural law:

- A. It is often suggested that Aristotle didn't believe in natural law because, at the time, "nature" and "law" were considered incompatible
 - 1. By this account, "natural law" only makes sense with a law-giving God who governs nature (e.g. the Christian God)
- B. This is false because Aristotle recognizes moral absolutes in the *Rhetoric*:
 - 1. [Citing Antigone](#), he seems to view "bury one's blood relation" as an absolute prescription of the natural law
 - 2. He accepts jury nullification as an expression of the higher authority of the natural law
- C. Aristotle therefore holds a distinctly natural-law philosophy with the tenets:
 - 1. Human law can be void if it goes against the natural law;
 - 2. Some actions are bad in themselves



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Part I. Basic Interpretation

If you are interested in the thought of Aristotle after reading Michael Pakaluk's essay, please go to the [Primary Source Documents](#) to read some of the essential passages that relate to the article. Please also refer to the biography. As you go back to the primary sources, keep in mind the following questions:

- 1. How does Aristotle define "law"?
- 2. What is the difference between natural and legal justice?
- 3. What determines the law?
- 4. What does Aristotle believe it means to govern?
- 5. What is the rule of law for Aristotle? What is it for the [Founders](#)?

Part II. Connections to Other Thinkers

Aristotle's philosophy played an enormous role in the development of the natural law tradition. By comparing Aristotle to subsequent thinkers, his own unique philosophical position might be better understood.

1. The American Founders were heavily influenced by both Aristotle and [Locke](#). Locke argues that the government derives its legitimacy from the consent of the governed. Look at Aristotle's [Politics](#). Would he agree with Locke's claim? Is Locke's claim—that a government's authority depends on whether it works in a justifiable way—a natural law claim? How would Aristotle say the law should be determined in a society where a majority of people want something that is wrong? What would Locke say?
2. Aristotle and [Plato](#) had a very different understanding of how the world is. Does this play out in their different conceptions of the natural law?
3. Though Aristotle cites the existence of a god, his account of natural law does not rely on theology as much as [Aquinas](#)'. Does this difference make Aristotle's account more believable? Or does Thomas Aquinas's use of theology enable him to provide a more convincing account of why the natural law should be followed?
4. For Aristotle, just actions conduce to human thriving, and should be done for this sake. (According to Aristotle, not only is it impossible to be happy while acting unjustly, just actions benefit also benefit not only the agent, but the recipient of the action as well.) For Locke, man should act justly not because it serves the human good, but because certain actions are violations and must never be done. Which account is more compelling? Which serves better for creating a system of positive law? Can you consider a way in which the two views might be compatible?
5. Compare Aristotle's and [Auguste Comte's](#) proposed means of discerning the natural law. Defend your conclusions with reference to the texts.
6. Compare Aristotle's and [Oliver Wendell Holmes'](#) views about the existence of a natural law. Which do you think is more compelling?

Part III. Critical Interpretation

With a basic understanding of Aristotle's thought, let us examine his work more critically. Are his arguments persuasive? Can we expand on his thought and determine what he would say about issues that he did not directly address? Use the questions below as your guide:

1. In his *Politics*, Aristotle [writes](#) that "the law allows [individuals] to try to improve existing laws by amendment as seems best." What does it mean for a law to be improved? Does this possibility undermine the reasonableness of natural law? Or is Aristotle here referring only to the positive law?
2. In defending Aristotle against [Hobbes](#), Harrington wrote: "for Mr. *Hobbes* to say, *Aristotle* and *Cicero* wrote not the rules of their politicks from the principles of nature, but transcribed them into their book out of the practice of their own commonwealths, is as if a man should say of the famous *Harvey*, that he transcribed his circulation of the blood, not out of the principles of nature, but out of the anatomy of this or that body." Is this a compelling defense? Or do sociological observations differ critically from biological ones? Is it even true to describe Aristotle's account as a transcription of the practices of his own commonwealth?
3. In his example of proportionate equality, Pakaluk writes "That *this* allotment should be 80/20 implies that similar cases should have similar allotments. Thus, on Aristotelian terms, a law is 'by nature' if the equality which it aims to ensure is such that it is justified by appeal to something other than an agreement or decision." Does the existence of a natural equality mean that prior agreements,

and the positive law itself, have no weight? If a specific division is demanded by justice, is any other division unjust such that an appeal to justice would serve to adjust it? Does Aristotle deny the possibility of convention and contract?

4. In the *Rhetoric* Aristotle [writes](#) that “there really is, as everyone senses, something just by nature and common to all – and something unjust – even when people have no association or agreement with one another.” Whenever we call upon an absolute standard of justice to condemn a practice like genocide, it seems we accept that this is the case. Yet if this law applies to everyone, why do some societies condone injustice?

5. Pakaluk writes: “By a ‘claim of justice’ (a claim about *to dikaion*, ‘what is just’), Aristotle understood a statement about what should be the case...” How do rights and duties relate to this “claim of justice”? Which comes first?

Part IV. Connections to Contemporary Concerns

Aristotle has had a tremendous influence on moral and political thinking in Western society. Therefore, let us now turn to some contemporary issues and see how his thought may be applied to them.

1. In the *Rhetoric*, Aristotle [writes](#): “A judge is like someone assaying silver: he has to distinguish spurious justice from true justice.” Is this view of justice applicable to our present judicial and political system? Is it the role of judges to distinguish justice and to ensure that the command of the law is followed? How would Aristotle suggest judges proceed when asked to uphold an unjust statute which accords with precedent? Is this problematic?

2. In the *Politics*, Aristotle [writes](#) that “anyone whose command is that ‘law should govern’ seems to command that ‘only God and Intelligence should govern;’ and anyone whose command is that ‘this man should govern’ slips a beast in as well.” Though individual men must attempt to distinguish the real law from spurious justice in order to uphold it, Aristotle suggests that the natural law is more important than its administrator. Is such a view compatible with the republican principles which hold that the legitimacy of the government relies on the consent of those governed?

3. In the *Nicomachean Ethics*, Aristotle distinguishes legal from natural justice. In a federal system like the United States’, should all the demands of natural justice be enforced federally, and states have the right to determine all questions of legal justice? Or should it proceed in the reverse direction? Is the answer a function of what best ensures that natural justice is followed? Does it matter where the positive law originates?

4. How should justice be discussed in the public sphere today? If citizens disagree about what natural justice requires, or even if it exists, will we do better to argue with reference to the conventional law?

5. Compare the two major political parties in the US today: The Democratic party tends to favor more personal freedoms, secularist government and education, and the provision of government-funded social services to the poor and elderly, whereas the Republican party tends to favor morals legislation, religion, and economic freedom. How might Aristotle make sense of this division? Is one party more Aristotelian than the other?

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