

HISTÓRIA DO DIREITO

An Aristotelian Critique of the Idea of Mixed Constitutions in Polybius

Uma crítica aristotélica à ideia de constituições mistas em Políbio

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ABSTRACT

The idea of a Constitution of many minds or of many individuals as proposed in modern times, does not differ in kind from the dead end that Polybius sketches in his Constitution. Polybius, the Greek historian of the Hellenistic period (200-118), accepts the idea of a mixed Constitution as seen in Rome, but draws a line between what can be done in political science and what cannot. Hence assigning causes to facts is precarious as the idea of time will remain elusive to humans. And so any interpretative procedure assigning to reality, and to legal reality especially, any definite, once-and-for-all meaning is precarious. Qualifying causality, according to Aristotle, in terms of an uninterrupted time chain is of no help in realising social and political values or pursuing them; thus his views on the forming of a mixed Constitution are negative. Time and only time qualifies cause in Aristotle. His idea of absolute time, however, is not, and cannot be, connected with his idea of “craftsmanship”. To understand even in a material reductionist way and thus to interpret the temporal idea of history, politics and Constitution is our main task; to examine the nature of time is another. These ideas on the nature of the Constitution only respond to an “appalling” challenge in Aristotle’s Work: Why cannot we gain epistemic access to the real essences of Constitutional things and structure? And this is the challenge “par excellence” to be met in order to safeguard the common, public and institutional nature of political and intellectual values.

Keywords: History of Philosophy; Political Philosophy; A Reductionist Theory of the State; Modern Epistemology.

RESUMO

A ideia de uma Constituição de muitas mentes ou de muitos indivíduos, como proposta nos tempos modernos, não difere em espécie do beco sem saída que Políbio esboça em sua Constituição. Políbio, historiador grego do período helenístico (200-118), aceita a ideia de uma Constituição mista vista em Roma, mas traça uma linha entre o que pode ser feito na ciência política e o que não pode. Portanto, atribuir causas aos fatos é precário, pois a ideia de tempo permanecerá indefinida para os humanos. E, assim, qualquer procedimento interpretativo que atribua à realidade, e à realidade jurídica especialmente, qualquer sentido definitivo, de uma vez por todas, é precário. Qualificar a causalidade, segundo Aristóteles, em termos de uma cadeia temporal ininterrupta não ajuda em nada a realizar valores sociais e políticos ou persegui-los, de modo que suas visões sobre a formação de uma Constituição mista são negativas. O tempo e só o tempo qualifica a causa em Aristóteles. Sua ideia de tempo absoluto, no entanto, não está, e não pode estar conectada com sua ideia de “artesanato”. Compreender mesmo de forma materialmente reducionista e, assim, interpretar a ideia temporal de história, política e Constituição é nossa principal tarefa; examinar a natureza do tempo é outra. Essas ideias sobre a natureza da Constituição só respondem a um desafio “terrível” na obra de Aristóteles: por que não podemos obter acesso epistêmico às essências reais das coisas e da estrutura constitucionais? E este é o desafio “por excelência” a enfrentar para salvaguardar a natureza comum, pública e institucional dos valores políticos e intelectuais.

Palavras-chave: História da Filosofia; Filosofia política; Uma Teoria Reducionista do Estado; Epistemologia Moderna.

1. Introduction

Material reductionism in historical theory concludes that talking about the Constitution of a state is talking about individuals. Can the opposite, that is, that individuals are unimportant, be true? Is a rationalist viewpoint in historical theory possible? Non-material reductionism implies that our statements about mind cannot be reduced to statements about matter. Individuals face the world not alone but within their own systems of reference; in conditions in which they can meaningfully follow the pursuit of truth. This idea determines a rationalist viewpoint.

Aristotle's notion of "melancholy" gives reductionism priority over rationalism. Polybius, a Greek historian of the Hellenistic period (200-118 BCE), has serious doubts about this priority, being pessimistic regarding the repetitiveness of the purposes of political life. Being unwilling to admit that we can extend our conceptual range in the direction of the unknown, Polybius searches for the best way of establishing our perception of political reality. The empiricist strain is noticeable in him. Is not he, however, material reductionist? It is tempting to believe that history would be less of a nightmare if all our ancestors were chosen rather than genealogically determined, i.e. if the natural authority of the biological ancestors were done away with altogether. Causality is seen as a pure succession of events –this has nothing to do with ideas of the "beginninglessness" (non-determined beginning) of the universe and the constitutional order. But we are speaking here of a repetitive succession. Polybius' non-dualism is expressed by his pessimistic conception of decay in governmental history.

Polybius makes the point that if there were more philosophers in the world there would be no need for religions. But losing faith in the ideal stresses the omnipotence of rationalism or the idleness of error-paralysing scepticism. A false idea of time renders us incapable of seeing and understanding our weak nature, our limits and our limited ability to assign causes to facts, as do our dealings with the world if connected with this false idea.

Hence the idea of a mixed Constitution is shown to be a fabrication of the mind; it is meaningless outside a prescribed set of circumstances defined by what we ordinarily understand using our knowledge of the balance of power. Laws in history are given *ab extra* in Aristotle. No man's mind can impose them on history. He, however, does not consider change an evil.² To honour those who discover anything which is useful to the state is a sound proposition but cannot safely be enacted by law, he states. This may encourage informers and perhaps may lead to political turmoil. Thus, he adds, it has been doubted whether it is expedient to make any changes in the laws of a country even if another law is better. Under pretence of doing a public service a man may introduce measures which are in fact destructive to the laws or to the Constitution.

2. Aristotle and the Mixed Constitutions

The above explains Aristotle's critique of the mixed character of the Constitution³ where all references regarding its proposal have been made use of. Aristotle had seen Constitutions in practice. The arbiter, he states,⁴ is always the person most trusted. He who is in the middle is

² Aristotle, *Politics*, 1268 b23-31

³ J. Barnes (1991, pp. 21-24)

⁴ Aristotle, *Politics*, 1297 a5-12

an arbiter. The more perfect the admixture of the political elements, the longer the Constitution will last. Many, even of those who desire to form aristocratic governments are mistaken, he adds, as they give too much power to the rich. There comes a time, he adds, when out of a false good there arises a true evil. This is synopsis of his line of thought regarding not only his reservations on aristocracy but on the mixed character of the Constitution. The encroachments of the rich are more destructive to the Constitution than those of the people. Thus collective decisions, Barnes states, will be best only in special circumstances.

Why should we not suppose that individual expertise will be submerged in general incompetence? Aristotle⁵ states that the multitude ought to be in power rather than the few best. This is true but it is only with some difficulty that this can happen. For the many, of whom not everyone is a good man, when they meet together may be better than the few good. He explains this: they are regarded not individually but collectively. A feast to which many contribute is better than a dinner provided out of a single purse. Here we see Aristotle's scorn of material reductionism. Each individual among the many has a share of excellence and practical wisdom. When they meet together, they become in manner one man. This "man" has many feet and hands and senses. This holds with regard to their character and thought. Hence the many are better judges of music and poetry of than a single man. Some understand one part, he claims, and some another. And among them they understand the whole.

We see here Aristotle's scepticism: it is doubtful whether the principles of collectivity and lack of ability can apply to every democracy, and to all bodies of men. In some cases, the principle cannot be held applicable, he states. The argument would equally hold about animals, and it will be asked if men differ from animals. There may be bodies of men, he admits, about whom our statement is true. If so, one difficulty has already been raised. There is also another difficulty: what power should be assigned to the mass of freemen and citizens who are not rich and have no personal merit? This can be easily solved, he adds. This means that we are incapable of realising this mixed character in all circumstances and what is left to us is just generalising. Sometimes the alternative to human life, according to Aristotle, is that of animals.⁶

But is this anti-realism always the case?⁷ Aristotle's empiricism is evident. This has nothing to do with the "beginninglessness" (non-determined beginning) of Constitutional ideas and facts and values; nor with their realization despite the fact that the Constitution may be imperceptible *in abstracto* to us. We must insist on the succession of events and to their causes. Aristotle is very unwilling to trace causality before the beginning of time and the Constitution. Thus, causal principles, we understand from Charles⁸ do not govern or influence our future progress. Cause is qualified by the succession of time in Aristotle. A reversal of roles, though, is possible.⁹ We must not confuse the infinite succession of time with the cause-chain in Aristotle. This point is discussed in great detail by Alexander attempting to sort out this confusion.¹⁰ That is why Aristotle cannot be counted as a Cartesian. He is extremely pessimistic about whether mixed Constitution model-making ideas can free us from inequality and non-valuable conduct

5 Aristotle, *Politics*, 1281 a40-1281 b10; 15-25

6 Burke (1995, pp.13 ff, esp. p.15; pp.31ff)

7 Charles (1997, pp. 231-257); Giouli (2012a, pp.135-260; 2022, pp. 267-290)

8 Charles (2000, pp.1-3)

9 Burke (2000, p. 69); Gilson (1952, p. 369)

10 Alexander of Aphrodisias, *On Aristotle Metaphysics* 2&3, 5, 29 -30 and nn. 64-66

in a State. These procedures only testify to human vulnerability. This brings to mind the Historical Works of Polybius. He is, as Aristotle is, perfectly aware that laws are given *ab extra* in the spatio-temporal order of Constitutional and historical events. There comes a time, Aristotle states, when out of a false good there arises a true evil. This idea is shared by Polybius.

Let us proceed to examine Polybius (c. 200BC-118BC) on the idea of mixed Constitutions. Cause is qualified by the succession of time in Aristotle, as we have seen. The same holds for Polybius. We must not confuse the infinite succession of events with the cause-chain in their Works. It is understood in Aristotle that an infinity of causes is impossible. The same holds for both of them. But does this prove that time is finite for Aristotle? Plainly, no. The infinite chain of fathers and sons proves only the infinity of time. It does not prove the infinity of causes. The chain of causes is finite, he adds, because each cause is the same in kind in this chain. Thus, we may steer clear of the optimistic goal of any model-making based on time's eternal nature. Constitutions, too, are not susceptible to models, as they live and die with time. One's perception of the pure succession of events, according to Hume, remains unchallenged. Still, the idea of the "beginninglessness" (non-determined beginning) of time and Constitutional ideas also remains unchallenged in both writers.

3. Polybius and the Mixed Constitutions

Polybius had experienced of both Greek and Roman Constitutions and found the Roman mixed Constitution ideal. His ideas on government and history in juxtaposition to Vico's share the element of repetition and decay and this is a constant in Polybius' theory of repetitive governmental history. Thus monarchy, tyranny, aristocracy, oligarchy, democracy and mob rule constitute an ineluctable circle of evils. Man *can neither* escape it *nor* transcend it. Hence Polybius' rationalism is judged flawed. One can see Vico's scorn regarding Polybius' losing sight of the idea of Providence. Polybius is thus unable to integrate it within his historical model. Another interesting point is made by Brian McGing in his *Polybius' Histories*.¹¹ He refers to the warm praise Polybius received from John Adams, the second President of the United States of America. John Adams regards the idea of mixed Constitution highly. Adams sees all the characteristics of the idea of mixed Constitution united in the work of Polybius. This idea is a form of material reductionism in *The Works of Polybius*.¹²

But is Polybius truly a reductionist? People, he states, have grown accustomed to feeding at the expense of others and to depending for their livelihood on the property of others. They find a leader who is enterprising but who is excluded from the honours of office by his penury. Thus, they institute the rule of violence. They unite their forces in order to massacre, banish and plunder. Thus, they degenerate into perfect savages and find once more a master and a monarch. His theory of State concerns individuals. Here the empiricist strain is very strong. This is the cycle of political revolution. Constitutions change, disappear and finally return to the point from which they started in a course appointed by nature. The worst is sure to follow someday, he adds, just as rust¹³ in the case of iron and wood-worms and ship-worms in the case of timber are inbred pests. These substances escape all external injury but fall a prey to the evils engendered

¹¹ McGing (2010, pp.169, 203, 218)

¹² Polybius, *The Histories*, VI, 9.7

¹³ Polybius, *The Histories*, 10. 2-10

in the Constitution. This constitutes life at animal level. Thus, he adds, each Constitution has a vice engendered in it which is inseparable from it. In kingship it is despotism, in aristocracy, oligarchy, and in democracy the savage rule of violence. It is impossible, he adds, that each of these should not in course of time change into the vicious form. These examples show how fallible the human nature is. And indeed here the common division into good and bad, true and false, vanishes. There seem not to exist any indubitable examples regarding what morality (in juxtaposition to rationality) sanctions or forbids.¹⁴ We only measure good and evil, true and false in terms of our ability to manage them. We thus have to face adverse circumstances.

Polybius states¹⁵ that people pronounce in private on the characters of good or bad men and resolve to put their opinion to the test. They do not choose for investigation those periods of their lives which they passed in composure and repose. On the contrary, they choose times when they were afflicted by adversity and/or were blessed with success. Human perfection concerns human power.¹⁶ This they regard as the correct way of gauging a person's strength, which lies in his ability to bear high-mindedly and bravely the most complete reversals of fortune. This is how we should formulate our judgements of States. Causes, and the consequent ability to choose what is best in each case, do not really challenge the temporal succession of events. Time qualifies cause. If this were not the case, exact criteria for success would be dominant throughout his critique and methodology. Polybius' pessimism is more than evident in how he evaluates success. Any optimism here would be out of the question. Time *in abstracto* can be imperceptible. We grasp time according to concrete causes each time. There is no transcendental (normative) means of understanding it and measuring it. The chief cause of success or the reverse, he states, in all matters, is the form of a State's Constitution. Springing from this, as from a fountain-head, all designs and plans of action originate and reach their consummation.

Polybius' observations do not touch on the "beginninglessness" (non-determined beginning) of the ideas of Constitution and time; nor of a final remedy for the evils inherent in Constitutions. They only show his doubt that we shall ever find the ideal Constitution. But is this really necessary? We only formulate *in concreto* our resistance to adversity through the means the Constitution provides us with –independently of any ideas on what constitutes the ideal Constitution. All existing things are subject to decay and change.¹⁷ This is a truth that scarcely needs proof. The course of nature is sufficient to force this conviction on us. Every kind of State is liable to decay through two agencies, Polybius states. One is the growth either in size or in power of the State itself. The other is an external agency nor subordinated to any fixed rule. Polybius stresses the point of human incapacity to respond to adverse challenges. A State, according to him, can weather many great perils and attain to high perfection. Once the citizens and rulers have achieved long established prosperity, they will become more extravagant. They become fiercer in their rivalry regarding office and other objects than they ought to be. These defects increase until a change for the worse sets in, due to a love of office. Obscurity is regarded as a disgrace and extravagance and purse-proud display lead to obscurity. The populace is responsible for bringing about this change. Human life is depraved, as we saw in Aristotle. Polybius further analyses this responsibility. On one hand, people think they have a grievance against

14 Burke 1983, p. 208)

15 Polybius, *The Histories*, 3

16 Polybius, *The Histories*, 2

17 Polybius, *The Histories*, 57. 5

certain people who have shown themselves grasping. On the other hand, they are puffed up by the flattery of others who aspire to office. They are stirred to fury; they are swayed by passion in all their counsels. They will no longer consent to obey. They no longer consent to be the equals of the ruling caste but will demand the lion's share for themselves. This totally unpredictable procedure bewilders, and indeed shows the lack of faith in any ideal in question. The imperfect forming of a mixed Constitution is something non-sensical, if it follows such ineffective corrections of the arbitrary. But is this the case? And it is tempting indeed to consider Polybius' dictum as indicating absolute material reductionism. When the above happens, he states, the State will change its name to the finest sounding of all, freedom and democracy. Nonetheless, it will change its nature to the worst thing of all, mob-rule which, we add, is accompanied by the withering away of all ideas of value. This interest in values shows that God is not absent from Polybius' idea on mixed Constitution. God is the synthesis of our values.¹⁸ Religion is the form of our values regarding Wittgenstein's judgement of unconditional value. But Man can no longer assign causes to facts; it is the succession of time that determines the cause of being. We may, again, thus raise the question on the pure empirical grounds of whether reductionism, and political reductionism, especially, is to be espoused. One can scarcely deny the existence of reductionism in Aristotle's Works.

We can do very little indeed to grasp the unknown, due to our frailty. This value-angle is in opposition to material reductionism. Any cyclic normativity implies flawed reasoning in Polybius' model of government history. The idea of frailty contradicts ideas on dualism. That time substantiates the cause-chain guarantees the value angle mentioned afore. A concrete cause cannot qualify the order of time; thus this cause is only a poor means to partially overcome the miseries of our nature. Such an imperfect realization of time *in concreto* diminishes our capacity to come in terms with our weak nature, our limits and our limited ability to assign causes to facts. This affects our dealings with the world. Time will always remain elusive. What is of interest however is that which can testify to time's succession and assign causes to facts. Thus both our philosophers can be seen as empiricists because for them the causal derivation of one state from another is conditioned by the temporal succession of different forms of Constitutions. This succession is concrete and uninterrupted as regards genealogy and lexification. Causality is substantiated in terms of it. Relevance or non-relevance to our actions in this temporal succession is of minor importance for Polybius and Aristotle. This plainly does not affect their scorn for material reductionism. It only underlines the strong empiricist strain in their work –not to mention their uncompromising belief in the inaccessibility of the ideal in historical and Constitutional time. The commonplace is to be taken for granted.

Vico, the Italian philosopher (1668-1744), scornfully wonders how scientific the philosopher's meditations upon the principles of civil governments are and how much truth there is in Polybius' reasoning about the mutation of governments. Following Pompa¹⁹ who cites Polybius,²⁰ we see Sparta changing government from monarchy to aristocracy.

18 Davies (1993, p. 38)

19 Pompa (2002, p. 57, n. 36)

20 Polybius, *The Histories*, IV, 22. 4-5

Another flaw²¹ in Polybius' reasoning²² is uncovered by Vico. Vico states that religion is the only cause of Roman greatness. Polybius had conversely attributed this to the people, an idea which Vico scorns.²³

We have not hitherto understood the meaning of late Greek mythology, according to Vico. We understand, however, from within our very nature the total falsity of the early Roman history. According to Vico, Polybius does not manage to convince us of the credibility of mythological legends. One should certainly accept or dismiss Vico's dictum on plebeians and aristocracy. The same holds concerning his derogatory attitude towards mythology, which is indeed unacceptable. We need not and we cannot ask *hic et nunc* proofs for the truth behind legend. Nonetheless, we need to be fair to Vico. He places religion in the realm of the known. Religion thus supports or opposes leaders, classes, groups of people. But is this the role of religion? Here we see sheer relativism, to say the least. A blurred line between religion and human activity is stressed, and this indeed exists –the realm of the known. That is why Vico²⁴ accuses Polybius²⁵ of losing sight of Providence. Polybius' reasoning concerning the founding of Rome is based on republics that were already founded. Again, here we see Polybius' sharp line between religious concepts and a historian's, or a statesman's concepts, which are secular. Polybius' ideas on Constitution are not based on abstract reasoning, of the revolutionary in science. They are based on a trial-and-error process, a down-to-earth process. It is this which causes Polybius not to dare to articulate models in historical procedure. Vico²⁶ refers to Polybius' lack of mention of Providence. Polybius' ideas are refuted by the fact that had there been no religions in the world there would have been no philosophers.

Again, there is no material reductionism in our Critique of these Mixed Constitutions: talking about States is not talking about the individuals that constitute them. The other way round is not true in Polybius' theories of a State as a logical construction made up of individuals; as an allusion to Cartesian dualism. Aristotle's view of these Constitutions offers the best possible account of them. We can never realise social and political values or pursue them; we can only qualify causality in terms of such an uninterrupted temporal chain. We are unable to fully respond to and understand the challenge which the pursuit of values requires. We may need to pursue values of this, but we cannot reach them. Does the idea of a Constitution of many minds or of many individuals develop beyond the dead end that Polybius sketches in his ideas on mixed Constitution?

21 Pompa (2002, p. 86: Vico, (1725), XXI, 136)

22 Polybius, *The Histories*, I, 3.7 in Pompa (2002, p. 86 and n. 96)

23 Pompa (2002, pp. 112-113 and n. 169: Vico (1725), XLV, 184-186)

24 Pompa (2002, p.157: Vico (1725), VIII, 269)

25 Polybius, *The Histories*, VI, 56, 10-11, in Pompa (2002, p.157, n. 11)

26 Pompa (2002, p. 274, n. 3)

4. A Critique of Aristotle's Critique

One cannot but be reminded of Aristotle here. There is in us a common sensibility, he states²⁷ that allows no further inferential steps.²⁸ Hence, no further inferential steps are needed regarding how we come to know that common qualities are not incidental in the Constitution. Hence, we need not answer any question on what triggers our mental images of the ideal Constitution. Indeed, here we can do nothing other than generalize regarding the intentional, this bizarre aspect of the human mind. We must use the commonplace to be in Wittgenstein's peace.²⁹ The intentional is the normative, Prof. Wedgwood states, but what triggers it remains in question.³⁰

Mental images undermine significances and viewpoints.³¹ There is not the slightest hint of dualism here. We are unable to opt for what triggers those images, the intentional. Here the interpretation is the normative, as Wedgwood takes the intentional to be the normative in his well-known book *The Nature of Normativity*.³² Theories, hence, regarding the Constitutional truth remain permanently at risk³³ due to the (logical) insufficiency of scientific evidence. Such propositions imply the use of a conceptual armament extending into the unknown. Certainly, the scientist's task is to make sense of the Constitution within a certain conceptual range. This range does not and cannot include such extensions. Can one allow that science can undertake the impossible?

Does beginninglessness qualify Constitutional procedures and their ideals? Sceptical answers and reservations plainly deny this. Certainly, we are dealing with a trial and error procedure where reason's diminishing capacity to definitely move the tide of Constitutional reality and history or interpret it is obvious. Morality in juxtaposition to rationality is also variable. Is there an impending danger regarding individuals that are engaged in Constitutional procedures without taking into consideration theories, viewpoints, significances or values? Can anything prevent the development of a Constitution towards its perfection? Is the ideal Constitution possible? We raise these questions despite the unwillingness aforementioned. The answer is definitely no; unless we are willing to accept the dead end an omnipotent rationalism entails. We must accept the frailty of reason each time we attempt the impossible and are bound to fail –while imperfectly forming the idea of mixed Constitutions. Certainly we are dealing with individuals that form such ideas and relevant experiences whose content is undeniably psycho-somatic. And the agenda of the executive deals precisely with this content. Again, the commonplace qualifies the aforementioned Constitutional procedures. This is bound to be an imperfect formation and it can annul our capacity to act, unless we see and understand our weak nature, our limits and our limited ability to assign causes to facts. The same holds good for all our dealings with the world. Then we opt neither for a less empiricist viewpoint nor for a more rationalist one.

27 Aristotle, *On the Soul*, 428 a28-30

28 Charles (2000, p. 125)

29 Burke (1995, pp. 24ff)

30 Giouli (2012a, pp. 77-134)

31 Giouli (2012a, pp.135-260)

32 Giouli (2012a, pp. 77-134)

33 Giouli (2012b, p. 15)

To the disappointment of a sceptic, however, we cannot treat every statement as open to criticism and demand evidence for its truth and falsity. This, Burke states,³⁴ would dismantle our apparatus for producing this evidence. In contrast, Burke continues, the search for truth not only cannot begin but also cannot end anywhere.

Here, we see an important parallel between communication and *paideia*.³⁵ Indeed, political communication is communication that educates people, thus aiming to sustain the social, common and institutional character of knowledge. Poor communication means degradation of knowledge of political Good.

The same happens with grammar, where the way a word used in the language of which it forms part, suggests, Wittgenstein claims what kind of object anything is.³⁶ Thus, grammar –and likewise the Constitution– forms a constant element among the diversity of views on what we can do and what we cannot do as regards deliberating on the possible democratic values in our lives and reality in general. This Popperian line of what we can do and what we cannot do, in the Aristotelian absence of the omnipotence of political and legal reasoning is further stressed.³⁷ A totally unrestrained freedom is self-defeating.³⁸ This, however, is plainly subject to trial-and-error procedures.³⁹

However, can the risks of the limited deliberation of like-minded people be minimised? Aristotle would seriously doubt it. Indeed, prejudices and relativism can prove fatal, here. But is this a distinction between material reductionism and non-material reductionism in theories of State? Does this emphasise the view⁴⁰ that talking about the State is talking about Its individuals, and *vice-versa*? What exactly is Aristotle's warning here that material reductionism can affect the function of the State negatively? Aristotle lays great stress on this focal point in his political philosophy and epistemology, concluding that human life and its products deprave, something ineluctable.⁴¹ Giouli, like Plato before her,⁴² brings up the question of the inexplicable. Such an understanding can help us to come to terms with our passions and fears regarding the unattainable. This is also stated by Aristotle, who refers to the political Good as chanced upon rather than chosen (*προαίρεσις*) in Aristotle. Indeed, in *Nicomachean Ethics*, III, 3, 1112 a28-30, Aristotle notably states that we do not deliberate about the totality of human affairs, e.g. a Spartan would not meditate on the best Constitution for a Scythian; nor do we deliberate on eternal things. None of these things can be affected by our own efforts. Choices are made principally in an instable way by the ruling section of the self, i.e. when we have decided as a result of deliberation, we desire in accordance with our deliberation, Aristotle concludes in *Nicomachean Ethics*, 1113 a5-13 in what is plain also from very ancient Constitutions.

34 Burke (1983, p. 208)

35 Giouli (2007a, pp. 50-59; 2000; 1998; 2007b, pp. 130-150)

36 Burke (1995, p.44 and n. 1)

37 Giouli (2012a, 73 and n. 7)

38 Giouli (2019; 2002; 2004 and Burke 1983, p. 181).

39 Burke (1983, p. 186)

40 Parkinson (1988, p. 378)

41 Aristotle, *Politics*, II, 1267 b1; Toynbee (1935, XII, pp. 584-587, esp. p. 585). Also Giouli (2012b, pp. 34 ff; 55 ff;81 ff; 110 ff) ; also Moutsopoulos (2014, pp. 181-182)

42 Giouli (2012b, pp.161 ff)

This is, nevertheless, Aristotle's anti-realist understanding which does not begin with the perception of order in this view of an ideal Constitution –this understanding rather attempts to uncover it. It can be connected to major issues of the necessity of rights and the need to relinquish some rights at times.

5. Conclusion

What is the essence of a written Constitution? How can we understand it? Is a possible answer the one that casts aside knowledge, coming from experience? And does this concern the pure succession of events? Can this angle bring an ideal Constitution to hand? Does the idea of mixed Constitutions suggest something like existing normativity? Definitely not. The opposite is true. The empiricist strain is very strong. Reason's diminished capacity to move the tide of history or interpret it is noticeable here. Morality in juxtaposition to rationality is also variable. In fairness to Polybius, however, one must be cautious in referring to the weakness of the power of reason. What can outweigh this flawed capacity is a plea for a sense of dedication to the ideal of historical truth. Both Aristotle and Polybius are very reluctant to make such a plea. Historically and Constitutionally speaking, the cause-chain repeats itself uninterrupted. One's perception of the pure succession of events remains unchallenged. The idea of the beginninglessness of time and Constitutional ideas also remains unchallenged in both philosophers. Causes are definite –though indefinitely assigned to facts in the course of time and in the course the Constitution substantiates. This holds good in Polybius' ideas on governmental history, as well as in Aristotle.

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