

Law as the Saving Grace of the City

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The occurrence and continued relevance of the city stems from it allowing citizens to live a better life. Why is law an essential component of Aristotle's exploration of the city being a political community constituted for the common good? Aristotle's answer to this is that justice as the source of the common good is delivered by the impartial authority of the law; this shows that the impartiality of the law provides an artificial formation of virtue which supports the long-term preservation of the city.

In order to understand the city, examining the common good reveals a shared goal amongst its citizens. This common good arises from the city existing "primarily for the sake of living well" allowing its citizens to partake in happiness and intentional choice (Pol. 3.10.1280b39-40). These are seen as the common good for they are the commonality between the collective of individuals that make up the city. When functioning properly, the city will deliver upon the objective of "living well," but there are road blocks that make the purpose of the city's existence difficult to achieve.

The city is faced with two major problems surrounding the individual: the one being behavioral issues stemming from human's savage nature, the other being that the individual is inherently partial to his/her own circumstances (Pol. 3.9.1280a16). These two issues are vices of the individual which threaten the existence of the city. Aristotle's examination of the individual, as the basic unit of the city, makes the claim that a human "without virtue, he is the most unholy and savage of animals" (Pol. 1.2.1253a36-37). Law as the source of virtue provides for the evolution from uncivilized behavior to civilized behavior. With it being stated that human beings are the "best of animals when completed (by law), when separated from law and adjudication he is the worst of all" (Pol. 1.2.1253a32-33). Thus the creation of law serves as an artificial institution of virtue which upholds the common good of the city.

The second issue of the natural partiality of the individual comes from lacking perspective and being attached to his/her situation along with his/her preferred outcome. Aristotle says that "most people are bad judges concerning their own things" (Pol. 3.9.1280a16). The effects of this are more pronounced with the decisions that rulers make. Looking at the difficulty of taking the bias out of the circumstance shows how easily the city could be negatively affected by rulers who are overly concerned with their own self interests. This lack of perspective is remedied by the impartiality of the law.

The law is important in creating harmony of individuals within the city. The reason for its importance is derived from the common framework that is provided by law. Law arises as a way to best address the issues while maintaining order which ensures the continuance of the city. Aristotle states that only humans perceive good/bad and just/unjust (Pol. 1.2.1253a16-18). This understanding is the foundation of the city which in turn creates the law that preserves the city. Thus the intellect leads to the formulation of the law and moving the city to rules beyond the faults of human nature.

There are limits to what the law can address. As a result of the wide range of situations and circumstances that are possible, the law cannot be all encompassing. Aristotle says that “Correctly enacted laws should be authoritative while those things that the law doesn’t account for rulers have authority on those things” (Pol. 3.12.1282b2-5). This shows that the ruler still plays a prominent role with filling in the gaps of law. This judgment by the ruler still should come out of an understanding of the law. On this it’s said “every ruler judges finely if he has been educated by the law” (Pol. 3.17.1287b23). This quote shows that the judgments that the ruler makes on a matter not covered by the law should be based on an extension of the legal framework.

The specific role of the law is providing an impartial basis for preserving justice. The political good is justice but the city isn’t an alliance to prevent injustice therefore it’s the law that creates the alliance to prevent injustice (Pol. 3.12.1282b17 and 3.9.1280a35). Law upholds justice which is the “respect to objects and for persons” (Pol. 3.9.1280a17-18). For without the law the city loses its foundation for justice and the citizens take on their worst “beast” form. For the law saves the political community from the citizens and the ruler since law is “intellect without appetite” (Pol. 3.17.1287a32). This quote points to the fault of the ruler who is either intellectual or unintellectual. In considering the intellectual, their appetite leads them to wanting more (whether it be knowledge or resources), while the unintellectual can’t fathom complexity in the first place. The law shows its superiority by being content with how it was created and remaining consistent to its purpose of upholding justice.

Through this lens of laws as the authority, Aristotle leaves out important understandings that problems with the law pose. Such shortcomings show themselves when considering unjust laws. He briefly mentions the laws reflect the regime but doesn’t pay enough attention to the negative consequences stemming from unjust regimes (Pol. 3.12.1282b11-13). What sort of response is warranted to an unjust law and who has the moral authority on this controversial question? Within the issue of an unjust law, the few who are creating the law are more susceptible to corruption while the many are less susceptible to corruption. With this in mind, the masses would be the authority on whether a law is just because they are less easily corruptible (Pol. 3.15.1286a32). Another issue is if the minority is negatively affected by an unjust law, then the masses may still perceive this law to be just. Within this approach, the critical lens of judging the law falls on the masses. The criterion to judge the law is whether it respects people and things. With this approach in mind, the regular re-examination of the law is pertinent so that it’s best written to protect the common good.

Despite these weaknesses, it’s the law that best serves as the authoritative rule over the city. Aristotle acknowledges that “all ruling involves difficulties” which shows that despite potential faults of the law, all forms of ruling have faults. When choosing an authoritative ruler of the city, then the impartiality offered by a system of laws that’s correctly instituted provides a source of ruling with the least faults (Pol.

3.10.1281a14). While the other option of various forms of human rule are flawed by emotion and bias.

With law being a paramount authority of the city, Aristotle states that there is a divine aspect to this sort of ruling. Saying that “One who asks law to rule, therefore, seems to be asking god and intellect alone to rule, while one who asks man adds the beast” (Pol. 3.16.1287a30). Referring to this quote shows that even when asking the best of people to rule, there are going to be shortcomings of their rule. The beast nature of humans shows limitations through inherent emotionality and bias which negatively affect the act of ruling. Of course law doesn’t eliminate the need for leaders, but it is the highest authority which requires citizens molding their behavior to the rules it lays out. This adaptation of behavior to the law as an exterior authority is an artificial virtue. It’s an artificial source of virtue since the behavior doesn’t come from within the individual but from the outside rule of law. Adhering to the exterior, societal-based moral excellence of the law, becomes an artificial virtue that benefits the preservation of the city.

The citizens’ obligations to the law come from their duty to preserve the city. Aristotle says that “although the citizens are dissimilar, preservation of the city is their task, and the regime is this community; hence the virtue of the citizen must necessarily be with a view to the regime” (Pol. 3.4.1276b29-31). Since law is in the best interest of the city it shows the citizens’ role of preserving the political community is following the law. When judging a citizen, the measuring stick of artificial virtue created by law is the measuring tool. The assertion of what are desirable and undesirable characteristics of citizens is determined by the law. As a result, the virtue of the citizen is a reflection of the construction of the society of which he/she is a member.

Aristotle establishes law as the highest ruling of the city. He states that “correctly enacted laws should be authoritative” and the things that the law doesn’t cover are what the rulers have authority over (Pol. 3.12.1282b3-5). This shows the law as the highest authority of the city which he articulates as the best solution to the problems facing the city. In order to preserve the common good of the political community, the societies’ artificial virtue is created and maintained by the institution of the law.

In terms of the application of law to protecting our natural resources (“the environment”), the outcome has to be protecting the common good from pollution. Pollution is unjust and needs to be eliminated by law. This needs to be enforceable and substantiated by serious consequences with a zero tolerance approach. The reason for this need is that pollution harms the cities goal of living well, while the current functioning of the law allows for excessive pollution which has negative human health costs. The law enables pollution by protecting an economy that is purely focused on exponential growth based on quarterly earnings and gross domestic product. As a result, this is hurting the common good of the city which infringes on citizens living well. This new implementation of the law would have, exhibiting higher environmental protection, has tremendous positive results in terms of improving human health and in turn, protecting the common good of the city.

Work Cited

Aristotle. 2013. *Aristotle's Politics*. Translated by Carnes Lord. 2nd ed. Chicago: Univ. of Chicago Press.

