

# Aristotle on the Normative Value of Friendship Duties

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**Abstract:** In this article, I present an interpretation of Aristotle's thought regarding the normative value of friendship duties. The argument is divided in VII sections. In Section I, I provide brief summaries of the main arguments defended by me in a previous article about the normative consequences of virtue and utility friendships in Aristotle, the objectives that are to be defended in this article and of the conclusions that I take them to support. In section II, I offer an interpretation of Aristotle's thought regarding the normative value of friendship duties in cases where there is no practical conflict between friendship duties. In section III, I outline Aristotle's theory about how we should deal with cases where there is such practical conflict. In the next sections, I analyze three other passages of the Aristotelian corpus where we have good reason to think that this kind of conflict appears, namely, *NE*, III 1, 1110a20-29 (IV), *Pol.*, III 10, 1286b23-28 (V) and *Pol.*, VII 9, 1330a9-25 (VI), in order to flesh out the

outline presented in section III. In section VII I conclude with a summary of the argument.

**Key-words:** Aristotle, friendship, duty, justice.

### ***Sobre el valor normativo de los deberes de la amistad***

**Resumen:** En este artículo presento una interpretación del pensamiento de Aristóteles en relación con el valor normativo de los deberes de la amistad. El trabajo está dividido en siete secciones. En la primera sección ofrezco un resumen de los argumentos principales que expuse en un artículo anterior acerca de las consecuencias normativas de las amistades basadas en la virtud y aquellas basadas en la utilidad. En esa misma sección expongo las tesis que defenderé y las conclusiones que de ellas se siguen. En la segunda sección, ofrezco una interpretación del pensamiento de Aristóteles en relación con el valor normativo de los deberes de la amistad en los casos en que no hay conflicto práctico entre ellos. En la tercera sección esbozo la teoría de Aristóteles acerca de cómo deberíamos proceder en los casos en que dichos conflictos se presentan. En las siguientes secciones analizo otros tres pasajes del corpus aristotélico en los que existen buenas razones para pensar que surge esta clase de conflicto: *NE*, III 1, 1110a20-29 (IV), *Pol.*, III 10, 1286b23-28 (V) y *Pol.*, VII 9, 1330a9-25 (VI), con el objeto de ilustrar lo esbozado en la sección III. En la última sección recapitulo el argumento.

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**Palabras clave:** Aristóteles, amistad, deber, justicia.

#### ***1. Introduction***

The aim of this paper is to present an interpretation of Aristotle's thought regarding the normative value of friendship duties, and it should be read as a sequence to Nascimento 2017. In that paper, I used the expanded Hohfeldian model offered in Wenar 2005 to argue that, according to Aristotle's theory of friendship in the *NE*, in every bond of friendship that is based on utility or virtue the parties involved have a *claim* to the other's proportional cooperation to the attainment of the end of their friendship, which means they each have a *duty* to each other to cooperate accordingly, and a *paired power* to waive their own claim and the other's corresponding duty.

The thesis about the creation of duties in virtue and utility friendships was grounded in an analysis of the Aristotelian use of the word *opheilēma*.

According to the interpretation I defended, we can say that these bonds of friendship create duties because they create that which Aristotle calls an *opheilema* between friends (*NE* VIII 13, 1162b5–34; IX 2, 1164b23–1165a35), to have an *opheilema* in the sense of the word we find both in Aristotle and before him is to owe an action to somebody, and to owe an action to somebody is to have a duty in the sense of the word that is pertinent here.

The thesis about the creation of Hohfeldian incidents in virtue and utility friendships, on the other hand, was grounded not only in Aristotle's use of the term *opheilema*, but also in his talk of accusations (*enklemata*) and recriminations (*mémpeis*) between friends (*NE* VIII 13, 1162b5–34), and of a friend's ability both to 'liberate' a friend of the performance of any actions that this friend owes to him because of their friendship (*NE* VIII 14, 1163b18–23), or, alternatively, to exact (*epizetéo*) from him what their friendship allows (*NE* VIII 14, 1163b13–18).

The interpretation of Aristotle's thought regarding the normative value of friendship duties presented in the following pages is divided in six sections. In section II I deal with the cases where there is no practical conflict between friendship duties, i.e. cases where an agent is faced with exclusive and exhaustive alternatives which consist, respectively, in satisfying or not satisfying a given friendship duty. In sections III, IV, V and VI I deal with the cases where there is practical conflict between friendship duties. In section III, I present the outlines of Aristotle's theory about how we should deal with those cases. In the next sections, I flesh out the theory presented in section III by analyzing three other passages of the Aristotelian corpus where we have good reason to think about this kind of conflict, namely, *NE* III 1, 1110a20–29 (IV), *Pol.*, III 10, 1286b23–28 (V) and *Pol.*, VII 9, 1330a9–25 (VI). In section VII, I conclude with a summary of the argument defended in the previous sections. Although these three passages have been the object of attention by several scholars, I am unaware of any previous attempt to interpret them not only in connection with each other, but also in connection with Aristotle's theory about how we should choose between satisfying duties with different friends.

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If what is said below is correct we should conclude that, according to Aristotle:

(1) If an agent is in a situation where (a) he can fulfill a duty towards a friend, and (b) he has to choose between two exclusive and exhaustive options of which one is, or implies in, fulfilling his duty and the other is, or implies in, not fulfilling his duty, then (c) he should always fulfill his duty (section II).

(2) When an agent must choose between satisfying obligations he owes to different friends he must do so by balancing their relative nobility and utility (section III).

(3) If an agent is in a situation where (a) he can either fulfill an obligation towards one friend or another, and one of them is more intimate to him than the other; (b) the satisfaction of both obligations can be attained by actions which would be equivalent in nobility and utility if they were aimed at friends he was equally intimate with; and (c) the deference of both obligations would be equivalent in nobility and utility if they were done to friends he was equally intimate with; then (d) the agent should prefer to satisfy the obligation he has towards his more intimate friend because, in this case, the intimacy of the relationship tips the balance of utility and nobility towards the satisfaction of that obligation (section III).

(4) According to what is said in *NE* III 1, all actions done in situations of practical conflict of the kind analyzed here are mixed actions of a kind, i.e. actions where the agent does something shameful for something noble, although maybe not all mixed actions are actions done in the situations of practical conflict analyzed here. Therefore, we should use Aristotle's description of how we should react to mixed actions in *NE* III 1 as prescriptions on how we should react to actions done under practical conflict (section IV).

204 | (5) Our obligations to our nearest family members – who, as a rule, are our most intimate friends – can weigh on us even when we take part in acts of government, no matter what political community we live in, and these obligations could be strong enough so as to justify us acting in their favor and contrary to our obligations to our fellow citizens and our political community even in these cases (sections V and VI).

## ***2. On the normative value of friendship duties in simple cases***

As we know, in book VIII of the *NE* Aristotle states that one ought, if and however one can, to fulfill one's duties towards one's friends, and to do so voluntarily (*NE* VIII 13, 1163<sup>a</sup>1-10; VIII 14, 1163<sup>b</sup>12-19)<sup>1</sup>. If we ask why is that so, the answer that first suggests itself is that to fulfill our obligations to our friends is to act justly towards them, and to defer the fulfilment of our obligations to our friends is to act unjustly towards them. Although Aristotle never states that, there are many passages that suggest it.

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<sup>1</sup> Although I generally follow the translations of Aristotle's works cited in the references, I did modify a few when I thought it was proper to do so. As for the Greek text, I consulted both the editions of Oxford and those of Rackham.

One of the first thing Aristotle says in *NE VIII* is that friendship is a virtue, or involves virtue (*NE VIII* 1, 1155a4-5); both in *NE VIII* 9, 1160a6-9 and *Pol.* III 5, 1280b30-40 he holds that friendship and justice exist only and always among the same people; in *NE VIII* 9, 1159b25-30 he explicitly explains that connection by saying that friendship and justice are about the same things; and the way he employs the language of equality and proportionality to analyze relations of justice (f. ex. *NE V* 3, 1131a10-24) and the duties of friendship (f. ex. *NE VIII* 6, 1158b1-28) strongly suggest that he thinks the duties of friendship are duties of justice. Once we accept this connection, it is easy to explain the importance attributed by Aristotle to the fulfillment of our friendship duties.

Indeed, although in his ethical writings Aristotle disagrees with Plato on many points, he also agrees with him on several others, and there is one principle that we see Socrates defending in many of Plato's dialogues, either implicitly or explicitly, that we have good reason to believe that Aristotle did maintain at least at the time he wrote the *NE*, namely, the principle that Vlastos famously called the Principle of Sovereign Virtue (PSV).<sup>2</sup>

The paradigmatic formulation of the PSV is probably the one we find in the *Criton*, where it is affirmed by Socrates at the very moment when a friend asks him to consider whether or not to adopt a plan for escaping prison that he, the friend, has prepared. Socrates agrees to consider the proposal, but he also maintains that the question of whether or not to accept it should be put in a very precise way.

According to Socrates, the only question they should ask is whether it is just for him to try to escape from prison, and if it appears that it is unjust for him to escape then he must not escape, even though he dies and no matter what else he'll suffer if he stays in prison (*Criton*, 48b-d). Although there has been an enormous amount of discussion about the justification of this socratic principle,<sup>3</sup> there is broad agreement as to its meaning: what So-

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<sup>2</sup> See Vlastos 1985: 6. That he does accept the PSV in the *NE* was held by authors such as Aspasius 2014: 61, 26-28, Anonymous 2001: 142, 10-12, Aquinas 1993: 1962, 878, Saint-Hilaire 1856: 125, Gauthier and Jolif 2002: 323, Apostle 1975: 254, Irwin 2003 and Kenny 2003. As for the interpretation of those, like f. ex. McDowell 1979: 336 and Wiggins 1997: 61-62, who hold that Aristotle would be a particularist, i.e. someone who simply does not believe in general practical principles of any kind and, therefore, who would never subscribe to something like the PSV, I believe this interpretation has been so convincingly rejected in Horn 2006: 149-166 that, at this point, a generalist interpretation of Aristotle's practical thought is to be preferred.

<sup>3</sup> On this issue, see f. ex. Vlastos 1985: 1-6, Sparshott 1992: 421, White 1995: 238 and Crisp 2003: 65.

crates is claiming here is that whenever we must choose between exclusive and exhaustive alternatives which are, respectively, just and unjust, we should always choose the just action, no matter what we will suffer by doing it or what we could gain by acting unjustly.<sup>4</sup>

Now, since satisfying a duty towards a friend is acting justly towards him, we can apply the PSV to Aristotle's theory of friendship in a straightforward way and draw the following conclusion: according to Aristotle, if an agent is in a situation where (a) he can fulfill a duty towards a friend, and (b) he has to choose between two exclusive and exhaustive options of which one is, or implies in, fulfilling his duty and the other is, or implies in, not fulfilling his duty, then (c) he should always fulfill his duty. When we do so, we arrive at an adequate explanation of Aristotle's position on the fulfillment of friendship duties in *NE* VIII 13, 1163<sup>a</sup>1-10 and VIII 14, 1163<sup>b</sup>12-19.

But even though this formulation does provide us with a better understanding of the normative strength of the duties created by friendships as conceived by Aristotle, it only covers situations of a specific type, namely, of the type that is covered by the PSV. Fortunately, Aristotle himself recognized the existence of situations where we are not faced with exclusive and exhaustive alternatives which are, respectively, just and unjust, and offered us recommendations as to how to proceed on those situations. Having clarified how he conceives the values of the duties of friendship in cases covered by the PSV, I shall now consider his theory of their value in cases which the PSV does not cover.

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### ***3. On the value of friendship duties in cases of practical conflict***

Aristotle investigated friendship both in the *EE* and in the *NE*, and in this second work he presented an improved theory of friendship and a whole new book dedicated entirely to discussing difficulties raised by this improved theory. It was on this book that Aristotle explicitly posed and addressed the questions of what to do when we are under conflicting claims from different friends.

At first, Aristotle tells us that it is not easy to lay down an exact rule in

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<sup>4</sup> This much is already explicitly stated in Vlastos 1985: 6—which was reprinted in Vlastos 1991: 200-232. The formulation offered by Vlastos was hailed as 'definitive' in Kahn 1992: 234, and since then it has been explicitly retaken, f. ex., in Sparshott 1992: 421, Irwin 1992: 253, Moravcsik 1993: 208-209 and White 1995: 238.

these cases because they vary indefinitely in greatness, smallness, nobility and necessity (*megéthei kai mikroteti kai to kalo kai anankaío*, NE IX 2, 1164b23-31). Nevertheless, he does give us the following general solution to the problem posed by them.

As a general rule one ought to return services rendered rather than do favors to one's comrades, just as one ought to pay back a loan to a creditor rather than give the money to a friend. Yet perhaps even this rule is not without exceptions. For example, suppose one has been ransomed from brigands; ought one to ransom one's ransomer in turn, whoever he may be – or even if he has not been captured himself but asks for his money back, ought one to repay him – or ought one to ransom one's own father? For it is thought to be a man's duty to ransom his father even before himself. As a general rule then, as has been said, one ought to pay back a debt, but if the balance of nobility and necessity (*to kalo he to anankaío*) is on the side of employing the money for a gift, then one ought to decide in favor of the gift. (NE IX 2, 1164b31-1165a5).

As we can see, in this passage Aristotle is analyzing two cases where an agent has to choose between satisfying duties of friendship owed to different friends. In the first case, one has been ransomed from brigands by a friend and is now having to choose between ransoming one's ransomer or ransoming his own father. In the second case, one has been ransomed from brigands by a friend and is now having to choose between paying back the friend or ransoming one's own father. According to the philosopher, in these cases we should decide which claim to attend by balancing their respective nobility and necessity.

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In what concerns the 'nobility' aspect of Aristotle's balance, we should keep in mind that we are definitely out of the PSV's territory. Since we are talking about an individual that has to choose between satisfying two duties towards different friends, each of the two courses of action offers him the opportunity for just behavior. And since just behavior is noble behavior, we can say that both courses of action are noble. Because fulfilling one obligation will implicate in not fulfilling the other, the same agent will be doing both something just and something unjust. For, as we saw before, according to Aristotle one ought to fulfill one's obligation whenever one can, and since the agent in this case can choose between fulfilling either obligation, then it is clear that he can fulfill either of them, for according to Aristotle we can only deliberate about, and eventually choose, that which is within our power to do (NE III 3, 1112a30-35, 1113a9-14).

In what concerns the two cases that are analyzed by Aristotle, it is

worth noticing that one of them might raise some doubts in those unfamiliar with Aristotle's thoughts about the friendship between parents and their children. Indeed, one could object that in first case considered by Aristotle we actually owed our other friend to ransom him, since that is exactly what he did for us and, by doing so, created in us this duty,<sup>5</sup> but it is not clear that our father did any such thing for us and, therefore, it is not clear that we even have a duty to rescue him in the first place. Nevertheless, Aristotle believes one would be justified in choosing to rescue one's father even in that case.<sup>6</sup>

In order to explain Aristotle's position, we must remember that, when speaking about the friendship between father and son in book VIII of the *NE*, Aristotle holds that a son owes his father his very existence and nothing that he ever does will ever be able to repay him for that (*NE* VIII 14, 1163b19-22), and that both in that same book and in the first book of the *Pol.* the philosopher says that the family is a community concerned with guaranteeing the needs of its members (*NE* VIII 12, 1162a18-21; *Pol.* I 1, 1152b12-14). Since these needs are what we need to satisfy in order to keep on living, it seems more than reasonable to say that the goal of the family is the survival of its members and, therefore, that being a part of that community implies being obligated to contribute in a proportional way towards the attainment of that goal. Besides, as he is considering the difficulty of conflicting claims in book IX Aristotle states that "our parents have the first claim on us for assistance, since we owe it to them as a debt, and to assist the authors of our being is more noble than to assist ourselves" (*NE* IX 2, 1165a22-24).

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So it really does look as if, even if our father did not rescue us from any brigands, according to Aristotle we would still have a duty to help him in the scenario described in the first case. But we have yet to clearly explain why is it that Aristotle thinks one should rescue one's father in such a scenario, i.e. why is it that he thinks that the balance of nobility and necessity points that way.

The first clue to our answer comes a few lines ahead, when Aristotle states that:

to all we must always endeavor to render their due, comparing their several claims in respect of intimacy, virtue and utility (*kat oikeioteta kai areten he khresin*). Between persons of the same kind, discrimination is comparatively

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<sup>5</sup> On this point, see Nascimento 2017.

<sup>6</sup> The interpretation of this passage proposed here is the same that can be found in Anonymus 2001: 190,1-17, Michael of Ephesus 2001: 470,13-471,36, Aquinas 1993: 1776, Saint-Hilaire 1856: 374-375, Apostle 1975: 332, Pangle 2002: 135-137 and Brown 2009: 257.

easy; but it is a harder matter when they are differently related to us. Nevertheless, we must not shirk the task on that account, but must decide their claims as well as we are able. (*NE IX 2*, 1165a31–35).

As we can see, although in *NE IX 2*, 1164b31–1165a5 Aristotle mentions only nobility and necessity (*to kalo he to anankaío*) as factors we should take into account when making our decision, now he mentions intimacy (*oikeiotes*), virtue (*arete*) and utility (*khresis*). The change from *kalo he to anankaío* to *areten he khresin* should not bother us, for these words can very well be just standing for the same factors. But what does intimacy (*oikeiotes*) stand for?

At first, the most obvious answer might seem to be that he is mentioning intimacy in order to warn us that our affection for our closer relatives might incline us to favor them against what is just. This would explain why he thinks that it is hard to judge appropriately between claims of friends who are differently related to us and easier to judge claims of those who are not, namely, because in the former case our affection would make it hard for us to properly evaluate the merits of the different claims.

But even though Aristotle does admit that one can be improperly inclined to help one's closer friends at *NE VII 4*, 1148a23–b1, it seems that in *NE IX 2* he is mentioning a third factor that has to be taken into consideration when we decide what to do, and not telling us something we should ignore when we are choosing. This hypothesis is confirmed when we look at two passages from book VIII of *NE* where it is said that wrong is increasingly serious in proportion as is done to nearer friend – e.g. that it is more shocking to defraud a comrade of money than a fellow-citizen, to refuse aid to a brother than to a stranger, or to strike one's father than to strike anybody else (*NE VIII 9*, 1159b35–1160a9)<sup>7</sup> – and that the friendship between parents and children affords a greater degree both of pleasure and of utility than that between persons unrelated to each other, inasmuch as they have more in common in their lives (*NE VIII 12*, 1162a4–9)<sup>8</sup>.

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<sup>7</sup> We will do well to highlight that the interpretation proposed here was already advanced since Antiquity, being present in both commentaries of book VIII of the *NE* that have survived – namely, Aspasius 2014: 181, 11–15 and Anonymous 2001: 177, 4–13 –, and that it can also be found in Aquinas 1993: 1663 and Saint-Hilaire 1856: 342–343. Curiously, most modern commentators are silent about it. Indeed, nothing is said about this passage, for example, in Gauthier and Jolif 2002, Apostle 1975, Brown 2009 or Reeve 2014. Pangle 2002: 80 is a notable exception.

<sup>8</sup> Although Aspasius is silent about this passage, this interpretation can already be found in Anonymous 2001: 182, 6–17 and Aquinas 1993: 1716. Once again, the silent among modern commentators is notable. Nothing is said about this passage in Gauthier and Jolif 2002,

Since the nobility of actions is supposed to impact our deliberation, it stands to reason that its ignobility also should, and according to Aristotle unjust actions are surely ignoble. Given what is said in these passages, it seems safe to conclude that Aristotle holds the following ‘Principle of intimacy’: if an agent is in a situation where (a) he can either fulfill an obligation towards one friend or another, and one of them is more intimate to him than the other; (b) the satisfaction of both obligations can be attained by actions which would be equivalent in nobility and utility if they were aimed at friends he was equally intimate with; and (c) the deference of both obligations would be equivalent in nobility and utility if they were done to friends he was equally intimate with; then (d) the agent should prefer to satisfy the obligation he has towards his more intimate friend.

That being said, we must also notice that this conclusion should not mislead us into thinking that Aristotle believes we are necessarily more intimate with our family than to any of our other friends. Indeed, since the word we are translating as intimacy is actually the Greek *oikeiotes*, which immediately reminds us of the family (*oikia*), one could even think we could just as well name our principle the principle of familiarity. But things are definitely not so simple, and this is why I’ve decided to use intimacy instead of familiarity in my translation.

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As we know, Aristotle holds that different forms of government – i.e. kingship, tyranny, aristocracy, oligarchy, *politeia* and democracy (*Pol.* III 4, 1278b4-1279<sup>a</sup>39) – take place both inside the political community and inside the family (*NE* VIII 10, 1160b23-1161a9), and he also holds that under the perverted forms of government friendship and justice can have but little scope because in such communities people have very little in common (*NE* VIII 11, 1161a31-b11). Therefore, it seems that according to Aristotle ‘intimacy’ increases and decreases in friendships as people have more in common between them, and the amount that people have in common between them increases and decreases in proportion to justice, which means that intimacy also increases and decreases in proportion to justice. If this is true, then one may very well be more ‘intimate’ with one’s fellow citizens than with one’s own family if all he knows inside his family is unjust treatment, while his fellow citizens actually do treat him justly.

This, I believe, is all we can gather from *NE* VIII and IX on the kind of practical conflict that concerns us here. In the next sections, I analyze three other passages of the Aristotelian corpus where we have good reason

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Apostle 1975, Brown 2009 or Reeve 2014. Once more, Pangle 2002: 86 is the exception.

to think that this same kind of conflict appears in order to flesh out Aristotle's theory about how we should deal with it.

#### 4. *Praise, blame and forgiveness in cases of practical conflict*

The first passage I would like to examine appears in the third book of the *NE*, as Aristotle is analyzing the so called "mixed actions" – i.e. actions that are only done for fear of a worse alternative or for some other noble goal. The two examples he gives us of such actions are the man whose parents are under the power of tyrant who commands him to do something shameful (*aiskhrón*) in order to save their lives, and the man who throws his cargo on the sea in the middle of a storm to save his own life and that of his shipmates. Aristotle concludes that such actions are voluntary "for at the actual time when they are done they are chosen and we say that an action is voluntary or involuntary with reference to the time of action" but, although he states that in the second case any sane man would throw the cargo at the sea, he never tells us what the man who is under the threat of the tyrant should do (*NE* III 1, 1110a1–15).

Since they are voluntary, these actions are subject to praise or blame. And a few lines ahead Aristotle will tell us how we ought to react to them, i.e. how we ought to administer not only praise and blame, but also pardon, in regard to these actions. According to what is said there,

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(a) Sometimes indeed men are actually praised for deeds of this 'mixed' class, namely when they do something shameful or painful (*aiskhrón ti he lupèròn*) as the price of something great and noble (*megálon kai kalon*); though (b) if they do so without any such motive they are blamed, since it is contemptible to submit to a great shame with no advantage or only a trifling one in view. (c) In some cases again, such actions though not praised are pardoned (*sun-gnome*), when a man does what he ought not to do (*hà me deí*) because of penalties that strain human nature (*ten anthropínen phúsin huperteínei*), and that no one could endure (*kai medeis àn hupoméinai*). Yet there seem to be some acts which a man cannot be compelled to do, and rather than do them he ought to submit to the most terrible death: for instance, we think it ridiculous that Alcmaeon in Euripides' play is compelled by certain threats to murder his mother! (*NE* III 1, 1110a20–29).

This passage has drawn the interest of commentators ever since Antiquity, and justifiably so. When we see (a) and (b), we have the impression that praise is attributed to those who submit to lesser evils in view of greater

goods. This makes sense, since Aristotle does believe that what makes a choice correct is the fact that it achieves some good – as opposed to an opinion, which is correct if it is true (*NE* III 2, 111b31–1112a1). The problem, of course, is that the passage suggests that one would sometimes be right in doing something shameful for instrumental reasons, and many have found it hard to square that affirmation with the attribution of the PSV to Aristotle. Different interpreters have tried to deal with this difficulty in different ways.

According to Aspasius 2014: 61, 26–28, Aquinas 1993: 393 and Gauthier and Jolif (2002: 175), when Aristotle said that (a) sometimes indeed men are actually praised for deeds of this ‘mixed’ class, he had in mind specifically the performance of small shameful things in exchange for something very important – according to his own examples, the safety of one’s country or parents. The key here is his emphasis that only something small could be so endured, even for such a high prize, for the individual to be a proper object of praise.

According to Anonymous 2001: 142, 10–12, on the other hand, Aristotle would be saying that even if somebody commits adultery with the wife of the tyrant in order to discover some important secret he will be an adequate object of praise because he will have acted in a way that is not *aiskhrón* at all. In order to justify this reading, he says only that “the shameful resides in the deliberate choice”.

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The obvious problem with the interpretation advanced by Anonymous is that Aristotle himself states that in the case in question the act that is done is *aiskhrón*. The less obvious problem is that, as has already been remarked in Zingano (2008: 149), Aristotle includes adultery among the actions that are always vicious, no matter the circumstances (*NE* II 6, 1107a9–18). That being so, two conclusions can be drawn. The first is that according to the Anonymous commentator Aristotle would think that one would be justified in performing an action that is always vicious in order to achieve a great enough goal.<sup>9</sup> The second is that, if we accept the reading proposed by Anonymous, the passage simply does not seem to square with the PSV.

Commentators have also run into problems while trying to explain (c). Both Aspasius 2014: 61,31–62,3 and Aquinas 1993: 394 say very little beyond what is said in Aristotle’s text, and they both assume that the act that is performed by the agent in (c) is also something shameful but small, as it was in (b). But if that is the case, then it seems difficult to explain the different reactions ascribed to Aristotle for actions of type (a) and actions of type (c).

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<sup>9</sup> This is a point that seems to have escaped (Gauthier and Jolif 2002: 175).

According to Anonymous 2001: 142, 15-16, on the other hand, if we are to be pardoned it must be because these actions are involuntary. The same opinion can be found in Gauthier and Jolif (2002: 175). In order to justify their position the authors claim that if we deserve pardon than the action must be involuntary, and that Aristotle actually said that these actions are involuntary. Unfortunately, both claims rest on very problematic textual evidence.

Indeed, Gauthier and Jolif state that, if we deserve pardon, then the action must be involuntary based on *NE* III 1, 1109b32. But if we look at that passage we find no evidence that only involuntary actions are to be pardoned. Although Aristotle does state in that passage voluntary actions are the only actions that are subject to praise and blame, and that involuntary actions are subject to pardon and pity, he never states that only involuntary actions are subject to pardon and pity nor that every voluntary actions must be either praised or blamed.

As for the idea that these actions are involuntary, Gauthier and Jolif have to send us back to *EE* II, 8, 1225ba9-19 for the evidence. Although it is clear that Aristotle does state that in that passage, it also seems very clear that this opinion is never repeated in the *NE* and that the opposite is said in *NE* III 1, 1110a1-15. As many have already noticed, Aristotle seems to have drastically changed his opinion on the classification of this actions between the *EE* and the *NE*, which means that Gauthier and Jolif's interpretation attributes to the *NE* a position we have good reason to think that he no longer held at that time.<sup>10</sup>

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In order to face these difficulties, I propose the following interpretation. In (a) Aristotle says that the agent does something shameful or painful (*aiskhrón ti he luperon*), but in (c) he says that he does what he ought not to do (*hà me dei*). Now, although vicious actions are always shameful, there are many things that are either shameful or painful but not vicious. Therefore, we can say that the language used by Aristotle in (a) suggests that he does not have the performance of vicious acts in mind there. If we accept this suggestion, we can suppose that when he speaks of actions that ought not to be done in (c) the actions he has in mind are vicious actions. And if we do suppose that there is such a difference in gravity between the cases in (a) and the cases in (c), then we can easily explain the difference in the reactions that are prescribed to both cases. Once we've done this, we will then be

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<sup>10</sup> For two dissenting opinions on this point, see Echeñique 2012: 144 and Müller 2015: 233 n. 55. My own interpretation of this passage of the *NE* was previously defended in Nascimento 2017.

able to square (a) with the PSV and explain the different reactions Aristotle prescribes to the acts envisioned in (a) and in (c), but (c) will still seem to contradict the PSV.

As it may be clear by now, what I intend to suggest is that the cases that are supposed to be covered by (c) are cases in which the PSV does not apply, and that the reason that it does not apply is because they are cases of practical conflict of the same kind we have been analyzing so far. Although this interpretation might seem arbitrary at first, this appearance must cease once we realize that the first and most problematic example of mixed action offered by Aristotle is the dilemma of the threatening tyrant, where an agent is threatened not with his own death, but with the destruction of his parents and children – i.e. his most immediate family, and very probably his nearest friends; that when it comes to crossing the line between what is reasonable to do under coercion and what is not, Aristotle does not simply say that one should not murder even under coercion – even though he takes murder to be an action that is always vicious – but that one shouldn't murder *one's own mother*; and that the reference to family and friends figure in both his examples of mixed actions (in the case of the tyrant it is a reference to the agent's parents and children, and in the case of the ship captain it is a reference to his crew and whoever else he is carrying on his boat).<sup>11</sup>

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As said earlier, Aristotle believed the family was a community aimed at assuring the survival of its members, which means that every member has a duty to contribute proportionally to the achievement of this goal. Since it is clear that in this case the only motive the agent has for doing the tyrant's bidding is to secure their well-being, it seems more than plausible that the dilemma of the threatening tyrant is actually a case of practical conflict of the kind we have been analyzing. Once we understand this, we can see what is the difference between not only the acts in (a) and the acts in (c), namely that the acts in (a) are not vicious acts, but also what makes the acts in (c) different from regular acts of wrong doing which are the proper object of blame, censure and even punishment – namely, that in these other cases the agent was not in a situation of practical conflict.

Last but not least, we can now see that our consideration of this case is important because it begins to shed some light not only on just how far Aristotle thinks one might be justified in going when fulfilling his friendship duties, but also on how he thinks we should evaluate an agent's behavior in a situation of practical conflict and react to it. If mixed actions

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<sup>11</sup> On this point rest all my disagreements with Nielsen 2007. Unfortunately, constraints of space make it impossible for me to treat them here.

are actions done for fear of a worse alternative or for some noble object, as it is stated in *NE III 1*, 1110a1-15, then we should say that when one defers one duty of friendship in order to fulfill another he is performing a mixed action, for his end is noble. In other words, it seems that all actions done in the situations of practical conflict analyzed here are mixed actions of a kind, i.e. actions where the agent does something shameful for something noble, although maybe not all mixed actions are actions done in the situations of practical conflict analyzed here. This means that we can and should use what is said by him in *NE III 1* about how to react to mixed actions in order to clarify how he thinks we ought to react to the way agents act in situations of practical conflict.

### ***5. Practical conflict and the hereditary transmission of political power***

The second passage I would like to consider comes in Aristotle's analysis and critique of monarchy in book III of the *Politics* – a part of the book has become famous among commentators because of Aristotle's admission that there are circumstances in which monarchy might be the best regime for a political community. According to what is said there, if a man so greatly distinguished in virtue appears among a given people, so that the virtue and the political ability of all the rest is not comparable with his, it is no longer proper to count him as a mere part of the state (*Pol. III 8*, 1284<sup>a</sup>3-12). The only just thing to do in these cases, says Aristotle, is for all to obey such a man gladly, so that men of this sort may be kings in their cities (*Pol. III 8*, 1284b25-34).

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As clear as this admission is, a few lines ahead Aristotle seems to pose an objection against monarchy in general, i.e. against any monarchy whatsoever. This objection can be read as follows.

And even if one held that royal government is best for states, what is to be the position as regards the king's children? Is the sovereignty to be hereditary? But this will be disastrous if the king's sons turn out to be like some have been. It may be said that the king being sovereign will not in that case bequeath the throne to his children. But that is too much, and not easy to believe: an act of virtue above human nature (*meizonos aretes he kat' anthropinen phúsin*). (*Pol. III 10*, 1286b23-28).

Commentators have differed significantly in their treatment of this passage. In Saint-Hilaire (1874: 183), it is said only that "it would be difficult

to find a more formal declaration against the hereditary transmission of power". Susemihl and Hicks (1894: 437–438), on the other hand, claim that although this is certainly a very serious difficulty in an absolute monarchy, in limited or constitutional monarchies the question is not so important. But the point of Aristotle's dilemma, of course, is not whether or not the monarchy must be absolute or constitutional, but whether or not the succession is to be hereditary.

It is only in Newman (1902: 289) that we begin to find the kind of discomfort with Aristotle's argument that one would expect, which appears when he points out that Antipater, who was one of Aristotle's friends, refrained on his deathbed from passing on his regency to his son Cassander and appointed Polysperchon, who was not related to him. Although one could think that if he did so then the monarchy in question was not hereditary, we must remember that a king may very well adopt a citizen as his son in order to pass the throne to him if he so wishes. Indeed, it seems to me that this is the scenario being envisioned by Aristotle here.

216 | Be that as it may, the most important point we should take from Newman is not that Aristotle had a friend who actually seems to have done what he classifies in this passage as an act of virtue above human nature, but that Aristotle's assertion about the nature of this act in hereditary monarchies stands in need of clarification. Why does this situation pose such a dreadful dilemma for the king? When Aristotle speaks of 'an act above human nature', does he mean that it would be above the nature even of the man of superlative virtue, he who we should make our king when and if he appears,<sup>12</sup> or should we take him to mean that this is an act above human nature 'in general', but not in that case?<sup>13</sup>

Although the last interpretation is certainly possible, it does run into three problems. The first problem is that Aristotle never quite says that this human being of superlative virtue would indeed overcome this dilemma by not transmitting the throne to his unworthy son. The second problem is that we don't need to suppose that the dilemma is solved in this way in order to explain why Aristotle thinks we should resort to monarchy in the scenario described by him in *Pol.* III 17, 1288a24–29. Indeed, it may very well be that he thinks that there is an excellent possibility that such a superlatively virtuous human being actually will raise a son who is worthy of the throne and, therefore, that the benefits of resorting to monarchy in this case are more than enough to make up for whatever danger this dilemma might eventually

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<sup>12</sup> As suggested in Nichols 1992: 78.

<sup>13</sup> As seems to be suggested in Kraut 2002: 414.

pose. For he certainly thought not only that a father must care for children (*NE VIII 9*, 1160b23–28), but also that it was the individual's responsibility to assist his own children to attain virtue, if the community neglected to do so (*NE X 9*, 1180a29–33). The third problem is that Aristotle does flatly state that, in the example conceived by him, not to transfer the throne to one's own son would be an act of virtue 'above human nature'. The difficulty lies in explaining why is that, not in explaining it away.

As we know, according to Aristotle what separates communities that are governed in accordance with nature and justice from those that are not is the fact that in the first group the government is carried out in the interests of the whole political community, and not only of those who govern it (*Pol. III 4*, 1279a23–1279b10). Since it seems obvious that naming a successor to the throne is an act of government, and equally obvious that a king that chose to transfer the throne to the most capable citizen instead of transferring it to an incapable son would be doing an act that is more conducive to the interests of the whole political community and, therefore, would be doing a just act of government, it also seems obvious that if he did the opposite he would be acting unjustly. But, if that is true, then it seems that the dilemma of succession in hereditary monarchies will be a case where the PSV applies in favor of the most capable citizen, and that makes it very hard for us to understand why Aristotle conceives such an act as an act of virtue above human nature.

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Indeed, it seems that according to Aristotle we could err in such a choice in three different ways: if we ignore the right end; if, even though we know the right end, we ignore the right means; or if, even though we know the right end and the right means, we suffer from *akrasía*. Now, according to Aristotle *phrónesis* is a disposition that implies both the possession of all the other moral virtues, which means the ability to apprehend the correct ends for actions (*NE VI 12*, 1144a29–37; *VI 13*, 1145a1–2), and knowledge of the appropriate general principles (*NE VI 7*, 1141b14–16); makes human beings able to deliberate correctly about how to act (*NE VI 4*, 1140<sup>a</sup>24–27) and about which means to employ (*NE III 3*, 1112b13–24); and renders human beings immune to *akrasía* (*NE VII 2*, 1146<sup>a</sup>5–10). Since Aristotle clearly thinks prudence is a disposition attainable by men, it is indeed hard to see why he thinks that transmitting the throne to the most capable citizen is an act above human nature in this scenario as we have described it.

To avoid this difficulty I want to suggest, once more, that this scenario is a dilemma because it is a situation where the PSV does not apply, i.e. a case of practical conflict involving competing claims of friendship. If we accept this suggestion, we would be recognizing that both the citizen and the son would have a legitimate claim to the throne. The citizen's claim would be a

claim owed to him by the king through their civic friendship, and the son's claim would be a claim that would be owed to him through their family friendship. Once we have done this, we have turned this case into a case that similar to the one Aristotle discussed in *NE IX 2*. The action that is owed to both of them is the same, the transmission of the throne, and the Principle of Intimacy would then allow us to explain the pressure felt by any king, even a virtuous one, to choose his son as his successor.

If we accept this interpretation, we can fully explain the dilemma that is being considered, and see why is it that Aristotle doesn't think it would disappear in the case of the superlative king, even though he would have good reasons to believe that the dilemma probably wouldn't even pose itself to such a man, for he would indeed make sure to raise a son who was worthy of the throne.

If what is said above is correct, this passage adds another element to our understanding of Aristotle's theory of practical conflict. The decision of who to ransom is a private one, but transmitting the throne is an act of government and, before we came upon this passage, it was not clear that Aristotle thought that even in such a situation one would be under a family duty to act in certain way, let alone that this duty might be so strong so as to override his duties to his fellow citizens. According to the interpretation proposed here, it is this possibility that explains why Aristotle's solution to the problem is not to give the throne to anyone who is not of superlative virtue, i.e. not to adopt an absolute monarchy unless there is such a great disparity in virtue among one citizen and the rest. For only in such a scenario could the benefits of such a regime surpass the risk that this dilemma might eventually create for the political community as whole.

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## ***6. Practical conflict and political deliberation***

The last passage I would like to consider is about how Aristotle thinks the land should be divided in his perfect political community, and it can be read as follows.

It is necessary therefore for the land to be divided into two parts, of which one must be common and the other the private property of individuals; and each of these two divisions must again be divided in two. Of the common land one portion should be assigned to the services of religion, and the other to defray the cost of the common meals; of the land in private ownership one part should be in the district near the frontiers, and another in the district near the city, in order that two plots may be assigned to each citizen and all

may have a share in both districts. This arrangement satisfies equity and justice, and also conduces to greater unanimity in facing border warfare. Where this system is not followed, one set of people are reckless about quarrelling with the neighboring states, and the other set are too cautious and neglect considerations of honor. Hence some people have a law that the citizens whose land is near the frontier are not to take part in deliberation as to wars against neighboring states, on the ground that private interest would make them incapable of deliberating nobly. The land must therefore be divided up in this manner because of the reasons aforesaid. (*Pol.* VII 9, 1330a9-25).

Although Aristotle is clear about the advantages he aims at when he proposes that the land should be distributed this way, i.e. not only to make a just and equitable distribution of land but also to avoid what he takes to be a perennial problem in many cities, namely, that when it comes the time to deliberate about wars in the frontier the people who live in the center are a lot more willing to go to war than the people who live in the frontiers, many commentators have said nothing about the problem of deliberation about border warfare.

Susemihl and Hicks (1894: 517), Newman (1902: 391-393) and Simpson (1998: 225), for example, say only that Aristotle's proposal justifies itself because land closer to the city would be more valuable than the land at the borders. But although that would explain how the division proposed by Aristotle satisfies justice and equity, it does not explain why it solves the problem of deliberation about border warfare.

A different suggestion was advanced in Nichols (1992: 146). According to the author, by dividing the land in this way Aristotle was pre-occupied with "curbing any kind of warlike tendency in the city". The problem with this suggestion is that the division that Aristotle is proposing does not render a decision in favor of war any less likely than it could be if the land was not divided in such a way, nor does he suggest anywhere that it would. What he does suggest is that he is concerned with aligning the interests of the citizens with the interests of the political community by dividing the land in the way he does.

This is why we must acknowledge that Kraut (2002: 230) takes a major step forward when he recognizes that the problem Aristotle is facing here is the problem of conflict between the interests of the citizens and the interests of the political community. What is missing from Kraut's approach is a detailed treatment of the kind of practical conflict that the situation involves.

As we saw above, in Aristotle's perfect political community, as in ancient Greece in general, a citizen lived with his family on his piece of land, and from this piece of land he was supposed to get both his own sustenance

and some surplus for the common use among citizens. If a citizen's land is situated in the border and there is danger of border warfare, then there is a very real threat not only to the citizen but also to his whole family, and that threat may materialize whether or not they win the war. Since their house and all their possessions are literally on the battlefield, they may lose it all either way. Those who lived in the center could be risking very little by comparison.

The link between land and family sustenance is very important for our understanding of the whole normative pull of the situation Aristotle is considering. For the problem is not just that a citizen has important private interests that conflict with the interests of his political community, but also that he is part of a family, i.e. a community animated by a bond of friendship that has as its goal the survival of its members, and which depends on this land for its own survival. In other words, the problem is also – and, perhaps, mainly – that he owes to his family to contribute proportionately to the sustenance and survival of its members, and that the performance of this duty requires him to protect them from border warfare in the case envisioned regardless of what are the interests of his political community as a whole. In other words, his own interests are not the only ones that are at stake here, and he is under a duty to look out for the interests of his whole family. The question, of course, is whether he should defer this duty in this specific circumstance or not.

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This is where we must remind ourselves that according to Aristotle there are three 'parts of government', the part which deliberates about common affairs, the part concerned with offices or magistracies, and the judicial part (*Pol.* IV 14, 1297b38-1298a3), that the assembly is the part which deliberates about common affairs, and that matters of war and peace are held by Aristotle to be among the most important common affairs about which an assembly must deliberate (*Rhet.* I 4, §7). Therefore, we should say that the act in question is an act of government and, consequently, that justice requires it to be done for the sake of the whole political community.

If this interpretation is correct, then this passage adds yet another element to our understanding of Aristotle's theory of practical conflict by giving us further testimony to his thoughts about the strength of the obligations that we owe to our families and those other which are, at least potentially, closer friends to us than those who are only our fellow citizens. For Aristotle evidently thinks that the division of the land proposed by him is actually a necessary condition for good political deliberation about border warfare even in his perfect political community. This means he did not think that his problem would go away even when all the citizens were properly educated and lived both under the best of the possible regimes and the

best possible government, if the land was not so divided. By proposing to deal with this problem as he does, Aristotle is recognizing that the ultimate solution to this possible misalignment of interests can only be found if we distribute the land to make sure that no family is more dependent of the land on the frontiers than any other family. If all are equally dependent on those lands, then all will be under equally compelling demands weighing on them, and there will not be any family claims of protection weighing on just a part of the community.

If what is said above is correct, we can now see that Aristotle thought not only that our duties to our families could weigh on us even when governing our political community, but that this could eventually happen no matter what political community we lived in. Indeed, if he believed that the problem of political deliberation posed itself even in the perfect political community, if the land was not distributed as he recommends, it is hard to see how he could hold that any other community could avoid this problem without following the same instructions.

## **7. Conclusion**

In section II I argued that, according to Aristotle, (1) if an agent is in a situation where (a) he can fulfill a duty towards a friend, and (b) he has to choose between two exclusive and exhaustive options of which one is, or implies in, fulfilling his duty and the other is, or implies in, not fulfilling his duty, then (c) he should always fulfill his duty.

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In section III I argued that Aristotle thinks that when an agent must choose between satisfying obligations he owes to different friends he must do so by balancing their relative nobility and utility, and that if an agent is in a situation where (a) he can either fulfill an obligation towards one friend or another, and one of them is more intimate to him than the other; (b) the satisfaction of both obligations can be attained by actions which would be equivalent in nobility and utility if they were aimed at friends he was equally intimate with; and (c) the deference of both obligations would be equivalent in nobility and utility if they were done to friends he was equally intimate with; then (d) the agent should prefer to satisfy the obligation he has towards his more intimate friend because, in this case, the intimacy of the relationship tips the balance of utility and nobility towards the satisfaction of that obligation (section III).

In section IV I argued that, according to *NE* III 1, all actions done in situations of practical conflict of the kind analyzed here are mixed actions of a kind, i.e. actions where the agent does something shameful for some-

thing noble, although maybe not all mixed actions are actions done in the situations of practical conflict analyzed here, and that, therefore, we should use Aristotle's description of how we should react to mixed actions as prescriptions on how we should react to actions done under practical conflict.

In sections V and VI I argued that, according to Aristotle, our obligations to our nearest family members – who, as a rule, are our most intimate friends – could weigh on us even when governing our political community, that this could be so no matter what political community we lived in, and that these obligations could be strong enough so as to justify us acting in their favor and contrary to our obligations to our fellow citizens and our political community even when we took part in acts of government.

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