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Politics and Justice: Aristotle, Rawls, and the Case for Realism in Political Theory

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ABSTRACT

Aristotle's analysis of *stasis* in Book V of the *Politics* offers a striking example of “distinctively political thought,” as advocated by Bernard Williams's political realism, and in contrast to the moralist approach exemplified by John Rawls. Aristotle identifies disputes over justice, driven by partial and conflicting conceptions of equality, as a principal cause of civil conflict, advocating institutional measures to manage such disagreements rather than relying on citizens converging on a correct understanding. This focus on stability as the first function of politics, aimed at preventing constitutional breakdown, parallels Williams's “first political question” and emphasizes the pragmatic safeguarding of order to avert catastrophe. By contrast, Rawls treats politics primarily as a means to realizing justice, positing that stability depends on an overlapping consensus. The paper critiques Rawls's neglect of the historical-institutional foundations of liberalism, his underestimation of the durability of *modi vivendi*, and his ideal-theoretic abstraction from the circumstances of politics. Aristotle's realist alternative provides a more plausible framework for understanding the relationship between justice and politics—a necessary corrective to Rawlsian political moralism.

1 | Introduction: Realism in Normative Political Theory

Bernard Williams famously set out to contrast what he called “political moralism” to “an approach which gives a greater autonomy to distinctively political thought”, and which he dubbed “political realism” [2–3] [1]. Williams's work in this regard has been highly influential in the realist revival in political theory [2–14]. Those in agreement with Williams insist that political theory must take as baseline that politics is not, and can never be, a form of applied ethics. By extension, political theory cannot live up to its own name if it conceives of itself as the mere application of prior moral principles to social situations [15–17, pp. 476–478]. Against the overtly values-driven political moralism that has dominated the Anglophone academy since the early

1970s, realists call for the return of distinctively *political* political theory [18, 19]. This is not to deny the centrality of normative considerations in good political theory (political realism is distinct from the cruder forms of *realpolitik* “realism” sometimes found in international relations theory).¹ But political realists do insist that normative considerations must be understood as integrated with, and in part arising from, political situations, rather than existing prior to them as independent, in effect sovereign, sites of moral arbitration. (By “political situations” I mean roughly those in which disagreement will ultimately be settled by the verdict of those who possess the power to *enforce* their verdict, at the limit through the use of physical violence, should enforcement become necessary.) In particular, realists agree with Williams—against the grain of Anglophone political theory for the past 50 years—that it is a mistake to start with

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abstract principles of ideal justice, thinking we can go on from there to adequately theorize politics. Instead, politics itself must be put front and center.

Nonetheless, it remains a frequent complaint against political realism that it is unclear what it offers in terms of (an allegedly) better understanding of politics from a theoretical perspective, or indeed that it simply fails to do so.² And on this score, Williams is less helpful than he might be (as so often, he largely left the reader to “add his own egg” [203]) [23]. By contrast, I here suggest that if seeking an example of “distinctively political thought”, an excellent place to look is Book V of Aristotle’s *Politics*. For despite its relative (and surprising) neglect by recent political theorists, Aristotle’s discussion of *stasis* in Book V encourages us to think precisely about the relationship between justice and the attaining of stable political arrangements, themselves the precondition for any further goods we might hope for. In turn, the hitherto unappreciated affinities between Williams and Aristotle reinforce the case for approaching political theory in a realist mode.

This is likely to be a surprising proposition. For a start, Williams never discussed Aristotle with direct regard to political matters.³ Furthermore, appealing to Aristotle as a resource for *realist* political theory is at the very least unusual: contemporary work has tended to regard him as the forefather of “communitarian” approaches, or at any rate a thinker who conceived of the proper role of politics as bringing about non-political, and ultimately higher, ethical goods [26], pp. 154–157; [27], pp. 134, 195, 410; [28], pp. 37–38. Yet not only are there good reasons (as we shall see) for doing so, Aristotle offers hitherto neglected strings for the realist bow.⁴ In the first place these revolve around his insistence that *justice claims are liable to generate political conflict* due to the inevitability of competing parties adopting partial and incompatible understandings of what justice requires. When appreciating the nature and ramifications of Aristotle’s insights on this score, the results go beyond merely illuminating a cryptic remark of Williams’s. What Aristotle helps bring into focus is the importance of how we conceptualize the nature and structure of politics itself. Important, because doing so emerges as a prerequisite for satisfactory normative political theory. This is helpfully brought out—the paper’s final goal—via direct contrast with the later work of John Rawls.

Few today would dispute that Rawls was the most influential political moralist of the post-war period. Yet Rawls’s approach in *Political Liberalism* suffers by comparison with the realist lessons of *Politics* V, despite the fact that Rawls himself seems to have conceived of his project as in some way a continuation of Aristotle’s ([31], 10–11). As the following seeks to establish, the distance between them is considerable, and appreciating why itself enhances the case for political realism. Thus the ambitions of the paper are ultimately three-fold: to offer a realist reading of Aristotle, enabling a critique of the political moralism of Rawls, strengthening the case for Williams-style realism as a whole (in particular by orientating future work towards an emphasis on the institutional prerequisites required for any form of desirable politics).

Before substantiating these ambitions, however, some preliminary remarks about my use of Aristotle are necessary. I take

my lead from Jeremy Waldron, who has previously presented himself as *exaggerating* a particular aspect of Aristotle’s thought “to light it up in a way that may go far beyond the intentions of its author” [563] [32]. I do something similar here (although in this case, “emphasizing” is probably a more accurate description), for the following reasons. First, to draw attention to the still under-appreciated political insights, for contemporary theorists, on offer in Book V specifically.⁵ Second, I thereby seek to largely sidestep dispute within specialist Aristotle scholarship as to where exactly Book V should fit in an interpretation of Aristotle’s thought as a whole (although I will suggest later that there are reasons to think that appreciation of Book V does have implications for what we make of *Politics* in particular). While I find the readings put forward by Bernard Yack, and more recently Stephen Skultety—both of which emphasize the irreducible centrality of conflict and the necessary *lack* of unity of purpose in a city state as Aristotle conceives it—convincing, I do not seek to adjudicate on wider matters regarding how to read Aristotle in the round.⁶ My aim is to bring out what Aristotle can teach us about the relationship between politics and justice, and in turn the lessons for contemporary normative political theory.⁷ I thus train attention predominantly on Book V, leaving further interpretative matters largely to one side. This is a worthwhile approach, I contend, because the contemporary insights gleaned are considerable.

2 | Aristotle: The Problem of *Stasis*

We begin by considering Aristotle’s diagnosis of the problem of *stasis*. In the following two sections I turn to his recommendations for dealing with *stasis*, before stepping back and considering what this means for doing political theory when it comes to the matter of justice. The result, I contend, is a political realist reading of Aristotle.

In Book III of *Politics* Aristotle famously lays down that there are three “correct” forms of constitution: monarchy, aristocracy, and so-called constitutional government or *politeia*, in which the one, the few, or the many rule, and crucially do so for the benefit of all [1279a20–1279b5, 77–78] [44]. Correspondingly, there are three deviant forms of constitution, where rule is *not* undertaken for the benefit of the city as a whole, but for those in power: tyranny, oligarchy, and democracy. Books 4–6, in turn, examine what we might call the challenges faced by non-ideal cities, which will usually be “deviant” forms of constitution, and that statesmen in practice must deal with. Aristotle focuses much of his attention here on democracies and oligarchies, taking these to be the two most common forms of constitution encountered, but also emphasizing that it is a mistake to think that there are only two such forms, “the democratic” and “the oligarchic” (a mistake made by no less a figure than Socrates) [1316b25, 174]. In fact, there are many forms of democracy and oligarchy, each corresponding to the specific histories, resource constraints, demographic make-ups, and so forth, that each particular *polis* faces at any given time. Hence, when constitutional change occurs, it can just as often consist in alteration from one form of oligarchy to another, as in transformation from (one kind of) oligarchy to (one kind of) democracy, and vice versa.⁸

A major source of constitutional change for Aristotle is *stasis*, with which Book V is centrally concerned. *Stasis* for the Ancient Greeks has been presented as a “portmanteau-word” covering many kinds of conflict, but its use by Aristotle appears to be narrower [105]. Here we can usefully follow Hatzistavrou in translating it as “faction” [277], fleshed out via Skultety’s understanding that “For Aristotle, *stasis* is catastrophic conflict that involves a radical alteration of the *polis*. *Stasis* is nothing less than civil war” [5]. Importantly, *stasis* was distinct from *metabolē*, usually translated as “regime change”. While the former could, and often did, lead to the latter, they were distinct. A crucial reason was that *metabolē* could in principle happen peacefully and gradually: “A democracy can slowly slide into an oligarchy or even tyranny without fighting in the streets” [44]. By contrast, *stasis* necessarily encompassed the threat, and often the actuality, of violent uprising. Although Aristotle left open the possibility that, in certain circumstances, *stasis* might be the means via which a more virtuous regime could replace another, in the vast majority of cases *stasis* was likely to be disastrous. In this regard at least, Aristotle followed Plato in identifying *stasis* as typically the greatest threat any regime form faced—with typically dire consequences for the attendant political community. Accordingly, in Book V Aristotle sought both to diagnose the central causes of *stasis* and to offer advice regarding how to prevent it from arising. It is helpful to consider each in turn, taking the former in this section, and the latter in the one that follows.

In Chapter 2 of Book V Aristotle tells us that the “principal general cause of people being in some way disposed to change their constitution” [1320a23–4, 137], and starting faction accordingly, is a regard for *justice*. The pursuit of justice as a cause of *stasis*, how can this be? Because, as Aristotle has already told us in Book III, while everybody agrees that justice means equality, it does not mean equality for everybody, only equality for equals. (Likewise, justice sometimes means inequality—but not inequality for everybody, only for unequals.) The problem is that people *disagree* about who counts as an equal, and therefore who deserves equality—and therefore what constitutes the correct pursuit of justice. A central cause of this divergence is that the “the judgment concerns themselves, and most people are pretty poor judges about what is their own.” [1280a14–15, p. 79] However, the issue turns out to be more deep-rooted than disputants simply having their judgment clouded by private interest. The more fundamental problem is that each side in such a dispute is “speaking up to a point about justice of a sort”, but then makes the mistake of thinking that they are “speaking about what is unqualifiedly just.” [1280a20–22, 80]⁹ For example, the wealthy recognize that they are unequal in terms of having more than the poor, but mistakenly infer from this that they are unequal to the poor in *all* regards, and that justice therefore requires treating them as unequal in all regards. The poor, by contrast, recognize that because they are free, they are in that regard equal to the wealthy—but mistakenly infer that they are equal in *all* regards, and that justice therefore requires treating them as equals *tout court*. Now, Aristotle is clear that *both* sides in such a dispute are mistaken (“about the most authoritative considerations they do not speak” [1280a20, 80]).¹⁰ Yet what makes the problem both potentially intractable and dangerously combustible is that both sides believe not only that they are themselves acting in accordance with justice, but that they

are opposing the injustice of their opponents. The sides clash not merely because their interests are opposed, *but in the name of justice*.¹¹ Certainly, Aristotle thinks that both sides are usually wrong in the latter regard, mistaking a partial understanding for the real thing. But that does not change how the psychological motivations are experienced by the disputing parties. And from this, a great deal of trouble threatens.

In Book V, Aristotle ascribes the origins of both democracies and oligarchies to the application of partial understandings of justice by those who rule. “[D]emocracy arose from those who are equal in some respect thinking themselves to be unqualifiedly equal; for because they are equally free, they think they are unqualifiedly equal”, whereas “Oligarchy...arose from those who are unequal in some respect taking themselves to be wholly unequal; for being unequal in property, they take themselves to be unqualifiedly unequal.” [1301a27–33, 134] As per the above, democratic and oligarchic constitutions thus possess justice *of a sort*, but both fall short of unqualified justice. The problem is that as a direct result *stasis* will be triggered by those who are losing out on the constitutional arrangement. For example, under a democracy the wealthy will be treated as equals with the free poor—to which they will object, experiencing this as a paradigm case of injustice, and of the putatively democratic justice being administered as no such thing. Likewise, under an oligarchy the free poor will be treated as unequal to the wealthy in all regards—and to which *they* will object, experiencing this as a paradigm case of injustice, and of the putatively oligarchic justice being administered as no such thing. But when they perceive themselves as suffering injustice, people do not simply sit still and take it: “when one or another of them does not participate in the constitution in accordance with their assumption, they start faction,” trying to change the constitution so that it aligns with their conception of justice [1301a32, 134].¹²

What makes the situation especially nasty, and potentially intractable by threatening to set off endless cycles of *stasis*—of political violence—is that both oligarchic and democratic justice are inherently unstable: the threat of *stasis* is baked into regimes where different sections of the population have different (partial) understandings of justice, something which Aristotle thinks will necessarily be the case in nonideal, real-world cities, where a division between the (few) rich and the (many) poor is a permanent feature. After all, “city-states consist of two parts, poor and rich” [1315a32, 171]. For consider: under an oligarchic constitution the free poor will be treated as unequal in all regards, but in response to which they will pursue (their conception of) equality, and start *stasis*. But suppose that the free poor win, replacing the oligarchic constitution with a democratic one. Now the rich will be treated as equals in all regards—but in response to which they will object that they are in fact superior *unequals*, and that justice requires treating them as such (this is what real equality demands, on their conception). As a result, they start *stasis*—and so the cycle of violent contestation and overthrow threatens to never end, insofar as class division between the rich and the poor is inevitable, and each side only ever proposes partial conceptions of justice structurally guaranteed to alienate the other. (In practice constitutional change will oscillate not just between democracies and oligarchies, but between different varieties of each, depending on local factors, exacerbated by the fact that oligarchies tend to be even more

unstable than democracies because oligarchs start factions amongst each other, not just against the poor, whereas the latter at least tend not to fight amongst themselves.) Hence “faction is everywhere due to inequality, when unequals do not receive proportionately unequal things...For people generally engage in faction in pursuit of equality”[1301b25-28, 135.].

Thus, for Aristotle the pursuit of equality (understood as a requirement of justice) is indeed the “principal” source of *stasis*. But his analysis does not end there. He also seeks to establish the “things over which [people] start faction”, that is the immediate triggers to civil unrest, as well as the “causes and origins of the changes” that lead people to think that equals are not being treated as equals, and therefore that justice is not being done (and to which *stasis* appears an appropriate response)[1302a32-35, 137.]. Let us briefly take each in turn.

The things over which people start faction are “profit, honor, and their opposites”, not just as regards themselves directly but also “for their friends.”[1302a32-33, 137] When people perceive that either profit or honor—or likewise, losing out on profit and being dishonored—are going to the *wrong* people (i.e., the undeserving), then equals are not being treated as equal, and therefore justice is not being done. As per the above, this leads to *stasis*. As prominent examples of faction being triggered by (dis)profit and (dis)honor, Aristotle gives: constitutional officials being acquisitive and acting arrogantly; individuals attaining superiority out of line with that of the governing class and the power of the city; individuals who have committed injustice and fear the punishment coming their way; individuals who have committed no injustice, but fear being unjustly punished anyway; people growing tired of contemptuous treatment by those who hold office; and ethnic difference arising “until people learn to pull together.” [1303a25, 140] Importantly, however, Aristotle emphasizes that factions arise “from” small issues but not “over” them: “it is over important issues that people start faction.”[1303b17, 141] What he means is that the immediate trigger of *stasis* could be something petty—for example, a love affair between one official and the boyfriend of another—but will only metastasize into full blown factional conflict if the parties involved believe justice is revealed as being at stake, and recruit others to their cause accordingly. What this helps bring out, touched upon above but worth stating explicitly, is that for Aristotle full-blown *stasis* requires more than just personal interest to be on the line. It requires those who initiate and perpetuate it to believe that they are *normatively justified* in doing so, and hence are entitled to employ violence accordingly. Unfortunately, this turns out to be an all-too-common eventuality amongst peoples possessed with only partial, but differing, conceptions of justice.

What then are the causes and origins by which people come to think that equals are not being treated as equals, and therefore justice is not being done, meaning that “small” triggers are liable to unleash the vagaries of faction? In democracies, Aristotle cites demagoguery by a popular leader as the most common factor in stirring up *stasis*, that is, an individual who seeks to turn the (many) poor against the (few) rich by inflaming their sense of being unjustly treated (whether or not this is in fact so). In oligarchies, *stasis* by contrast has two main origins. The first is when the oligarchic class treats the multitude unjustly, that is,

to the extent that the common people grow so tired of the oppressive behavior of their rulers that they factionalize against them in response. The second is when the oligarchs fall out amongst themselves, for example because one of their number has emerged as the most preeminent and draws the resentment of those who consider themselves his equal and thus factionalize against him, or when ambitious oligarchs betray their class and attempt to side with the poor in a gambit to re-orientate the constitution to their advantage. Again, what is key for Aristotle is that while not all constitutional change is caused by *stasis*, for *stasis* to occur it requires more than just sectional interest to be at stake.¹³ In order to recruit the necessary numbers required to prosecute faction, and to follow through by using the means of political violence, those engaged in faction must be motivated by the belief that justice licenses—nay, requires—that they take up arms.

3 | Aristotle: Dealing With *Stasis*

Having offered his diagnosis of the causes of *stasis*, Aristotle spends the rest of Book V discussing measures which can be taken to prevent it from arising, and which this section considers accordingly. Aristotle discusses “the preservation of constitutions generally and each kind of constitution separately,” but we can usefully focus on his treatment of oligarchies and democracies as found in chapters 8 and 9[1307b26, 152].¹⁴

Aristotle offers a raft of considerations for how to prevent—or at least mitigate, slow down, and not exacerbate—the emergence of *stasis*. These include: ensuring respect for the law at all levels, including obedience even on small matters; emphasizing the threat posed by enemy regimes so as to unify the population through opposition to outsiders; having flexible laws regarding property to ensure that no classes or particular individuals change rapidly in proportion to other elements of the city; erecting an office “to keep an eye on those whose lifestyles are not beneficial to the constitution”; engaging in ostracism of those who become too preeminent; and encouraging the growth of a middle class to act as a buffer between the rich and the poor, “since this dissolves faction caused by inequality.”[1308b20, 154; 1308b29-30, 155 cf. 1296a6-38, pp. 120–1]¹⁵ Yet in addition to these general factors, Aristotle emphasizes the following as being especially important.

First, it is crucial for matters to be organized such that “it is impossible to make a profit from holding office.”[1308b33, p. 155] In an oligarchy, the poor are not necessarily resentful simply at being excluded from office (indeed they may even enjoy the leisure afforded to attend to private affairs), but become so if they think that officials are stealing public funds, or if they believe that being debarred from holding office also means being systematically excluded from economic opportunities. If so, they are liable to start *stasis*. In a democracy, if holding office can bring no profit then the poor will have no interest in it, contenting themselves with ordinary work (which is all they will have time for), and leaving office-holding to the better born whose independent wealth allows them to engage in politics without relying on it to support their household. By contrast, if officeholding presents opportunities for profit then factions will form in attempts to secure positions. In either case, office holding should

not be a means of acquiring profit. In similar spirit, under democracies the rich should be “treated with restraint” (i.e., not have their property and income forcibly redistributed) whereas under oligarchy “one should take good care of the poor, and distribute offices that yield some gain to them”, in general arranging matters so that “more of the poor could join the ranks of the rich.”[1309a14-26, p. 156] The point being that such measures can mitigate the sense of injustice—of equals not being treated as equals—that will be generated by the exclusions built in to either oligarchic or democratic constitutions, and hence help keep *stasis* at bay. Doing so is a way of “keeping watch”, in order “to ensure that the multitude that wants the constitution is stronger than the multitude that does not.”[1309b15-17, 157].

Second, a major problem in deviant constitutions is that they overlook the importance of “the mean.”[1309b19, 157] Aristotle argues here by way of analogy. While we can all agree that a straight nose is the most beautiful, it sometimes happens that a nose that deviates by being slightly crooked, or slightly snubbed, is nonetheless still beautiful. Yet if the nose were “tightened” yet further, it would be thrown out of all proportion and eventually stop looking like a nose at all “because it has too much of one and too little of the other of these opposites.” The same goes for constitutions. While a democracy is an unhealthy deviation from *politeia*, and an oligarchy from aristocracy, nonetheless both can be “adequate.” However, “if someone tightens either of them more, he will first make the constitution worse, and in the end it will not be a constitution at all.” Hence why “legislators and statesmen” must understand that some democratic features help preserve democracies, but some can have the opposite effect, and likewise with oligarchies[1309b23-40, 157]. Crucial here for Aristotle is that democracies *need* the rich, and oligarchies *need* the free poor, for each to remain either a democracy or an oligarchy. This in turn rules out one putative, extreme, way of removing the threat of *stasis*: eliminating the existence of a rival class altogether. On the one hand this is because “by destroying these classes through extreme legislation, they destroy their constitution”[1309b40-1310a1, 157]. On the other, because if offered as a cure for *stasis*, this is worse than the disease (indeed, itself becomes a ferocious manifestation of the disease).

Third, and perhaps most important, is for “citizens to be educated in a way that suits their constitution.” After all, “the most beneficial laws, even when ratified by all who are engaged in politics, are of no use if people are not habituated and educated in accord with the constitution – democratically if the laws are democratic and oligarchically if they are oligarchic.”[1310a12-23, 158] However, a proper democratic education involves knowing when certain *oligarchic* measures are required to preserve the democratic constitution; likewise, a proper oligarchic education means learning when certain *democratic* measures are required to preserve the oligarchic constitution (i.e., the point about knowing the mean). As a result, being educated in a way that suits the constitution does *not* mean “doing whatever pleases the oligarchs or those who want a democracy,” but rather doing what enables the oligarchs to govern successfully in an oligarchic manner, and vice versa for democrats.[1310a12-23, 158] And yet, for Aristotle, this is where the real-world oligarchies and democracies of his day most often fall down, regimes in which proper education is something “everyone now despises.”[1310a12, 158] In oligarchies the sons of the rich live in extravagant luxury,

whilst those of the poor toil in hardship—meaning that the latter “are more inclined to stir up change and better able to do so.”[1310a23, 158] In democracies the poor falsely come to believe that freedom is the same as doing whatever they like, each living (as Euripides says) according to their fancy. But this is disastrous, because “living in a way that suits the constitution should be considered not slavery, but salvation”[1310a34-5, 158].

Having considered Aristotle’s discussion of “the sources of change and destruction in constitutions, and the factors through which they are preserved and maintained” we can next step back and consider what is to be learnt from his account, and precisely because it is a vibrant example of distinctively political thought [1310a36-7, 158].

4 | Aristotle: Thinking Politically

The first thing to notice is that all of Aristotle’s proposed solutions to the problem of *stasis* involve concrete institutional design measures regarding how to organize a city’s affairs. At no point does he suggest that it can be tackled by attempting to get disputants to adopt the *correct understanding of justice*. Yet this is by no means because Aristotle was some kind of skeptic about justice: on the contrary, he evidently believed that there *was* a correct understanding to be had, that he had himself gone some way to showing what this was, and that many people could be brought to agree upon it, at least when engaged in philosophical discussion. After all, “everyone holds that what is just is some sort of equality, and up to a point, at least, all agree with what has been determined in those philosophical works of ours dealing with ethical issues.”[1282b18-20, 86.] And yet, coming to understand what properly counts as “unqualified” justice plays no role in Aristotle’s suggestions for how to deal with *stasis*. Why?

We must here go beyond the text precisely because Aristotle is silent on this question, but the following interpretation is plausible and in keeping with his approach. The central issue is that if attempting to secure widespread correct understanding of unqualified justice, even if this were possible (which, given Aristotle’s profoundly inegalitarian conception of varying human intellectual abilities, would seem unlikely) doing so would either come too soon or too late. Take the very best form of constitution: a genuine kingship run by a virtuous individual, recognized by everybody as being uniquely superior and therefore uniquely qualified to rule, and who does so for the benefit of all.¹⁶ In such conditions the question of having a correct understanding of justice would not even arise for most people, because they would automatically and spontaneously be deferring to the leadership of the most virtuous. *Stasis* would be held in check by the healthy functioning of the constitution itself, and a correct understanding of justice by anyone other than the king would be superfluous.¹⁷ However, if ordinary people begin doubting the right of the king to rule, even should they be *mistaken* about this (as they likely will be), they will experience their doubts about his authority as objections from justice: that, for whatever specific reasons they focus upon, equals are not being treated as equals. But if they have started to believe *that*, then what hope in attempting to lecture them on the mistakes they are making about justice? Who, after all, might the lecture come from? The king? But what authority does *he* have

to pronounce about justice, given that it is precisely his position as king that is being called into question? A philosopher who claims to know the truth of the matter? But why would people listen to *him*? What does a pontificating philosopher know about the struggles of the people, and who has time to read his books, go to his lessons, when friends and family are suffering? And how can we be sure that he is not the ideological stool pigeon of the king, his fancy arguments being merely attempts to bamboozle us, keeping power in the hands of those who want to maintain conditions of injustice?

Now it may well be the case that those raising complaints of injustice are *incorrect*. They may be putting forward only partial, and not unqualified, understandings of what justice requires. And if they succeed in overturning the established constitution they may make things worse, replacing a healthy arrangement with a deviant one. But whether or not they are correct in what they think justice requires, by the time complaints of injustice have arisen, attempting to put the genie back in the bottle by educating people on the correct understanding (even though there is one) is, politically speaking, a hopeless endeavor.¹⁸ And if this is the way things would go even under a kingship, the best form of healthy constitution, such factors can only be expected to play out in worse ways, and be even more disruptive, under the altogether more common arrangements of oligarchy and democracy. In other words, I take Aristotle's silence here to be instructive. The prospects of containing *stasis* by appealing to a correct understanding of justice are so hopeless as to not even be worth mentioning.¹⁹

Indeed, on this point Aristotle's considerations regarding *politeia*—the healthy form of constitution whose corrupt form is democracy, and which Aristotle seems to think is the best healthy constitution to aim for given the likely impossibility of genuine kingship at the point when he was writing—are especially pertinent. *Politeia* relies not upon somehow getting the few and the many to agree about what justice demands, but mixing institutions in such a way that both have sufficient buy-in that they prefer stability over *stasis* (the presence of a sizable middle class, as well as appropriate education for the young, being particularly important here). Once such stability has been secured, *then* politics can get on with the job of achieving the common good—which is what a (healthy) *polis* is ultimately for. But the sequencing, for Aristotle, is crucial. The first must come first, or disaster will likely follow.

Aristotle in Book V thus provides a clear example of distinctively political thought. It is not that he somehow avoids, or does not engage with, normative considerations. On the contrary, normative considerations are central to his analysis: if contending parties were not motivated by *justice*—not only on behalf of themselves, but also for others (“friends”) – then *stasis* would be nowhere near as serious a threat to the peace and stability of constitutions as it proves to be.²⁰ Yet while normative considerations in this manner produce serious political problems, such problems require political solutions and cannot be dealt with via abstract ethical argument, such as propounding the correct understanding of justice. Again, this does not mean that normative considerations will be entirely absent. As we saw, Aristotle emphasizes that good education will be crucial for the long run stability of a given constitution, and also stresses that

it is important for high-ranking officials to exhibit “friendship for the established constitution”, a high level of skill, and to be possessed of the sort of virtue and justice that is most suitable to their specific arrangements [1308a33–6, p. 156]. There are significant normative components to such requirements. But from Aristotle's perspective the normative components are subservient to the political aim of stabilizing the constitution. After all, correct education in a democracy is about learning what best maintains a *democracy*—even though democracy is a suboptimal deviant form. Likewise for oligarchy. Both, recall, are “adequate” ways of organizing a *polis*, even if both leave a lot to be desired. More generally, for Aristotle all too often *contestation over justice is a source of political conflict*, and such conflict requires a *political solution* that is, an emphasis on the institutional design measures that can be employed to try and prevent, or at least mitigate, *stasis*.

It might here be objected that my reading of Book V sits in tension with Aristotle's explicitly teleological account of politics as orientated towards the attainment of the highest good. After all, Book I makes clear that not only are humans *zoon politikon* precisely because it is natural for them to live in groups larger than the household, and hence under a political constitution, but that the *telos* of such an arrangement is the achievement of the “highest” good, that is, *eudaimonia* for the most excellent living therein [1252a5, 1].²¹ Does my emphasis on the prevention of *stasis* not risk losing touch with this centrally Aristotelian aspect of Aristotle's political thought? Here, two things must be said. The first is to recall that whilst the natural functioning of a well-ordered city state is indeed to promote the flourishing of its most excellent members, Aristotle took it as evident that the vast majority of real-world constitutions came nowhere near to achieving this, or of even being capable of trying to achieve it.²² In practice, *deviant* constitutions were the overwhelming norm, and accordingly Aristotle “recommends ways in which deviant constitutions can be made more stable, such as finding a basis for cooperation amongst the strongest groups in the state and ensuring that those in power show due respect to others.” [45–46]²³ This is overwhelmingly the preoccupation of Books IV–VI of *Politics*, where Aristotle insists that “one should not study only what is best, but also what is possible, and similarly what is easier and more attainable by all” given precisely the fact that “achieving the best constitution is perhaps impossible for many” [1288b37–8, 102; 1288b24–5, 101]. Book V is at the heart of this endeavor, with an explicit focus not upon optimal city states functioning at their best, but suboptimal political arrangements of the sort that human beings actually find themselves forced to live in.

This leads to the second point. It may well be the case that emphasis on control of *stasis* in Book V sits uncomfortably with Aristotle's teleological depiction of politics as promoting the highest good, as predominant in Books I–III, and reprised in VII–VIII. But rather than this being a problem for my realist reading of Book V, it highlights a real and existing tension in *Politics* as we now possess it. I am hardly the first to notice that Books IV–VI sit uncomfortably with the rest of the text in its current form, at the very least in the ordering of the Books, and quite possibly in their fundamental approach to the philosophical study of politics ([47], chap. 1; [48, 49]). Clearly it is beyond the scope of this article to wade fully into

the enormous scholarly disputes that pertain here. One thing that can be said, however, is that a realist reading of Book V is not called into question *merely because* it generates tensions with other, currently more widely recognized and traditionally privileged, aspects of Aristotle's political thought. If anything, it encourages us to question the ways that Aristotle has predominantly been read. One way to do this would be to reverse the order of emphasis as traditionally encountered. Rather than seeing Books 1–3 as laying out the conditions to which we ought to aspire, with 4–6 being something like secondary reflections on the unfortunate tendency of humans to fail to achieve the ideal, it might instead turn out that 4–6 are where the action really is. This, after all, is where Aristotle offers his analysis, and corresponding practical advice, for enquirers appropriately aware that they are *never going to live in ideal conditions*—even if they first need the ideal conditions analyzed, at least in part, in order to understand why they will never attain them.

Given that disputes over justice are a perennial source of serious conflict, and that this threatens to issue in constitutional upheaval to the point of violent breakdown, the first function of politics for Aristotle is to *manage and contain* disagreement over justice. Book V accordingly provides advice to “legislators and statesmen” on precisely how this might be done. Of course, this is not the *only* function of politics on Aristotle's account (it features as part of its *ergon*, but is not its *telos*). After all, and as noted above, the *polis* exists not simply to enable human beings to live together, but to enable their living *well*, “as a community whose end is a complete and self-sufficient life”, facilitating “noble deeds”, and in the very best cases, providing the habitat in which certain well-educated male citizens can achieve *eudaimonia*, itself the highest end of human life [1280b33–4, 81; 1323b32, 192]. Nonetheless, if the first function of politics—the maintenance of constitutional stability through the control of *stasis*—is neglected, then there is no hope for its more aspirational possibilities, in any form. Such aspirations will not survive constitutional upheaval—violence and civil war—precisely because the *polis* will cease to provide the habitat in which assembled *zoon politikon* can properly develop in line with natural *telos*, to any meaningful degree.

Importantly, however, Aristotle does not take the view that regimes which are unable to facilitate the highest aims of politics therefore somehow lose their entire value. Neither democracy nor oligarchy, and especially not tyranny, are likely to facilitate humans living as well as possible (and especially not the achievement of *eudaimonia*). Still, they are not for that reason all as bad as each other. Aristotle is clear that democracies are usually better than oligarchies, and tyrannies are the worst regimes of all. Similarly, despite their serious flaws (and here excepting their worst instantiations), each of these still represents a form of constitution, and hence a way of organizing a *polis* such that the political animals within are provided with the conditions in which to realize their natures and thereby live better, albeit to a grossly imperfect degree. Hence even in such deviant and defective regimes—but which are, recall, the norm for most Greeks—*stasis* is something to be prevented.²⁴ The baseline function of politics—the management of conflicts arising over justice to enable constitutional stability—remains.

Aristotle emerges here not only as offering an exemplary instance of distinctively political thought, but as exhibiting a striking conceptual synergy with Williams's own political theorizing. Like Williams, Aristotle stresses the importance of answering “the first political question”, namely “the securing of order, protection, safety, trust, and the conditions of cooperation.”²⁵ And like Williams, he was acutely aware that the question is not “first” in the sense of having once been settled; it can happily be left behind in the pursuit of more aspirational goals. It needs to be settled *all the time*, unavoidably being affected by “historical circumstances.”²⁶ But if it is successfully settled, *then* the more aspirational functions of politics can safely be pursued.

Of course, Williams and Aristotle certainly differ. Williams thought that under conditions of modernity, “now around here” in the developed West only liberalism qualified as an acceptable solution to the “basic legitimation demand”, something which must be addressed by any form of order that purports to solve the first political question and go on from there in terms of social organization [8].²⁷ Clearly enough, Aristotle was no liberal. Not only did he think and write millennia before the emergence of liberalism as a historical phenomenon, but his deep-seated egalitarianism (natural slaves; the permanent subordination of women; the conviction that the truly good life is only attainable by a tiny minority of men, etc.) and his advocacy of self-evidently non-liberal political methods would render absurd any attempt to recruit him into the pantheon of historic liberals. But there nonetheless remains an important point of conceptual similarity, if not full synergy. Williams held that the most significant, and intellectually plausible, basis for seeing liberalism as adequately answering the basic legitimation demand lay in what Judith Shklar called “the liberalism of fear” [51]. That insofar as liberalism possesses foundations these are not constituted by philosophical theory, but in its proven historical track record of being the least-worst option known to the moderns when it comes to the reduction of cruelty, and the many horrors that humans are otherwise liable to bestow upon the weak(er). The parallel in Aristotle's political thought is what we might dub “the Macedonianism of fear”: that the first function of politics (whatever constitutional form it happens to take) in a city-state is to provide stability and prevent the eruption of *stasis*, “a catastrophe for any city.”²⁸ Indeed, Shklar herself appears to have read Aristotle in precisely this way ([52], 17–18). This is achieved not through having the right philosophical account of justice, but through institutional design measures that safeguard against faction. What is required is not *epistēmē*, but *praxis* ([53], 207–214). Citizens (some of whom may well be philosophers) forget this at their peril. But if they remember it, they can then aspire to do more than *just* remember it, attempting to safely go beyond it—a point of synergy between Aristotle, Shklar, and Williams.

5 | Rawls: Justice and Stability

As noted at the outset, given the place standardly assigned to Aristotle in much existing moral and political philosophy, reading him as an early progenitor of realist political thought may seem polemical. Nonetheless, not only are there good grounds for doing so, this reading also serves as a sharp critical foil for seeing what is importantly defective in more recent work. This

can be brought out especially clearly through direct contrast with the later Rawls.

In *Political Liberalism* Rawls makes it a central point that under ideal conditions, in a well-ordered society where all are free and equal, each citizen shares the same conception of justice: “everyone accepts, and knows that everyone else accepts, the very same principles of justice.”[35]²⁹ This is generated via the device through which the argument of the book as a whole operates: an “overlapping consensus” formed out of the rival “reasonable comprehensive doctrines” drawn from religious, moral, and political outlooks that citizens in a constitutional democracy bring to the table in good faith. The conception of justice that citizens thereby agree upon will be (in Rawls’s jargon) “political”, that is, based only upon publicly affirmed reasons that all (reasonable) people can endorse regardless of (and without special appeal to) their underlying comprehensive doctrines, meaning that it is a form of *constructivism*, built out of what citizens share in common but that is itself ultimately “freestanding” – hence Rawls’s slogan that it is “political and not metaphysical.”[10]³⁰ Thus while Rawls thinks that modernity for liberal democracies is inescapably characterized by reasonable disagreement over fundamental normative questions due to the “burdens of judgements” playing out under free institutions, he nonetheless proposes that justice might transcend such disagreement via the construction of an overlapping consensus. The ambition in turn is for “political liberalism” to emerge as more than just another sectarian doctrine in the competition between varying world-views, instead exiting the fray and becoming a position espousing a shared conception of justice—itsself of fundamental and primary importance because it properly conditions the “basic structure” of society—and that contending parties all converge upon “for the right reasons”. Meaning: they do so not simply because it is in their sectional interests, or as a prudential hedge given the balance of power, but because reasonable and rational people capable of normative engagement (i.e., possessed of the two moral powers: the ability to form and revise a conception of the good, and the possession of a sense of justice) come to agree that doing so is the most normatively appropriate option. Hence political liberalism, whilst not metaphysical, is still *moral*—and why indeed Williams is right to label it as an instance of political moralism [1–2].³¹

In what follows I take my lead from the scholarship on Rawls that holds *Political Liberalism* to be a failure on its own terms. This is for two interconnected reasons. First, and as has previously been argued in the scholarship, this is because the supposedly “political” conception that Rawls put forward is no such thing, but is rather a Kantian comprehensive doctrine that will be rejected by myriad other “reasonable” (by Rawls’s definition) outlooks (alternatively, these competing doctrines might be labeled as unreasonable—but if so, the overlapping consensus will be populated by only one comprehensive doctrine, namely Rawls’s Kantian one, which obviously defeats the point.) [54–57] Second, it is because justice turns out to be, even in ideal conditions, as extensively subject to the burdens of judgment as pretty much everything else that is normatively controversial. Consequently, the quintessentially modern condition of reasonable pluralism will likewise cover matters of justice, and which cannot be air-lifted out of the fray via the device of the overlapping consensus ([58–62], 151–153, 157–159). Insofar as one agrees (as I do) that

these matters have been previously established by others, then a further question arises: what got Rawls into these self-defeating cul-de-sacs in the first place? The answer, I propose, is a failure to properly grasp the nature of politics in its relation to justice.

One way to see this is that whereas for Aristotle an irreducible, baseline, and non-negotiable function of politics is first and foremost to manage problems that emanate from *disagreements about justice* (and with the potential realization of justice being firmly downstream of prior conditions of stability having first been established), for Rawls politics is ultimately understood as primarily a *mechanism for realizing justice*—but where a functional component of *stasis*-control is accorded no serious role (or so I hope to show) ([63], 130–131). This is already presaged in the famous opening lines of *A Theory of Justice*, that: “Justice is the first virtue of social institutions, as truth is of systems of thought. A theory however elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust.”[3]³² But it is most fully evident, though also made more complex, in *Political Liberalism*. There, Rawls emphasizes his conviction that political regimes that do not successfully instantiate justice will for that reason not be *stable*—and are doomed to fail accordingly [64]. For Rawls, it is not simply that politics must realize justice insofar as this is the normatively highest goal to aim for, and to be pursued accordingly (roughly speaking, the ambition of *Theory*). It is also that only by realizing justice can a political situation hope to preserve itself consistently into the future. The realization of justice is thus both an end in itself *and* a necessary means for maintaining liberal politics, itself the mechanism for realizing justice. Thus while *Political Liberalism* is an enormous endeavor attempting to offer an account of public justification, constitutional essentials, the very idea of legitimacy, overlapping consensus, and the moral psychology of citizens in a well ordered society, the edifice as a whole importantly rests upon the contention that justice and stability are mutually and necessarily interrelated. The reasons that Rawls posited this complex dynamic interplay are important, however, and need further unpacking before we turn to compare his position more fully with Aristotle’s.

We must first focus attention on Rawls’s insistence that an overlapping consensus is not a “mere modus vivendi,” something deemed inadequate for a well-ordered society (i.e., that which the ideal theory of political liberalism is envisioned as regulating)[145].³³ On Rawls’s account a modus vivendi takes place when differing parties settle upon a shared social consensus due to factors such as compatible “self- or group interests, or on the outcome of political bargaining.” Crucially, however, any social unity thereby arising is only “apparent” because the resulting stability in such an arrangement is “contingent on circumstances remaining such as not to upset the fortunate convergence of interests.”[147]³⁴ Accordingly, on Rawls’s view a modus vivendi is inherently *fragile* (indeed, that is part of why it is “mere”). Should the balance of power change, and interests cease to converge, then whatever principles have been decided upon by the contending parties will be abandoned, with a new equilibrium settled upon to the detriment of whoever finds themselves less powerful (individually or as a group) than they were before. By contrast, Rawls posits that an overlapping consensus is inherently more stable than a modus vivendi. This is

because the principles of justice arrived at via an overlapping consensus are affirmed as *moral* requirements by each of the relevant parties. Each party of course does so for different reasons, depending on their underlying comprehensive doctrine. Nonetheless the overlapping consensus is presented as having robust normative features in a way that a *modus vivendi* does not (this is the other part of why it is “mere”). As a result, Rawls contends that even should the balance of power shift, those committed to principles of justice as arrived at via an overlapping consensus will *remain* committed to those principles because recognizing the normative requirement to do so. “[T]hose who affirm the various views supporting the political conception will not withdraw their support of it should the relative strength of their view in society increase and eventually become dominant... the political conception will still be supported regardless of shifts in the distribution of political power.” Whereas a *modus vivendi* depends “on happenstance and a balance of relative forces”, an overlapping consensus does not [148].³⁵ Hence stability requires justice: without it, things will sooner or later fall apart. But justice also requires stability: without it, there is no hope of ensuring that institutions are structured by its overriding and supreme normative demands. Justice and stability are, for Rawls, necessarily two sides of the same coin (hence why the terms appear together repeatedly throughout *Political Liberalism*). However, it is important to keep in focus that Rawls’s ultimate aim is to realize justice, rather than to promote stability: he is ultimately interested in the latter only insofar as it serves the former. Accordingly, the *point* of politics for Rawls—when properly and fully conceived, in the idealized conditions which are to serve as our lodestar when attempting to navigate our sadly non-ideal world—is to realize justice.³⁶ The Aristotelian perspective outlined above, however, gives us reason to think that Rawls was mistaken in conceiving of matters this way.

6 | Aristotle vs. Rawls

We are now in a position to directly compare Aristotle and Rawls, drawing the lessons for political realism in turn. A peculiarity—indeed, an irony—of Rawls’s account is that his description of the instability of *modus vivendi* is more apt as an evaluation of Aristotle’s political world than his own (i.e., ours). One of the reasons that Aristotle identified *stasis* as such a dire problem facing the city states of his day was precisely that *modi vivendi* proved so hard to sustain. Not only were parties liable to abandon a *modus vivendi* when they calculated that the balance of power had shifted to their advantage, but even more troublingly conflicts over *justice* repeatedly threatened to blow apart any *modus vivendi* that happened to have been established. Leaving aside for now the Rawlsian contention that such conflicts were generated by parties not yet having “political” conceptions of justice (held “for the right reasons”), the point is that politics in ancient Attica was characterized by extensive, repeated, and frequent explosions of (the very real threat of) political violence, a function of the fact *modi vivendi* proved so difficult to uphold.³⁷ In response to precisely this, Book V proposes extensive institutional measures to try and hold *stasis* at bay. But accordingly, Aristotle would have looked upon Rawls’s denigration of a *modus vivendi* as being “mere” with bafflement. For Aristotle, a *modus vivendi* was something like the political

Holy Grail: always to be pursued, forever fragile, and all-too-often slipping out of reach.

By contrast, Aristotle would have looked upon the political world of the modern West with something like awe, at least regarding the control of *stasis*. (Indeed, it is telling here that we do not even have a direct translation of the word.) This is in part because since roughly the seventeenth century Western nations have managed to build and then sustain, more or less, albeit with some very severe failures along the way (the American Civil War being the outstanding case in point), stable internal *modi vivendi* on a scale inconceivable in the ancient world, issuing in a general pacification of domestic politics that would have been (literally) unimaginable to the ancients. Should Aristotle turn to *Political Liberalism* for an account of how this astonishing change came about, however, he would find precious little to go on.

On Rawls’s telling we can understand political *modus vivendi* as arising under liberalism through an analogy with the history of the emergence of religious toleration out of the views of Catholics and Protestants in the sixteenth century. Originally (he maintains) both faiths lacked an overlapping consensus regarding toleration, instead thinking it was a religious duty to impose “correct” views on heretics by force. In such conditions any agreement to tolerate religious dissent would only be the product of a (mere) *modus vivendi* “because if either faith [became] dominant, the principle of toleration would no longer be followed” [148].³⁸ In time, however, experience of living under conditions of toleration enabled both Protestants and Catholics to come to see that not only was it in their mutual self-interest to continue doing so, but *toleration itself* emerged as a moral value, to be upheld independently and for its own sake. The specific reasons for valuing toleration might differ between Catholics and Protestants (because drawing on different comprehensive doctrines), but nonetheless all could come to agree that toleration was indeed to be valued, a result of having achieved an overlapping consensus on the matter. Rawls’s contention is that we must strive for the same process and result—moving from *modus vivendi* to overlapping consensus, thus generating stability—in political matters. Indeed, Rawls’s aim here is more than just to argue by analogy. He claims that the historical foundations of all liberalism—and hence in turn of “political” liberalism, its projected higher development—lie in the religious experience of coming to grant and live under conditions of stable toleration, and that since the sixteenth century the gradual expansion of this value out of the religious and into the political has been the (intellectual and moral) foundation upon which liberal politics is built.³⁹

Whatever the merits of Rawls’s account of the emergence of religious toleration in early modern Europe (and his story is, to say the least, questionable), when it comes to the historical foundations of Western liberalism (and hence of the various *modi vivendi* generated therein⁴⁰), the picture he offers is seriously inadequate. In the first place, this is because he offers no appreciation of the dramatic institutional innovations that occurred from roughly the seventeenth century through to the early twentieth. Three of these are worth highlighting, although the full story is of course vastly more complex and multifaceted than the brief sketch offered here.

First is the emergence of the modern state, but where it is crucial to recall not only Max Weber's definition of a "human community which (successfully) lays claim to the *monopoly of legitimate physical violence* within a certain territory" but also his oft-neglected subsequent emphasis on the fact that the modern state is characterized by its crucial operating apparatuses having been removed wholesale from the hands of private individuals [310–311].⁴¹ This takes many guises (taxes are no longer collected by private "farmers"; legal justice is administered centrally, not by hired or local and customary arbiters) but the most important for present purposes is that the means of organized coercion are systematically an object of public, not private, control. Citizens no longer serve as self-arming hoplites; local barons no longer oversee private armies held as feudal retainers; not only have police forces and standing armies emerged (with whatever local variation) but neither are *owned* by *anybody*. Such factors are a core part of the mechanism by which modern states successfully establish a monopoly over the legitimate use of violence. By direct extension, it is why *stasis* is so much less of a threat in the modern West than it was in Aristotle's day, or indeed than it was for all of human history up until very recently. (It is also why, when *stasis* does occur under modern conditions, the denouement is often so much worse than under previous forms of social organization.) When the means of coercion rest in the hands of private individuals, taking up arms in support of faction is dramatically easier than if those means have been centralized and placed under public control. After all, "those who control the weapons also control whether a constitution will survive or not." [1329a11–12, p. 205].⁴²

Second is the establishment of norms governing the peaceful transfer of political power. Principally, that those who lose power do not expect to lose their property and/or lives as a result. In turn, they themselves can be expected (and in due course, relied upon) to give up power peacefully when forced to do so. A major step in the emergence of this norm was the transformation of political parties from being loci of violent faction into peacefully engaged competitors who came to stabilize constitutional orders through the effective channeling of group contestation via nonviolent means. As David Hume put it, political parties learned "not to contend, as if they were fighting *pro aris & focis*." [31] ([67]; cf. [68–70]). How exactly this came about is a complex historical story, made more so by being intertwined with the rise of (electoral) democracy in Western states from around the nineteenth century onwards. But for present purposes the point is that it *happened*—with obvious and clear benefits for the control of *stasis*.

Third is the emergence and establishment of the rule of law. In particular, the separation of judicial and executive power such that individuals no longer needed to fear that those in possession of political authority could openly use it to extract resources from the less powerful on an arbitrary basis. The widespread establishment of the rule of law meant that both the lives and property of private individuals gained a meaningful guarantee of security, which was not only crucial in promoting (as Adam Smith long ago pointed out) the freedom of the moderns, but massively dampened the impetus to *stasis* insofar as justice could now be sought peacefully via mutually recognized and institutionally robust means.⁴³

While necessarily an idealized sketch of a vast historical process—it should go without saying that the three factors above interacted dynamically with each other, as well as with many others that there is no space to discuss—the above is worth having before us.⁴⁴ In the first place, because it is a much more accurate portrayal of the foundations of liberalism than Rawls's simple story about the emergence of the value of toleration. While Williams is correct to point out against Rawls that people who enjoy a *modus vivendi* are "already lucky", for we moderns this luck is not some happy coincidence, but the product of a specific history, the recognition of which matters [2, fn2].⁴⁵ Not only does Rawls misrepresent the foundations of liberalism, as well as its ongoing enabling conditions, but he therefore fails to see what has allowed various *modi vivendi* to emerge in the relatively recent domestic histories of the West; mischaracterises their nature; and hence fails to appreciate why they have proved dramatically more stable than he claims that they can, by their nature, be.⁴⁶ Liberalism has been enabled and upheld by *political* innovations, learnt by Western societies through trial and error, over time and without conscious design. An ever-growing commitment to the moral value of toleration, while important, was only ever a secondary and supplementary factor. Rawls puts the cart before the horse. Aristotle, while he could not have foreseen the sorts of future historical developments that made liberalism and its array of complex yet stable *modi vivendi* possible, would not have made the same mistake.

It further matters here that Aristotle and Rawls operate with overlapping, but not coextensive, understandings of stability. For Aristotle, stability is a matter of staving off civil war; for Rawls, it is a matter of a hegemonic conception of justice propagating further allegiance to that conception, which of course has the upshot of keeping revolution at bay, but which is not the primary motivating factor. Yet Rawls's conception of stability thereby suffers a further and severe problem as compared with Aristotle. In short, and as George Klosko has pointed out, Rawls's view is grounded in a highly demanding level of collective moral behavior, such that "citizens and legislators" are (virtually) "never motivated by their self-interest" but by their (equally shared) strong sense of justice. Yet this means that the society envisaged in *Political Liberalism* "is not merely an improved version of the best societies now existing; rather it is unlike any society ever known", containing actors who behave consistently in ways that no human beings in recorded history have ever been known to.⁴⁷ As a result Rawls's conception of stability is damned twice over: not only does he neglect the actual sources of political stability as enjoyed by liberal regimes, but he advocates a model of politics which is manifestly an *unrealistic* utopia, falling foul of his own stipulation to respect "the limits of practicable political possibility." [4] [77].

It might be objected here that I am conflating two things: the emergence of the modern state, and the emergence of liberalism. As Shklar herself pointed out, however, liberalism has not always been the norm even within the modern (Western) state.⁴⁸ And anyway, while Rawls does seem to think that liberalism as a historical phenomenon grew out of the value of religious toleration, his main aim is to show that it is not unacceptably utopian to posit that an overlapping consensus can grow out of a *modus vivendi* in politics, precisely because this is what happened in matters of religion. I am thus tilting at the wrong windmill:

Rawls's discussion is specifically about the philosophical character of (political) liberalism, and I am conflating this with the history of the modern state, which is something else. To which I reply: it is a mistake to think that these two things can be so easily and cleanly separated. While Shklar is right that not all modern states are liberal, it is the case that all liberal states are modern. In turn, what makes them liberal is unavoidably conditioned by their modern features—the latter are necessary components for generating the former, even if there is no necessity that they always do so. But as a result it is seriously misguided to think that one can compare liberal *modus vivendi* to liberal overlapping consensus without fully appreciating the extent to which the former is not simply arrived at through a balance of power (as Rawls purports), but through a specific and complex historical process of the sort outlined above. What appreciating that historical process makes clear, however, is that liberal *modus vivendi* are nowhere near as unstable as Rawls claims, and that the comparison with religious overlapping consensus is therefore *irrelevant*, whatever its philosophical contours, because a political overlapping consensus is surplus to requirements when it comes to stability.⁴⁹

Furthermore, not only does Rawls massively overstate the fragility of *modus vivendi* under modern liberal conditions, he puts far too much faith in the capacity of the search for justice to be stabilizing of political arrangements. What the Aristotelian perspective warns us is that justice is liable to be a source of political conflict, a result of people bringing only partial understandings of what this requires to the table (and being too prone to abandon the table for the street). Of course, Rawls tries to avoid precisely this sort of conclusion by positing the possibility of convergence upon justice as a freestanding conception: that it *won't matter* if each party brings only a partial understanding to the table, because out of these partial understandings an “overlapping consensus” can be formed, and hence justice will not be a source of conflict but of enhanced stability for the reasons noted above. Yet to generate this conclusion Rawls needs to stipulate very tightly the underlying moral psychology of the agents forming an overlapping consensus. They need to be both reasonable and rational (in his technical senses); possessed of a strong sense of justice which is itself honed and cultivated through having been born and raised under just institutions; and are presented as exhibiting “strict compliance” with whatever the principles of justice demand.⁵⁰ At which point we must ask: whose moral psychology do we find more plausible, and hence more serviceable for understanding the challenges we face?⁵¹ If the answer is Aristotle's, then Rawls's recommendation that citizens spend *more* time talking to each other about justice is liable to have disastrous results, of exactly the opposite sort he hoped for.

Finally, it is no comfort to the Rawlsian project to point out that he and Aristotle ultimately employed differing conceptions of justice in at least one crucial regard: that whereas for Rawls justice pertains to the institutional preconditions of managing disagreement between reasonable comprehensive doctrines, for Aristotle it pertains to clashes between different understandings (many of them ‘unreasonable’ by Rawls's lights) regarding how to treat equals equally. There is no succor in claiming that the two authors are talking about different things, and therefore cannot appropriately be put into contrast with each other, however, because the Aristotelian view impresses the importance of

recognizing that in political contexts it is precisely *disagreement* about justice that will come to the fore (indeed, this is precisely what politics is in large part made of), threatening *stasis* accordingly. Insofar as Rawls's approach to justice forecloses this possibility from even arising, thus constitutes a central reason that it ultimately fails as a contribution to adequately theorizing the relationship between politics and justice—and thereby fails as a *political* theory in at least one important regard.

7 | Replies to Rawlsian Objections

Defenders of Rawls will object that the above critique is misguided on various grounds. I therefore try to head off likely complaints. The first potential objection is that Rawls is conducting *ideal theory*, whereas Aristotle in Book V is doing anything but. Am I not, therefore, comparing apples with oranges? And is the proper point of contrast not the so-called city of our prayers, the imagined ideal constitution of Book VII? In response, two things need to be said. The first is to recall with Yack that “Although Aristotle does claim genuine knowledge of the human good and does construct a utopian regime in which the human good is best realized, he never suggests that we should measure the justice of laws and public acts by asking how close they come to realizing the states of affairs found in the best regime” [167].⁵² Hence even though Aristotle engaged in (what we might term) *ideal theory*, his use of it diverges significantly from Rawls's. Second, and more importantly, we should notice that whilst Aristotle indeed posits that in the ideal city all citizens will agree about justice, and what it properly requires, the mechanism by which this is made possible is anathema to the Rawlsian project. In the ideal city the reason that all citizens agree about justice is that the division between rich and poor has been abolished (thereby removing the main trigger for *stasis*).⁵³ How? By ensuring that all work is done by a vast population of slaves, and citizenship is granted only to the leisured class, who will not disagree amongst themselves about justice because they will agree about what constitutes treating equals as equals. Between slaves and citizens no partnership exists; it is effectively an apartheid state.⁵⁴ Clearly enough, such a vision is deeply incompatible with Rawls's commitment to viewing all people as free and equal citizens (and rightly so, one might add). But the pertinent point for the present discussion is that the mechanism via which Aristotle seeks to achieve consensus over justice, even in ideal conditions, is again entirely institutional, and based on structuring society in the way perceived as necessary to engineer agreement. Even under ideal conditions his solution remains entirely *political*, with no weight at all accorded to intellectually grounded value commitments.⁵⁵ If drawing a comparison to Rawls, Book VII delivers the same conclusions as Book V.

A second objection takes a different form: pointing out that Rawls is expressly constructing an account suitable only for citizens of liberal democracies, and that what he says is not intended to apply to all people at all times, precisely because it is drawn out from (and works via, in order to further) the shared political culture found and established only in modern Western conditions.⁵⁶ Aristotle, pretty obviously, was neither living in, nor writing about, modern liberal democratic Western conditions. So again, am I mistakenly comparing apples with oranges? I suggest not, because Book V helps us to focus upon,

and keep firmly in mind, what Waldron has helpfully termed “the circumstances of politics”, glossed by Jacob Levy as those situations which “prominently feature a measure of disagreement about questions that unavoidably require shared answers.” [102]⁵⁷ Following Levy, I take Rawls’s use of ideal theory to be a fatal departure from *political* theory: his vast theoretical edifice proceeds in such a way as to remove the very conditions of disagreement and conflict that mean politics arises and continues to exist in the first place ([81], chap. 5). It is the equivalent of an “ideal theory” of aerodynamics positing a frictionless vacuum—the point being that aerodynamics *presupposes* friction, could not exist without it ([82], 777). I have tried here to supplement Levy’s case: that a root cause of why Rawls offered an ideal theory that is not a *political* theory is that he failed to properly grasp the proper relation of politics to justice. Aristotle helps us to see why.

Finally, it might be objected that despite the criticisms given above we *need* an ideal theory of the sort proposed by Rawls, and for the reason he gave: that in the absence of one “there is no rational basis for continually adjusting the social process so as to preserve background justice, nor for eliminating existing injustice.” [285]⁵⁸ The problem, however, is that this is a bare assertion by Rawls—and as others have pointed out, there is simply no good reason to accept it.⁵⁹ To borrow David Schmidtz’s example, it is like saying that we have no rational basis upon which to repair the rotten planks of our leaky boat until we have a philosophical theory of the ideal ship.⁶⁰ We do not need an ideal theory to rationally guide (normative) political theory *or* political practice—as Aristotle aptly demonstrates.

8 | Conclusion

There is no doubt that Rawls accorded central importance to the role of stability, and the need for corresponding institutions, in the construction of his “political” liberalism. (He was certainly *not* suggesting that people merely needed to talk more about justice in order to bring it about.) Nonetheless, what this paper has attempted to demonstrate is that despite offering an extremely sophisticated institutional and justificatory response to the fact of reasonable pluralism, that response nonetheless falls short. It is not that Rawls somehow neglects disagreement or stability (clearly, he does not) but that he dramatically underestimates the extent to which disagreement about *justice itself* can generate chronic instability. From the Aristotelian-realist perspective developed here, Rawls’s solution still treats disagreement about justice as something that can be domesticated by the right justificatory framework. Aristotle, however, gives us serious reason to doubt that. The problem is not merely that citizens disagree about comprehensive doctrines while sharing a political conception of justice. It is that rival justice-claims can themselves become engines of faction, resentment, and institutional instability. This however can only be addressed *institutionally*, and regarding which an overlapping consensus is neither necessary nor sufficient—as proved by the fact that modern Western states have achieved (relative) stability in the total absence of any such thing. Failure to properly recognize these matters results in Rawls offering a political theory that, in an important sense, fails to be *political*.⁶¹

As early as 1974, Rawls’s influence on Anglo-analytic political thought was so seismic that Robert Nozick remarked “Political philosophers now must either work within Rawls’s theory or explain why not.” ([86], 183) In some ways his influence has only grown in the decades since. Yet while there is no doubt that Rawls’s approach always deserved to be a part of the conversation, to a significant degree it *became* the conversation. Nonetheless, and for reasons I have tried to show, it is high time that we changed the conversation. Paying closer attention to Aristotle is a good place to start. We can begin by more fully taking on board his realist lesson that politics is not merely the institutional realization of justice, but the activity of first preserving order under conditions in which justice itself is contested, partial, and thus politically combustible. We ought certainly to pursue justice—but that requires putting the horse in front of the cart.

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Endnotes

¹ McQueen [20]; McQueen, *Apocalyptic Times*, 9–13.

² For example, Leader Maynard and Worsnip ([21]); but in reply, Sleat ([22]).

³ His assessment of Aristotle’s ethical project is ultimately negative: that it is not compatible with what we moderns know to be true about ourselves and our world: [24, chap. 3]. I take his discussion of Aristotle and slavery in [25, chap. 5]. to be orthogonal (at least for present purposes) to contributions in “realist” political theory.

⁴ Having said that, some important parallels exist here with the thought of Hampshire [29], a somewhat neglected figure in twentieth century realist political thought, on which see Hall [30].

⁵ Over 30 years ago, Bernard Yack remarked that “Because Aristotle clearly and repeatedly points to the division between rich and poor as the main source of conflict within political communities, it is somewhat surprising that no one has attempted to develop a distinctly Aristotelian approach to class conflict. Apparently, the long shadow cast by Marx’s ideas has obscured older approaches to the study of social classes and their role in promoting social conflict.” [33, p. 209]. Strikingly, relatively little has changed in the period since Yack’s own analysis of the topic (see especially Yack, *Political Animal*, chap. 7). The matter of *stasis*, with which Book V is centrally concerned, has since been the subject of monograph studies by Kalimtzis [34]. and Weed [35], although both are held back by presenting *stasis* as a pathological condition, analogous to disease, suggesting that Aristotle is implacably opposed to conflict and conceives of the ideal political community as entirely conflict-free. By contrast, I find the more recent reading by Skultety [36], which assigns a central and permanent place to conflict in Aristotle’s political thought even in the ideal city, altogether more persuasive (see also [37]). Another recent valuable contribution to understanding the place of *stasis* in Aristotle’s thought (and which tells against Kalimtzis and Weed) is Cairns et al. [38], as well as the earlier discussion in Balot [39]. For exegetical overviews

of Book V see Saxonhouse [40] and Hatzistavrou [41]. For a recent overview of *stasis* in Greek political thought, including Aristotle, see Fisher [42].

⁶ Skultety [36], *Conflict*; Yack [33], *Political Animal*, both of which call into question “communitarian” readings of Aristotle according to which holistic unity of the political community is taken to be the ideal, and from which real-world regimes pathologically deviate. They suggest instead that Aristotle conceived of varying levels of conflict, and its necessary management, as being intrinsic to *any* political community, even the most ideal. Finley [43].

⁷ One thorny area I seek to sidestep is the question of how Aristotle's discussions of justice in *Politics* relate to his notoriously difficult treatment in Book V of *Nicomachean Ethics*. I suggest we can usefully avoid raising that issue here, insofar as Aristotle's explorations of the different aspects of justice (universal, particular, rectificatory, distributive, proportionate, natural, conventional, etc.) do not materially impinge upon the political lessons to be drawn from Book V of *Politics*. The implicit (realist) point being that I do not read Aristotle as thinking that politics can be applied ethics—indeed, quite the opposite.

⁸ Also important for Aristotle is that democracy and oligarchy are not defined simply in terms of numbers, but by the preponderance of wealth. Oligarchy is rule by the rich, democracy rule by the poor, and it is merely a contingent fact of real-world cities that the rich are always the few, the poor always the many; in principle the rich could be the many, the poor the few, but rule by the former would still constitute oligarchy, rule by the latter democracy (see Aristotle, *Politics*, Book III, Chap. 8.).

⁹ Skultety calls this the *haplōs* mistake; for detailed analysis see Skultety, *Conflict*, 46–48. See also Cairns, Canevaro, and Mantzouranis, “Recognition and Distribution,” 8–19.

¹⁰ As Aristotle goes on to explain in Book III, Chapter 9, neither the wealthy nor the poor understand that a city exists not merely for the sake of living together, for example, through mutual exchange in a given territory, but for living *well* in terms of noble actions. This requires the contribution of those who possess virtue, but which means in turn that the virtuous deserve a larger share in the city-state than those with whom they share equal freedom, or unequal wealth. Justice fully conceived requires factoring in the place of the most virtuous vis-à-vis rendering equality for equals—something that neither the wealthy nor the poor do in their conceptions of justice, meaning their conceptions fall short of what is “unqualifiedly just”, even though they approximate justice when attempting to apply the principle of equality for equals (Aristotle, *Politics*, 1281a1–7, p. 81.).

¹¹ Yack, *Political Animal*, 220; Cairns, Canevaro, and Mantzouranis, “Recognition and Distribution,” 4–5.

¹² Interestingly, Aristotle notes that the virtuous would be most justified in starting *stasis* because they really are unqualifiedly unequal to the rest (when it comes to noble living, the purpose of a city state), and therefore do deserve to rule over others as unequals. But ironically, because of the very fact that they are virtuous, they are the least likely to start *stasis*. As Skultety points out, there may therefore be times when a constitution is so corrupt that the virtuous are justified in starting *stasis*, taking up arms against injustice. This however will be an extraordinarily rare occurrence, and in practice *stasis* is virtually never acceptable from Aristotle's perspective because it is incompatible with promoting the good life for any human beings Skultety, *Conflict*, 57.

¹³ Aristotle gives, as examples of constitutional change within oligarchies not emanating from *stasis*, “loose living” inviting the advent of tyranny; smaller oligarchies arising within the wider oligarchy due to self-interested power-grabs; and overreliance on mercenaries who cannot later be controlled (Aristotle, *Politics*, 1305b39–1306b1, pp. 147–9.). Furthermore, all constitutions are liable to change “when there is a constitution of the opposite type either nearby or far away but powerful”, as illustrated during the Peloponnesian war when the

Spartans overthrew all the democracies they encountered, and the Athenians did the same with oligarchies, either via direct conquest or by stirring up *stasis* within other regimes. For reasons of space I do not consider Aristotle's discussion of the causes of *stasis* within aristocracies and polities, which are anyway coterminous with the above (see Aristotle, *Politics*, Book V, chap. 7).

¹⁴ For reasons of space I do not consider Aristotle's advice on preserving monarchies and tyrannies, covered in chapters 10–12, though I take his discussions to be equally supportive of the points I make below. For analysis see Skultety, *Conflict*, chap. 3.

¹⁵ Yack, *Political Animal*, 166, 238–9.

¹⁶ Excluding for now the ideal constitution imagined in Book 7, which is explicitly a thought experiment, and not somewhere Aristotle thinks has ever actually existed, or that could exist. By contrast genuine kingships, whilst exceedingly rare, are presented as at least possible, and as having sometimes existed in the past.

¹⁷ Skultety, *Conflict*, 57.

¹⁸ Yack, *Political Animal*, 172.

¹⁹ Skultety, *Conflict*, 42–43.

²⁰ Yack, *Political Animal*, 222.

²¹ Cooper [45]; Miller [46].

²² Yack, *Political Animal*, 3, 242–3.

²³ Balot, *Greed and Injustice in Classical Athens*.

²⁴ Hence why in Book V, chapter 11, Aristotle devotes extensive discussion to how to prevent *stasis* even in tyrannies (the gist of which being: behave less like a tyrant, more like a king). Of course, most human beings alive are not even Greeks, but given that for Aristotle they are therefore either natural slaves or barbarians, they are anyway incapable of political living, and so questions of constitutional form simply do not apply to them. From his perspective to be the citizen even of a tyranny is often already to be in a historically advantageous, lucky, and unusual position.

²⁵ Williams labeled this “Hobbes's question” – and on the reading I am offering here Aristotle emerges as being much closer to Hobbes than either Hobbes himself was apt to portray, or that subsequent political thought has tended to maintain. A complicating factor, however, is that Hobbes thought that (civil) war could only be safely held at bay if people ceased to disagree about justice—making him (often supposed the archetypal realist) in this regard closer to Rawls than Aristotle. On Hobbes's complex relation to the realist tradition, see Douglass [50].

²⁶ Williams, *In the Beginning*. Williams developed this into his schematic claim that “LEG[itimacy] + modernity = liberalism” (9). For Aristotle, by contrast, we might say that the schematic rendering of his position is that LEG + Ancient Attica = kingship or aristocracy or politeia or democracy or oligarchy or tyranny, depending on historical, that is, local, circumstances. But what both agree upon is that politics is it an attempted solution to the absence of politics, which is war. And from Aristotle's perspective, the point about *stasis* is that it is a return to war, and thus the absence (because destruction) of politics.

²⁷ Williams, *In the Beginning*.

²⁸ Skultety, *Conflict*.

²⁹ Rawls, *Political Liberalism*.

³⁰ Rawls, *Political Liberalism*.

³¹ Williams, *In the Beginning*.

³² Rawls, *Theory of Justice*.

³³ Rawls, *Political Liberalism*. I leave aside here Rawls's discussion of how living under just institutions will properly cultivate a robust sense of justice amongst citizens, such that stability will not be

compromised due to individuals undermining public institutions by defecting from the demands of justice in favor of for example, private gain (Rawls, *Political Liberalism*, 81–86.), focusing instead on his discussion of the *political* problem of stability. Indeed, the discussion here is also selective (due to reasons of space) in leaving out Rawls's full story about the transition from *modus vivendi*, through *constitutional* consensus, and eventually to overlapping consensus, which argues that while the constitutional consensus might deliver stability, it is nonetheless not overly utopian to hope for overlapping consensus. I take it these further complexities do not affect the argument I am making. Indeed, problems regarding that aspect of Rawls's account reinforce the case outlined here: see Zeitlin [65].

³⁴ Rawls, *Political Liberalism*.

³⁵ Rawls, *Political Liberalism*.

³⁶ Hence Rawls's striking pronouncement, in the preface to the paperback edition of *Political Liberalism*, that abandonment of the belief that a reasonably just political society was possible—and hence retreating to a mere *modus vivendi*—was instrumental to the fall of Weimar. Rawls maintains that a crucial role of political philosophy is to help cultivate a background culture wherein principles of justice are upheld, the apparent implication being that doing so is a necessary bulwark against “political relations” being “governed by power and coercion alone.” (Rawls, *Political Liberalism*, lx). For skepticism about Rawls's framing, see Yack, “Political, Not Philosophical,” 118–19.

³⁷ Finley, *Politics*, 102–103, 106, 118–121; Edelstein, *Revolution to Come*, Chap. 1.

³⁸ Rawls, *Political Liberalism*.

³⁹ Rawls, *Political Liberalism*, xxii–xxviii, 8–9.

⁴⁰ The point being: there isn't just *one* form of *modus vivendi* associated with liberalism, but myriad dynamic variations across historical and geographical locales.

⁴¹ Weber [66], emphasis in original. Rawls mentions the emergence of the modern state only in passing in his historical sketch, failing to appreciate both its fundamental nature and corresponding importance: Rawls, *Political Liberalism*, xxii.

⁴² Aristotle, *Politics*.

⁴³ Smith [71], Book III; Sagar [72, chap. 2]. While Aristotle certainly advocated the importance of a *polis* being governed by laws, nonetheless his understanding of the rule of law differs radically from that of the moderns: Yack, *Political Animal*, 194–208; Finley, *Politics*, 135–137.

⁴⁴ For a much more complete account see the seminal discussion of the emergence of “open access orders” provided in North et al. [73]. Discussed in further relation to Rawls in Jubb, *Unjust Authority*, chap. 4., and to political realism more generally in Levy, “Political Libertarianism.”

⁴⁵ Williams, *In the Beginning*. It could fairly be pointed out that neither Williams, nor Shklar, paid sufficient regard to this point either. But this only means that realists following in their footsteps have plenty of work left to do.

⁴⁶ Horton, “Modus Vivendi”; Rutherford [74]; Klosko [75].

⁴⁷ Klosko ([76], 267–268); Klosko, “Stability of Liberal Democracy.”

⁴⁸ Shklar, “Liberalism of Fear,” 22.

⁴⁹ Of course a political overlapping consensus might not be surplus to requirements if the aim is to establish the possibility of a liberal principle of legitimacy according to which the use of coercive power by the state can be normatively justified (on which see Rawls, *Political Liberalism*, 37, 136–137, 143–144; [78], chap. 9). As a realist, I also have my doubts about this aspect of Rawls's project—but that is a battle for another day. Similarly, whilst it might be objected that Rawls in *Political Liberalism* allows that a constitutional consensus could be politically stable, thus meaning that an overlapping consensus is not the only thing capable of generating political stability on his view,

there are good reasons from a realist perspective to be highly doubtful of the plausibility (as well as democratic compatibility) of Rawls's judicialist understanding of constitutional consensus, on which see especially Zeitlin, “Rawlsian Jurisprudence”.

⁵⁰ Rawls, *Political Liberalism*, Lecture II, esp. 48–65, 81–88; Rawls, *Theory of Justice*, 8–9, 145–147.

⁵¹ Klosko, “Stability of Liberal Democracy,” 245–246.

⁵² Yack, *Political Animal*.

⁵³ Although conflict more generally will nonetheless remain: Skultety, *Conflict*, chaps. 4 and 5.

⁵⁴ Coby [79]; Aristotle, *Politics*, Book VII, chaps. 9–10.

⁵⁵ Indeed, it is significant that the majority of Book VII is given over to specifying the material, geographic, demographic and institutional preconditions required for an ideal city to be possible. This makes for a marked contrast with Rawls's version of ideal theory, which has *nothing* to say about such factors.

⁵⁶ Rawls, *Political Liberalism*, xxxvi–xxxix.

⁵⁷ Waldron, *Law and Disagreement*; cf. Levy [80].

⁵⁸ Rawls, *Political Liberalism*, 285.

⁵⁹ Horton, “Modus Vivendi,” 436–437; Levy, “Ideal Theory,” 328–332; Schmidt [83]; Douglass [84].

⁶⁰ Schmidt, *Living Together*, 78.

⁶¹ It might be objected that post-Rawlsian public reason liberals such as Gerald Gaus have already relaxed Rawls's consensus assumptions and developed convergence accounts of public justification under deep disagreement (e.g., [85]). However, the Aristotelian-realist worry developed here is not simply that Rawls requires too much agreement. It is that the politics arising out of conflicts regarding justice cannot be adequately understood as a problem of public justification alone. Even convergence accounts remain primarily concerned with the justificatory credentials of moral and political rules under pluralism, whereas Aristotle directs our attention to the institutional containment of faction generated by rival justice-claims. I am grateful to the editor for this point.

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