George Duke, *Aristotle and Law: The Politics of Nomos*.
Cambridge: Cambridge University Press, 2020. x + 181 pp.

Aristotle and Law: The Politics of Nomos is a timely and carefully argued book, bringing together the disparate discussions of law in Aristotle's corpus. George Duke stays close to the text and is clear in his exposition, making this work an excellent foundation for future scholarship. While some readers might have wanted further speculations regarding the various philosophical issues raised and bolder attempts to make coherent Aristotle's own tensions, we should appreciate Duke's judgment in recognizing what he can show on the basis of the texts we have. His study is thus extremely useful for new and seasoned scholars of Aristotle's *Politics* alike.

For Duke, what unifies Aristotle's conception of law is its "status as an achievement of practical rationality" applied in political contexts (8), but it needn't be apprehended *as* rational by the citizens, which explains why it is often characterized as necessitating force and compulsion (14). Chapter 1 thus lays out these two aspects: first, Duke establishes the focal meaning of law in its connection with reason and order (18), its source in the practically wise legislator (21, 23), and its goal in improving the characters of the citizens (19); then he lays out the practical implications for those governed by such laws, in that the citizens will get access to the rational content of the law (21), but also experience the law as providing a limit on their desires and appetites which would otherwise be unbounded (20, 26). Compulsion is necessary as a component of law because passion yields to force, not speech (27), but law is a more effective tool for habituation than alternatives because its orders are not imposed by an individual and are thus "less invidious to those whose pleasures it restrains" (28). Law habituates by providing rational standards for practical reasoning and by shaping passions (29); law is beneficial insofar as it allows "imperfectly rational citizens to approximate human excellence through conformity with just norms" (34). But because most cities do not have just laws, in practice most societies will produce "secondary or civic forms of virtue" (36). Law is thus "severely limited in its capacity to promote genuine virtue," but conformity to some rational standard is nonetheless preferable to the lawless alternative (38–39).

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Chapter 2 focuses on legislation as an Aristotelian science. Legislation seems not to fit nicely into either the "theoretical, practical [or] productive modes of thought" or the "scientifical, practical [or] modes of knowledge" (42). Duke argues that law-making is a subbranch of *politikê* and acts as a cooperative cause of the polis (43, 49). Legislation is a science in the broad sense, having 'for the most part' first principles (51). Duke then turns to the puzzle of how legislation can be both natural and product of craft, suggesting that "legislative agency is required . . . to complete our natural potential for political life" (54). Duke utilizes an extended conception of the natural to solve the puzzle (58–59), denying that the opposition between nature and convention is "overly sharp" (61).

Chapter 3 distinguishes between the focal sense of law and its practical implementation in practice. Duke is explicit that "legislators should and do enact laws that are consistent with the priorities of their regime" (63). Laws are thus relative to the conception of *eudaimonia* within the constitution. Duke first justifies this by pointing out that the constitution acts as a formal cause of the polis, providing political unity (64–73). He then argues that stability is a secondary goal of law-giving, and that legislating relative to the constitution is productive of stability (74). Because of stability constraints, "the best the law-maker will be able to do is promote incomplete virtue, through the preservation and improvement of a less than perfect constitutional regime" (77; though much hangs on whether one emphasizes 'preservation' or 'improvement' in that sentence). The chapter ends by considering partisan understandings of justice. Duke concludes that all constitutions are in a sense partisan, as the best regime privileges the "philosophical conception of the good life" (82), which would be seen as partisan by oligarchs and democrats but is "not partisan for one in possession of the practical truth" (84). This discussion was interesting as it implies that one desideratum of law-giving should be that law doesn't reflect (or isn't *seen* as reflecting) partisan interests. But if that's true, then it is not clear why saying that the Aristotelian gets it *right* is a solution—defenders of oligarchic and democratic conceptions of justice think they have it right too (noted on p. 83).

Chapter 4 explores familiar debates about how to understand 'the common advantage', and whether we should take this individualistically or holistically (86). Duke contends that this is a false dichotomy, resolved by considering both the function the common advantage plays in motivating individuals to enter the polis, and in evaluating the justice of constitutions (87). This discussion is elucidated both via Aquinas's commentary and recent work in natural law theory, which distinguishes between instrumental, aggregative, and distinctive conceptions of the common good (88–90). As the common advantage must be motivating for individual citizens, distinctive organicist conceptions are ruled out, but considerations about the well-being of one's fellow citizens and the polis as a whole rule out both purely instrumentalist accounts and

overly reductionist aggregative accounts (93–94). Rather, we should identify "the common advantage with the political good of justice," and include mutual relations of goodwill and friendship among civic goods (96). This then establishes the focal sense of lawfulness and justice as serving the common advantage (98–99). The chapter closes by considering the scholastic interpretation of the polis as a unity of order, and argues that "justice functions as a distinctive common good of a political community, because it represents a unity of order attributable to the association" but not reducible to an aggregation of its parts (103). Thus by appreciating both the motivational force the common advantage must provide to individuals and the distinctive good of political justice, we avoid falling into objectionable individualism or holism (107).

Chapter 5 returns to issues of stability and habituation. Given Aristotle's concerns that frequent or major changes in legislation could undermine habituation and the obedience of the citizens (112–15), Duke argues that stability and order are necessary conditions of flourishing (giving them a kind of practical priority), noting that cities come into being both for the sake of human survival and to realize the good life (118). Aristotle's focus on defective regimes is attributed to the prevalence of such regimes, and infers that "the most viable form of political innovation will be … of an incremental kind towards the 'mean' of polity" (119). Even polity will be hard to bring about, however, and a grim picture emerges in which unjust democracies and oligarchies will likely prevail, and that "the best that can be hoped for is the balancing of their unjust elements through limited and cautious … reform" (120). This pessimism is a corollary of the "scarcity of genuine virtue and correct conceptions of justice" (122). Obedience to such laws is still required, however, because of the partial benefits accrued with respect to individual virtue and flourishing and to the common advantage, and because even nonideal order is superior to anarchy (126). Duke concludes by claiming that "realism demands a prudent recognition of the limited benefits of most forms of political change" (128). The high level of generality of this discussion perhaps obfuscates the fact that the theory as presented seems to entail, for example, that the lawful Spartan terrorizing of the helots was not only permissible but a partial imitation of virtue. Duke could have helpfully applied his framework to explain *which* laws can be more or less easily changed, and could have drawn on Aristotle's distinctions between more or less extreme constitutions to specify how the normative weight of preservation varies across political contexts.

Chapter 6 further explains the notion of naturalness, distinguishing the Aristotelian view from Thomist and Stoic alternatives. Positive law, for Aristotle, determines matters than are "originally indifferent," but insofar as political community and order are natural for human beings, positive law acquires its naturalness derivatively (134). While there is no prepolitical set of natural laws, laws that promote natural Aristotelian ends can be understood as natural (136), and the laws of the practically wise are the most natural insofar as they best pro-

mote those ends (137–39). Duke then considers whether Aristotle can be fairly considered a natural law theorist on the basis of contemporary criteria. While various resonances can be drawn between Aristotle and other natural law theorists, ultimately law is natural "in the sense that it arises from practically reasonable reflection on the human good, not in the sense that it can be derived from nature understood as a transcendent or even extra-political source of external ethical standards" (145).

The final chapter considers equity and the *spoudaios* in Aristotle's account, addressing concerns about arbitrariness in the administration of law (149), the generality of law when applied to particular circumstances (150), and instances when existing law must be supplemented (156). Duke acknowledges that in practice it will be very difficult for jurors to come to *correct* judgments of equity as the legislative expert or *spoudaios* would (157, 164), but does not suggest how this concern should affect our understanding of Aristotelian equity in implementation—a worry heightened by his closing sentence, that "the rule of law turns out to be the rule of the truly practically reasonable agent" (165).

One might quibble about minor scholarly errors: Socrates is said to be the main speaker in the *Statesman* rather than the Eleatic Visitor (32, 157); Cicero is called a Stoic (albeit a "non-standard" one; 145n59); the plural of *telos* is written as *teloi* instead of *telê* (66, 71); the translations provided take *pros* to mean "with a view to" instead of the stronger but acceptable "relative to" (73, 74, 127), which is what Duke's argument requires and justifies. Little hangs on these points and readers should not worry about the scholarly quality of Duke's work, but additional feedback from classicists might have been valuable. I would have enjoyed further discussion of the issues in nonideal theorizing raised; the thesis about the appropriateness of laws depending on the actual constitution raises important questions about habituation and the authority of the law for virtuous people living under those laws: should a virtuous parent habituate their children in accordance with the city's suboptimal laws, or should they try to habituate them in accordance with what is more conducive to true virtue? Would a virtuous person ever be justified in breaking positive law on account of its nonideal status? Do oligarchic and democratic conceptions of justice have anything going for them, or are they mistaken wholesale? When the *phronimos* lays down laws in accordance with the ideology of the constitution, would they explicitly note in a legal preamble that, were it possible, they would have prescribed something different, or would that undermine the authority of the law?

But Duke has stayed close to Aristotle's text in this monograph, which makes the book as a whole eminently plausible as an account what we can fairly attribute to Aristotle, and I very much look forward to reading Duke's further thinking on these issues.

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Deborah J. Brown and Calvin G. Normore, *Descartes and the Ontology of Everyday Life.*
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Descartes offers a view of the material world that identifies matter with indefinitely divisible extension. Such a view also eliminates the various substantial forms that, for his Scholastic contemporaries, serve to distinguish the natural substances of our experience, the paradigmatic instances of which are living things. These contemporaries countered that this view presents the world as a barren desert landscape, devoid of the variety of everyday life. A further Scholastic objection has it that Descartes's elimination of substantial forms requires the elimination of a notion of goal-directed functions that is itself required for an understanding of life. From a Scholastic perspective, then, Descartes's landscape is lifeless as well as barren.

In their historically erudite and philosophically stimulating book, Deborah Brown and Calvin Normore argue that Descartes's account of the material world in fact allows "for distinguishing many different kinds of things, among which we include everyday objects along with substances and modes of his official metaphysics" (3). Thus, they claim to find a basis in Descartes for an "ontology of everyday life." Moreover, they contend that Descartes has the resources to explain the functional interdependence and unity of organic systems without appealing to a Scholastic notion of final causality that he himself rejected.

Let us start with the argument that Descartes allows for an ontology of everyday life. Brown and Normore concede initially that this ontology has no room for the naturally generated and corrupted material substances of the Scholastics. They emphasize here Descartes's claim in the Synopsis of the *Meditations* that since "body in general" is a substance, it must be incorruptible (CSM 2:10).[1] Brown and Normore conclude—correctly, I think—that this claim commits Descartes to the conclusion that it is not plants and animals that are sub-

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1. I will use CSM followed by volume and page number to refer to Descartes 1985–85, and CSMK followed by page number to refer to Descartes 1991.