Citizenship and the Concept of Politeia (Constitution): the Citizen in Aristotle's Third Book of Politics

I. *Citizenship, Constitution and* Politeia

In modern society, citizenship is defined by nationality and characterizes the rights and duties of a natural person in the state to which the citizen belongs. The community of citizens of a state can be composed of many different nationalities, with national majorities and minorities. A state regulates the acquisition and loss of its citizenship as well as the associated rights and obligations in its own laws. Therefore, citizenship gives rise to special rights, such as rights of protection and, in democracies, rights of participation in state life in the sense of a political participation. The history of the political community and its socio-historical evolution have altered the qualities and characteristics of citizenship, not least because the state – i.e. the place where political unity is realized and which has been characteristic of political modernity – is an institutional reality that changes as it conforms to the historical conjuncture to which it belongs. While the first formulation of the concept of citizenship was originated in the city-states of ancient Greece, during the Roman era as well as in the Italian Renaissance, conditions changed so radically that, gradually, until the 18th century, citizenship remained linked to the formation of nation-states[1]. The modern concept of citizenship states that it

> «…is composed of three main elements or dimensions. The first is citizenship as legal status, defined by civil, political and social rights. Here, the citizen is the legal person free to act according to the law and having the right to claim the law's protection. It need not mean that the citizen takes part in the law's formulation, nor does it require that rights be uniform between citizens. The second considers citizens specifically as political agents, actively participating in a society's political institutions. The third refers to citizenship as membership in a political community that furnishes a distinct source of identity»[2].

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[1] See R. Bellamy, *Citizenship*, Oxford 2008, 2; P. Costa, *Cittadinanza*, Bari-Roma 2021, 3-10.

[2] D. Leydet, *Citizenship*, in *The Stanford Encyclopedia of Philosophy,* 2017, ed. by E.N. Zalta, link: https://plato.stanford.edu/archives/fall2017/entries/citizenship/ [Accessed 28 December 2022]; W. Kymlicka, *Citizenship in Culturally Diverse Societies: Issues, Contexts, Concepts*, in *Citizenship in Diverse Societies*, eds. by W. Kymlicka, W. Norman, Oxford 2000, 1-41; Jh. Carens, *Culture, Citizenship, and Community. A Contextual Exploration of Justice as Evenhandedness*, Oxford 2000; J. Cohen, *Changing Paradigms of Citizenship and the Exclusiveness of the Demos*, in *International Sociology*, 14, 3, 1999, 245-268.

These three levels of the concept of citizenship are very important because they define citizenship in its multiple social, political and legal implications and also show the evolution of the concept of citizenship, which today certainly cannot simply be associated with the concept of nationality[3]. Regarding the three attributes mentioned above, scientific research has been very divided on the dimension of identity, which presupposes social integration both as individuals and as a community. When a considerable number of citizens manifest a sense of belonging to a specific community, resulting in obvious social cohesion and a strong civic identity, this can certainly motivate citizens to actively participate in the political life of their society. On the other hand, the circumstance that some members of a society within a state or city (as in ancient Greece) do not share the same sense of identity vis-à-vis the same political community can also be a reason to support a differentiated allocation of rights. It is no coincidence that citizenship, precisely in its modern conception, has among its aims that of achieving a certain degree of social integration, therefore it would be an objective rather than a specific characteristic or dimension of it. In any case, this problem concerns mostly modern and contemporary society, whereas it was clearly not an issue for ancient Greece, which was highly rigid in its social structure and did not pose the problem of social integration, as will be seen later in the analysis of the third book of Aristotle's Politics. In other words, the concept of citizenship has known different and multiple realizations or historical forms that are impossible to trace back to one another. Among the different forms of citizenship, however, there is what Etienne Balibar has called «analogy, which stems from the antinomy between citizenship and democracy as a dynamic for the *transformation of the political*»[4].

Before delving into the concept of the citizen in Aristotle, four brief preliminary remarks should be made.

First of all, a clarification on the translation of the Greek word *politeia* is necessary. In modern translations of Greek works, the translation into *constitution* (*costituzione* in Italian, *Verfassung* in German, etc.) has been used for decades, as it is the closest to the meaning of politeia. Obviously, however, the term politeia does not correspond exactly to the modern constitution. It is a term with a more complex meaning that stands for the bond between citizen and *polis*, as well as the organization of the functions of government and administration, i.e. how the power of the polis is collectively guaranteed. Likewise, the term polis does not exactly correspond to our 'State' or 'Nation'

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[3] *Citizenship*, in *Encyclopedia Britannica*, Oxford, 2020, link: https://www.britannica.com/topic/citizenship [Accessed 21 December 2022].

[4] E. Balibar, *Citizenship*, Cambridge 2015, 2.

but rather to the political unity of state and society (political community in the extended sense).

The second remark concerns the position of Aristotle's *Politics* in the entire work of the Greek philosopher. Politics is not a work *per se*, but is directly linked to the Nicomachean Ethics. This work concludes with an explicit reference to the need to examine the field of legislation in detail and thus to deal with the subject of the constitution as the completion of the entire philosophy of man[5]. In this sense, Aristotle makes it clear that he must consider the classification of constitutions and their application in individual cities. Only after making such an analysis will it be possible, Aristotle states, to understand which constitution is the best, how it should be structured and which laws and customs it should follow. Aristotle's Politics, linking back to the Nicomachean Ethics, deals with exactly this. The last section of the *Nicomachean Ethics* establishes a link between the Nicomachean Ethics and Aristotle's Politics, as it illustrates the interdependence between ethics and politics: ethics establishes the ultimate ground of human action, while politics finds ways to educate citizens towards a happy life, by determining the nature and functioning of the most important instrument for achieving a happy life, namely the *Politeia* (Constitution)[6].

A third preliminary remark is related to the relationship to the values of contemporary society. It is important to bear in mind that, in Politics, Aristotle sets out ethico-political views that were obviously common in his time, but are certainly abhorrent to the contemporary observer: i.e. the self-evidence of slavery, the inferiority of women and of non-Greek peoples. In any case, I will return to this point in the conclusions.

The last remark pertains to the structure and the aim of Aristotle's *Politics*. In the first book of this work, the *polis* (*the state*) is viewed from the perspective of the final cause (causa in the philosophical sense) as an entity striving towards a good. Thus, the polis is not simply the result of a contractual agreement between individuals or families, but it is the culmination of the material development of the human community and has nothing superior that could encompass it.

Given these three fundamental premises, the concept of citizen in the third book of Aristotle's *Politics* will be analyzed firstly, and then, in the conclusions, three topics of interest will be highlighted, not only in relation to the historical-legal contextualization of Aristotle's doctrine, but also for its relevance to contemporary society.

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[5] Aristotle, *Politics*, III, 6, 1281b13-23, transl. H. Rackman, Harvard 1959, 223.

[6] Cfr. A.W.H. Adkins, *The Connection between Aristotle 's Ethics and Politics*, in *A Companion to Aristotle's Politics*, ed by D. Keyt, F.D. Mille Jr, Oxford-Cambridge 1991, 75-93; W. Kullmann, *Theorestische und politische Lebensform (X 6-9)*, in O. Höffe (hrsg.), *Aristoteles. Die Nikomachische Ethik*, Berlin 1995, 253-275.

II. *The Third Book of Aristotle's Politics*

The third book of Aristotle's Politics consists of various basic topics. Based on a general theory of constitution, the Greek philosopher addresses the issue of the concept of citizen, of the definition and classification of the constitution and its general principles, (III 6-9) and, finally, its theoretical and political development[7]. Although Aristotle's Politics is not particularly informative and does not represent a novelty with respect to the sequence of historical events, this work is undoubtedly of great importance in that it outlines what we moderns call the form of state or constitution of the Greek polis, recounting, in fact, the specific political experience of a people and «in spite of the scientific character of his theory, it is national. He does not write as though Greek civilization were in his eyes something transitory, or a single stage in history»[8]. In view of the impossibility of considering all the aspects addressed in the third book, the focus will be exclusively on the concept of citizen and the connection of this concept with the definition of the constitution. The first sentence of the book poses the central questions of politics, namely the definition of citizen and that of constitution.

> «For the student of government, and of the nature characteristics of the various forms of constitutions, almost the first question to consider is in regard to the state: what exactly is the essential nature of a state? … and we see that the activity of the statesman and lawgiver is entirely concerned with a state as its object, and a constitution is a form of organization of the inhabitants of a state. But a state is a composite thing in the same sense as any other of the things that are wholes but consist of many parts; For there is often a difference of opinion as to this: people do not all agree that the same person is a citizen; often somebody who would be a citizen in a democracy is not a citizen under an oligarchy […] A citizen pure and simple is defined by nothing else so much as by the right to participate in judicial functions and in office»[9].

From this paragraph it is clear that there is a close connection between polis,

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[7] Cfr. *A Companion to Aristotle's Politics*, ed. by D. Keyt, F.D. Mille Jr, Oxford-Cambridge 1991.

[8] A.C. Bradley, *Aristotle's Conception of the State*, in D. Keyt, F.D. Mille Jr (ed. by), *A Companion to Aristotle's Politics*, ed by, Oxford-Cambridge 1991, 13.

[9] Aristotle, *Politics*, III, 1, 1274b32-1275a1, transl. H Rackman, Harvard 1959, 173-175. All that is needed to identify a citizen in the true sense of the term is the right to participate in the administration of justice and government (III, 1, 1275a22-23). It is also important to emphasise that in another passage Aristotle states that «a citizen is in general one who shares in governing and being governed, although he is different according to each form of constitution, but in relation to the best form a citizen is one who has the capacity and the will to be governed and to govern with a view to the life in accordance with virtue» (III, 7, 1284a1-4, 241).

constitution and citizenship[10]. Furthermore, the central and fundamental issue turns out to be the one related to the question of 'who should be considered a citizen'. Aristotle's definition, according to which a citizen is characterized by having the right to participate in the administration of power – more precisely, any person who is empowered to participate in the deliberative and judicial process – implies that the citizen is part of the sovereignty process. Aristotle states that politicians and legislators are wholly concerned with the city-state, and the constitution is a particular way of organizing the inhabitants of the city-state. He thus begins with a definition of the citizen (*politês*), for the city-state (*polis*) is by nature a collective entity, a multitude of citizens. Citizens are distinguished from other inhabitants such as resident aliens and slaves, and even children and old people are not considered as citizens. After further analysis, Aristotle defines a citizen as a person who has the right to hold an advisory or judicial office. Although full citizenship tended to be restricted in the Greek polis (women, slaves, foreigners and some others were excluded), citizens did participate in government. This is reflected in Aristotle's definition of full citizen and defines the polis (in the unrestricted sense) as a sufficient multitude of such citizens for achieving a self-sufficient life. Furthermore, Aristotle writes that

> «What constitutes a citizen is therefore clear from these considerations: we now declare that one who has the right to participate in deliberative or judicial office is a citizen of the state in which he has that right, and a state is a collection of such persons sufficiently numerous, speaking broadly, to secure independence of life»[11].

To be a citizen of the polis, it is not enough to live in the city area and have the right to sue in court, nor is it enough to be descended from citizens - in today's terms, we could speak of *ius soli* or *ius sanguinis*. Moreover, to be a citizen, one must participate in the courts or the judiciary, as well as in the administration of justice and belong to the assembly that legislates and governs the *polis*[12]. As Goodman correctly pointed out

> «Constitutionalism, the rule of law, is what makes any government healthy... Not only is participation a mark of the rule of law as opposed to arbitrary authority, but it also cements the commitment of citizens to the common weal. Deliberation is a distinctively human activity, and public deliberation on matters of shared

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[10] Cfr. W.W. Fortenbaugh, *Aristotle on Prior and Posterior, Correct and Mistaken Constitutions*, in D. Keyt, F.D. Mille Jr (hrsg.), *A Companion to Aristotle's Politics* cit. 226-237. See also E. Berti, *Aristotele*, Roma-Bari 1997, 58-82; E. Balibar, *Citizenship* cit. 18-22.

[11] Aristotle, *Politics*, III, 1, 1275b18-21 cit. 179.

[12] F.D. Miller Jr., *Aristotle on Natural Law and Justice*, in Keyt, Miller Jr (ed. by), *A Companion to Aristotle's Politics* cit. 279-306.

concern is a fitting use of freedom, allowing individuals not only to express but to fulfill their human nature. Some citizens […] can contribute little, but exclusion will only alienate them»[13].

Now, the fact that Aristotle thinks that citizens are those who share in power, and that there are lower degrees of citizenship, such as those enjoyed by children and women (while slaves and foreign residents are not counted as citizens of a city-state, *polis*), brings us to the point. The question, then, is what happens when a *polis* changes its constitution. According to Aristotle, a *polis* does not depend on its material components, such as population and territory, but on its form, which is precisely its constitution. Thus, when a change of political order takes place, the new reality is not the direct continuation of the previous one, but we are dealing with a new beginning and a kind of rebirth of the political community. In a framework of inequalities imposed by the contrast between citizens and non-citizens, the relationship between the individual and the political community to which he belongs is based on the differentiation between subjects who fall under the same legal system, evidently under different conditions. Moreover, Aristotle defines the constitution (*politeia*) as a form of organization of the offices of the city-state (*polis*), especially the office of ruler:

> «Now a constitution is the ordering of a state in respect of its various magistracies, and especially the magistracy that is supreme over all matters. For the government is everywhere supreme over the state and the constitution is the government»[14].

The constitution thus defines the governing body, which takes different forms: in a democracy, for example, it is the people; in an oligarchy, it is a few people (the rich or the wealthy).

> « …but the claim to office must necessarily be based on superiority in those things which go to the making for the state. Hence it is reasonable for the well-born, free and wealthy to lay claim to honor; for there must be free men and tax-payers, since a state consisting entirely of poor men would not be a state, any more than one consisting of slaves. But then, granting there is need of these, it is clear that there is also need of justice and civic virtue, for these are also indispensable in the administration of a state; except that wealth a freedom are indispensable for a state's existence, whereas justice and civic virtue are indispensable for its good administration»[15].

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[13] L.E. Goodman, *Aristotle's Polity Today*, in L.E. Goodman, R. B. Talisse (ed. by), *Aristotle's Polity Today*, New York 2007, 132.

[14] Aristotle, *Politics*, III, 4, 1278b18-22 cit. 201.

[15] Aristotle, *Politics*, III, 7,1283a10-23 cit. 235.

In another passage, this time taken from Book IV, but evidently connected with the theme of the constitution, Aristotle returns to the subject, emphasizing the relationship with sovereign power in the state and marking, moreover, a difference between the constitution, which is the state as such, i.e. the politeia, and the laws, which on the contrary concern the ways in which the magistrates are to govern and guard against those who transgress them:

> «For a constitution is the regulation of the offices of the state in regard to the mode of their distribution and to the question what is the sovereign power in the state and what is the object of each community, but laws are distinct from the principles of the constitution, and regulate how the magistrates are to govern and to guard against those who transgress them»[16].

Linked to this issue is the question of whether the excellent citizen is the same as the excellent man, i.e. whether political virtue is identical with ethical virtue. In reality, according to Aristotle, they diverge:

> «Similarly therefore with the citizens, although they are dissimilar from one another, their business is the security of their community, and this community is the constitution, so that the goodness of a citizen must necessarily be relative to the constitution of the state. If therefore there are various forms of constitution, it is clear that there cannot be one single goodness which is the perfect goodness of the good citizen; but when we speak of a good man we mean that he possesses one single goodness, perfect goodness»[17].

Only the politician, the one who governs, must possess the intellect (*phronésis*) and perfect virtue in the sense of ethics[18], while for the good citizen it is enough to know how to be governed well and to govern well in turn[19]. Only in the best polis will all citizens perhaps also be excellent people in moral terms. Of course, this does not exclude that the excellent person may also live in other political systems, sometimes better, sometimes worse, but he will not be a perfect citizen in relation to that particular political system or order. So, there is a level of exclusively political values, such as the preservation of the political system, which are independent of the general ethical purpose of the city.

The last part of the third book is devoted to the difference between paternal government and political government, and to the definition of man as a social,

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[16] Aristotle, *Politics*, IV, 1, 1289a15-20 cit. 281.
[17] Aristotle, *Politics*, III, 2, 1276b28-34 cit. 18.
[18] See Aristotle, *Politics*, III, 2, 1277a14-16 cit. 188.
[19] See Aristotle, *Politics*, III, 2, 1277a26-27 cit. 191.

community-based and community-forming creature (*zoon politikon*)[20]. The aim of the city-state is the welfare of the citizens and the ruler as a citizen. This makes it possible to distinguish the right orders, which serve the common good, from the wrong ones, which serve only the advantage of the rulers:

> «It is clear then that those constitutions that aim at the common advantage are in effect rightly framed in accordance with absolute justice, while those that aim at the rulers' own advantage only are faulty, and are all of them deviations from the right constitutions; for they have an element of despotism, whereas a city is a partnership of free men»[21].

Here Aristotle again emphasizes the very strong relationship between *politeia* (constitution) and the state (or city-state, *polis*) by pointing out that constitutions that only aim at the benefit of the rulers are defective because they have an element of despotism, whereas a city should be and is an association of free men. Especially in chapter 7 of the third book, another distinction is added, namely who – in modern terms – holds sovereignty. It can be in the hands of one, a minority, or in the hands of many, the masses. Combining this formal distinction with the two types of hands, we obtain six types of constitutions: three of them are good (kingship, aristocracy and politeia or 'constitution' tout court) and three of them are bad (tyranny, oligarchy and democracy). It should be noted that by democracy Aristotle does not mean the government of all for all, but rather the government of the masses for the exclusive good of the masses. This distinction is a purely formal one, though much cited in the history of political thought: the kingdom is a rather obsolete constitutional form, the aristocracy rarely occurs, as does the *politeia*, though we can cite some imperfect examples of both, which ultimately turn out to be almost identical. The two really widespread and almost unique constitutions are democracy and oligarchy. Aristotle points out that the true definition of oligarchy and democracy is not 'government of the few' or 'government of the many', but 'government of the rich' and 'government of the poor', each devoted to the benefit of its own class:

> «If then the possessors of virtue should be quite few in number, how is the decision to be made? Ought we to consider their fewness in relation to the task, and whether they are able to administer the state, or sufficiently numerous to constitute a state? And there is some difficulty as regards all the rival claimants to political honours. Those who claim to rule because of their wealth might seem to have no justice in their proposal, and similarly also those who claim on the score of birth; for it is clear

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[20] W. Kullmann, *Man as a Political Animal in Aristotle*, in Keyt, Mille Jr (ed. by), *A Companion to Aristotle's Politics* cit. 94-117.

[21] Aristotle, *Politics*, III, 4, 1279a17-21 cit. 205.

that if, to go a step further, a single individual is richer than all the others together, according to the same principle of justice it will obviously be right for this one man to rule over all, and similarly the man of outstanding nobility among the claimants on the score of free birth. And this same thing will perhaps result in the case of aristocratic government based on virtue; for if there be some one man who is better than the other virtuous men in the state, by the same principle of justice that man must be sovereign. Accordingly if it is actually proper for the multitude to be sovereign because they are better than the few, then also, if one person or if more than one but fewer than the many are better than the rest, it would be proper for these rather than the multitude to be sovereign. All these considerations therefore seem to prove the incorrectness of all of the standards on which men claim that they themselves shall govern and everybody else be governed by them. For surely even against those who claim to be sovereign over the government on account of virtue, and similarly against those who claim on account of wealth, the multitudes might be able to advance a just plea; fort it is quite possible that at some time the multitude may be collectively better and richer than the few, although not individually»[22].

Aristotle raises the question of how rulers should be chosen if the number of the virtuous is too small. The Greek philosopher asks again: should one look only at their number to see if they are capable of running the city, or should one assess whether there are enough of them to constitute the entire state? Of course, at this point, the question arises as to the legitimacy of those who aspire to hold public office. Those who claim to rule purely on the basis of their wealth would not be entirely legitimate because, paradoxically, if one were to follow the principle of wealth, it would be right for this single richest man of all to rule over all. And the same result would perhaps be expected in the case of an aristocratic government based on virtue; for if there is one man who is better than the other virtuous men, by the same principle of justice that man must be the Sovereign[23]. Therefore, similarly, if it is indeed just for the multitude to be sovereign because they are better than the few, then even if one person or more than one, but less than the many, are better than the others, it would be just for the latter to be sovereign rather than the multitude. All these considerations demonstrate the inaccuracy of all the rules by which men claim that they themselves will rule and all others will be ruled by them. For against both those who claim to rule on the basis of virtue and those who claim to do so on the basis of wealth, the multitude could claim legitimate power of their own because it is entirely possible that at some point the multitude might be collectively better and richer than the few, even if not as individuals.

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[22] Aristotle, *Politics*, III, 7, 1283b10-35 cit. 237-239.
[23] D. Keyt, *Aristotle's Theory of Distributive Justice*, in Keyt, Mille Jr (ed. by), *A Companion to Aristotle's Politics* cit. 238-278.

Aristotle's argument implies, at least in theory, the possibility that power can be shared equally among all free citizens, rich and poor. Aristotle does not necessarily seem to favor the majority principle, according to which the same people are always in the prevailing majority. Far fairer would be a regime in which everyone had a fair chance of being or becoming in the majority[24].

III. *Conclusions: Constitutional Identity and Citizenship*

The analysis of the Citizen in Aristotle proposed here turns out to be historically relevant for many reasons and, above all, because with Aristotle a concept of citizenship and of citizen is standardized, which will remain a point of reference until the modern era, despite the evident historical evolutions that took place in later times[25]. In conclusion, three considerations help to better understand the historical and juridical meaning of Aristotle's doctrine.

The first concluding remark concerns the question 'What is the citizen'. Aristotle developed a genuine general theory of citizenship, but it was clearly conditioned by its historical and political context. Undoubtedly, Aristotle's constitutionalism, from the perspective of modern constitutionalism, is far distant from the idea of the defense of rights, «Aristotle is not a champion of rights in the sense of universal entitlements or absolute guarantees against intrusions by the state. Yet the idea of rights is not foreign to him»[26]. He emphasizes the close relationship between the citizen and the constitution, with the aim of proposing a functional theory of citizenship and thus initiating a reflection on the legitimacy and role of the institution of citizenship itself. Aristotle not only defines the function of the citizen as the one who participates in the *krisis* and the *arché*, but also reflects on the criteria for access to citizenship. The characteristics that make up the status of a citizen and the characteristics of being a citizen (political participation) are outlined. For Aristotle, who had in mind an essentially political meaning of citizenship, the most important activity associated with the status concerned political rights, especially the right to participate in assemblies and to sit in popular courts. In other words, with Aristotle – although here the discourse could be extended in general to the concept of politeia in ancient Greece – that reciprocity between the distribution and circulation of

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[24] R. Mulgan, *Aristotle's Analysis of Oligarchy and Democracy*, in Keyt, Mille Jr (ed. by), *A Companion to Aristotle's Politics* cit. 307-322.

[25] J.G.A. Pocock, *The Ideal of Citizenship Since Classical Times*, in R. Beiner (ed. by), *Theorizing Citizenship*, New York 1995, 29-52; Costa, *Cittadinanza* cit. 11.

[26] L.E. Goodman, *Aristotle's Polity Today*, in Goodman, Talisse (ed. by), *Aristotle's Polity Today* cit. 147.

power (of authority, arché), i.e. between the holders of the right of citizenship, and the organization of administrative and governmental functions (magistracies) in a system of legal institutions, was theorized and affirmed[27]. The great contribute of Aristotle's concept of citizenship and citizen is in having offered an exact synthesis of these two profiles. A legacy that will later be lost in the development of the state in a territorial-national dimension, as seen in the introduction.

Furthermore, connected to this first question is the other question: 'Who shall be a citizen?'. It ultimately depends on the values in which people recognise themselves, on how they feel about themselves. Indeed, it is not a question of belonging to a tradition, culture or language, but a question of rationality. According to Aristotle, the answer to the question 'Who shall be a citizen?' cannot be given absolutely, but depends on the circumstances, and especially on the nature of the constitution. Thus, the constitutional identity of the state determines which criteria for acquiring and losing status are compatible with the legal positions, rights or duties, burdens and honors assigned to the citizens of that state. As mentioned above, the link between 'citizen' and 'constitution', between *polites* and *politeia*, is very close. Aristotle knows that the polis is not only a plurality (*plethos*) of citizens (1275a1), but also a whole (holon) and a unit (*en*). Hence his emphasis on the necessary existence of an order, a hierarchy between the elements that make up the whole. When Aristotle speaks about citizenship, he is concerned with the identity of the state and he presents two criteria that are commonly used to establish state identity and which, in his view, concern only the physical identity of the polis, namely territory (1275a20-33) and population (1275a34-41), and subjects both criteria to criticism. Aristotle argues that the identity of the state is determined by the constitution. Only by knowing the identity of the state can one analyze a constitution and the state. The state is not constituted by its people and territory. This is because the territory can change without the identity of the state changing, and 'common blood' or common ancestry do not in themselves create a politically and thus constitutionally relevant bond. In this sense, Aristotle's text is certainly very instructive and also relevant for today's societies and the contemporary political discourse. Moreover, if the state is a synthesis whose identity depends on the arrangement of the parts, and if the constitution is the arrangement of the parts, i.e. if the constitution places the parts of the state - namely the citizens - in different *positions* and assigns them different rights and duties depending on the democratic or oligarchic character of the constitution, then we must say that the citizen changes with the constitution. The citizen thus assumes different positions vis-à-vis power, depending on the constitution. Now, the fact that citi-

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[27] Balibar, *Citizenship* cit. 9.

zenship varies with the constitution does not at all mean advocating a relativist thesis (conceptual relativism), according to which we cannot say who should be a citizen on the basis of this variation, but only who is, in each case and in the historically given systems. In contrast to a centuries-long legal tradition which teaches that the determination of a citizen is only possible *ex post facto* and only through the detailed doctrinal description of the criteria for acquiring and losing status - Aristotle offers a genuine normative thesis. Briefly, reading Aristotle, we can say not only who is a citizen, but also who should be a citizen. The answer to the latter depends on constitutional identity. Here we are dealing with a criterion of legitimacy: legitimate are the criteria of access and loss that correspond to the constitutional identity of the state.

Finally, in 1995, the aforementioned G.A. Pocock[28], in a famous article on the ideal concept of citizenship from the classical era onwards, had pointed out how certain peculiarities of citizenship in Greece and ancient Rome - despite the diversity of definition and the complexity of practical and concrete application in the different historical phases - offered a 'classical ideal' insofar as they conditioned subsequent reflection on the concept of citizenship, defining the terms of the discussion for almost two millennia, starting with Aristotle. As seen in the discussion of the third book of Politics, one of the main features of Aristotle's concept was the equality of citizens as either rulers or legislators. In Imperial Rome, this equality was given, at least in Pocock's interpretation, by the relationship with the law. This concept was to inspire later theories of citizenship that identified equality as the main element of legal status. Obviously, it is not possible to read the doctrine of citizenship in Aristotle, as well as that of the Roman period, without a precise historical contextualization, and it is certainly not possible to construct a history of the concept of citizenship in modern times by taking Aristotle's doctrine and transposing it into today's society. It is also undoubtedly the case that, with his theory of citizenship, Aristotle offered an initial and fundamental conceptual heritage that was transposed and developed in later periods.

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[28] Pocock, *The Ideal of Citizenship Since Classical Times*, in Beiner (ed. by), *Theorizing Citizenship* cit. 29.