
Aristotle (with the help of Plato) against the claim that morality is ‘only by convention’

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Abstract

I examine Aristotle’s brief remarks in N.E. I.3 to the effect that fine and just things – *ta kala* and *ta dikaia* – have much diversity and variation (*diaphora kai planē*) and hence are thought to be by convention only, not by nature. He rebuts this by remarking that goods (*ta agatha*) too admit of some variation. I briefly explore the *nomos/phusis* contrast, and the import of ‘diversity and variation’, with a glance at the issue of how to understand Aristotle’s remarks about adultery, theft and murder (N.E. 1107a8ff). In a further discussion of the ‘by convention’ thesis (N.E. 5.7) Aristotle argues that what is changeable (i.e. variable according to circumstance) can still be ‘by nature’, thus rebutting the view that what is by nature must be unvarying. In effect, I argue, Aristotle allows that all just things (e.g. rules of action) vary according to circumstance, but denies that this means they are just ‘by convention only’.

Helpful to understanding Aristotle’s brief argument in 1.3 against the ‘by convention only’ thesis is *Theaetetus* 172ab, reprised at 177cd. At both points Socrates insists that even if *just* things are held to depend on a city’s conventions, no-one would have the face to say the same about what’s *good*, i.e. beneficial. The relation between the fine and the just, on the one hand, and the good in the sense of the beneficial, on the other hand, is the key to how (in their different ways) Plato and Aristotle answer the view that morality is ‘by convention only’. See also *Republic* VI, 505a and 505d.

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Section 1: Aristotle on why people think justice is 'only by convention'

I start from two places in the *Nicomachean Ethics* where Aristotle refers to a common belief that just things are 'by convention only'. In both texts he describes how this belief derives from observing variation in just things. I investigate what he means by the variation observed which leads people to the conclusion that just things are just by convention only. In the second text Aristotle explicitly rejects the argument from variation to that conclusion, and denies the conclusion itself. Remarkably, he allows that all just things are variable, but insists that nonetheless some just things are just by nature, while others (such as the right amount to pay for a ransom) are just by convention only.

T1 (i) The spheres of what is noble (*ta kala*) and what is just (*ta dikaia*), which political science examines, admit of a good deal of diversity and variation (*diaphora kai planē*), (ii) so that they are thought to exist only by convention (*nomō(i)*) and not by nature (*phusei*). (iii) But what is good (*ta agatha*), too, has this sort of variation, since it happens that, for many people, good things have harmful consequences; some people have been ruined by wealth, others by courage (*andreia*). *Nic Eth* 1.3, 1094b14-19

τὰ δὲ καλὰ καὶ τὰ δίκαια, περὶ ὧν ἡ πολιτικὴ σκοπεῖται, πολλὴν ἔχει διαφορὰν καὶ πλάνην, ὥστε δοκεῖν νόμῳ μόνον εἶναι, φύσει δὲ μή. τοιαύτην δὲ τινα πλάνην ἔχει καὶ τὰγαθὰ διὰ τὸ πολλοῖς συμβαίνειν βλάβας ἀπ' αὐτῶν· ἤδη γάρ τινες ἀπώλοντο διὰ πλοῦτον, ἕτεροι δὲ δι' ἀνδρείαν.

T2 Concerning justice in the polis, a part is natural and a part is conventional. What is natural is what has the same force everywhere and does not depend on people's thinking. The conventional is where it initially makes no difference whether it is thus or not, but once it's in force it does make a difference, such as the rule that a mina is the price of a ransom, that a goat be sacrificed and not two sheep, and all the laws that people lay down for particular occasions, such as that sacrifices be made to Brasidas, and decisions made by particular decree (*ta psēphismatōdē*). Some people think that everything just is a matter of convention, reasoning that what's natural is unchangeable and has the same force everywhere – fire burns here and in Persia – , and they see that what's just is changeable (*kinoumena*). But that's not how it is: sometimes it is like that (sc. changeable). Maybe with the gods it's never like that, but with us (human beings) there is a kind of justice that is by nature, even though everything just is changeable (*kinēton*). But still, some of what's just is by nature, some not by nature. *Nic Eth* 5.7, 1134b18-30.

Τοῦ δὲ πολιτικοῦ δικαίου τὸ μὲν φυσικὸν ἔστι τὸ δὲ νομικόν, φυσικὸν μὲν τὸ πανταχοῦ τὴν αὐτὴν ἔχον δύναμιν, καὶ οὐ τῷ δοκεῖν ἢ μὴ, νομικὸν δὲ ὃ ἐξ ἀρχῆς μὲν οὐδὲν διαφέρει οὕτως ἢ ἄλλως, ὅταν δὲ θῶνται, διαφέρει, οἷον τὸ μνᾶς λυτροῦσθαι, ἢ τὸ αἶγα θύειν ἀλλὰ μὴ δύο πρόβατα, ἔτι ὅσα ἐπὶ τῶν καθ' ἕκαστα νομοθετοῦσιν, οἷον τὸ θύειν Βρασίδα, καὶ τὰ ψηφισματώδη. δοκεῖ δ' ἐνίοις εἶναι πάντα τοιαῦτα, ὅτι τὸ μὲν φύσει ἀκίνητον καὶ πανταχοῦ τὴν αὐτὴν ἔχει δύναμιν, ὥσπερ τὸ πῦρ καὶ ἐνθάδε καὶ ἐν Πέρσαις καίει, τὰ δὲ δίκαια κινούμενα ὀρῶσιν. τοῦτο δ' οὐκ ἔστιν οὕτως ἔχον, ἀλλ' ἔστιν ὥς· καίτοι παρά γε τοῖς θεοῖς ἴσως οὐδαμῶς, παρ' ἡμῖν δ' ἔστι μὲν τι καὶ φύσει, κινήτων μέντοι πᾶν, ἀλλ' ὁμως ἔστι τὸ μὲν φύσει τὸ δ' οὐ φύσει.

T1 comes early in the *Nic Eth* where Aristotle is making some important methodological remarks, and introduces the important subject of the degree of exactness to be expected in ethics.¹ Here he touches lightly on an issue that had become somewhat 'old hat' by his day, though it had not entirely disappeared: the famous contrast between convention and nature, between *nomos* and *phusis*. I discuss the contrast further in Section 2. In the first sentence of T1, (i.e. in i and ii), he sketches a line of thinking which leads people to the conclusion that the spheres of what's noble or fine (*kala*) and just (*dikaia*) exist merely by convention, not by nature. In other words, people take the view that things are neither fine nor just 'by nature', that is, in their own right, but fine or just only 'by convention', that is, because they are decreed or generally believed to be so. In my title I have cast that as the claim that morality is 'only by convention'. Aristotle rejects that conclusion, and the reasoning that leads to it, as we'll see.

In this section I flesh out the argument Aristotle sketches in the first sentence of T1 (an argument he rejects), with points that may seem to support it. I'll reserve my comments on the next sentence (iii), where Aristotle remarks that good things also vary in this way, for Section 3. (Spoiler: the key idea is the contrast between noble and fine things – *ta kala kai dikaia* – on the one hand, and good or beneficial things – *ta agatha* – on the other.) In Section 2 I look at the intellectual background in which a variety of contrasts between so-called nature and convention were developed, and scrutinise some passages in Plato's *Theaetetus* which outline a theory that invokes that contrast. In Section 3 I show how those *Theaetetus* passages help us understand why, in order to undermine the common argument in T1, Aristotle invokes the variability of *good* things. Then I briefly sketch how Plato and Aristotle respond to the challenge from the people who declare moral values to be 'merely a matter of convention'.

How do noble and just things admit of 'diversity and variation'?
Principally in two ways

- Point 1. Variability according to circumstance, and
- Point 2. Variation in opinions, customs or practices.

Clause iii of T1 shows Aristotle using *planē* for variability according to circumstance, when he claims that some goods (that is, some generally beneficial things) can in given circumstances be harmful. And in 9.2, 1164b27 ff. he uses *diaphorai* for differences in circumstances, when outlining how precepts of proper behaviour towards friends admit of much variation.² There is a general (*katholou*) rule that returning a loan takes priority over benefitting a loved one, but particular circumstances may alter the priority. (If your father needs ransoming, you should put your money towards that before repaying a loan from an unrelated person.) So it seems that in T1 both the terms used – *diaphora* (translated 'diversity') and *planē* (literally 'wandering', here translated as 'variation') connote objective differences in circumstance (Point 1 above) and not variation in opinions or customs. It is possible, however, that Aristotle also has in mind differences in opinions.

In T2 Aristotle sketches (in the second sentence) a line of thought according to which what is 'by nature' must be free from two kinds of phenomena, variability, and dependence on what is believed: 'what is natural is what has the same force everywhere (i.e. no exceptions, no variation according to circumstance, and maybe also no variation in opinions) and does not depend on people's thinking'. But he rejects that line of thought, as the sequel shows. Instead, he insists at the end of T2 that some justice *is* by nature (i.e. some just things are just by nature, independently of any opinions or customs), *even though it is all changeable*. T2 with its sequel is somewhat obscure, and commentators understandably find Aristotle's point hard to fathom, especially in the light of the remarks that follow about right-handedness, and about measures in the sale of wine and grain.³ As I understand T2, especially lines 27–30, Aristotle uses the language of change to make a point about variability according to circumstance. So when he writes that people see just things changing (*ta dikaia kinoumena horōsin*), he means that people see just things change in different circumstances, that is, they see that precepts of justice admit of exceptions according to circumstance.⁴ Aristotle concedes that everything just in the human sphere is changeable, but insists that even so some of it is by nature (1134b27–30). Where his opponents go wrong is not their observation about the changeability of justice, but their inference to the conclusion

that nothing is just 'by nature'. Here is his line, as I read T2: every principle of justice admits of exceptions, of variability according to circumstance, but that doesn't prevent it from being 'by nature' – that is, from being an objective matter – that, say, paying a debt is in general just, or that a given act of debt repayment was (or was not) just.⁵ The takeaway points from T2 are first, the claim that every principle of just conduct is changeable, that is, varies according to circumstances and hence admits of exceptions; but, second, that being changeable in this way does not in all cases preclude a precept from being 'just by nature', i.e. objectively just.

Point 1, variability according to circumstance, is a phenomenon we find exemplified and taken for granted in many texts. Perhaps the most famous is in the opening conversation of the *Republic*, where Socrates is talking to the elderly Cephalus, asking him how being wealthy helps a man in old age. Cephalus replies that one's great fear in old age is to enter Hades having committed injustice such as cheating or lying or failing to pay one's debts to gods or men, which gives Socrates an opening to pretend Cephalus had defined justice as telling the truth and giving back what has received from someone else. So he asks: 'Is it possible to do these very things both justly and unjustly?' And now comes the famous exception to the rule that it's just to return what you have borrowed from someone. Suppose you have borrowed a weapon from a friend who subsequently goes mad and asks for it back: it wouldn't be just to return it to him, or indeed to tell the truth to such a person. (*Rep* 1 331 b-c). All the parties to the conversation allow that the rule 'it's just to return what you have borrowed' admits of exceptions in certain circumstances; that is a given starting point for the inquiry into what justice is. Socrates harks back to the same point, it seems, in *Republic* 5 when he gets agreement to the thesis that 'each of the many just things is also unjust'.⁶ Since this point is meant to be conceded by all parties (that is, by the so-called sight-lovers and by Socrates), it is a fair assumption that he has the earlier conversation with Cephalus in mind, and is alluding to a generally held view that any rule specifying a type of conduct as just will have some exceptions, making it an unjust thing to do in certain circumstances. (Or at least: meaning it is not the just thing to do in those circumstances.) Returning a borrowed weapon to a friend gone mad is as clear a case as we can hope for of Point 1, variability according to circumstance, such that precepts of just action admit of exceptions.

If I am right that in T2 the claim that everything just is *kinēton* makes the very same point, then Aristotle also affirms that no precept about

what is just is without exception.⁷ Here he accepts that premise, and explicitly rejects what some think: that this shows that no just things can be just by nature.

As an interlude, let us turn to a brief defence of the claim that Aristotle holds that all principles of right conduct admit of exceptions.

At the end of the chapter on the mean, N.E. 2.6, Aristotle remarks that some actions, such as murder, theft and *moicheia* (usually translated ‘adultery’) do not admit of a mean.⁸ Some critics understand Aristotle to be saying here that there are some moral rules which do not admit of exceptions. If that were correct, then it would go against what I just said, when I glossed his remark that just things are *kinēton* as: ‘all rules of just/unjust conduct admit of exceptions’. The interpretation of this passage about murder and adultery is controversial; on the reading I accept he is simply noting the negative evaluative force of terms such as theft, murder and *moicheia*: the names are ‘tied up with badness’. Once you’ve labelled an act murder, you can’t go on to raise the question whether it was perhaps justified in the circumstances. This fits with his remark at *Rhetoric* 1.13 about how someone may admit doing something but not admit the label (*epigramma*); for instance admit he took something, but deny he stole it (*labein/klepsai*); admit he struck another but deny it was hubris (*taxai/hubrisai*); he slept with a woman but it was not *moicheia*; he spoke with the enemy but it was not treachery.⁹ The label that the accused denies is that of a wrong and unlawful action. To return to 2.6 on some actions not admitting a mean: the precepts: *moicheia* is always wrong, *androphonia* is always wrong, theft is always wrong are – as I understand it – what Nielsen (2015), in a very helpful article, has labelled ‘ethically embued principles’, as opposed to rules of conduct.¹⁰ Ethically embued principles, such as act justly, hit the mean (Nielsen’s examples) or never act unjustly, do not admit of exceptions, whereas rules of conduct do. The reading whereby Aristotle in 2.6 claims that some rules of right conduct are exceptionless derives from (but is a misunderstanding of) his remark at 1107a14–17:

There’s no doing these things (theft, murder, *moicheia*) correctly, they are always a matter of going wrong; there’s no well or not well when it comes to *moicheuein*; no *moicheuein* with the right woman or at the right time.

But those who want to find Aristotle laying down exceptionless rules of conduct here overlook what he goes on to say: To think <these admit of a mean> is like thinking that doing injustice or acting the coward or being intemperate admit of a mean, an excess or a deficiency. That is, he explicitly puts terms like theft, murder and *moicheia* in the same

category as terms which of themselves denote wrongfulness, whether excess or defect, for which he makes the very same point: however they are done they are in error (1107a24–5). He thus indicates that terms like *moicheia* and *androphonia* are similar to terms for vicious actions, such as acting unjustly, *adikein*, acting the coward, *deilainein* and acting in an intemperate way, *akolastainein*. So my contention is that the passage about murder, theft and so on in 2.6 is *not* evidence *against* attributing to Aristotle the view that all precepts of just action admit of exceptions, hold only for the most part and not universally. The claim that Aristotle thinks that all precepts of just action admit of exceptions can stand.

So much for Point 1, variability according to circumstance. In Section 3 I return to the end of T1, to explicate Aristotle's response to the common belief that variation according to circumstance shows that what varies thus cannot be 'by nature'. As we saw, he explicitly rejects that argument in T2.

Point 2 variation in opinions, customs or practices was a well-known *topos*. A famous locus for it is found in Herodotus' account (*Histories* 3.38) of a little demonstration made by the Persian king Darius. 'He summoned the Greeks who happened to be present at his court and asked them what they would take to eat the dead bodies of their fathers. They replied that they would not do it for any money in the world. Later in the presence of the Greeks and through an interpreter, so that they could understand what was said, he asked some Indians, of the tribe of the Callatae, who do in fact eat their parents' dead bodies, what they would take to burn them. They uttered a cry of horror and forbade him to speak of such a thing. One can see by this what custom can do and Pindar was, in my opinion, right when he called it 'king of all'.' Note that Herodotus does not explicitly offer this as an instance of what we might call moral relativism: conduct labelled pious or just or noble in one society but the opposite in another. The story does not explicitly present conflicting *beliefs*, let alone conflicting *moral beliefs*. But probably we are to assume that the reaction was not simply horror at the idea of burning a dead relative, but also the thought that it would be morally shameful (*aischron*) or impious to do so.

Other instances are paraded (much later) by Sextus in his *Outlines of Pyrrhonism*: tattooing is approved among Ethiopians but not elsewhere; homosexual acts are customary in Persia but forbidden in Rome. In his comedy *Birds* Aristophanes exploits the *topos* when his chorus declares that beating up your father is 'by *nomos* disgraceful among humans but admirable (*kalon*) among us birds'.¹¹

A reader might object that only the second kind of variation – variation in opinions or practices – (at best) and not the first kind (variability according to circumstance) gives any support to the conclusion that things that are noble and just are so only by convention and not by nature. J.L. Mackie’s famous (or should I say notorious) “argument from relativity” to the conclusion that there are no objective values is an argument from the variation in opinions or practices in moral matters.¹² He is careful not to include the first kind, that I have called variability according to circumstance, because that gives no support to the conclusion “only by convention”. It might be thought a foolish mistake to infer from variability according to circumstance to the phenomenon being merely a matter of convention. But it was a mistake made in antiquity (as T1 and T2 testify), and – I’m sorry to say – it is commonly made today by would-be pundits on programmes like BBC Radio 4’s ‘The Moral Maze’.¹³ We have Aristotle’s testimony that when people were struck by the phenomenon of variability (of what’s just, noble etc) according to circumstance – the madman’s weapon type case – they leapt to the conclusion that such moral precepts were merely conventional.

Two other lines of thought seem to have contributed to the conclusion that morals were ‘only by convention’:

Point 3: conflict among rules of justice. The sophist Antiphon, of whom more shortly, alleged that conventional moral rules could conflict, giving as his example the rules ‘it is just to bear true witness in a court case’ and ‘it is unjust to harm someone who hasn’t harmed you’ (fr.44c)

Point 4: Some thinkers seem to have argued as follows: justice doesn’t benefit the just person, whereas injustice does, provided you can get away with it. But acting in one’s own interest is (allegedly) the ‘natural’ thing to do, so that the requirements of justice cannot be according to nature. This line of argument, in one or another version, is familiar from Callicles in Plato’s *Gorgias*, and from the line of argument reported by Glaucon and Adeimantus in the *Republic* (Book 2).

Section 2: A brief exploration of the background to the *nomos/phusis* debate, and a version of ‘moral relativism’ in Plato’s *Theaetetus*

From a variety of writings we know that the contrast became a fashionable part of the intellectual discourse of the late fifth century

BCE. In Plato's *Protagoras* the sophist Hippias is gently satirized for his pompous invocation of the contrast between *nomos* and *phusis*, nature and convention.¹⁴ Like so many of these binary oppositions, each term can cover a range of phenomena, and each can be differently valued. Usually labelling something as 'by nature' was a way of giving it positive value, but in certain contexts (for instance Plato, *Laws* 10 on atheists' views) nature was associated with chance and contrasted unfavourably with what exists thanks to skill or reason, specifically divine reason.¹⁵ While 'nature' was initially used mainly in connection with human nature,¹⁶ it comes to be used more generally, and – in the texts we are considering – to ask whether something exists by nature, or is such-and-such by nature, is equivalent to asking if it is objective or real.¹⁷ *Nomos* can denote law, convention or custom, and is connected to the verb *nomisdein*, to think or have an opinion. Hence *nomos* can carry positive connotations (as denoting law) or negative ones when denoting what is merely thought or held to be the case, in contrast to what is really the case. In some writers, something that exists by *nomos* still genuinely exists (such as currency, *nomisma*) but can be altered by human intervention. When Aristotle mentions the common inference from variability to being 'only by convention' (T1 and T2), and when he insists that (at least some) just things are so by nature, he is insisting that it is an objective matter that certain things are just.

Here are some excerpts treating the theme of convention and nature in connection with moral concepts such as what's just.

1. Antiphon (an Athenian writer of late 5th C) fr 44b:

T3. Justice is not transgressing the laws/customs/*nomima* of the city you live in. You use justice best if you hold the laws important when witnesses are present, but hold nature important otherwise. The (requirements) of nature are necessary, those of law are ? supplemental [text uncertain]. *Nomos*-things are things that have been agreed on, and are not inborn; nature-things are inborn and not agreed upon. If you violate the law you'll avoid shame and punishment *if unnoticed by those who made the agreement*. If you try to force nature you'll be harmed in reality and not simply in people's opinions. Most things that are just according to law are hostile to nature.

So here Antiphon aligns justice with laws, with what is agreed on, not inborn, adding that breaking laws incurs shame or

penalty only if witnessed. He aligns nature with what's necessary, what's inborn, with what harms in reality and not only in people's opinions.

This isn't yet the full-blown immoralism that we will find in Plato's Callicles, but a valorisation of "nature" along with a recognition of the different status of laws, described as a matter of "agreement".

2. Plato's *Gorgias* (483–4). Callicles the orator declares *nomos* and *phusis* to be opposed to each other. He dismisses what is just by *nomos* as what the weak try to impose when they declare having equal shares to be just, and when they call it unjust to take more than one's fair share or to wrong others. In place of what's 'just by *nomos*' Callicles appeals to the behaviour of non-human animals and argues for what's 'just by nature': the strong getting the better of weak. Callicles' spin on the sceptical argument is unusual in its delineation of a so-called 'natural justice', which accords value to behaviour conventionally considered unjust.
3. The next occurrence of the *nomos/phusis* contrast (used in connection with moral theory) that I want to consider is from Plato's *Theaetetus*. The dialogue features the famous Man/Measure dictum of Protagoras, that man is the measure of all things, of things that are, that they are, and of things that are not, that they are not. As Plato makes Socrates report and develop the theory on behalf of the dead Protagoras, it starts with the claim that everything is to an individual as it appears to him, so if I shiver when the wind blows and you don't, the wind is cold to me but warm to you. Before long it has become the claim that *whatever a person believes is true for that person*, i.e. to a full-blown or *global* relativism. Socrates will refute this global relativism (*every* belief is true for the person who believes it) by arguing i) that it is self-refuting, and ii) that if everyone's beliefs are true then there is no such thing as wisdom, something Protagoras claims for himself.

I pass over this global relativism and the well-known refutations of that version, because my interest is in the more restricted or *local*

version which is also featured briefly in the discussion. It is striking that two quite different theories are ascribed in the course of *Theaetetus* Part 1 to Protagoras: a) the global relativism described above, but also b) what I call a restricted or local relativism: in effect a *version of moral relativism*, confining itself to moral properties and judgements about them, and relativising them *not to any individual's* judgement but to *a city's* norms. The version that I've called 'local relativism' is expounded briefly by Socrates while he purports to defend Protagoras:

T4 'if any sort of thing seems just or noble to a city, then it actually is just or noble for it, as long as that city accepts (*nomisdei*) it' (*Theaetetus* 167c4-6)

ἐπεὶ οἷά γ' ἂν ἐκάστη πόλει δίκαια καὶ καλὰ δοκῆ, ταῦτα καὶ εἶναι αὐτῇ, ἕως ἂν αὐτὰ νομίζῃ.

So here, rather than the claim that *all* the judgements of *each person* are true for that person, this restricted version focuses on judgements about what is just and what is noble (and their opposites, presumably). And it's about judgements or decisions on these matters made, not by individual persons, but by different *poleis*, cities or communities.

Still speaking for Protagoras, Socrates continues with the remark that:

T4 continued A wise man makes beneficial things be and seem just and noble to a given city, instead of any harmful things which used to be so for the city. (*Tht* 167c)

ἀλλ'ὁ σοφὸς ἀντὶ πονηρῶν ὄντων αὐτοῖς ἐκάστων χρηστὰ ἐποίησεν εἶναι καὶ δοκεῖν.

In other words, a public speaker (such as Protagoras) who advises a given city on its policies can suggest adopting new and beneficial policies on what's just or noble, in place of its previously held harmful views. Let's suggest an example: City A has a law that all the property of a man exiled for a crime must be destroyed, and as long as this law is in force it *is just* that the property be destroyed. But the implementation of this law leaves the city with a bunch of impoverished and potentially subversive persons in need of support, and with property devastated and unprofitable which might otherwise be a source of wealth to the city. In other words the policy, *though just for as long as the city mandates it*, is harmful to the city, so the wise orator suggests a new and more beneficial policy. If the city has a change of mind and changes the law then the new policy is just (in virtue of being currently mandated by the

polis) but also beneficial to the city. The old policy wasn't unjust, and the orator hasn't substituted a true view of what is just for a false one, but simply a more beneficial one for a more harmful one. That's my fleshing out of the ingenious thesis suggested in T4.

We can see that this restricted version of the theory is very different from the global relativism attributed to Protagoras at other points in the discussion. It implies a distinction between judgments about what is just or noble or religiously sanctioned on the one hand – the moral concepts, for short – and about what's beneficial or harmful on the other hand. Here the relativist claim is explicitly made *only on behalf of the moral concepts*: a given city's decisions or customs establish what is just or noble for that city at the time the decisions or customs are in force, and there is nothing more to being just than to being a norm in a given city. A bit later, when summing up where the discussion of Protagoras' theory has got to, Socrates makes this restriction absolutely explicit.

T5 And about matters that concern the city, too – things which are noble or shameful, just or unjust, in conformity with religion or not – [Protagoras' theory] will hold that whatever sort of thing any city thinks to be, and lays down for itself as, lawful (*nomima*) actually is, in strict truth, lawful for it, and that on those questions no individual is at all wiser than any other, and no city is at all wiser than any other. But again, when it's a matter of a city's laying down what's advantageous (*sumpheronta*) or disadvantageous for it, it will admit that here, if anywhere, one adviser is superior to another, and the judgement of one city is superior in point of truth to the different judgement of another. It wouldn't have the face to say that whatever a city thinks to be, and lays down as, advantageous to itself will, whatever happens, actually be advantageous to it. But in that other sphere I was speaking of – in the case of what's just or unjust, in conformity with religion or not – they're prepared to insist that none of them has by nature (*phusei*) a being (*ousian*) of its own; on the contrary, what seems to a community is in fact true at the time when it seems so and for as long as it seems so. (*Tht* 172a1-b6)

Οὐκοῦν καὶ περὶ πολιτικῶν, καλὰ μὲν καὶ αἰσχρὰ καὶ δίκαια καὶ ἄδικοι καὶ ὅσια καὶ μὴ, οἷα ἂν ἐκάστη πόλις οἰηθεῖσα θῆται νόμιμα αὐτῇ, ταῦτα καὶ εἶναι τῇ ἀληθείᾳ ἐκάστη, καὶ ἐν τούτοις μὲν οὐδὲν σοφώτερον οὔτε ιδιώτην ιδιώτου οὔτε πόλιν πόλεως εἶναι· ἐν δὲ τῷ συμφέροντα ἑαυτῇ ἢ μὴ συμφέροντα τίθεσθαι, ἐνταῦθ', εἴπερ που, αὐτὸ ὁμολογήσει σύμβουλόν τε συμβούλου διαφέρειν καὶ πόλεως δόξαν ἑτέραν ἑτέρας πρὸς ἀλήθειαν, καὶ οὐκ ἂν πάνυ τολμήσειε φῆσαι, ἃ ἂν θῆται πόλις συμφέροντα οἰηθεῖσα αὐτῇ, παντὸς μᾶλλον ταῦτα καὶ συνοίσειν· ἀλλ' ἐκεῖ οὐ λέγω, ἐν τοῖς δίκαιοις καὶ ἀδικοῖς καὶ ὀσίοις καὶ ἀνοσίοις,

ἐθέλουσιν ἰσχυρίζεσθαι ὡς οὐκ ἔστι φύσει αὐτῶν οὐδὲν οὐσίαν ἑαυτοῦ ἔχον, ἀλλὰ τὸ κοινῇ δόξαν τοῦτο γίγνεται ἀληθές τότε, ὅταν δόξη καὶ ὅσον ἂν δοκῇ χρόνον.

Note how the thesis is framed as denying that things are just or unjust, pious or impious by nature, *phusei*, and as insisting that justice, piety and their opposites have no being of their own. In other words, a denial of moral realism.

At T6 Socrates repeats the point, rather more briefly, immediately after his digression about philosophy and rhetoric, when he is picking up the thread of the argument against Protagoras.

T6 ... [those who hold that what seems to someone is for that person] are prepared to insist on that doctrine in most cases, and in particular on the question of what's just: whatever things a city decides to be, and lays down as, just in fact are just, whatever happens, for the city which lays them down, so long as they remain laid down. But on the question of what's good (*ta agatha*), no-one would be brave enough to have the face to contend that whatever a city thinks to be, and lays down as, useful (*ōphelima*) for itself actually is useful as long as it's laid down .. (*Tht* 177c8-d5)

... ἐν μὲν τοῖς ἄλλοις ἐθέλειν δισχυρίζεσθαι καὶ οὐχ ἥκιστα περὶ τὰ δίκαια, ὡς παντὸς μᾶλλον ἢ ἂν θῆται πόλις δόξαντα αὐτῇ, ταῦτα καὶ ἔστι δίκαια τῇ θεμένῃ, ἕωσπερ ἂν κέηται· περὶ δὲ τὰγαθὰ οὐδένα ἀνδρείον ἔθ' οὕτως εἶναι ὥστε τολμᾶν διαμάχεσθαι ὅτι καὶ ἢ ἂν ὠφέλιμα οἰηθεῖσα πόλις ἑαυτῇ θῆται, καὶ ἔστι τοσοῦτον χρόνον ὅσον ἂν κέηται ὠφέλιμα, ...

Note an important detail in this *résumé*: here (in T6) the contrast is explicitly between *just* things, *ta dikaia*, as the sphere where the Protagorean will insist on 'relativity to the polis' norms' – and the sphere of *goods* - *ta agatha* – at once equated with *ta ōphelima*, *what's beneficial*. So at three distinct points in the discussion (T4, T5, T6), we find a line drawn between what's just on the one hand, and what's good or beneficial on the other. Socrates' tactic against Protagoreans at this point is to let them have their claims about the just, the noble and the *hosion* – viz, that they are relative to a city's norms – all the while noting that even the Protagoreans won't have the face to make a similar claim about what's good or beneficial (*agathon*, *ōphelimon*, *sumpheron*). Any reader of Plato knows that Socrates does not himself favour the relativist claim about matters of what's just or *kalon*, but at this point in the dialogue he is willing to let it pass: the concession that what's beneficial is certainly not relative is enough for his purposes, which is to refute the Man/Measure doctrine in what I've called its global version.

Section 3: The primacy of what's good, in the sense of what's beneficial. The reply to the argument for 'only by convention': what's good or beneficial is so by nature, and the moral virtues are good/beneficial.

That brief appearance in Plato's *Theaetetus* of a view we can label moral relativism is of great interest. In the passages I have cited Socrates takes care to delineate the area in which the claims are held to apply: that of the *kalon*, the *dikaion* and the *hosion* – the just, the noble, and the religiously sanctioned and their opposites. As we saw, both the Protagorean theory (T4) and Socrates' evaluation of it (T5, T6) distinguish judgements of *moral* qualities from judgements about what is *advantageous*. In T5 and T6 Socrates stresses this contrast, and explicitly allows each city to have authority concerning the first – the just, the fine and so on – but insists on objectivity for the second, for what's advantageous. Indeed, he twice claims that no-one (and so by implication not even a relativist) would claim that what a city thinks or decrees to be beneficial is in fact beneficial. This parallels what has just preceded it, a stretch in which a similar contrast was drawn concerning secondary qualities. There we had a distinction between questions of hot, dry, sweet and so on, where (on the Protagorean theory) 'things actually are for the person the way they seem to him' and – by contrast- questions of what is healthy or unhealthy, where (Socrates claims) the Protagorean theory will concede that one person is superior in their judgement to another (171e2–5). Judgements of what is healthy or unhealthy for a person have an objective status, and not everyone is an expert in making such judgements, whatever may be said about judgments of hotness, sweetness and the like. In these passages, then, we may find an early appearance of the analogy between moral qualities and secondary qualities like hot or sweet.

Of key importance is the reference in T5 to what is advantageous (*sumpheronta*), summed up in T6 using 'good' and *ōphelimon*, beneficial. When Socrates chooses a sphere where even those who propound the relativist thesis will concede objectivity, where no one will have the face to declare that whatever anyone or any *polis* thinks is such-and-such is so for that person or *polis*, he doesn't choose something from what we might cite as the realm of "value-free facts", or "non-evaluative qualities" (such as the judgement that Rhodes is an island, or that a certain building is circular). No, he chooses judgements about what is advantageous (*sumpheron*, T5) or (in T6) good or beneficial.¹⁸

Here, then, is the thesis I want to argue for. Instead of a so-called fact-value distinction, what we find in this stretch of *Theaetetus* is a distinction between two kinds of values, the moral and (for want of a better term) prudential. The sceptics and/or relativists put under the spotlight moral values such as what's just, what's noble/ admirable, and what's pious or conformable to religion (*to hosion*) and their opposites, arguing (from the sort of consideration sketched in Points 1–4 above) against them having what we would call objective status, or, in their terms, against them being 'by nature' (see end of T5: none of them has by nature a being of its own). But, to judge from these same texts, the very relativists about *moral* values concede an objective (and non-relative) status to the sphere of what is beneficial or good, in contrast to the bad or harmful.

And that is the key to understanding the dialectic of the brief passage from Aristotle that I started from. Here it is again:

T1 (i) The spheres of what is noble (*ta kala*) and what is just (*ta dikaia*), which political science examines, admit of a good deal of diversity and variation (*diaphora kai planē*), (ii) so that they are thought to exist only by convention (*nomō(i)*) and not by nature (*phusei*). (iii) But goods (*ta agatha*) vary in this way as well, since it happens that good things have harmful consequences for many people; some people have been ruined by wealth, others by courage.

τὰ δὲ καλὰ καὶ τὰ δίκαια, περὶ ὧν ἡ πολιτικὴ σκοπεῖται, πολλὴν ἔχει διαφορὰν καὶ πλάνην, ὥστε δοκεῖν νόμῳ μόνον εἶναι, φύσει δὲ μή. τοιαύτην δὲ τινα πλάνην ἔχει καὶ τὰγαθὰ διὰ τὸ πολλοῖς συμβαίνειν βλάβας ἀπ' αὐτῶν· ἤδη γάρ τινες ἀπόλωντο διὰ πλοῦτον, ἕτεροι δὲ δι' ἀνδρείαν.

In a highly compressed manner, Aristotle is pointing out the error committed by those who argue from (i) just and fine things admit of much diversity and variation to (ii) just and fine things are so only by convention, not by nature. But consider good things, he replies in (iii), such as wealth. (I pass over the second example, courage; it's controversial just what he has in mind here.¹⁹) Wealth is a variably good thing, insofar as it is generally beneficial, and certainly beneficial to a sensible person, but some people have been ruined by it. But (here I'm supplying the premises I think Aristotle expects us to supply) no-one would say that what is *beneficial* or not is merely a matter of convention, and not by nature.²⁰ This is the very point Socrates makes in T5 and T6 above. So this counter-example undermines the argument that runs: F things are variably F, such that what's generally F can be, in some circumstances, the opposite of F; therefore being F is merely a

matter of convention and nothing is F by nature. Aristotle's response is to appeal to the generally acknowledged variability of good – that is, beneficial – things, in order to undermine the argument from variability to being merely a matter of convention.²¹

And when he returns to the question of whether what's just is so by nature, T2 above, Aristotle once again denies the inference from variable to 'by convention'. In addition, he sets out his own line: all of what's just is 'changeable', by which (as I've argued) he means, 'varies according to circumstance', but that's compatible with some things being just or unjust by nature. Here he explicitly rejects the thesis that what's by nature must be always the same everywhere (as fire allegedly burns always and everywhere), with no variation according to circumstance.

So Aristotle has neatly undermined Point 1 – variability according to circumstance – as supporting the thesis that all just things, and moral properties generally, are just only by convention. That leaves the other sort of variation, a variation in beliefs and practices, Point 2; the variation to which Mackie (1977) appealed in his so-called argument from relativity.²² Now of course it is not any and every variation in beliefs that tempts people to deny there is any objective basis for the judgements. What made (and still makes) moral beliefs especially liable to this verdict is not the mere variety of opinions or conventions or practices (whether we think of diachronic or synchronic variation), but varying opinions together with the apparent lack of a criterion or decision procedure to settle disputes. It is of interest that the common argument Aristotle cites (and disarms) takes as its premise objective variation – variation according to circumstance – and not differences in beliefs and customs, which are the starting point for many arguments against objective morality, including Mackie's 'argument from relativity' noted above.

I end with some brief remarks on how Plato and Aristotle confront the thesis that moral values are merely conventional. Both are aware that variability according to circumstance (as shown by the case of the madman's borrowed weapon) *seems to* threaten the objective status of the virtues, of what's just, pious and so on. Both want to vindicate the moral virtues, and neither would concede to them the status of being 'only by convention'. T1 and T2 have the modest goal of disarming a popular line of thought leading to the conclusion that fine and just things are "by convention only". Additionally, T2 asserts (but does not argue) that some just things are just by nature despite being what Aristotle calls changeable.

Though their positive ethical views are rather different, on one major point Plato and Aristotle are in agreement. Moral sceptics (I mean people with views such as those Glaucon and Adeimantus voice in *Republic* 2, or such as Antiphon in T3 above) tried to undermine generally received views of the virtues, and especially of justice, in part on the grounds that it wasn't in a person's interest to be just – or at least, not if you were unobserved, and you could get away with injustice. And some of them pursued this line of thought by declaring that the moral virtues were 'only by convention' (and hence lacked any binding force, presumably). Now neither of Plato or Aristotle will allow that the virtues are merely by convention, because each will argue that the virtues are good for the possessor – something the sceptics denied. They both, in different ways, tie the notions of what just, noble, pious and so on to what is good, *understood as good for or beneficial*. If they can succeed in showing an appropriate link between the moral qualities and what is good or beneficial, then (as we've seen) this will silence the 'only by convention' line of argument, because their opponents won't have the face to suggest that the sphere of what's good or beneficial is merely by convention or depends on what is laid down. Thinking or decreeing that something is beneficial – whether on the part of an individual or of a community – doesn't make it so.

So there is a second role for the notion of what's good. Thus far, it has been invoked to undermine the inference from 'admits of variation' to 'is so by convention only'. But its larger role, and one I can only touch on, is to anchor the moral qualities, to give them the requisite foundation to have the status of 'by nature'. Two texts from Plato's discussion of the Form of the Good point us in the right direction.

T7 'Isn't this clear, that in the case of just and beautiful/noble things, many people are content with what are believed to be so, even if they aren't really so..... Nobody is satisfied to acquire things that are merely believed to be good, however, but everyone wants the things that really are good, and disdains mere belief here.' (*Republic* 6 505d5-9)

τόδε οὐ φανερόν, ὡς δίκαια μὲν καὶ καλὰ πολλοὶ ἂν ἔλοιντο τὰ δοκοῦντα, κἄν <εἰ> μὴ εἶη, ὅμως ταῦτα πράττειν καὶ κεκτηῖσθαι καὶ δοκεῖν, ἀγαθὰ δὲ οὐδενὶ ἔτι ἄρκει τὰ δοκοῦντα κτᾶσθαι, ἀλλὰ τὰ ὄντα ζητοῦσιν, τὴν δὲ δόξαν ἐνταῦθα ἤδη πᾶς ἀτιμάζει;

Everyone wants things that are really good, and no one is a sceptic about goodness, whatever their take on the status of what's noble and what's just. This is part of the lead-in to the simile of the Sun and the extravagant and puzzling claims made for the Form of the Good: that it

gives other intelligible things their ability to be known, and their very being; it explains them being what they are.

In her chapter 'Understanding and the Good' Julia Annas (1981) has an interesting discussion of what she takes to be Plato's idea that goodness is fundamental in any explanation. She remarks that, though it's comprehensible, that idea about goodness and explanation will be rejected by the majority of modern philosophers who 'draw a sharp distinction between matters of fact and matters of value, and hold that, since a thing's goodness is a matter of value, it cannot enter into the same kind of explanation of it as matters of fact about it'. Plato, on the contrary, holds that 'values are fundamental to explaining facts', that they can be 'better known than facts' and are 'more fundamental to our understanding'.²³ One might quibble with Annas' way of putting it (since it seems to attribute to Plato recognition of a fact/value distinction) but the basic claim about Plato's approach seems to be right. I only want to add the observation that among values goodness holds a special position for Plato. The objectivity of other values, such as what's just and what's noble or fine (*kalon*), is secured only through their association with goodness. Indeed, Socrates hints at this in the run-up to his puzzling remarks about the Form of the Good, when he tells his hearers:

T8 ... you've often heard that the form of the good is the most important thing to learn about, and that it's by their use of it that just things and the others become useful and beneficial (*chrēsimā kai ōphelima*)' (*Republic* 505a2-4).

ἐπει ὅτι γε ἡ τοῦ ἀγαθοῦ ἰδέα μέγιστον μάθημα, πολλάκις ἀκήκοας, ἢ καὶ δίκαια καὶ τᾶλλα προσχρησάμενα χρήσιμα καὶ ὠφέλιμα γίνονται.

Provided the moral values can be shown to be securely tied to goodness in the sense of being beneficial – something Plato and Aristotle in their different ways try to achieve – then they can safely be treated as not existing 'only by convention' but as part of nature, part of what is objectively the case, independent of people's beliefs, customs or agreements.

Notes

1. See Aristotle (1999:327–8) for Irwin's list of texts where exactness in ethics is discussed, and for his succinct summary of what is intended: ethical generalisations are only *usually* true, and exceptions cannot usefully be listed in an exhaustive and helpful qualified generalisation.

2. Cf. 3.1, 1110b8: there are many *diaphorai* in particulars. Here again the topic is circumstances affecting what is right.
3. See note 7 below.
4. It may be objected that the previous example of fire burning both here and in Persia suggests that by 'changing' Aristotle means: differs in different places, and that he is referring to different *beliefs about* justice in different lands. Or alternatively, that he means just things change over time, and again refers to beliefs about justice changing. I reply (i) that the point is more interesting if it is the claim that being 'by nature' is compatible with *objective* variation (rather than with changing beliefs about justice, subjective variation) and (ii) that since T1 shows him using the spatial term *planē*, wandering, to refer to variation in circumstance, 'changeable' here in T2 can as easily mean 'varies according to circumstance'. I thank Francesco Ademollo for pressing the objection.
5. The passage becomes rather obscure after this, and there is controversy about the text and punctuation at 1134b30ff.
6. *Rep* 5 478e6–479b2. The claim is made with respect to the many fine things (*kala*), the many just things (*dikaia*) and the many pious things (*hosia*).
7. Interpretations of T2 vary hugely. Grant (1885) *ad loc* correctly reports Aristotle's line of argument ('denying the premise that what is by nature is immutable') but glosses 'they see just things change' as 'they see the rules of justice altered'. Perhaps his interpretation approaches mine more closely when he writes 'laws are interrupted and the manifestation of them is less perfect'. Gauthier and Jolif (1970: 396) deny that Aristotle wants to oppose variable and invariable rules, but then wonder why the determinations of natural justice are variable (pourquoi varient les déterminations de la justice naturelle).
8. *Moicheia* is illicit sex with a woman, usually the wife of the injured party, but in some cases with an unmarried woman under the protection of the injured party, cf. n9.
9. See Ps.Demosthenes 59, *Against Neaira*, §67 for an accused accepting that he slept with a woman but denying that it was *moicheia*, on the grounds that the woman a) was not the daughter of the complainant b) was the daughter of and in the charge of another person (her mother), who knew about the affair c) was a prostitute. See further the commentary of Carey (1992) *ad loc* and Index sv *moicheia*, and cf. note 8.
10. Henry and Nielsen (2015). See further n21.
11. Sextus (1993) PH 1. 148 (tattoos) 1.152 (homosexuality); Aristophanes (2000), *Birds* 755ff
12. Mackie (1977: Part I, sec 8). Mackie's argument also invokes a further, crucial premise: an argument to the best explanation of such variation, viz that it derives from and reflects variation in practices, rather than involving misperception or mistake on the part of some people or cultures.
13. I have heard contributors argue somewhat as follows: if you don't accept that abortion is wrong in all circumstances, then you are a moral relativist, denying any objective truth in morals.
14. Plato, *Protagoras* 337c6-e2. See Denyer (2008) for helpful background to Hippias' remarks here.
15. For the latter see Plato, *Laws* 10, 889, the views of the atheists.
16. In the medical writers, also in Antiphon 44B probably.
17. Compare Democritus' famous saying D16: 'by convention the sweet, the bitter, the hot, the cold, colour; in reality atoms and the void'. Here the antithesis is between *nomos* and what's real or true .
18. Note also in T4, *chrēston* versus *ponēron* 167b1–2, c6.

19. I suspect he is using 'courage' to denote a tendency to boldness, cf. *Meno* 88b 'if *andreia* is a sort of boldness (*tharros*), it can be harmful'.
20. In understanding the *de* at 1094b17 as adversative, and translating 'But', I follow Irwin (2000: 106; n11) who cites Stewart (1892) *ad loc.*
21. T1 is discussed by several contributors to *Bridging the Gap between Aristotle's Science and Ethics* (Henry and Nielsen 2015). Nielsen (2015) in her article agrees with my reading, that in T1 Aristotle is using the example of beneficial things to block the inference from variability to being merely by convention. In the same volume Witt (2015) takes a quite opposite view; she reads Aristotle as bracketing together just things, noble things and good things, ("normative kinds"), and likening them to (what Witt calls) conventional kinds (such as money). Against Witt, I stress the *dokei* – people think – and, with Irwin (2000) and Nielsen (2015), I find Aristotle invoking *ta agatha* for a very different reason. T2 above also features Aristotle denying the inference from variability to being by convention only.
22. See n.12 and text thereto.
23. Annas (1981: 246)

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