BOOK V · JUSTICE

JUSTICE: ITS SPHERE AND OUTER NATURE:
IN WHAT SENSE IT IS A MEAN

The just as the lawful (universal justice) and the just as the fair and equal (particular justice): the former considered

1. With regard to justice and injustice we must consider what kind of actions they are concerned with, what sort of mean justice is, and between what extremes the just act is intermediate. Our investigation shall follow the same course as the preceding discussions.*

We see that all men mean by justice that kind of state of character which makes people disposed to do what is just and makes them act justly and wish for what is just; and similarly by injustice that state which makes them act unjustly and wish for what is unjust.* Let us too, then, lay this down as a general basis. For the same is not true of the sciences and the faculties as of states of character. A faculty or a science which is one and the same is held to relate to contrary objects, but a state which is one of two contraries does not produce the contrary results; e.g. as a result of health we do not do what is the opposite of healthy, but only what is healthy; for we say a man walks healthily, when he walks as a healthy man would.*

Now often one contrary state is recognized from its contrary, and often states are recognized from the subjects that exhibit them; for if good condition is known, bad condition also becomes known, and good condition is known from the things that are in good condition, and they from it. If good condition is firmness of flesh, it is necessary both that bad condition should be flabbiness of flesh and that the wholesome should be that which causes firmness in flesh. And it follows for the most part that if one contrary is ambiguous the other also will be ambiguous; e.g. that if ‘just’ is so, ‘unjust’ will be so too.

Now ‘justice’ and ‘injustice’ seem to be ambiguous, but because their different meanings approach near to one another the ambiguity escapes notice and is not obvious as it is, comparatively, when the meanings are far apart, e.g. (for here the difference in outward form is great) as the ambiguity in the use of kleis for the collar-bone
of an animal and for that with which we lock a door. Let us take as a starting-point, then, the various meanings of ‘an unjust man’. Both the lawless man and the grasping and unfair man are thought to be unjust, so that evidently both the law-abiding and the fair man will be just. The just, then, is the lawful and the fair, the unjust the unlawful and the unfair.*

Since the unjust man is grasping, he must be concerned with goods—not all goods, but those with which prosperity and adversity have to do, which taken absolutely are always good, but for a particular person are not always good. Now men pray for and pursue these things; but they should not, but should pray that the things that are good absolutely may also be good for them, and should choose the things that are good for them. The unjust man does not always choose the greater, but also the less—in the case of things bad absolutely; but because the lesser evil is itself thought to be in a sense good, and graspingness is directed at the good, therefore he is thought to be grasping.* And he is unfair; for this contains and is common to both.

Since the lawless man was seen to be unjust and the law-abiding man just, evidently all lawful acts are in a sense just acts; for the acts laid down by the legislative art are lawful, and each of these, we say, is just.* Now the laws in their enactments on all subjects aim at the common advantage either of all or of the best or of those who hold power, or something of the sort; so that in one sense we call those acts just that tend to produce and preserve happiness and its components for the political society. And the law bids us do both the acts of a brave man (e.g. not to desert our post nor take to flight nor throw away our arms), and those of a temperate man (e.g. not to commit adultery nor to gratify one’s lust), and those of a good-tempered man (e.g. not to strike another nor to speak evil), and similarly with regard to the other virtues and forms of wickedness, commanding some acts and forbidding others; and the rightly-framed law does this rightly, and the hastily conceived one less well.

This form of justice, then, is complete virtue, although not without qualification, but in relation to another.* And therefore justice is often thought to be the greatest of virtues, and ‘neither evening nor morning star’ is so wonderful; and proverbially ‘in justice is every virtue comprehended’.* And it is complete virtue in its fullest
sense because it is the actual exercise of complete virtue. It is complete because he who possesses it can exercise his virtue not only in himself but towards another also; for many men can exercise virtue in their own affairs, but not in their relations to others. This is why the saying of Bias is thought to be true, that ‘rule will show the man’; for a ruler is necessarily in relation to other men, and a member of a society. For this same reason justice, alone of the virtues, is thought to be ‘another’s good’, because it is related to another; for it does what is advantageous to another, either a ruler or a co-partner.

Now the worst man is he who exercises his wickedness both towards himself and towards his friends, and the best man is not he who exercises his virtue towards himself but he who exercises it towards another; for this is a difficult task. Justice in this sense, then, is not part of virtue but the whole of virtue, nor is the contrary injustice a part of vice but the whole of vice. What the difference is between virtue and justice in this sense is plain from what we have said; they are the same but their essence is not the same; what, as a relation to another, is justice, is, as a certain kind of state without qualification, virtue.*

The just as the fair and equal: divided into distributive and rectificatory justice

2. But at all events what we are investigating is the justice which is a part of virtue; for there is a justice of this kind, as we maintain. Similarly it is with injustice in the particular sense that we are concerned.

That there is such a thing is indicated by the fact that while the man who exhibits in action the other forms of wickedness acts wrongly indeed, but not graspingly (e.g. the man who throws away his shield through cowardice or speaks harshly through bad temper or fails to help a friend with money through meanness), when a man acts graspingly he often exhibits none of these vices—no, nor all together, but certainly wickedness of some kind (for we blame him) and injustice. There is, then, another kind of injustice which is a part of injustice in the wide sense, and a use of the word ‘unjust’ which answers to a part of what is unjust in the wide sense of ‘contrary to the law’. Again, if one man commits adultery for the sake of gain and makes money by it, while another does so at the bidding of appetite though he loses money and is penalized for it, the latter
would be held to be self-indulgent rather than grasping, but the
former is unjust, but not self-indulgent; evidently, therefore, he is
unjust by reason of his making gain by his act. Again, all other
unjust acts are ascribed invariably to some particular kind of wick-
edness, e.g. adultery to self-indulgence, the desertion of a comrade
in battle to cowardice, physical violence to anger; but if a man
makes gain, his action is ascribed to no form of wickedness but
injustice.* Evidently, therefore, there is apart from injustice in the
wide sense another, ‘particular’, injustice which shares the name
and nature of the first, because its definition falls within the same
genus; for the significance of both consists in a relation to another,
but the one is concerned with honour or money or safety*—or that
which includes all these, if we had a single name for it—and its
motive is the pleasure that arises from gain; while the other is con-
cerned with all the objects with which the good man is concerned.

It is clear, then, that there is more than one kind of justice, and
that there is one which is distinct from the whole of virtue; we must
try to grasp what it is and what sort of thing it is.

The unjust has been divided into the unlawful and the unfair,
and the just into the lawful and the fair. To the unlawful answers
the aforementioned sense of injustice. But since the unfair and the
unlawful are not the same, but are different as a part is from its
whole (for all that is unfair is unlawful, but not all that is unlawful
is unfair), the unjust and injustice in the sense of the unfair are not
the same as but different from the former kind, as part from whole;
for injustice in this sense is a part of injustice in the wide sense, and
similarly justice in the one sense is a part of justice in the other.
Therefore we must speak also about particular justice and particular
injustice, and similarly about the just and the unjust. The justice,
then, which answers to the whole of virtue, and the corresponding
injustice, one being the exercise of virtue as a whole, and the other
that of vice as a whole, towards another, we may leave on one side.
And how the meanings of ‘just’ and ‘unjust’ which answer to these
are to be distinguished is evident; for practically the majority of the
acts commanded by the law are those which are prescribed from
the point of view of virtue taken as a whole; for the law bids us
practise every virtue and forbids us to practise any vice. And the
things that tend to produce virtue taken as a whole are those of the
acts prescribed by the law which have been prescribed with a view
to education for the common good. But with regard to the education of the individual as such, which makes him without qualification a good man, we must determine later whether this is the function of the political art or of another; for perhaps it is not the same to be a good man and a good citizen of any state taken at random.

Of particular justice and that which is just in the corresponding sense, (A) one kind is that which is manifested in distributions of honour or money or the other things that fall to be divided among those who have a share in the constitution (for in these it is possible for one man to have a share either unequal or equal to that of another), and (B) one is that which plays a rectifying part in transactions between man and man.* Of this there are two divisions; of transactions (1) some are voluntary and (2) others involuntary—voluntary such transactions as sale, purchase, loan for consumption, pledging, loan for use, depositing, letting (they are called voluntary because the origin of these transactions is voluntary*), while of the involuntary (a) some are clandestine, such as theft, adultery, poisoning, procuring, enticement of slaves, assassination, false witness, and (b) others involve force, such as assault, imprisonment, murder, robbery with violence, mutilation, abuse, insult.

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Distributive justice, in accordance with geometrical proportion

3. (A) We have shown that both the unjust man and the unjust act are unfair or unequal;* now it is clear that there is also an intermediate between the two unequals involved in either case. And this is the equal; for in any kind of action in which there is a more and a less there is also what is equal.* If, then, the unjust is unequal, the just is equal, as all men suppose it to be, even apart from argument. And since the equal is intermediate, the just will be an intermediate. Now equality implies at least two things. The just, then, must be both intermediate and equal and relative (i.e. for certain persons). And qua intermediate it must be between certain things (which are respectively greater and less*); qua equal, it involves two things; qua just, it is for certain people. The just, therefore, involves at least four terms; for the persons for whom it is in fact just are two, and the things in which it is manifested, the objects distributed, are two. And the same equality will exist between the persons and between

the things concerned; for as the latter—the things concerned—are related, so are the former; if they are not equal, they will not have what is equal,* but this is the origin of quarrels and complaints—when either equals have and are awarded unequal shares, or unequals equal shares. Further, this is plain from the fact that awards should be ‘according to merit’; for all men agree that what is just in distribution must be according to merit in some sense, though they do not all specify the same sort of merit, but democrats identify it with the status of freeman, supporters of oligarchy with wealth (or with noble birth), and supporters of aristocracy with virtue.*

The just, then, is a species of the proportionate (proportion being not a property only of the kind of number which consists of abstract units, but of number in general). For proportion is equality of ratios, and involves four terms at least (that discrete proportion involves four terms is plain, but so does continuous proportion, for it uses one term as two and mentions it twice; e.g. ‘as the line A is to the line B, so is the line B to the line C’; the line B, then, has been mentioned twice, so that if the line B be assumed twice, the proportional terms will be four); and the just, too, involves at least four terms, and the ratio between one pair is the same as that between the other pair; for there is a similar distinction between the persons and between the things.* As the term A, then, is to B, so will C be to D, and therefore, alternando, as A is to C, B will be to D. Therefore also the whole is in the same ratio to the whole;* and the distribution pairs them in this way, and if they are so combined, pairs them justly. The conjunction, then, of the term A with C and of B with D is what is just in distribution, and this species of the just is intermediate, and the unjust is what violates the proportion; for the proportional is intermediate, and the just is proportional.* (Mathematicians call this kind of proportion geometrical;* for it is in geometrical proportion that it follows that the whole is to the whole as either part is to the corresponding part.) This proportion is not continuous; for we cannot get a single term standing for a person and a thing.

This, then, is what the just is—the proportional; the unjust is what violates the proportion. Hence one term becomes too great, the other too small, as indeed happens in practice; for the man who acts unjustly has too much, and the man who is unjustly treated too little, of what is good.* In the case of evil the reverse is true; for the
lesser evil is reckoned a good in comparison with the greater evil, since the lesser evil is rather to be chosen than the greater,* and what is worthy of choice is good, and what is worthier of choice a greater good.

This, then, is one species of the just.

Rectificatory justice, in accordance with arithmetical proportion

4. (B) The remaining one is the rectificatory,* which arises in connection with transactions both voluntary and involuntary. This form of the just has a different specific character from the former. For the justice which distributes common possessions is always in accordance with the kind of proportion mentioned above (for in the case also in which the distribution is made from the common funds of a partnership it will be according to the same ratio which the funds put into the business by the partners bear to one another); and the injustice opposed to this kind of justice is that which violates the proportion.* But the justice in transactions between man and man is a sort of equality indeed, and the injustice a sort of inequality; not according to that kind of proportion, however, but according to arithmetical proportion. For it makes no difference whether a good man has defrauded a bad man or a bad man a good one, nor whether it is a good or a bad man that has committed adultery; the law looks only to the distinctive character of the injury, and treats the parties as equal, if one is in the wrong and the other is being wronged, and if one inflicted injury and the other has received it. Therefore, this kind of injustice being an inequality, the judge tries to equalize it; for in the case also in which one has received and the other has inflicted a wound, or one has slain and the other been slain, the suffering and the action have been unequally distributed; but the judge tries to equalize things by means of the penalty, taking away from the gain of the assailant.* For the term ‘gain’ is applied generally to such cases—even if it be not a term appropriate to certain cases, e.g. to the person who inflicts a wound—and ‘loss’ to the sufferer; at all events when the suffering has been estimated, the one is called loss and the other gain. Therefore the equal is intermediate between the greater and the less, but the gain and the loss are respectively greater and less in contrary ways; more of the good and less of the evil are gain, and the contrary is loss; intermediate between them is, as we saw, the