Aristotle's Justice

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Men would not have known the name of justice had these things not occurred.

Heracleitus

John Rawls (1999: 3) begins his *A Theory of Justice*, famously, by saying, “Justice is the first virtue of social institutions, as truth is of systems of thought.” For Socrates, Plato, and Aristotle, each in his own way, justice is the first virtue of individual human beings. Thus Socrates in Plato’s *Criton* maintains that for an unjust person life is not worth living. Plato’s *Republic* argues that justice is the natural expression in the field of human relations of a properly oriented and healthy individual life. Aristotle argues in the *Nicomachean Ethics* that justice (in one use of the term) counts as the whole of virtue and that (in another use of the term) it is the virtue that expresses one’s conception of oneself as a member of a community of free and equal human beings: as a citizen.

Preliminaries

Book V of the *Nicomachean Ethics* is our principal source for Aristotle’s views on justice, although passages in other texts, especially *Politics* III, are relevant as well. It will be useful to have on the table a brief summary of the main topics taken up in *NE V*.

The book divides roughly into two main sections. The first section, chapters 1–5, deals with justice as a state of character:

Chapter 1 distinguishes between *universal justice*, with connections to virtue generally and to the law, and *particular justice*, the last of the individual virtues of character that Aristotle began discussing, one by one, in *NE III*.

Chapter 2 argues for the existence of particular justice and distinguishes its two types, distributive justice and corrective justice.

Chapters 3 and 4 aim to establish senses in which distributive and corrective justice aim at what is intermediate, just as the other virtues of character do.
Chapter 5 begins with a discussion of reciprocity and concludes with an effort at making particular justice conform to the doctrine of the mean.

The second section of Book V (chapters 6–11) takes up questions of justice and responsibility. The treatment of these topics, however, is no sooner begun than it is interrupted by a discussion of political justice that takes up most of chapter 6 and all of chapter 7. The treatment of justice and responsibility breaks down as follows:

Chapter 6 distinguishes between doing an injustice and being an unjust person (1134a17–23).

Chapter 7 explains how just actions may be seen either as universals or as particulars and distinguishes between, on the one hand, acts of justice and injustice and, on the other, just and unjust actions.

Chapter 8 takes up voluntary action and distinguishes three ways of harming people.

Chapter 9 answers several questions about justice: Can one voluntarily suffer injustice? Can one voluntarily suffer justice? Does one who suffers an unjust action suffer injustice? Who does injustice in an unjust distribution? It also tries to clear up three misconceptions about justice and injustice and to demarcate the sphere of justice.

Chapter 10 a celebrated chapter, discusses equity.

Chapter 11 answers two more questions. Can one do injustice to oneself? Is it worse to do or to suffer injustice?

The digression on political justice, finally, goes as follows:

Chapter 6 announces that the topic all along has been political justice. Aristotle explains what it is and distinguishes it from other forms of justice similar to it.

Chapter 7 discusses the two forms of political justice, natural justice and legal justice.

In discussing justice, Aristotle uses a variety of cognates of the Greek words for "justice" and "injustice." I have been uniform in translating these terms:

- δικαιοσύνη (n.) = justice
- δικαιοσύνη (adj.) = just (person)
- δικαιοσύνη (adj.) = unjust (person)
- δικαιοπράξειν (v.) = to do justice
- δικαιοπράξειν (n.) = doing justice
- δικαιοπράξειν (n.) = act of justice
- δικαιοπράξειν (v.) = to suffer justice
- δικαιοπράξειν (n.) = suffering justice
- δικαιοσύνη (n.) = injustice
- δικαιοσύνη (adj.) = unjust (action)
- δικαιοσύνη (adj.) = unjust (action)
- δικαιοσύνη (v.) = to do injustice
- δικαιοσύνη (n.) = doing injustice
- δικαιοσύνη (n.) = act of injustice
- δικαιοσύνη (v.) = to suffer injustice
- δικαιοσύνη (n.) = suffering injustice

Later (V.7.1135a12–13) Aristotle will argue that the term "just act" (dikaiopragēma, n.) is to be preferred over the term "act of justice" (dikaiōma, n.) because an act of justice, strictly speaking, is a correction of an act of injustice (adikēma).

In what follows, I take up several of many important topics that Aristotle's discussion of justice raises. There are many other topics that I am unable to take up, and those I do take up receive limited treatment. For other topics and more detailed treatments, see Kraut (2002: 98–177) and Young (forthcoming).

Universal vs Particular Justice

In NE V.1–2, Aristotle distinguishes between two forms of justice. Universal justice (sometimes called general justice, sometimes broad justice), he tells us, amounts to the whole of virtue. Particular (specific, narrow) justice, in contrast, is an individual virtue of character coordinate with courage, temperance, liberality, and so on, and is, like each of them, a part of universal justice. Aristotle warned us about this complexity in justice at the end of his brief accounts of the various virtues of character in NE II.7: "After this, we'll talk about justice, since it is not a simple notion, distinguishing its kinds and explaining how each is a mean state" (1108b7–9). Aristotle does explain in NE V.5 how particular justice is a mean state, but he does not explain how universal justice is. Presumably he takes it for granted that universal justice is a mean state in that it comprises a number of particular virtues, including particular justice, each of which is itself in some way a mean state.

Aristotle's argument for the distinction between universal and particular justice appeals in the first instance to facts of linguistic usage. He tells us that the Greek adjective unjust sometimes describes one who disobeys the law and sometimes one who is greedy (pleonēkeis), i.e., unequal or unfair (aminis). Aristotle is right in claiming that the language of justice in Greek is ambiguous in this way. So, for example, people accused of breaking the law in Athens were accused in the indictments against them of "doing injustice" (adikein). Thus the charge against Socrates stated: "Socrates does injustice in corrupting the young and in believing not in the gods in which the city believes, but in other, new spiritual beings" (Apology 24b8–c1). And in Republic I, Thrasymachus, when he recommends injustice over justice, invites us to consider "the unjust man . . . who is able to be greedy on a large scale" (343c7–344a2). Thus unjust can be used to describe two different kinds of people, those who break the law and those who are motivated by greed. Just can similarly be used of those who conform to the law and of those who are not motivated by greed, and so, too, mutatis mutandis, with justice and injustice. Justice in the first sense — universal justice — will prove to be the same state as virtue generally. Justice in the second sense — particular justice — is a virtue coordinate with the other individual virtues of character that Aristotle takes up in NE III–V.
There are problems with Aristotle's equation of universal justice with lawfulness. Aristotle thinks that the laws in any political community aim at the happiness of its citizens, whether all or some of them (NE V.1.1129b14–19). Laws might miss this mark in at least two ways. First, those who draw up the laws might be wrong about what the happiness of its citizens consists in but successful in creating laws that promote that ill-conceived happiness. Aristotle himself thinks that happiness consists in the realization of rationality in thought and action and that the laws in a proper human community will promote this aim. Oligarchs, in contrast, think that happiness consists in the attainment of wealth or property. Let us suppose for the sake of the point that Aristotle is right and the oligarchs are wrong. Let us also suppose that a group of oligarchs enact laws that do indeed promote the attainment of wealth. What are we to say about obedience to such laws? Is it just because it conforms to the law? Or is it unjust because it does not conform to what the law should be? Second, those who draw up the laws, whether or not they are right about what happiness consists in, might do a poor job of implementing the conception of happiness they hold. Thus a second group of oligarchs might think that a certain tax code promotes the attainment of wealth, when in fact it hinders it. Compliance with the code would conform to the law, but not with the law as it should be, nor even with the law as it should be by the oligarchs' own lights.

Aristotle does not articulate these problems, much less address them, although he does at least envisage the possibility of poorly crafted laws at V.1.1129b24–5. But a proposal that captures the spirit of his ideas would be to make ascriptions of justice and injustice relative. We might score political communities both on their views of the nature of happiness and on their success in implementing those views, and assess the justice and injustice of a community’s policies accordingly. Thus policies can be just or unjust according as they promote the correct or an incorrect view of happiness, and just or unjust according as they promote the view of happiness they seek to promote. Aristotle, however, fails to implement its incorrect view of happiness, which will be unjust when seen from the perspective of a proper human community, but just when seen from the oligarch's own perspective. Obedience to the law in the second oligarchy, which fails to implement its incorrect view of happiness, will be unjust both from the point of view of a proper human community and also unjust from its own perspective.

The identity of universal justice with lawfulness carries with it, for Aristotle, an identity of universal justice and virtue of character:

But the law also prescribes certain conduct: the conduct of a brave man, for example, not to desert one's post . . . that of the temperate man, for example, not to commit adultery or outrage . . . and so on with the actions exemplifying the rest of the virtues and vices, commanding these and forbidding those—rightly, if the law has been

rightly enacted, not so well if it has been made at random. Justice in this sense is complete virtue. (V.1.1129b20–26)

For, again, the law aims to promote the happiness of citizens, and virtuous activity promotes happiness; the law requires the same forms of conduct that the virtues of character require. The identity of universal justice, lawfulness, and virtue as a whole thus brings together two major themes of Aristotle's moral and political philosophy: the moral idea that acting virtuously promotes happiness and the political idea that the political community exists to promote the happiness of its citizens.

The Scope of Particular Justice

Aristotle limits the scope of the goods with which particular justice and injustice are concerned to external goods or goods of fortune (V.1.1129b1–3). A list of external goods that Aristotle gives at NE I.8.1099a31–b8 includes friends, wealth, political power, good birth, satisfactory children, and personal beauty. Plainly justice and injustice will not have to do with all of these, and at NE V.2.1130b2, Aristotle accordingly narrows the list of external goods with which justice and injustice are concerned to honor, wealth, and safety. These all seem to be things that one might want more than one's fair share of, i.e., things that one might be greedy for.

It is easy to see how justice and injustice are possible with regard to honor and wealth, less easy to see with regard to safety. Aristotle may have in mind cases in which one person avoids risks that others are then forced to assume. At Rhetoric I.13.1373b20–24, he distinguishes between doing injustice to individuals and doing injustice to the community (to koînôn), maintaining, for example, that one who commits adultery or assault does injustice to some individual, whereas one who avoids military service does injustice to the community. It would be a mistake, however, to conclude from this example that an act of injustice to the community does not involve an act of injustice to some specific person. If one unjustly avoids military service, the victim of my injustice is not only my city but also the person, whoever he may be, who must serve in my place.

Note that particular justice, in being concerned with honor, wealth, and safety, overlaps with other virtues of character: with magnanimity (NE IV.3) and proper pride (IV.4), which deal with honor; with liberality (IV.1) and magnificence (IV.2), which deal with wealth; and with courage (III.6–9), which deals with safety. Presumably, particular justice has a different concern with honor, wealth, and safety from that of the other virtues. Aristotle makes no effort to tell us what the difference might be, but perhaps his idea is that, for example, my cheating on my taxes shows both something about my attitude toward wealth—a concern of liberality—and something about my attitude toward those other citizens who must shoulder the burden I have shirked—a concern of justice.
Justice and the Doctrine of the Mean:
The Problem

Aristotle thinks that each virtue of character—courage, temperance, liberality, and so on—is associated, not with a single vice, the virtue’s opposite (as Socrates and Plato thought), but rather with a plurality of vices. Thus, he associates courage with rashness, cowardice, and arguably other vices as well; temperance with prodigality and insensibility; liberality with prodigality and a variety of strains of illiberality; and so on. Moreover, Aristotle holds—indeed, he is famous for holding—a general thesis as to how the virtue in each sphere is related to its correlative vices: the “doctrine of the mean,” as the thesis is called.

In explaining the doctrine at NE II.6.1107a2–6, Aristotle distinguishes two sub-themes of it, which I shall call location and intermediacy. Location is the idea that each virtue is a mean state (mesotes) that is in some way “between” a pair of vicious states, one of excess and one of deficiency. Intermediacy is the idea that each virtue is a mean state expressed in actions and passions that are in some way “intermediate” (meson) relative to the actions and passions in which its correlative vices are expressed. Thus, courage is in some sense located “between” rashness and cowardice, and courageous actions are in some sense intermediate relative to rash actions and cowardly actions. (For more, see Young 1996: 89.)

Particular justice would seem to be a counter-example to both of these sub-themes. In the first place, Aristotle associates only one vice— injustice—with justice; he does not claim that it is a mean state between a pair of vices, one of excess and one of deficiency. This problem about location produces a problem about intermediacy. If justice is indeed associated with only one vice, it is hard to see how the notion of intermediacy can have any purchase with regard to just actions. Aristotle’s solution to these difficulties is, as we shall see, to find special senses in which location and intermediacy are true of particular justice. Even after he has done this, though, he will admit that location breaks down, at least partially, in the case of particular justice: “Justice is a mean state, though not in the same way as the other virtues” (V.5.1133b32–1134a1).

Distributive and Corrective Justice

NE V.2 ends by dividing particular justice into two kinds, distributive justice and corrective justice; and these are the subjects, respectively, of V.3 and V.4. Aristotle’s principal aim in these discussions is to find a way to represent what is just in distribution and correction as “intermediate” between two extremes. This will enable him in V.5 to give senses in which intermediacy and location hold for particular justice.

Distributive justice is concerned with the distribution of “honor, wealth, and other items that may be divided among those who share in a political arrangement” (V.2.1130b31–2). Earlier in V.2, Aristotle had listed safety along with honor and wealth (1130b2); presumably he means to include it among the “other things” here. On Aristotle’s analysis, distributive justice involves the allocation to persons of shares of one of these goods (V.3.1131a19–20). Such a distribution will count as just if and only if equal persons receive equal shares (1131a20–24). Equality of shares—what counts as an equal share of wealth, honor, or safety—will typically be easy to measure. Equality of persons will often be more difficult. “Everyone agrees,” Aristotle says, “that just action in distributions should accord with some sort of worth, but what they call worth is not the same thing” (1131a25–7). The distribution of political authority is a star example: democrats propose that free citizenship is the proper basis for its distribution, oligarchs propose wealth, and aristocrats virtue or excellence (a27–9). (Aristotle tries to resolve this dispute in Politics III.) For our purposes, though, we can set aside these problems. What matters for us is that just action in distribution distributes equal shares to equal persons. Here the kind of equality is what mathematicians call “geometric” equality or equality of ratio. A distribution involving two parties, Socrates and Plato say, will be just if and only if the worth of the share distributed to Socrates is to Socrates’ worth as the worth of the share distributed to Plato is to Plato’s worth, where worth is measured by whatever are the correct standards.

Why does Aristotle think that this counts in some way as intermediate? We can answer this question by looking at just and unjust distributions in a simple case. Suppose that Socrates and Plato invest money in some enterprise, and the time comes when the profits earned are distributed. Distributive justice requires that equal persons receive equal shares. Here the mesure of equality of persons is the size of the investment each has made. Suppose that Socrates has invested 20 minae, that Plato has invested 10 minae, and that there are now 60 minae in profits to divide between them. Plainly it is just to give Socrates, who has invested twice as much as Plato has, twice as much of the profits as Plato: 40 minae for Socrates vs. 20 minae for Plato. An unjust distribution would be one that violates this proportion. Suppose a distribution goes wrong by 5 minae, either by giving Socrates 45 minae and Plato 15 or by giving Socrates 35 and Plato 25. Then the amount that Socrates receives in the just distribution—40 minae—is intermediate between what he gets in the first unjust distribution—45 minae—and what he gets in the second unjust distribution—35 minae. Thus a just share is intermediate between a share that is too large by some amount and a share that is too small by that same amount.

Corrective justice, the subject of V.4, is concerned not with distributions but with restoring the equality between people when one has wronged the other. In such cases, the worth of the people involved does not matter. “It makes no difference whether a good man has defrauded a bad man or a bad man a good one... the law looks only to the distinctive character of the injuries, and treats the parties as equals where one is in the wrong and the other is being wronged” (1132a2–6). In a case in which one person has wronged another, an inequality
between the two people has been created, and corrective justice seeks to restore equality by taking away the perpetrator’s “gain” (or its fungible equivalent) and restoring it to the victim. Here the kind of equality is not geometric equality but what Aristotle calls (following the mathematical terminology of his day) “arithmetic” equality or equality of difference: the difference between the victim’s position after the correction and his position before the correction is equal to the difference between the perpetrator’s position before the correction and her position after the correction. An illustration: if Plato has taken 10 minae that belong to Socrates, corrective justice will take 10 minae from Plato and restore it to Socrates. Socrates will then be better off after the correction by the same amount that Plato will be worse off: 10 minae. And Aristotle claims that what is equal here is also intermediate, since the restored position of equality, in which each party has again what he had before, is intermediate between the improved position of the perpetrator and the impaired position of the victim. When Plato takes 10 minae from Socrates, Plato is up 10 minae and Socrates is down 10. When equality is restored, both are back at ground zero. Each is at a position intermediate between Plato’s being up 10 minae and Socrates’ being down 10. Thus both distributive justice and corrective justice aim at what is intermediate. (Note that corrective justice, as Aristotle understands it, is concerned only with the restoration of the original positions between the principals. Concerns over, for example, punishment do not arise, and indeed would in most instances be posterior to the determination, in achieving corrective justice, of the nature of the wrong done. That more will be required of the offender than what he has inflicted is noted in *Magna Moralia* 1.33.1194a37–b2.)

### Reciprocity

Before taking up the question of how particular justice squares with the doctrine in *NE V.²*, Aristotle launches into a discussion of reciprocity, much of which appears to be a digression. In the passage in question (1132b21–1133a28), Aristotle tells us that the Pythagoreans defined justice as reciprocity, but he does not tell us anything about the substance of their view or their reasons for holding it. He also notes that reciprocity is not to be identified with either of the forms of particular justice discussed in *NE V.³* and *NE V.⁴*, distributive justice and corrective justice. He gives no reasons for thinking that reciprocity is not to be identified with distributive justice; he may assume that this is obvious. He does give reasons for thinking that reciprocity is not to be identified with corrective justice. He then makes some positive remarks about the importance of reciprocity to a city, an importance celebrated by the establishment of shrines to the Graces. After these brief remarks (1132b21–1133a5), we get an extended discussion about how reciprocity in exchange is achieved and about the importance of money in achieving it.

The first, briefer, part of the discussion is arguably on point, although it may belong at the end of *NE IV*. The idea that reciprocity in the form of the *lex saliens*—the idea that an offender’s punishment should correspond in kind and degree to the wrongdoing he has committed—is corrective justice is a plausible and widely held view, and Aristotle is committed, methodologically, to taking such views seriously. Thus it would be very much in order for him to tell us why that view is mistaken. It would also be in order for Aristotle to say something about the importance of reciprocity to a city, given that it is not to be identified with either form of particular justice. However, the second, longer, part of the discussion of reciprocity, on exchange and money, is harder to connect to the discussion of particular justice. Aristotle has just told us that reciprocity is not to be identified with distributive or corrective justice, and those two types are all there is to particular justice. Moreover, the discussion of justice and the doctrine of the mean that follows the discussion of reciprocity and money reads as if the latter discussion were not there. So perhaps we should treat it as an appendix of some sort, whose relevance to the main discussion Aristotle would have clarified in a later draft.

### Grace

Here is the passage in which Aristotle outlines the positive importance of reciprocity to a city:

For people seek to return both evil for evil (if they cannot, it seems to be slavery) and good for good, since otherwise exchange does not occur... This is why people put up shrines to the Graces in prominent places: that there shall be paying back. For what is special about grace is that it’s gracious for one who has been shown favor to do a kindness in return, and for him to go first in showing favor next time out. (V.5.1132b33–1134a5)

Aristotelian grace thus takes the good that we do for one another and returns, magnifies, and ramifies it. As a response to goodness, Aristotelian grace should be distinguished both from the grace of God and from grace under pressure (what Hemingway called "guts"), each of which responds to evil. The grace of God is God's response, if we are fortunate, to the evil that we do to one another. Grace under pressure is our response, if we are fortunate, to the evil that God — the world and other people, if you prefer — does to us.

Aristotle makes two main points about the operation of grace in the passage quoted above. First, grace enjoins us to return kindnesses that we have received: If you invite me to dinner, it is gracious for me to reciprocate. It is worth noting that the kindness done in return need not, and sometimes cannot, be done to the person who performed the original kindness. So it is, for example, with what we owe to those responsible for our training in philosophy. "For such gifts the only
proper return is the endeavor to make worthy use of what one has learned,” as Myles Burnyeat (1982: 40 n40) says in connection with Bernard Williams. Indeed, a kindness done in return need not be done to the specific individuals who benefited from the original kindness: “Lafayette, we are here.”

Aristotle’s second point is that grace enjoins one who has received a kindness “to go first . . . next time out.” If you have invited me to dinner, you have done me the kindness of the invitation. You have also done me the kindness of extending an invitation that is not a response to a previous invitation. It is gracious for me to return both kindnesses. Thus it is gracious for me to reciprocate the kindness of your original invitation by inviting you to dinner. It is also gracious for me to reciprocate the kindness of your extending an invitation that is not a response to a previous invitation by extending a similar invitation to you.

There would seem to be an appealing regress here: a gracious regress, if I may. You invite me to dinner (T). According to Aristotle’s first point, it is gracious for me to reciprocate (M). That is a cycle, TM. According to his second point, it is gracious for me to initiate the next cycle, MT. But now we have a larger cycle, TMMT, which you initiated. So it is gracious for me to initiate a second larger cycle, MMTTM. And so on, and on. It is thus a theorem of Aristotelian grace that if you do me a kindness, I will be forever in your debt. Aristotle may think that in “going first . . . next time out” I square things with my benefactor. If so, our gracious regress is vicious against this thought. Kant goes straight to the heart of the matter: “For even if I repay my benefactor tenfold, I am still not even with him, because he has done me a kindness that he did not owe. He was the first in the field . . . and I can never be beforehand with him” (Kant 1930: 222).

### Political Justice

Having wrapped up his discussion of justice and injustice as states of character at the end of V.5, Aristotle takes up a new topic in V.6, only to drop it forthwith and return to the subject of justice and injustice:

> We must not forget that what we are seeking is also unqualifiedly just action and politically just action. This is found among people who share in a life aimed at self-sufficiency, people who are free and either proportionately or arithmetically equal, so that for those who do not have these features there is no politically just action, but only a certain just action, just in virtue of a similarity. For there is just action among those in relation to whom there is also law . . . (1134a24–30)

A problem in understanding this important remark is whether, in describing “what we are seeking” as “unqualifiedly just action and politically just action,” Aristotle is referring to two separate actions (as in “I'll start my car and drive to town”) or to one thing twice, the second time in a way that explains or explicates the first (as in “I'll obey the law and pay my taxes in full”). Are “unqualifiedly just action” and “politically just action” two names for two things or two names for one thing?

The text of NE V.6, though not conclusive, leans toward the second option. In the first place, 1134a24–30 goes on to say that politically just action is found among people “who share in a life aimed at self-sufficiency,” who are “free,” and who are “either proportionately or arithmetically equal,” but it nowhere tells us what unqualifiedly just action is. This makes sense if “politically just action” explicates “unqualifiedly just action,” since the statement of what politically just action consists in will also be a statement of what unqualifiedly just action consists in. If unqualifiedly just action and politically just action are two different things, the lack of an explanation of what unqualifiedly just action is would be mysterious.

Second, 1134a24 goes on to say that there is no politically just action among people who are not free and equal, only “something just in virtue of a similarity [σιδικαίων ή καθ' ομοιοτέταια] (1134a29–30). Presently (1134b8–18), he will tell us that no unqualifiedly just action or politically just action obtains between master and slave, between father and child, or between husband and wife, only something “similar” (homoioa). Thus, the first passage contrasts politically just action with that which is just “in virtue of a similarity,” while the second contrasts unqualifiedly just action and politically just action with something “similar.” Presumably, we have the same contrast both times. If so, again unqualifiedly just action and politically just action are the same thing.

Politics III.6–7 confirms the point. There, Aristotle classifies political arrangements or constitutions into types according to whether (a) one person (typically the rich), or many people (typically the poor) rule, and (b) the arrangement is correct in promoting the common interest or incorrect in promoting the rulers’ interest. Thus we have six possible political arrangements:

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<thead>
<tr>
<th></th>
<th>Correct</th>
<th>Incorrect</th>
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<tbody>
<tr>
<td>One</td>
<td>Monarchy</td>
<td>Tyranny</td>
</tr>
<tr>
<td>Few (rich)</td>
<td>Aristocracy</td>
<td>Oligarchy</td>
</tr>
<tr>
<td>Many (poor)</td>
<td>Polity</td>
<td>Democracy</td>
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Near the end of Politics III.6, Aristotle makes it plain that unconditional justice is restricted to cities with good rulers: “It is clear that those political arrangements that aim at the common interest are correct in conforming to what is unqualifiedly just, while those that aim at the interest of their rulers alone are all mistaken and are perversions of the correct political arrangements” (1279a17–20). Thus Aristotle affirms that political justice, as it is found in communities with correct constitutions, conforms to what is unqualifiedly just. It will be clear that unqualifiedly just and political justice coincide if he also holds that only such communities enjoy political justice. And indeed he does. NE V.6.1134a27 asserts.
action is possible only among people who are free and equal. And according to Politis III.6.1279a21, communities with incorrect political arrangements do not meet the condition of freedom: "These political arrangements [viz., the incorrect ones] are despotic, and a city is an association of free men." Indeed, it is precisely because they are despotic that these arrangements are mistaken and perverted (a19–21). It is safe to conclude, therefore, that unqualifiedly just action and politically just action in NE V.6 are one and the same thing, differently described.

Pleonexia

Aristotle begins his development of the distinction between universal and particular justice with the observation "Both one who breaks the law and one who is greedy seem to be unjust" (V.1.1129a31–2), and his first argument for the existence of particular justice appeals crucially to the notion of greed (V.2.1130a16–24). Thus greed is central to Aristotle's conception of particular justice. Here "greed" translates *pleonexia*; literally, "having more." Other translations include "overaching," "getting more than one's fair share," "aggrandizement," and "graspingness." So what, exactly, is *pleonexia*, that is, Aristotelian greed?

Nobody knows. Aristotle says at one point, though, that the motive for particular injustice is the pleasure that comes from gain (V.2.1130b19–22). This remark requires some qualification, since plainly it is common for people to act on the desire for gain without being unjust: consider, for example, business owners or investors. But the notion of excess is built into the word *pleonexia*, so perhaps Aristotle's idea is that a desire for excessive gain is at the heart of greed: in particular, a desire for gain that goes beyond one's fair share (see Hardie 1968: 187). A case will help to illustrate the idea. Suppose that I owe you some money. I might want to keep the money I owe you so that I will have more money rather than less. If I act on that desire, on the current suggestion I will act unjustly.

One difficulty with this suggestion is that Aristotle associates the desire for excessive gain with the vice of illiberality (see, for example, NE IV.1.1122a2–3, and EEs III.4.1232a11–12). If he was right in saying that, then he is wrong in saying, at V.2.1130b19–20, that actions done from greed are not expressions of any of the vices discussed in NE III–IV. A second difficulty is that if there is such a thing as desire for excessive gain, and that desire were distinctive of injustice, then presumably there is also such a thing as a desire for deficient gain, i.e., for less than one is entitled to, and such a thing as a vice of deficiency, which is also associated with justice - injustice to oneself, say. But Aristotle makes no provision for any such vice (see V.5.1133b32–1134a1); indeed, he vigorously denies that one can be unjust to oneself (see V.11.1138a4–28). Furthermore, far from thinking that desiring less than one's fair share is vicious, Aristotle counts the willingness to accept less than one is entitled to as a mark of equity (V.10.1138a1–2), something better than justice.

A second suggestion regarding Aristotelian greed as the desire for more than one's fair share is that greedy people desire not simply to have more rather than less, but also to have more than their fair share (on one form the suggestion might take, see Engberg-Pedersen 1988: 59; Curzer 1995: 215–17) or to cause others to have less than their fair share (on another form of the suggestion, see Kraut 2002: 138–41). Thus, in the example in which I want to keep the money I owe you, I desire to have more rather than less. But I also desire to have more than my fair share (on the first version of the suggestion) or in causing you to have less than your fair share (on the second): the unfairness is part of what appeals to me.

There is no doubt, I think, that the states of mind under discussion are possible states and that they are bad states. The question is whether they are the states of mind that Aristotle thinks are constitutive of greed. Consider the first case he gives in arguing for the existence of particular injustice at the beginning of V.2. One man commits adultery for pleasure, another for profit. The former action is profligate, the latter unjust. The most straightforward way to construe the profit example is to say, for example, that the second man seduces the woman because someone paid him to do it, or because he wished to gain entry into her house in order to steal something. Perhaps we could construe profit broadly, so that getting more physical pleasure than he deserves, or disgracing the woman, or her husband, or her family, counts as profit (though it is unclear how this counts as securing excessive money, honor, or safety - the goods with which justice and injustice are concerned). But there is no good reason to read the example in this way, except to save the interpretation. So, too, with the other cases of unjust action in the NE.

Further, it is not clear that the states of mind under discussion are plausibly to be seen as unjust at all. As Rawls (1999: 385–6) notes, unjust people and evil people are both prepared to do wrong or unjust things. They differ in that unjust people want more than their fair share of goods, the appropriate pursuit of which is legitimate, whereas evil people want this and more. Evil people want, in addition, to display their superiority over others and to humiliate them. They love injustice itself, and not merely the external goods that injustice can bring. The states of mind under discussion are, I take it, much closer to that of Rawls's evil man than that of his unjust man.

Rawls says that unjust people want more than their fair share of goods, the appropriate pursuit of which is legitimate. This remark suggests a way of understanding Aristotelian greed different from those we have considered so far. For if this is what unjust people are like, then the difference between just people and unjust people will be that just people desire external goods only when their appropriate pursuit is legitimate, while unjust people continue to desire such goods even when their pursuit is illegitimate. In our example, if I owe you money and I am just, I will not want to keep your money. If I am unjust, I will. So understood, Aristotelian greed is not to be identified simply with some form, simple or
complex, of the desire for excessive gain. It consists, rather, in the absence of a certain restraint on the desire for gain. A just person does not want gain when it involves taking what belongs to another. An unjust person is not similarly restrained.

If this is indeed what Aristotle means by greed, he is right to say, as he does at V.2.1130b19–20, that actions performed from greed are not expressions of any of the vices discussed in NE III–IV, illiberality in particular. For the mark of illiberality is the desire for excessive gain, and the mark of injustice is the absence of a particular inhibition on the desire for gain. Evidently Aristotle is also right not to seek a second vice to associate with justice. For if justice consists in the appropriate curbing of the desire for gain, and injustice in the failure to curb that desire appropriately, it is hard to see what is left for a second vice to consist in.

Justice and the Doctrine of the Mean:
Aristotle’s Solution

Aristotle attempts at the end of V.5 to square his account of justice with the doctrine of the mean. Recall that the doctrine has two parts: location, according to which each virtue is in some sense “between” two vices, one of excess and one of deficiency, and intermediacy, the idea that virtuous action is in some sense “intermediate” between the actions expressive of those vices. Here is what Aristotle says about justice and intermediacy: “We have now defined the unjust and the just. These having been marked off from each other, it is plain that just action is intermediate between acting unjustly and being unjustly treated; for the one is to have too much and the other to have too little” (V.5.1133b29–1134a1). This should come as a surprise. In the first place, intermediacy should place just action between two sets of actions that are not just. Here, though, Aristotle places just action between acting unjustly and being unjustly treated. Furthermore, as we saw earlier, Aristotle argued in V.3 that what is just in distribution is intermediate between a share that is too great and a share that is too small. He argued in V.4 that what is just in correction is intermediate between profit (viz., the profit that an unjust agent secures) and loss (viz., the loss that the agent’s victim suffers). Here he tells us, with no preparation, that doing justice — doing what is just — is intermediate between acting unjustly and being unjustly treated. It is hard to see how the remarks on intermediacy here fit with the remarks on intermediacy in V.3–4.

One possibility is this: Aristotle means that (a) my treating you justly is intermediate between (b) my treating you unjustly, in which case I get more than my fair share, and (c) my treating myself unjustly, in which case I get less than my fair share. Some scholars (for example, Curzer 1995: 218–22) think this is what Aristotle should have said in any event, since it represents justice as “between” a pair of vices, injustice and self-abnegation, as we might call (c) injustice to oneself.

One problem with this interpretation is that it takes no account of the explanations of intermediacy in V.3–4. A second problem is that, even if Aristotle would have a better view if he took this line — and this is not obvious — the fact remains that he does not. He never attempts to associate justice with a pair of vices. Moreover, he has what he regards as good and sufficient reason not to take this line — for he will argue at V.11.1138a4–28 that one cannot do injustice to oneself. Indeed, it is not far-fetched to suggest that part of the point of Aristotle’s including the discussion of justice and responsibility that occupies most of the rest of NE V is precisely to explain why he does not take the line under discussion.

A second possibility is this: Aristotle means that (a) my treating you justly is intermediate between (b) my treating you unjustly, in which case I get more than my fair share, and (c) your treating me unjustly, in which case I get less than my fair share. This interpretation has two disadvantages. First, it is awkward that in (a) and (b) I am the agent and you are the patient, while in (c) you are the agent and I am the patient. And, second, apparently, the interpretation, like the preceding one, takes no account of the explanations of intermediacy in V.3–4.

We can, I suppose, swallow the first difficulty. And perhaps we can answer the second. Suppose I refuse to repay the money I owe you. Corrective justice will then require that my unjust gain — the money of yours that I have kept — be taken from me and restored to you. Thus corrective justice will bring about the very same outcome that would have been brought about if I had acted justly toward you in the first place. And since corrective justice aims at what is intermediate between gain and loss — between what I get if I act unjustly and what you lose if you are unjustly treated — we can say that just conduct aims at that intermediate situation as well. Similar remarks can be made about cases involving distribution.

An advantage of this interpretation is that it may go some way toward explaining why Aristotle thinks the discussion of distributive and corrective justice in V.3–4 is relevant to the analysis of justice seen as the contrary of Aristotelian greed, the subject of V.1–2. Unjust conduct as described in V.1–2 is conduct that corrective justice as described in V.3 exists to make good on: theft, adultery, murder, assault, robbery, breach of contract, and so on (see the end of V.2 for the complete list). So why does Aristotle think that the discussion of distributive and corrective justice is even relevant to the understanding of justice as the contrary of Aristotelian greed? Perhaps because he thinks the perspective of a distributor or corrector is a perspective my assumption of which will allow me to bracket my personal interest in the outcomes of the various choices I might make, and thus allow me to see, in a disinterested way, what justice requires of me.

In Young (1989: 246) I give an example that illustrates what Aristotle may have in mind. I back my car out of my driveway, destroying your bicycle, which you have left there. A predictable dispute arises. We agree that I owe you compensation to the degree that I was negligent in not looking before backing my car out and to the degree that you were negligent in leaving your bicycle in my driveway. But
we disagree about which of us was the more negligent. You stress my error in not looking before backing out my car. If you are rude, you note that it might have been a child, not just a bicycle, that I ran over. I stress your error in leaving your bicycle where you did. If I am rude, I express the hope that you take better care of your child than you do of your bicycle.

To settle our dispute we might take it to a third party for adjudication. Each of us would expect the arbiter to decide the case from a disinterested perspective. The arbiter will treat each of us, and our respective claims, equally. She will look only at the fact that a bicycle left in a driveway by one person was destroyed by a second person who backed over it, and not care which of us owned the bicycle and which the car. And she will fix responsibility as the facts and the relevant principles demand.

The arbiter’s decision helps us to see what justice requires of each of us in the original case. The arbiter assumes a disinterested perspective on the matter, seeing us only as two members of a community of free and equal persons, each with our own needs and interests. She is made aware of the facts of the case, and she is asked to fix responsibility as the facts and principles require. But this is a perspective that is open to each of us, independently of our actually submitting our case to a third party. Each of us can look at the situation from the arbiter’s point of view without actually submitting the case to an arbiter. I can base my claims on a view of the appropriate degree of responsibility attaching to someone who, in such circumstances, ran over some else’s bicycle that brackets the fact that the responsibility is mine. You can do the same, mutatis mutandis. To the extent that we have achieved Aristotelian justice, I am suggesting, this is what we will be disposed to do.

Aristotle’s attempt to square his account of particular justice with location, according to which each virtue is in some sense “between” two vices, one of excess and one of deficiency, is this: “Justice is a mean state of a sort, but not in the same way as the other excellences, but because it is related to an intermediate, while injustice is related to the extremes” (V.5.1132b32–1134a1). Here Aristotle makes no effort to locate justice between a pair of vices. This is understandable since there is no vice other than injustice with which it is associated. But he apparently thinks that justice nonetheless counts as a mean state since it is “related to an intermediate, while injustice is related to the extremes.” Evidently, this is an attempt to exploit the analyses of distributive and corrective justice in V.3 and V.4, where what is just is identified with what is intermediate, and what is unjust is shown to involve both excess and deficiency. But it is far from clear that it gives us an interesting sense in which justice is a mean state. Aristotle does have a verbal point: as kindness aims at what is kind, so a mean state (meson) aims at what is intermediate (meson). But one could argue that the practical crafts (such as, for example, medicine) aim at what is intermediate — indeed, Aristotle argues exactly this himself in NE II.6.1106b8–14. But would one draw the conclusion that the practical crafts are mean states? Aristotle himself does not.

Responsibility

Although the two discussions of responsibility at NE III.1–5 and EE II.7–10 differ in many important ways, they share the idea that voluntary action is action that has its source in an agent who in certain ways knows what he is doing. They also share the idea that responsibility is an all-or-nothing matter. The remarks on responsibility in NE V.8 supplement these discussions by allowing for degrees of responsibility.

The theory developed in V.8 distinguishes three ways of harming people: by performing an unjust action in ignorance, knowingly, or from choice. If I perform an unjust action in ignorance, I commit an error, but I do not do an injustice, and I do not show myself to be an unjust person. If I have reason to have anticipated my error (for example, if I release my guard dog into my unfenced front yard, and he bites the letter carrier), I have committed an error proper. If I have no reason to have anticipated my error (for example, if I release my dog into my fenced back yard and he bites the letter carrier, who has jumped the fence to retrieve mail that has been blown there), I have caused a misfortune.

If I perform an unjust action knowingly but not from choice (if, for example, I release my dog into my front yard because I am enraged to see the letter carrier walking through my flower bed), then I do injustice and I do an act of injustice, but I do not show myself to be an unjust person. Finally, if I do an unjust action from choice (if, for example, I release my dog into the front yard because I want him to bite the letter carrier), then I not only do injustice and do an act of injustice, but I also show myself to be an unjust person.

Evidently Aristotle’s distinctions between causing misfortune, committing errors, doing an injustice, and doing an injustice that shows one to be an unjust person classify acts of increasing culpability. His distinctions correspond more or less roughly to distinctions that we draw between acting in non-culpable ignorance, acting in culpable ignorance, acting in the heat of passion, and acting with premeditation and malice aforethought, though we draw other distinctions than just these. Plato, at Laws IX.866d–867c, distinguishes those who kill out of immediate impulse and subsequently regret what they did from those who kill with premeditation and feel no regret, and he argues that the latter deserve the greater punishment. Since Aristotle thinks that choice by definition involves deliberation (see, for example, NE III.3.1113a9–12), it is reasonable to speculate that he is attempting in V.8 to express Plato’s distinction in terms of his own moral psychology. For in telling us at 1135b25 that acts that express an unjust character do involve choice, he clearly implies that these acts involve deliberation. So Aristotle’s chosen actions seem to be Plato’s premeditated actions. Similarly, in saying at 1135b26 that actions performed from passion do not involve forethought, he suggests that his voluntary but not chosen actions are Plato’s impulsive actions.
If this is indeed part of what Aristotle is up to in V.8, however, it is not clear that he succeeds. For he himself allows for premeditated actions that are not chosen. Incontinent people, he thinks, do something other than what they choose to do (see, for example, VII.3.1146b22–4). But he also allows that incontinent people sometimes exercise forethought (see, for example, VI.9.1142b18–20). So, by Aristotle’s own lights, the class of premeditated actions does not coincide with the class of chosen actions.

Conclusion

In coming to a final view of Aristotelian justice, we must appreciate how thoroughly political it is. Justice does have a political dimension for Socrates and Plato, but each sharply limits that dimension. Socrates, in Plato’s Crito, believes that it is unjust to disobey the city’s laws, except under very special circumstances. But the injustice of disobeying the law is secondary; it derives from the injustice of harming those responsible for our existence or those who have benefited us and the injustice of reneging on our promises (if we believe that the laws speak for Socrates) or from the injustice of harming others simpliciter (if we do not). Plato’s Republic notoriously defends a strong analogy between justice in a city and justice in an individual. But justice in the city is principally a heuristic facilitating the discovery of justice in the individual, and what matters in individual justice is not its connection with the city but its role in helping us to achieve and sustain what really matters: an apprehension and appreciation of formal reality.

Aristotle goes further than Socrates or Plato in making justice political. One way in which he does this is, of course, by equating universal justice with lawfulness. But with his analysis of particular justice he cuts more deeply even than this. For on the account offered earlier, Aristotelian particular justice invites us, in conducting our relations with others, to assume a perspective from which we view ourselves and those others as members of a community of free and equal human beings, and to decide what to do from that perspective. If we are able to achieve that perspective, and to embody it in our thoughts, feelings, desires, and choices, we will have achieved Aristotelian particular justice. When we act from that perspective, we will express a conception of ourselves as free and equal members of a political community: as citizens.

References


Further reading


