

Aristotle on justice¹

Issues of justice are central to how we treat other people. Justice is the principle that each person receives their 'due'. It requires that we treat equals equally, and if what someone is due depends on some quantifiable attribute (e.g. ability in some area), we should treat differences proportionally. In other words, justice is fairness. A situation is unjust, for instance, if someone has more or less than their 'fair share', if they are favoured or unfavoured in some way that they do not deserve. Because justice often involves the thought that there are constraints on what we may do to others - that there are some things we simply may not do - justice is most naturally explained using deontological ethics.

In his analyses of most virtues, such as courage or temperance, Aristotle understands what it is to act in the right way, e.g. courageously or temperately, by reflecting on the virtue. In a sense, the virtue defines the act. The courageous act is the act that a courageous person would do. When it comes to justice, exceptionally, the analysis runs more in the opposite direction - the act defines the virtue. Justice, the virtue, is understood as the disposition to do what is just, to act justly and wish for justice. And we can provide a substantial account of what is just without referring back to the character trait of justice. Aristotle's account in the *Nicomachean Ethics* is largely deontological.

ARISTOTLE'S ANALYSIS

Aristotle argues that 'justice' has two meanings.

1. In the 'wide' sense of justice, anything legal is just, and anything illegal is unjust. On his account of the law (but perhaps not ours today), the law instructs us to be virtuous (courageous, temperate, good-tempered, etc.) and prohibits us from being vicious. In this wide sense, then, justice is equivalent to virtue, at least in relation to how we treat other people. We shall put this meaning of justice to one side and focus on its narrow sense.
2. In its narrow sense, justice is fairness, and to be unjust is to act 'graspingly'. Justice is concerned with those goods, such as money, safety or happiness, in which we can obtain some advantage relative to other people. To be unjust is to seek to gain more than one's fair share of something good or avoid one's fair share of something bad. Justice is the principle that each person receives their 'due'. There are two kinds of justice as fairness.
 - a. Justice in the distribution of what is good and bad (who gets what). Here, justice requires us to treat equals equally. If people are unequal (e.g. what people are due depends on how well they do

¹ This handout is based on material from Lacewing, M. (2017) *Philosophy for AS and A Level: Epistemology and Moral Philosophy* (London: Routledge), Ch. 3, pp. 307-10

something), then we should treat their differences proportionally. So people should receive goods according to their merit (however merit is to be identified).

- b. Justice in rectification. Here, some injustice needs to be set right or corrected. The focus, then, is not on the people involved, who are treated as equals, but on the injustice. What is unequal needs to be made equal. For example, if two people have signed a contract, and one breaks the contract by taking more than their share of a profit, justice will require that the wrongdoer returns the illicit profit and makes some recompense. If one person has injured another, the victim has suffered. Justice in rectification compensates for this suffering and inflicts some form of suffering on the wrongdoer, removing their unjust 'gain' of avoiding suffering.

Justice, then, is intermediate between acting unjustly (having too much) and being unjustly treated (having too little). This virtue, unlike the others, does relate to an intermediate 'amount' of something.

DEVELOPMENT

We need to clarify what it is to act unjustly and what it is to be unjustly treated. Aristotle distinguishes between unjust states of affairs, unjust acts, acting unjustly and being unjust.

1. In an unjust state of affairs, there is an unjust distribution - someone has more or less than they should - but this is not the result of anything that anyone has done. For example, you may suffer some illness that means that you cannot work for a long time and end up poorer than other people.
2. An unjust act is an act which results in injustice (someone has more or less than they should). It is merely unjust, and no more, if the person is acting involuntarily (e.g. they act from ignorance).
3. However, to do an unjust act voluntarily is to act unjustly. One acts unjustly, but is not an unjust person, if the unjust act is voluntary but not done by choice. In this case, the person acts with knowledge but has not deliberated. An example would be injuring someone through anger. Such a person is not a bad person, but they do act unjustly.
4. However, to do an unjust act by choice is to be unjust. In other words, the unjust person knows what they are doing (it is not from ignorance) and has deliberated about what to do. This is the worst form of unjust act.

To be unjustly treated, the unjust action must be against your wishes. You cannot be treated unjustly voluntarily - if you agree to the action, you are not unjustly treated. Nor can you treat yourself unjustly - if what you do is voluntary, then even if it harms you, you haven't acted against your wishes, so you haven't acted unjustly against yourself. So, for instance, if you give away a great deal of wealth or you accept more than your share of suffering, you do no injustice to yourself.