



Aristotle  
The Nicomachean Ethics

OXFORD WORLD'S CLASSICS

## 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*

- 1129a 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 5 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 10 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 15 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 20 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 25 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 30 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

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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 10 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 15 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 20 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 25 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 wickedness, e.g. adultery to self-indulgence, the desertion of a comrade 30 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, 1130b 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 concerned with all the objects with which the good man is concerned. 5

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. 10 15 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. 20 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 25 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<sup>1</sup> 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.

- 30 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.

*Distributive justice, in accordance with geometrical proportion*

- 10 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.
- 15 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
- 20 things in which it is manifested, the objects distributed, are two. And the same equality will exist between the persons and between

<sup>1</sup> 1179b20–1181b12. *Pol.* 1276b16–1277b32, 1278a40–b5, 1288a32–b2, 1333a11–16, 1337a11–14.

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 1131b 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 5 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 10 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 15 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 20

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*

- 25 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 30 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 1132a 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 5 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 10 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 15

equal, which we say is just; therefore the just in rectification will be the intermediate between loss and gain.\* This is why, when people dispute, they take refuge in the judge; and to go to the judge is to go to justice; for the nature of the judge is to be a sort of animate justice; and they seek the judge as an intermediate, and in some states they call judges mediators, on the assumption that if they get what is intermediate they will get what is just. The just, then, is an intermediate, since the judge is so. Now the judge restores equality; it is as though there were a line divided into unequal parts, and he took away that by which the greater segment exceeds the half, and added it to the smaller segment. And when the whole has been equally divided, then they say they have 'their own'—i.e. when they have got what is equal.\* The equal is intermediate between the greater and the lesser line according to arithmetical proportion. It is for this reason also that it is called just (*dikaion*), because it is a division into two equal parts (*dikha*), just as if one were to call it *dikhaion*; and the judge (*dikastēs*) is one who bisects (*dikhastēs*). For when something is subtracted from one of two equals and added to the other, the other is in excess by these two; since if what was taken from the one had not been added to the other, the latter would have been in excess by one only. It therefore exceeds the intermediate by one, and the intermediate exceeds by one that from which something was taken. By this, then, we shall recognize both what we must subtract from that which has more, and what we must add to that which has less; we must add to the latter that by which the intermediate exceeds it, and subtract from the greatest that by which it exceeds the intermediate.\* Let the lines AA', BB', CC' be equal to one another; from the line AA' let the segment AE have been subtracted, and to the line CC' let the segment CD have been added, so that the whole line DCC' exceeds the line EA' by the segment CD and the segment CF; therefore it exceeds the line BB' by the segment CD.\*

These names, both loss and gain, have come from voluntary exchange; for to have more than one's own is called gaining, and to have less than one's original share is called losing, e.g. in buying and selling and in all other matters in which the law has left people free to make their own terms; but when they get neither more nor less but just what belongs to themselves, they say that they have their own and that they neither lose nor gain.

Therefore the just is intermediate between a sort of gain and a sort of loss, namely, those which are involuntary; it consists in having an equal amount before and after the transaction.\*

*Justice in exchange, reciprocity*

5. Some think that *reciprocity* is without qualification just, as the Pythagoreans said; for they defined justice without qualification as reciprocity. Now ‘reciprocity’ fits neither distributive nor rectificatory justice\*—yet people *want* even the justice of Rhadamanthus to mean this:

Should a man suffer what he did, right justice would be done\*

—for in many cases reciprocity and rectificatory justice are not in accord; e.g. (1) if an official has inflicted a wound, he should not be wounded in return, and if someone has wounded an official, he

30 ought not to be wounded only but punished in addition.\* Further (2) there is a great difference between a voluntary and an involuntary act. But in associations for exchange this sort of justice does hold men together—reciprocity in accordance with a proportion and not on the basis of precisely equal return. For it is by proportionate requital that the city holds together. Men seek to return either evil for evil—and if they cannot do so, think their position

1133<sup>a</sup> mere slavery—or good for good—and if they cannot do so there is no exchange, but it is by exchange that they hold together. This is why they give a prominent place to the temple of the Graces—to promote the requital of services; for this is characteristic of grace—we should serve in return one who has shown grace to us,

5 and should another time take the initiative in showing it.\*

Now proportionate return is secured by cross-conjunction. Let A be a builder, B a shoemaker, C a house, D a shoe.\* The builder, then, must get from the shoemaker the latter’s work, and must 10 himself give him in return his own. If, then, first there is proportionate equality of goods, and then reciprocal action takes place, the result we mention will be effected.\* If not, the bargain is not equal, and does not hold; for there is nothing to prevent the work of the one being better than that of the other; they must therefore be equated.\* (And this is true of the other arts also; for they would 15 have been destroyed if what the patient suffered had not been just what the agent did, and of the same amount and kind.) For it is not

two doctors that associate for exchange, but a doctor and a farmer, or in general people who are different and unequal; but these must be equated. This is why all things that are exchanged must be somehow comparable. It is for this end that money has been introduced, and it becomes in a sense an intermediate; for it measures all things, and therefore the excess and the defect—how many shoes are equal to a house or to a given amount of food. The number of shoes exchanged for a house [or for a given amount of food] must therefore correspond to the ratio of builder to shoemaker. For if this be not so, there will be no exchange and no intercourse. And this proportion will not be effected unless the goods are somehow equal. All goods must therefore be measured by some one thing, as we said before. Now this unit is in truth need, which holds all things together (for if men did not need one another's goods at all, or did not need them equally, there would be either no exchange or not the same exchange); but money has become by convention a sort of representative of need;\* and this is why it has the name 'money' (*nomisma*)—because it exists not by nature but by law (*nomos*) and it is in our power to change it and make it useless. There will, then, be reciprocity when the terms have been equated so that as farmer is to shoemaker, the amount of the shoemaker's work is to that of the farmer's work for which it exchanges.\* But we must not bring them into a figure of proportion when they have already exchanged (otherwise one extreme will have both excesses), but when they still have their own goods.\* Thus they are equals and associates just because this equality can be effected in their case. Let A be a farmer, C food, B a shoemaker, D his product equated to C. If it had not been possible for reciprocity to be thus effected, there would have been no association of the parties. That need holds things together as a single unit is shown by the fact that when men do not need one another, i.e. when neither needs the other or one does not need the other, they do not exchange, as we do when someone wants what one has oneself, e.g. when people permit the exportation of corn in exchange for wine. This equation therefore must be established. And for the future exchange—that if we do not need a thing now we shall have it if ever we do need it—money is as it were our surety; for it must be possible for us to get what we want by bringing the money. Now the same thing happens to money itself as to goods—it is not always worth the same; yet it tends to be steadier.

This is why all goods must have a price set on them; for then there  
15 will always be exchange, and if so, association of man with man. Money, then, acting as a measure, makes goods commensurate and equates them; for neither would there have been association if there were not exchange, nor exchange if there were not equality, nor equality if there were not commensurability. Now in truth it is impossible that things differing so much should become commen-  
20 surate, but with reference to need they may become so sufficiently. There must, then, be a unit, and that fixed by agreement (for which reason it is called money); for it is this that makes all things commensurate, since all things are measured by money. Let A be a house, B ten minae, C a bed. A is half of B, if the house is worth five minae or equal to them; the bed, C, is a tenth of B; it is plain, then, how  
25 many beds are equal to a house, namely, five. That exchange took place thus before there was money is plain; for it makes no difference whether it is five beds that exchange for a house, or the money value of five beds.\*

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. Justice is a kind of mean, but not in the same way as the other virtues,\* but because it relates to an intermediate amount, while injustice relates to the extremes. And justice is that in virtue of which the just man is said to be a doer, by choice, of that which is just, and one who will distribute either between himself and another or between two others not so as to give more of what is desirable to  
1134a 5 himself and less to the other (and conversely with what is harmful), but so as to give what is equal in accordance with proportion; and similarly in distributing between two other persons. Injustice on the other hand is similarly related to the unjust, which is excess and defect, contrary to proportion, of the useful or hurtful. For which reason injustice is excess and defect, namely, because it is  
10 productive of excess and defect—in one's own case excess of what is in its own nature useful and defect of what is hurtful, while in the case of others it is as a whole like what it is in one's own case, but proportion may be violated in either direction. In the unjust act to have too little is to be unjustly treated; to have too much is to act unjustly.\*

Let this be taken as our account of the nature of justice and injustice,<sup>15</sup> and similarly of the just and the unjust in general.

*Political justice and analogous kinds of justice*

6. Since acting unjustly does not necessarily imply being unjust, we must ask what sort of unjust acts imply that the doer is unjust with respect to each type of injustice, e.g. a thief, an adulterer, or a brigand. Surely the answer does not turn on the difference between these types. For a man might even lie with a woman knowing who she was, but the origin of his act might be not deliberate choice but passion. He acts unjustly, then, but is not unjust; e.g. a man is not a thief, yet he stole, nor an adulterer, yet he committed adultery; and similarly in all other cases.\*<sup>20</sup>

Now we have previously stated how the reciprocal is related to the just;<sup>1</sup> but we must not forget that what we are looking for is not only what is just without qualification but also political justice. This is found among men who share their life with a view to self-sufficiency, men who are free and either proportionately or arithmetically equal,\* so that between those who do not fulfil this condition there is no political justice but justice in a special sense and by analogy. For justice exists only between men whose mutual relations are governed by law; and law exists for men between whom there is injustice; for legal justice is the discrimination of the just and the unjust. And between men between whom injustice is done there is also unjust action (though there is not injustice between all between whom there is unjust action),\* and this is assigning too much to oneself of things good in themselves and too little of things evil in themselves. This is why we do not allow a man to rule, but *rational principle*, because a man behaves thus in his own interests and becomes a tyrant. The magistrate on the other hand is the guardian of justice, and, if of justice, then of equality also. And since he is assumed to have no more than his share, if he is just (for he does not assign to himself more of what is good in itself, unless such a share is proportional to his merits—so that it is for others that he labours, and it is for this reason that men, as we stated previously,<sup>2</sup> say that justice is ‘another’s good’), therefore a reward must be given him, and this is honour and

<sup>1</sup> 1132b21–1133b28.

<sup>2</sup> 1130a3.

privilege; but those for whom such things are not enough become tyrants.

The justice of a master and that of a father are not the same as the justice of citizens, though they are like it; for there can be no injustice in the unqualified sense towards things that are one's own,  
 10 but a man's chattel,\* and his child until it reaches a certain age and sets up for itself, are as it were part of himself, and no one chooses to hurt himself (for which reason there can be no injustice towards oneself). Therefore the justice or injustice of citizens is not manifested in these relations; for it was as we saw according to law, and between people naturally subject to law, and these as we saw are  
 15 people who have an equal share in ruling and being ruled.\* Hence justice can more truly be manifested towards a wife than towards children and chattels, for the former is household justice; but even this is different from political justice.

### *Natural and legal justice*

7. Of political justice part is natural, part legal,\*—natural, that which everywhere has the same force and does not exist by people's thinking this or that; legal, that which is originally indifferent, but when it has been laid down is not indifferent, e.g. that a prisoner's ransom shall be a mina, or that a goat and not two sheep shall be sacrificed, and again all the laws that are passed for particular cases, e.g. that sacrifice shall be made in honour of Brasidas, and the provisions of decrees. Now some think that all justice is of this sort,  
 25 because that which is by nature is unchangeable and has everywhere the same force (as fire burns both here and in Persia), while they see change in the things recognized as just.\* This, however, is not true in this unqualified way, but is true in a sense; or rather, with the gods it is perhaps not true at all, while with us there is something that is just even by nature, yet all of it is changeable,\*  
 30 but still some is by nature, some not by nature. It is evident which sort of thing, among things capable of being otherwise, is by nature; and which is not but is legal and conventional, given that both are equally changeable. And in all other things the same distinction will apply; by nature the right hand is stronger, yet it is possible that all  
 35 men should come to be ambidextrous. The things which are just by virtue of convention and expediency are like measures; for wine and corn measures are not everywhere equal, but larger in wholesale

and smaller in retail markets. Similarly, the things which are just not by nature but by human enactment are not everywhere the same, since constitutions also are not the same, though there is but one which is everywhere by nature the best.\*

Of things just and lawful each is related as the universal to its particulars; for the things that are done are many, but each type is one, since it is universal.\*

There is a difference between the act of injustice and what is unjust, and between the act of justice and what is just; for a thing is unjust by nature or by enactment; and this very thing, when it has been done, is an act of injustice, but before it is done is not yet that but is unjust. So, too, with an act of justice (though the general term is rather ‘just action’, and ‘act of justice’ is applied to the correction of the act of injustice).<sup>10</sup>

Each of these must later<sup>1</sup> be examined separately with regard to the nature and number of its species and the nature of the things with which it is concerned.

### JUSTICE: ITS INNER NATURE AS INVOLVING CHOICE

#### *The scale of degrees of wrongdoing*

8. Acts just and unjust being as we have described them, a man acts unjustly or justly whenever he does such acts voluntarily; when involuntarily, he acts neither unjustly nor justly except in an incidental way; for he does things which happen to be just or unjust.\* Whether an act is or is not one of injustice (or of justice) is determined by its voluntariness or involuntariness; for when it is voluntary it is blamed, and at the same time is then an act of injustice; so that there will be things that are unjust but not yet acts of injustice, if voluntariness be not present as well. By the voluntary I mean, as has been said before,<sup>2</sup> any of the things in a man’s own power which he does with knowledge, i.e. not in ignorance either of the person acted on or of the instrument used or of the end that will be attained (e.g. whom he is striking, with what, and to what end), each such act being not done incidentally nor forced (e.g. if A takes B’s hand and therewith strikes C, B does not act voluntarily; for the act was not in his own power\*). The person struck may be the striker’s

<sup>1</sup> Possibly a reference to an intended (or now lost) book of the *Politics* on laws.

<sup>2</sup> 1109b35–1111a24.

father, and the striker may know that it is a man or one of the  
30 persons present, but not know that it is his father; a similar distinction may be made in the case of the end, and with regard to the whole action.\* Therefore that which is done in ignorance, or though not done in ignorance is not in the agent's power, or is forced, is involuntary (for many natural processes too, we knowingly perform or  
1135b undergo, none of which is either voluntary or involuntary; e.g. growing old or dying\*). But in the case of unjust and just acts alike the injustice or justice may be only incidental; for a man might return a deposit unwillingly and from fear, and then he must not be  
5 said either to do what is just or to act justly, except in an incidental way. Similarly the man who under compulsion and unwillingly fails to return the deposit must be said to act unjustly, and to do what is unjust, only incidentally. Of voluntary acts we do some by choice,  
10 others not by choice; by choice those which we do after deliberation, not by choice those which we do without previous deliberation.\* Thus there are three kinds of injury in transactions between man and man;\* those involving ignorance are mistakes when the person acted on, the act, the instrument, or the end that will be attained is other than the agent supposed; the agent thought either that he was not hitting anyone or that he was not hitting with this missile or not hitting this person or to this end, but a result followed other than that which he thought likely (e.g. he threw not with intent to  
15 wound but only to prick), or the person hit or the missile was other than he supposed. Now when the injury takes place contrary to reasonable expectation, it is a *misadventure*. When it is not contrary to reasonable expectation, but does not imply vice, it is a *mistake* (for a man makes a mistake when the fault originates in him, but is the victim of misfortune when the origin lies outside him\*). When  
20 he acts with knowledge but not after deliberation, it is an *act of injustice*—e.g. the acts due to anger or to other passions necessary or natural to man; for when men do such harmful and mistaken acts they act unjustly, and the acts are acts of injustice, but this does not imply that the doers are unjust or wicked; for the injury is not due  
25 to vice.\* But when a man acts from choice, he is an *unjust man* and a vicious man.\*

Hence acts proceeding from anger are rightly judged not to be done of malice aforethought; for it is not the man who acts in anger but he who enraged him that starts the mischief. Again, the matter

in dispute is not whether the thing happened or not, but its justice; for it is apparent injustice that occasions rage. For they do not dispute about the occurrence of the act—as in commercial transactions where one of the two parties *must* be vicious unless there is forgetfulness; but, agreeing about the fact, they dispute on which side justice lies (whereas a man who has deliberately injured another cannot help knowing that he has done so), so that the one thinks he is being treated unjustly and the other disagrees.

But if a man harms another by choice, he acts unjustly; and *these* 1136a are the acts of injustice which imply that the doer is an unjust man, provided that the act violates proportion or equality. Similarly, a man *is just* when he acts justly by choice; but he *acts justly* if he merely acts voluntarily.

Of involuntary acts some are excusable, others not. For the mis- 5 takes which men make not only in ignorance but also by reason of ignorance are excusable, while those which men do not by reason of ignorance but (though they do them *in ignorance*) owing to a passion which is neither natural nor such as man is liable to, are not excusable.\*

*Can a man be voluntarily treated unjustly? Is it the distributor or the recipient that is guilty of injustice in distribution? Justice not so easy as it might seem, because it is not a way of acting but an inner disposition*

9. Assuming that we have sufficiently defined the suffering and 10 doing of injustice, it may be asked (1) whether the truth is expressed in Euripides' paradoxical words:

‘I slew my mother, that’s my tale in brief.’  
‘Were you both willing, or unwilling both?’

Is it truly possible to be willingly treated unjustly, or is all suffering 15 of injustice on the contrary involuntary, as all unjust action is voluntary?\* And is suffering of injustice all of one kind or all of the other, or is it sometimes voluntary, sometimes involuntary? So, too, with the case of being justly treated; all just action is voluntary, so that it is reasonable that there should be a similar opposition in 20 either case—that both being unjustly and being justly treated should be either alike voluntary or alike involuntary. But it would be thought paradoxical even in the case of being justly treated, if it

were always voluntary; for some are unwillingly treated justly.\*

(2) One might raise this question also, whether everyone who has suffered what is unjust is being unjustly treated, or on the other

25 hand it is with suffering as with acting. In action and in passivity alike it is possible for justice to be done incidentally, and similarly (it is plain) injustice; for to do what is unjust is not the same as to act unjustly, nor to suffer what is unjust as to be treated unjustly, and similarly in the case of acting justly and being justly treated; for it

30 is impossible to be unjustly treated if the other does not act unjustly, or justly treated unless he acts justly. Now if to act unjustly is simply to harm someone voluntarily, and 'voluntarily' means 'knowing the

person acted on, the instrument, and the manner of one's acting', and the incontinent man voluntarily harms himself, not only will he voluntarily be unjustly treated but it will be possible to treat oneself unjustly. (This also is one of the questions in doubt, whether a man

1136b can treat himself unjustly.) Again, a man may voluntarily, owing to

incontinence, be harmed by another who acts voluntarily, so that it would be possible to be voluntarily treated unjustly. Or is our definition incorrect; must we to 'harming another, with knowledge

both of the person acted on, of the instrument, and of the manner' add 'contrary to the wish of the person acted on'?\* Then a man may

5 be voluntarily harmed and voluntarily suffer what is unjust, but no one is voluntarily treated unjustly; for no one wishes to be unjustly treated, not even the incontinent man. He acts contrary to his wish;

for no one *wishes* for what he does not think to be good, but the incontinent man does *do* things that he does not think he ought to do. Again, one who gives what is his own, as Homer says Glaucus

10 gave Diomede

Armour of gold for brazen, the price of a hundred oxen for nine,\*

is not unjustly treated; for though to give is in his power, to be unjustly treated is not, but there must be someone to treat him unjustly. It is plain, then, that being unjustly treated is not voluntary.

15 Of the questions we intended to discuss two still remain for discussion; (3) whether it is the man who has assigned to another more than his share that acts unjustly, or he who has the excessive share, and (4) whether it is possible to treat oneself unjustly. The

questions are connected; for if the former alternative is possible and the distributor acts unjustly and not the man who has the excessive

share, then if a man assigns more to another than to himself, knowingly and voluntarily, he treats himself unjustly; which is what modest people seem to do, since the virtuous man tends to take less than his share. Or does this statement too need qualification? For (a) he perhaps gets more than his share of some other good, e.g. of reputation or of intrinsic nobility.\* (b) The question is solved by applying the distinction we applied to unjust action; for he suffers nothing contrary to his own wish, so that he is not unjustly treated so far as this goes, but at most only suffers harm.

25

It is plain too that the distributor acts unjustly, but not always the man who has the excessive share; for it is not he to whom injustice is done that acts unjustly, but he to whom it appertains to do the unjust act voluntarily, i.e. the person in whom lies the origin of the action, and this lies in the distributor, not in the receiver. Again, since the word 'do' is ambiguous, and there is a sense in which lifeless things, or a hand, or a servant who obeys an order, may be said to slay, he who gets an excessive share does not act unjustly, though he 'does' what is unjust.

30

Again, if the distributor gave his judgement in ignorance, he does not act unjustly in respect of legal justice, and his judgement is not unjust in this sense, but in a sense it *is* unjust (for what is just by law, and in the primary way, are different); but if with knowledge he judged unjustly, he is himself aiming at an excessive share either of gratitude or of revenge.\* As much, then, as if he were to share in the plunder, the man who has judged unjustly for these reasons has got too much; the fact that what he gets is different from what he distributes makes no difference, for even if he awards land with a view to sharing in the plunder he gets not land but money.

1137a

Men think that acting unjustly is in their power, and therefore that being just is easy. But it is not; to lie with one's neighbour's wife, to wound another, to deliver a bribe, is easy and in our power, but to do these things as a result of a certain state of character is neither easy nor in our power.\* Similarly to know what is just and what is unjust requires, men think, no great wisdom, because it is not hard to understand the matters dealt with by the laws (though these are not the things that are just, except incidentally); but how actions must be done and distributions effected in order to be just, to know *this* is a greater achievement than knowing what is good for the health; though even there, while it is easy to know that honey,

- 15 wine, hellebore, cautery, and the use of the knife are so, to know how, to whom, and when these should be applied with a view to producing health, is no less an achievement than that of being a physician. Again, for this very reason men think that acting unjustly is characteristic of the just man no less than of the unjust, because he would be not less but even more capable of doing each of these unjust acts;
- 20 for he could lie with a woman or wound a neighbour; and the brave man could throw away his shield and turn to flight in this direction or in that.\* But to play the coward or to act unjustly consists not in doing these things, except incidentally, but in doing them as the result of a certain state of character, just as to practise medicine and healing consists not in applying or not applying the knife, in using
- 25 or not using medicines, but in doing so in a certain way.

Just acts occur between people who participate in things good in themselves and can have too much or too little of them; for some beings (e.g. presumably the gods) cannot have too much of them, and to others, those who are incurably bad, not even the smallest share in them is beneficial but all such goods are harmful, while to others they are beneficial up to a point; therefore justice is essentially

30 something human.\*

*Equity, a corrective of legal justice*

10. Our next subject is equity and the equitable, and their respective relations to justice and the just.\* For on examination they appear to be neither absolutely the same nor generically different; and while
- 35 we sometimes praise what is equitable and the equitable man (so that we apply the name by way of praise even to instances of the
- 1137b other virtues, instead of ‘good’, meaning by ‘more equitable’ that a thing is better), at other times, when we reason it out, it seems strange if the equitable, being something different from the just, is yet praiseworthy; for either the just or the equitable is not good, if
- 6 they are different; or, if both are good, they are the same.

These, then, are pretty much the considerations that give rise to the problem about the equitable; they are all in a sense correct and not opposed to one another; for the equitable, though it is better than one kind of justice, yet is just, and it is not as being a different class of thing that it is better than the just. The same thing, then, is

10 just and equitable, and while both are good the equitable is superior. What creates the problem is that the equitable is just, but not

the legally just but a correction of legal justice.\* The reason is that all law is universal but about some things it is not possible to make a universal statement which shall be correct. In those cases, then, in which it is necessary to speak universally, but not possible to do so 15 correctly, the law takes the usual case, though it is not ignorant of the possibility of error. And it is none the less correct; for the error is not in the law nor in the legislator but in the nature of the thing, since the matter of practical affairs is of this kind from the start. When the law speaks universally, then, and a case arises on it which 20 is not covered by the universal statement, then it is right, where the legislator fails us and has erred by over-simplicity, to correct the omission—to say what the legislator himself would have said had be been present, and would have put into his law if he had known. Hence the equitable is just, and better than one kind of justice—not better than absolute justice, but better than the error that arises 25 from the absoluteness of the statement. And this is the nature of the equitable, a correction of law where it is defective owing to its universality. In fact this is the reason why all things are not determined by law, namely, that about some things it is impossible to lay down a law, so that a decree is needed. For when the thing is indefinite the rule also is indefinite, like the leaden rule used in making the Lesbian moulding; the rule adapts itself to the shape of the stone 30 and is not rigid,\* and so too the decree is adapted to the facts.

It is plain, then, what the equitable is, and that it is just and is better than one kind of justice. It is evident also from this who the equitable man is; the man who chooses and does such acts, and is 35 no stickler for his rights in a bad sense\* but tends to take less than his share though he has the law on his side, is equitable, and this 1138a state of character is equity, which is a sort of justice and not a different state of character.

### *Can a man treat himself unjustly?*

11. Whether a man can treat himself unjustly or not, is evident from what has been said.\* For (a) one class of just acts is those acts 5 that accord with any virtue and that are prescribed by the law; e.g. the law does not expressly permit suicide, and what it does not expressly permit it forbids.\* Again, when a man in violation of the law harms another (otherwise than in retaliation) voluntarily, he acts unjustly, and a voluntary agent is one who knows both the person

he is affecting by his action and the instrument he is using; and he  
 10 who through anger voluntarily stabs himself does this contrary to  
 the right rule of life, and this the law does not allow; therefore he is  
 acting unjustly. But towards whom? Surely towards the state, not  
 towards himself. For he suffers voluntarily, but no one is voluntarily  
 treated unjustly. This is also the reason why the state punishes; a  
 certain loss of civil rights attaches to the man who destroys himself,  
 on the ground that he is treating the state unjustly.\*

Further, (b) in that sense of ‘acting unjustly’ in which the man  
 15 who ‘acts unjustly’ is unjust only and not bad all round, it is not  
 possible to treat oneself unjustly (this is different from the former  
 sense; the unjust man in one sense of the term is wicked in a par-  
 ticularized way just as the coward is, not in the sense of being  
 wicked all round, so that his ‘unjust act’ does not manifest wicked-  
 ness in general). For (i) that would imply the possibility of the same  
 20 thing’s having been subtracted from and added to the same thing at  
 the same time; but this is impossible—the just and the unjust  
 always involve more than one person. Further, (ii) unjust action is  
 voluntary and done by choice, and *takes the initiative* (for the man  
 who because he has suffered does the same in return is not thought  
 to act unjustly); but if a man harms himself he suffers and does the  
 same things *at the same time*. Further, (iii) if a man could treat himself  
 25 unjustly, he could be voluntarily treated unjustly.\* Besides, (iv) no  
 one acts unjustly without committing particular acts of injustice;  
 but no one can commit adultery with his own wife or housebreak-  
 ing on his own house or theft on his own property.

In general, the question ‘Can a man treat himself unjustly?’ is solved also by the distinction we applied to the question ‘Can a man be voluntarily treated unjustly?’<sup>1</sup>

(It is evident too that both are bad, being unjustly treated and  
 30 acting unjustly; for the one means having less and the other having  
 more than the intermediate amount, which plays the part here that  
 the healthy does in the medical art, and that good condition does in  
 the art of bodily training. But still acting unjustly is the worse, for  
 it involves vice and is blameworthy—involves vice which is either  
 of the complete and unqualified kind or almost so (we must admit  
 the latter alternative, because not all voluntary unjust action implies  
 injustice as a state of character), while being unjustly treated does

<sup>1</sup> Cf. 1136a31–b5.

not involve vice and injustice in oneself. In itself, then, being unjustly treated is less bad, but there is nothing to prevent its being incidentally a greater evil. But theory cares nothing for this;\* it calls pleurisy a more serious mischief than a stumble; yet the latter may become incidentally the more serious, if the fall due to it leads to your being taken prisoner or put to death by the enemy.)

Metaphorically and in virtue of a certain resemblance there is a justice, not indeed between a man and himself, but between certain parts of him; yet not every kind of justice but that of master and servant or that of husband and wife.<sup>1</sup> For these are the ratios in which the part of the soul that has a rational principle stands to the irrational part; and it is with a view to these parts that people also think a man can be unjust to himself, namely, because these parts are liable to suffer something contrary to their respective desires; there is therefore thought to be a mutual justice between them as between ruler and ruled.

Let this be taken as our account of justice and the other, i.e. the other moral, virtues.

<sup>1</sup> Cf. 1134b15–17.