



## Aristotle's Theory of Justice

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## **Aristotle's Theory of Justice**

Justice is one of the most important moral and political concepts. The entire Greek political thought revolves around the important concept of justice. Western philosophers generally regard justice as the most fundamental of all virtues for ordering interpersonal relations and establishing and maintaining a stable political society. This is an abstract concept and is difficult to define it in fixed terms, as different thinkers view it differently. One may disagree about the nature, basis, and legitimate application of justice, but the core of it is respecting persons as free, rational agents.

Aristotle says justice consists in what is lawful and fair, with fairness involving equitable distributions and the correction of what is inequitable. Book V of his great *Nicomachean Ethics* deals in considerable depth with the moral and political virtue of justice. Aristotle specifies justice in terms of what is lawful and fair.

Accordingly for Aristotle, justice is of two types: universal justice and particular justice. The former refers to obedience to laws—that one should be virtuous. What is in accordance with the law of a state is thought to be conducive to the common good and/or to that of its rulers. In general, citizens should obey such law in order to be just. The problem is that civil law can itself be unjust in the sense of being unfair to some, so that we need to consider special justice as a function of fairness. And this he calls as particular justice. Particular justice is again of two types: distributive justice and remedial or corrective justice.

Distributive justice involves dividing benefits and burdens fairly among members of a community. Aristotle was of the opinion that this form of justice is the most powerful law to prevent any revolution, as this justice believes in proper and proportionate allocation of offices, honors, goods and services as per their requirement being a citizen of the state. This justice is mostly concerned with political privileges. Aristotle advocated that every political organization must have its own distributive justice. He, however, rejected democratic as well as oligarchic criteria of justice and permitted the allocation of offices to the virtuous only owing to their highest contributions to the society, because the virtuous people are few. Aristotle believed that most of the offices should be allocated to those few only.

On the other hand, corrective justice requires us, in some circumstances, to try to restore a fair balance in interpersonal relations where it has been lost. If a member of a community has been unfairly benefited or burdened with more or less than is deserved in the way of social distributions, then

corrective justice can be required, as, for example, by a court of law. All laws related to commercial transactions are dealt within the remedial and corrective actions. It aims to restore what an individual had lost due to the injustice of the society. This justice prevents from encroachments of one right over the other.

Again remedial justice is divided into two, dealing with voluntary transactions (civil law) and the dealing with involuntary transaction (criminal law). Further, Aristotle added commercial and cumulative justice to the above-mentioned types of justice. Aristotle opined that corrective justice relates to voluntary and commercial activities such as hire, sale and furnishing security. These actions involve aggression on life, property, honor and freedom. In brief, this justice aims at virtue and moral excellence of character and it is for this reason, it is called corrective justice.

Notice that Aristotle is no more an egalitarian than Plato was—while a sort of social reciprocity may be needed, it must be of a proportional sort rather than equal. Like all moral virtues, for Aristotle, justice is a rational mean between bad extremes. Proportional equality or equity involves the “intermediate” position between someone’s unfairly getting “less” than is deserved and unfairly getting “more” at another’s expense. The “mean” of justice lies between the vices of getting too much and getting too little, relative to what one deserves, these being two opposite types of injustice, one of “disproportionate excess,” the other of disproportionate “deficiency”.

Political justice, of both the lawful and the fair sort, is held to apply only to those who are citizens of a political community (a polis) by virtue of being “free and either proportionately or numerically equal,” those whose interpersonal relations are governed by the rule of law, for law is a prerequisite of political justice and injustice. But, since individuals tend to be selfishly biased, the law should be a product of reason rather than of particular rulers. Aristotle is prepared to distinguish between what is naturally just and unjust, on the one hand, such as whom one may legitimately kill, and what is merely conventionally just or unjust, on the other, such as a particular system of taxation for some particular society.

Another valuable dimension of Aristotle’s discussion here is his treatment of the relationship between justice and decency, for sometimes following the letter of the law would violate fairness or reasonable equity. A decent person might selfishly benefit from being a stickler regarding following the law exactly but decide to take less or give more for the sake of the common good. In this way, decency can correct the limitations of the law and represents a higher form of justice.

In his *Politics*, Aristotle further considers political justice and its relation to equality. We can admit that the former involves the latter but must carefully specify by maintaining that justice involves equality “not for everyone, only for equals.” He agrees with Plato that political democracy is intrinsically unjust because, by its very nature, it tries to treat unequals as if they were equals. Justice rather requires inequality for people who are unequal. But, then, oligarchy is also intrinsically unjust insofar as it involves treating equals as unequal because of some contingent disparity, of birth, wealth, etc. Rather, those in a just political society who contribute the most to the common good will receive a larger share, because they thus exhibit more political virtue, than those who are inferior in that respect; it would be simply wrong, from the perspective of political justice, for them to receive equal shares. Thus political justice must be viewed as a function of the common good of a community

He further argues that political justice requires “proportional” rather than numerical equality. But inferiors have a vested interest in thinking that those who are equal in some respect should be equal in all respects, while superiors are biased, in the opposite direction, to imagine that those who are unequal in some way should be unequal in all ways. Thus, for instance, those who are equally citizens are not necessarily equal in political virtue, and those who are financially richer are not necessarily morally or mentally superior. What is relevant here is “equality according to merit,” though Aristotle cannot precisely specify what, exactly, counts as merit, for how much it must count, who is to measure it, and by what standard. All he can suggest, for example in some of his comments on the desirable aristocratic government, is that it must involve moral and intellectual virtue.

Thus, in short justice for Aristotle consists in what is lawful and fair, with fairness involving equitable distributions and the correction of what is inequitable. Unlike Plato, Aristotle gives many kinds of Justice and delineates them from one another but at the same time, like Plato, he is arguing for an objective theory of personal and social justice as a preferable alternative to the relativistic one of the Sophists.