

# “A Defense of Aristotelian Justice”

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**Abstract:** Aristotle’s account of the virtue of justice has been regarded as one of the least successful aspects of his ethics. Among the most serious criticisms lodged against his views are (i) that he fails to identify the proper subject matter of justice (LeBar 2020), (ii) that he wrongly identifies the characteristic motives relevant for justice and injustice (Williams 1980), and (iii) that his account is parochial, i.e., that it fails to correctly recognize or characterize our obligations of justice to those outside our community (Annas 1995; Curzer 2012, ch. 13). Indeed, Mark LeBar has recently argued that, although Aristotle’s eudaimonist framework remains the most promising metaethical strategy to ground justice as a virtue of individual human beings, the normative content of his theory is so flawed that neo-Aristotelians ought to adopt a Kantian theory of justice that centers on according respect to persons (LeBar 2020). My aim in this paper is to defend Aristotle’s views from these criticisms in order to show that it holds promise as an account of justice as a virtue. Notably, neo-Aristotelians have generally neglected the topic of justice, despite its centrality to Aristotle’s ethics and to our own social lives. I argue that they ought to take Aristotle’s account seriously as a starting point for their own theorizing, while recognizing that it needs modification on some points.

## 0. Introduction

Aristotle’s account of the virtue of justice has been regarded as one of the least successful aspects of his ethics. Among the most serious criticisms lodged against his views are (i) that he fails to identify the proper subject matter of justice (LeBar 2020), (ii) that he wrongly identifies the characteristic motives relevant for justice and injustice (Williams 1980), and (iii) that his account is parochial, i.e., that it fails to correctly recognize or characterize our obligations of justice to those outside our community (Annas 1995; Curzer 2012, ch. 13). Indeed, Mark LeBar has recently argued that, although Aristotle’s eudaimonist framework remains the most promising metaethical strategy to ground justice as a virtue of individual human beings, the normative content of his theory is so flawed that neo-Aristotelians ought to adopt a Kantian theory of justice that centers on according respect to persons (LeBar 2020).

My aim in this paper is to defend Aristotle’s views from these criticisms in order to show that it holds promise as an account of justice as a virtue. Notably, neo-Aristotelians have generally neglected the topic of justice, despite its centrality to Aristotle’s ethics and to our own social lives. I argue that they ought to take Aristotle’s account seriously as a starting point for their own theorizing, while recognizing that it needs modification on some points.

Central to my defense of Aristotle will be his all-important distinction between general and particular justice. I begin by showing how Aristotle develops his core account of justice – and this distinction – in response to Plato’s *Republic*, following the lead of Richard Kraut (2002, ch. 4). On this basis, I bring to light Aristotle’s motivation for identifying political justice as the primary locus of justice, which in turn grounds his account of the subject matter of justice and the desires and passions that it regulates (cf. criticisms (i) and (ii) above).

It is precisely the political character of Aristotle’s theory of justice that grounds the charge of parochiality (cf. criticism (iii) above). While some defenders of Aristotle (e.g., Riesbeck 2016b) have tried to show that nothing unsavory follows from this feature of his view, I try to go further than they do by explaining why Aristotle distinguishes the other-regarding dimension of particular justice, which applies only in a relatively weak way outside the political community, from other-regarding dimensions of other virtues of character, which capture the type of universal (or ‘cosmopolitan’) concern that neo-Aristotelians should endorse. In particular, neo-Aristotelians should not allow the specific notion of justice to expand to cover the whole of morality; otherwise, they risk weakening the norms that are central to this virtue. As I hope to show, it is the strength of these norms and principles in their central case that ultimately justifies Aristotelian justice.

### **1. Against Aristotelian Justice: Three Criticisms**

Before I turn to my elaboration and defense of Aristotelian justice, I will develop the key criticisms of Aristotle’s account that I mentioned briefly above, in order to make clear what I take their substantive force to be.

The first criticism is that Aristotle misidentifies the subject matter of (particular) justice. Aristotle begins his account by associating particular justice with *equality*, but, as Mark LeBar notes, when he comes to identify what that equality consists in, he seems to refer purely to equality in possessing the goods of fortune, such as wealth, honor, and safety. This is especially true when it comes to distributive justice, one of the two forms of particular justice alongside corrective justice or justice in transactions (LeBar 2020). But, according to this criticism, our intuition is that justice concerns an equality of persons to persons *as such*, not an equality in things those persons have.

The second criticism is that Aristotle misidentifies the characteristic motive for (particular) injustice, thereby also distorting the nature of justice as its opposite. According to Bernard Williams's well-known critique, Aristotle unduly narrows his attention to *pleonexia*, typically translated 'greed'. While greed – or a desire for profit (*kerdos*), another term Aristotle deploys – may well lead to a person's acting unjustly in their social relations, it is hardly the only such motive and it is not clear why it should be associated with injustice in particular. Indeed, it seems that one could act unjustly out of no particular positive motive at all, but simply because one fails to properly value one's social relations with others. LeBar builds on Williams's critique (and the first criticism above) to argue that the Kantian motive of respect for persons is, instead, proper to justice, with lack of such respect as the corresponding motivational failure proper to injustice.

The third criticism is that Aristotle fails to ground the obligations of (particular) justice we have to people outside our political community; this is the problem of parochiality. Because Aristotle's account of particular justice is essentially political, it applies in the first instance to the fellow-citizens of our community and in a secondary way to friends and members of our own family (with whom our good is so closely identified that the other-regarding dimension of justice is weaker). One dimension of the problem of parochiality can be seen in Howard Curzer's argument that Aristotle's view of justice allows us to 'try out our new swords' on anyone who is not a member of our political community.<sup>1</sup> Even though Aristotle himself argues against wars of domination, which may suggest some concern for those beyond one's own political community, his reasoning does not seem to account directly for the plain injustice of the brigand and the pirate. A second dimension of the problem of parochiality relates to the apparently universal or cosmopolitan character of obligations of justice, which seem to apply to any human being whether we have an existing relationship with them or not. This problem was recognized within ancient Greek ethical thought, where the proverbial 'furthest Mysian' was argued by Stoics to be within the ambit of our concern. I will refer to these two dimensions of the problem of parochiality as the problem of external domination and the problem of cosmopolitan concern.

While I have introduced these three concerns separately, it will be important for my defense that we should see how they are closely connected and grounded either in misunderstandings of Aristotle's political conception of particular justice or in mistakes about the implications of this

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<sup>1</sup> See Curzer (2012), Chapter 13 "Justice in Friendship (NE VIII-IX)".

conception. But first, let us try to develop a clearer understanding of the basis of this political conception of justice.

## **2. Two senses of ‘justice’: Aristotle’s reply to the psychic integrity model of the *Republic***

Richard Kraut notes that Aristotle’s account of justice in *Nicomachean Ethics* Book V has a tendency to “disappoint or bore many of his readers” (2002: 98). While the *Politics* (especially Book III) offers a richer set of reflections on the topic, the treatment of justice we find in the *NE* seems unusually preoccupied with drawing undermotivated distinctions and offering commentary on a set of topics that are arranged haphazardly or, at least, without clear logical transitions.<sup>2</sup> As a result, Aristotle’s first key philosophical move in this discussion – differentiating general and particular justice – may appear to be an empty exercise in distinguishing senses of a term that is “said in many ways”, with one sense (general justice) equated to ‘lawfulness’ (*to nomimon*) and another sense (particular justice) equated to ‘fairness’ or ‘equality’ (*to ison*). We may agree that justice has something to do with law or equality, but the substance of Aristotle’s remarks defending his distinction may seem at first glance, as Kraut suggests, either “preposterous” (2002: 98) or banal.

In the face of such (quite natural) responses to the text, Kraut offers a lengthy and perceptive analysis of *NE* Book V as framed around a response to the Platonic account of justice in the *Republic*. In this light, many dimensions of the text gain a new and genuinely philosophical significance. One such dimension is the distinction in sense between general justice, which covers all the other-regarding dimensions of the virtues of character, and particular justice, a virtue of character on a par with courage, moderation, generosity, and the like, which has its own delimited domain. Since making more precise the character of particular justice will be crucial to my defense of Aristotle, I will provide, in the remainder of this section, a more detailed analysis of the way in which he distinguishes particular justice from general justice.

Aristotle begins by establishing the grounds for identifying a homonymy between two related senses of the Greek *dikaiosunē* (justice). The homonymy of *dikaiosunē* turns on the existence of

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<sup>2</sup> Given the many complexities of the text and the limitations on space, I will not be able to defend every aspect of the interpretation I defend below. My chief aim in relation to the text is to shed light on the *political* dimensions of his characterization of particular justice in order to show, further, how this political account of justice might allow for responses to the philosophical criticisms I identified above. While I certainly hold that the view I attribute to Aristotle is really his, my ultimate interest is in defining the contours of the most plausible *Aristotelian* account of justice. My overarching argument does not, then, depend purely on interpretations of various passages in *NE* Book V, but also on the coherence of a philosophical perspective on justice that the text points toward, more or less clearly.

two related senses of its opposite *adikia* (injustice) and the corresponding agent term *adikos* (being unjust). In brief, there are two ways of being unjust, either by being disposed to transgress the law (*paranomos*) or by being greedy or inequitable (*pleonektēs kai anisos*):

[T1] “Let us then set down that being unjust is said in many ways [i.e., has many senses]. Now, both the transgressor of law and the greedy or inequitable person are thought to be unjust. Hence, clearly, too both the law-abiding and the equitable person are just. What is just, then, is what is lawful and what is equitable, while what is unjust is what is transgressive of law and what is inequitable.” (NE V.1, 1129a31-b1).<sup>3</sup>

At first blush, T1 might seem to be trying to establish the existence of two excellences with distinct spheres of concern. That two coordinate virtues would share a name is not surprising if we note Aristotle’s other efforts to reorganize our language for virtue on a rational basis in *NE* II-VI, e.g., by identifying virtues that lack a common name altogether.<sup>4</sup> As we learn in what follows, however, the spheres of concern for the two senses of justice are overlapping and not distinct.

Aristotle goes on to associate the kind of justice that involves being equitable – particular justice – with a specific set of goods:

[T2] “Since the unjust person [in one sense] is greedy (*pleonektēs*), it [i.e. injustice in this sense] will be about good things, not all of them but those where there is good and bad fortune. The unjust person does not always choose a greater share (*to pleon*), but also a smaller share in what is bad, simply put; but since the lesser evil is thought in a way also to be good and greed is for what is good, for this reason they are thought to be greedy. And the unjust person is inequitable, since this notion covers [taking more of the good as well as taking less of the bad] and is common [to these cases].”

Aristotle here deploys the idea of greed as a commonly held notion by which he introduces his own subtler conception of justice as equitability. Greed (*pleonexia*) is literally a desire to have more (*to pleon ekhein*). But inequitable people are often not greedy in this sense but rather shirkers, those who flee burdens. For justice in this sense concerns both the goods *and* the ills that fortune brings, which – as we will see later – are precisely those things that can be socially allocated. Still, Aristotle’s rough identification of the subject matter of justice as equitability – the goods (and ills) of fortune – is sufficient to show its relation to the other kind of justice:

[T3] “Since, as we saw, the transgressor of law is unjust and the lawful person is just, it is clear that all lawful things are in a way just. For whatever is determined by legislative understanding is lawful and we declare each such thing to be just. [...] Now the law

<sup>3</sup> Translations throughout are my own from the Oxford Classical Text of Bywater (1894).

<sup>4</sup> E.g., the virtue with respect to anger, which Aristotle dubs ‘mildness’, *praotēs* (IV.5, 1125b26-29).

commands us to do both the deeds of the courageous person [...] and those of the moderate person [...] and those of the mild person [...] and so likewise it commands and forbids what accords with the other forms of virtues and wickedness, with law that is correctly framed doing so correctly and law that is dashed off worse. This kind of justice, then, is complete virtue, not simply put but [complete virtue] in relation to another.”

In T3 Aristotle argues that the second kind of justice, justice as lawfulness, pertains to the subject matter of *all* the virtues rather than a specific range of good and bad things. We learn, moreover, that lawfulness is not simple obedience to any law whatsoever (law ‘extemporized’ or ‘dashed off’, *apokhediasmenos*), but obedience to law’s constitutive aim, the welfare of the whole community, which necessitates a concern for the welfare of others as such. To act courageously and moderately and mildly is noble, but this nobility can also be viewed (and indeed, wholly or substantially explained) by considering the good of others who benefit by such noble action.

It is precisely the comprehensiveness of this sense of justice that entails that its sphere of concern *includes* the sphere of concern to which the other sense pertains.<sup>5</sup> Hence, Aristotle identifies justice as lawfulness as justice in the broader of the two senses, which has received the scholarly appellation ‘general justice’, while justice as equitability is justice in a narrower sense, since it is justice merely as a part (*kata meros*) of the whole of virtue, i.e., ‘particular justice’.

Kraut rightly notes that one consequence of this distinction is that the Platonic analysis of justice as ‘doing one’s own’ corresponds to justice only in the broad or general sense and not also in the narrow or particular sense (2002: 122). In the *Republic*, Socrates presents justice as a matter of the harmony of the soul’s parts (or principles), with the rational, spirited, and appetitive parts each doing its own work (*Republic* IV, 441c-443b). Socratic justice also turns out to be a kind of byproduct of the presence of the other virtues, since it is when the rational part is wise, the spirited part is courageous, and all three parts cooperate in being moderate (that is, agreeing to the rule of reason), that the parts severally do their own work such that the whole soul is just. Socrates notes that such a person would be least likely to commit any act traditionally identified as unjust, such as robbery or breach of contract, but he also draws explicit attention to the fact that his core account of what justice is in itself is turned inward to the soul and not outward to one’s conduct with others. In this regard, the traditional judgment that justice is another’s good,

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<sup>5</sup> Cf. Curzer (1995), who argues that general justice is, like, particular justice concerned with the goods of fortune (217). Insofar as general justice concerns the exercise of all the virtues of character in relation to others, this cannot be true. There are goods that are not goods of fortune, including the good of exercising the virtues themselves, and general justice is concerned with these, too.

on which Aristotle seems to found his own discussion, is abandoned by Plato's Socrates. For Socrates, just people will certainly be beneficent (disposed to benefit others), but their actually being just does not consist in their acting beneficently.

In distinguishing particular justice from general justice and in associating particular justice with greed (*pleonexia*), Aristotle can be seen to implicitly frame his account not simply as an alternative to that in the *Republic* but as a needed corrective to it that explains why unjust actions flow from a *specific* deficiency of character, grounded in characteristic motives or desires.<sup>6</sup> Indeed, the topic of general justice quickly fades from view in Aristotle's analysis, being explicitly set aside at V.2, 1130b18-20. Particular justice is the target of Aristotle's taxonomic exercise in *NE* V.2-5 and even the discussion of political and natural justice in *NE* V.6-7 can be fruitfully read as a fresh way of locating and specifying particular justice rather than a return to the topic of general justice.<sup>7</sup>

Aristotle's rejection of the view in the *Republic* helps us see one of his core motivations in marking off the subject matter of particular justice: explaining the link between unjust actions and a specifically unjust state of character. In his usual fashion, his analysis of the virtue considers both the objects of the action and the motives, desires, and emotions that prompt us in relation to these objects. Consider courage as a comparison case. Dangerous situations, especially those on the battlefield, are the characteristic object of courageous action, while fear and confidence are the feelings or emotions relevant to confronting danger. In the same way, the goods and ills of fortune, understood more specifically as the burdens and benefits of shared social life, and our natural desires to have the benefits and our natural aversions to shouldering the burdens help to specify the nature of particular justice. As I will argue in the next two sections, Aristotle's focus on the goods and ills of fortune is apt, and while his account of the corresponding desires and motives can and should be refined somewhat, we can meet the criticisms brought against his view on his behalf.

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<sup>6</sup> Kraut focuses, by contrast, on the substantive ethical and political consequences of the difference between the active Aristotelian model of justice and the Platonic psychic integrity model. For Aristotle, justice as lawfulness will demand, for instance, that we work to ameliorate the regimes we find ourselves in rather than absenting ourselves to protect our psychic welfare, as arguably Socrates did by refusing to participate in the political life of Athens.

<sup>7</sup> I argue for the claim that the discussion of political and natural justice is a direct continuation and development of the taxonomic analysis of particular justice in Jagannathan 2021: 14-19. For a contrasting view of these chapters, see Lockwood 2006.

### 3. The political character of particular justice (1): its objects

My main goal in this section is to argue that Aristotle's initial characterization of the objects of particular justice – the goods of fortune – is not a full account of what he takes them to be. After all, it would seem that many virtues, including generosity, concern the goods of fortune or some subset of them. Our first hint that Aristotle's own views are more subtle comes from the fact that, in his initial presentation, he includes the *opposites* of the goods of fortune – not simply honor, wealth, and safety but also their lacks – as the objects proper to this virtue. But the key move comes later in the discussion when Aristotle begins to divide particular justice into species:

[T4] “Of particular justice and what is just on its grounds, there is one kind in distributions of honor or wealth or whatever else can be allocated to those who share in the constitution (for it is among such people that there can be a differentiation of what is unequitable and equitable). There is another kind that is corrective in transactions, of which there are two parts, since some transactions are voluntary and others involuntary [...]” (*NE* V.2, 1130b30-31a3)

A point rarely made in discussions of *NE* V is that the two species of particular justice, distributive and corrective justice, must concern the same goods in order to count as species of the same virtue, rather than two distinct and coordinate virtues. The characterization Aristotle provides in T4 of the objects of distributive justice, then, should apply to both species and to the whole of particular justice: “honor or wealth *or whatever else can be allocated to those who share in the constitution*” (emphasis added).<sup>8</sup> This final clarification should be read as superseding the earlier descriptions. Hence, it is not merely the goods and ills of fortune as such that are the objects of particular justice, but rather these goods and ills specifically understood as subject to political allocation, in other words, as constituting what I have called the benefits and burdens of shared political life.

Now, it may seem that questions of allocation (i.e. questions about who has what) are proper solely to distributive justice and not also to corrective justice, since T4 does not explicitly state what the objects of corrective justice are. In his discussion of political justice, however, Aristotle indicates that a necessary condition of sharing in the constitution is having a proper share in the benefits and burdens of social life according to the principles of both distributive and corrective justice.

[T5] “How, then, reciprocity relates to justice has been stated earlier. But we must not lose sight of the fact that the thing we are inquiring into is not only the just simply speaking

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<sup>8</sup> ... *times ē kbrematōn ē tōn allōn hōsa merista tois koinōnōusi tēs politeias*. The word I have translated ‘allocated’ (*merista*) most literally means ‘divisible’ and is not cognate with the word translated ‘distributions’ in the same sentence (*dianomais*).



but also the politically just. This [i.e. the politically just] applies in the case of those who share a life directed toward self-sufficiency, since they are free and equal either proportionally or arithmetically. Hence, for those for whom this is not the case, the politically just does not apply, but rather only a sort of justice that resembles it” (V.6, 1134a24-30).

This passage is dense and requires some explication for all of its claims to make sense together.<sup>9</sup> First of all, we should notice that T5 functions in its immediate context as a return to the earlier discussion of the forms of particular justice, distributive and corrective justice, and their relationship to reciprocity, which Aristotle has argued does not line up with the principles of either.<sup>10</sup> In resuming his treatment of this topic, Aristotle describes the object of his inquiry as a single thing (*to zētoumenon*), but then offers two descriptions of it, (a) as justice simply speaking and (b) as political justice. (If Aristotle had wanted to suggest that there were *two* distinct objects of inquiry, he would have referred instead of them in the plural (*ta zētoumena*).) In other words, the force of this claim is that what he was earlier talking about simply as justice can also be understood as *political* justice. He then provides the grounds for this claim in the rest of T5: the kind of justice that obtains among free and equal citizens is the primary case of justice, while other are related to this primary sense by resemblance.<sup>11</sup> It is this *primacy* of political justice that shows why the inquiry into justice simply speaking (particular justice) turns out to be an inquiry into political justice and, hence, why the goods and ills that pertain to particular justice are best understood as the benefits and burdens of shared social justice.

Aristotle further unpacks political justice as the sort of justice that applies to free and equal citizens, those who were described as sharing in the constitution in T4.<sup>12</sup> Equality in T5 is either proportional or arithmetic equality, which, given the immediate context, is best read as a reference back to the discussions of corrective and distributive justice in V.2-4.<sup>13</sup> In the

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<sup>9</sup> In what follows, I present a mainly textual-interpretive case for showing how T5 supports the idea that the objects of both forms of particular justice, distributive and corrective, are the benefits and burdens of shared political life. I conclude by presenting some independent philosophical grounds for this claim.

<sup>10</sup> This discussion that was interrupted by two brief digressions on the special way that justice is a mean or intermediate (V.5, 1133b29-34a16) and the possibility of performing an unjust action without thereby being an unjust person (V.6, 1134a17-23). Many editors have attempted to reorganize these chapters to produce a clearer flow of thought, but I do not take a stand on whether the received text demands this kind of intervention.

<sup>11</sup> I will have more to say about how exactly these other kinds of justice, such as household justice, relate to the primary locus of political justice below, when I turn to the problem of parochiality (§5).

<sup>12</sup> For an analysis of Aristotle’s theory of citizenship in terms of ‘sharing in the constitution’, see Schofield (1996).

<sup>13</sup> In this regard, I build on Jagannathan (2021), where I argue that the discussion of reciprocity and its political implications in *NE* V.5 prepares us to see how particular justice is equivalent to political justice. An anonymous referee for the journal suggests, following Reeve’s commentary (2017), that the reference to proportional or arithmetic equality should instead be understood in terms of constitutional variation, since oligarchs adopt a proportional principle of wealth as a basis for political access, while democrats prefer the arithmetic principle of freedom. While Aristotle certainly uses a version of this framing in *Politics* V.1, he does not associate proportional and arithmetic equality with constitutional variation in *NE* V. Rather, in the two chapters leading up to T5, he first

intervening discussion of reciprocity, Aristotle argues that those who cannot engage in the exchange of goods – trading goods for other goods in commerce – or in the exchange of evils – resisting those who would deprive one of what one already has – are in a condition they reasonably regard as servitude or slavery (V.5, 1132b31-33a2). The opposite of such a condition is the equality characteristic of political life and *both* distributive and corrective justice sustain this political equality. That is why they together comprise particular justice, which is the kind of justice whose manifestations can just be thought of as a kind of equality (*to ison*).

I have offered an interpretation of how T5 ties together the complex set of arguments in *NE* V.4-6; there is, however, a further philosophical reason to hold that political justice in Aristotle's sense covers matters of both distributive and corrective justice. We can see this point by considering both economic and social goods. Take economic goods first. Aristotle evidently thinks that *ex ante* distributions of money and *ex post* corrections of fraud in economic transactions are of central political concern. Likewise, *ex ante* distributions of political honors and offices as well as *ex post* corrections of harms that deprive others of honor or safety, such as adultery or murder, are equally political. In short, for Aristotle, there is no separate domain of purely economic or purely legal matters that do not implicate the standing of citizens with respect to each other. So, we should conclude that distributive and corrective justice are both political in character.

In sum, since political justice is a matter of having an appropriate share of the burdens and benefits of political life, questions of allocation of these burdens and benefits will be common to both distributive and corrective justice. What this shows us, in turn, is that representing a good or ill of fortune as a social burden or benefit already implicates our political standing, both in a relative and in an absolute sense. Allocations of the burdens or benefits shape our relative standing to others who are likewise party either to *ex ante* distributions or *ex post* corrections of transactions, both of which result in new allocations of the burdens and benefits and are united into the single domain of political justice by that fact. Meanwhile, total lack of access to allocations of these burdens and benefits according to distributive and corrective justice is a mark of a lack of political standing in an absolute sense.

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introduces these notions as principles of the two species of particular justice (V.4, 1131b25-32a9) and then goes on to show that neither principle corresponds exactly to reciprocity (V.5, 1132b21-33a2). These are the claims that the beginning of T5 is summing up. Moreover, what Aristotle is saying in these chapters should apply to justice in all constitutions, not least to the good or uncorrupted types of constitutions, whereas oligarchic and democratic justice are only partial visions of political justice (*Politics* III.9, 1280a7-11), insofar as oligarchy and democracy are deviant constitutional forms.

What we are now in a position to see is that the objects of particular justice are defined partly in terms of their propensity to alter our standing with respect to others with whom we share a political community.<sup>14</sup> That, in turn, can help us identify an Aristotelian response to the criticism of Mark LeBar, whose basic claim is that if justice is a matter of equality, it is not an equality of *things* but of *people* (2020: 47-48). The outline of my response is that particular justice, for Aristotle, *is* in fact about people insofar as the allocations of things shapes our standing with respect to them and the possibility of a shared life on that basis.

It is important to note that Aristotle's list of the goods and ills of fortune includes not only wealth and poverty, but also honor, safety, and their opposites. The allocation of political offices, a topic closely related to honor, is in fact Aristotle's main concern in the detailed discussion of distributive justice and political life that we find in *Politics* III. Notice that honor and safety are both relational notions, insofar as they are benefits essentially derived from others. Wealth may seem to be more independent of social life until we realize that wealth is literally worthless unless it can be used and that its use is conditioned by the possibility of market exchange, as described in Aristotle's reflections on reciprocity in *NE* V.5. It is these market exchanges that allow for the economy self-sufficiency that characterizes political life, as opposed to simpler forms of human organization. Moreover, access to market exchange is a condition of having political standing at all.

In sum, I have argued that Aristotle's analysis of justice as being equitable turns out to offer a subtle reflection on what we need to maintain political life. To have this virtue is not simply to care about the goods of fortune to the right degree, e.g., by avoiding greed, but to care *positively* about the allocations of these benefits (and the corresponding burdens) in relation to those people with whom one shares a social existence.<sup>15</sup>

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<sup>14</sup> Curzer (1995) argues that the objects of particular justice and injustice are gain, loss, and an equal share, which in turn are specified as intrinsically just or unjust quantities of the goods of fortune. On my view, this wrongly identifies an aretaic dimension in the *object* of particular justice. The object of particular justice is simply the burdens and benefits of shared life, for which we all have natural aversions and desires. These natural aversions and desires are appropriately calibrated in the just (equitable) person and are off-kilter in the unjust (inequitable) person, leading to just and unjust actions, respectively. If the object of particular justice and injustice had an aretaic dimension, unjust people would intentionally pursue unjust shares. But saddling Aristotle with this commitment is unattractive, since there are clearly unjust people who pursue shares that happen to be unjust without seeing these shares that way. Curzer replies to this objection (1995: 215-216) by saying that unjust people may engage in "doublethink", which would imply that they see what they lay claim to as simultaneously unjust and yet deserved, but this fails to meet the counterexample, where someone acts unjustly, despite not viewing their action as in any way unjust – a counterexample we may even take to be paradigmatic of unjust people.

<sup>15</sup> While I disagree with Curzer's description of the relevant desires, he rightly notes that "[p]articular justice has a positive content" (1995: 221).

Let us now turn to the second criticism, which precisely concerns the topic of motivation.

#### **4. The political character of particular justice (II): motivation**

Recall Bernard Williams’s criticism of Aristotle – echoed and amplified by Mark LeBar, among other recent critics – for his allegedly narrow focus on greed (*pleonexia*) as the motive characteristic of injustice. Williams and those who follow him argue that a sensible account of justice ought to allow that a characteristically unjust person might act from a range of motives and that what is in fact characteristic of injustice is a *lack* of the proper motivation. Williams, for instance, notes that “laziness or frivolity” are among the important motives for injustice (2006: 215), but concludes that these motives are united by being motives that fuel “settled indifference” (217). What the unjust person is indifferent to, as LeBar (2020) argues, is according due respect to others. To respect others in this way would mean to regard them as having a standing that limits what one may do to them.

I have already provided at least two reasons to think that the motive of greed or the desire for profit does not cover the entirety of what Aristotle says about the particular justice and its opposite form of injustice. The first is that greed does not account for our desire to avoid the bad things that fortune can bring or, in the more precise view Aristotle goes on to articulate, the burdens that can be socially allocated, and Aristotle plainly brings such desires into his explanation of particular injustice. The second is that, insofar as social allocations create and sustain the possibility of political life, the virtue concerned with them directs our attention not simply to the objects of our desires but to those who are affected by the allocations. As Aristotle says explicitly in a passage of the *Politics* referring back, apparently, to *NE* V, “what is just is [just] for certain people and it is determined in the same way [i.e., proportionally] both in relation to the things and to those people, as was said earlier in the *Ethics*” (*Politics* III.9, 1280a16-18). Indeed, what is a burden or benefit for one person may well not be a burden or benefit to the same degree for another. As I will argue below, Aristotle is not, for this second reason, a proto-Kantian, but his thinking about the motives that drive injustice – and those that are proper to the just person – is shaped by the political setting that is its chief home.

Let us begin with a closer look at Williams’s core critique of Aristotle’s reliance on the notion of greed (*pleonexia*). Williams alleges at the outset of his essay that Aristotle treats greed as “the defining motive of particular injustice” (207). The passage he cites for this claim (1130a24 ff.)

does not, however, represent an attempt to find such a defining motive. Rather, Aristotle merely aims to establish that one's motive can be characteristically unjust *without* implicating another vice, such as licentiousness or cowardice:

[T6]: "If one man commits adultery for the sake of gain, and makes money by it, while another does so from appetite, but loses money and is penalized for it, the latter would be thought self-indulgent rather than *pleonektēs* [greedy], while the former is unjust and not self-indulgent [or licentious]: this is obviously because of the fact that he gains. Again, all other unjust acts are ascribed in each case to some kind of vice, e.g. adultery to self-indulgence; deserting a fellow soldier, to cowardice; assaulting someone, to anger. But if he makes a gain, it is ascribed to no other vice but injustice" (*NE* V.2, 1130a24-32, trans. Williams).

Williams claims that T6 is complex and that "its exact conclusion is unclear" (208). But, contrary to Williams's assertion that Aristotle is here trying to establish the motive characteristic of particular injustice, the text is focused on the conditions for ascribing the vice of particular injustice to people, by contrast to other vices.<sup>16</sup> In fact, in my view, the point T6 is making is both relatively straightforward and quite narrow: namely that we can sometimes discover (i) that an act that would suggest the ascription of a vice of one kind really ought to be ascribed to a different vice because of its motive and (ii) that this pattern is fulfilled in cases where an apparently licentious or cowardly person is not motivated by the desires and passions appropriate to the domains of those vices (a lustful appetite or an overwhelming fear), but desires *such as* the desire for a profit.

There are, then, two types of cases that Aristotle seems to have in mind in T6:

Case A: A cowardly act, motivated by the passions and desires relevant for cowardice (namely, fear and confidence in facing up to dangerous situations), happens to also be an unjust act because of its foreseeably unjust effects on the allocation of a social benefit (safety).

Case B: An unjust act, motivated by an undue desire for a social benefit that can be allocated (safety), happens to *look* cowardly, because it takes place in a context where the passions and desires relevant for cowardice are normally operative (namely, dangerous situations).

Williams claims that Aristotle neglects cases where the motives of particular injustice and those of other vices coincide. But insofar as Aristotle describes Case A, it is perfectly possible that the

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<sup>16</sup> As Curzer (1995: 225-226) also argues.

act is not only unjust coincidentally but also unjust *per se*. For instance, the person who deserts a fellow-soldier out of fear might not only be aware that their comrade will have to face greater danger but also delight in getting away with it at the other's expense. Case A would then have two sub-types, where each of these more specific conditions is met, one corresponding to the act being unjust only coincidentally and one to the act being unjust *per se*.

What is important for Aristotle's purpose in T6 is that the latter possibility is not the only one. Sometimes, the motives for an unjust act do not overlap with the characteristic motives of other vices. That is why we can regard (particular) injustice as a vice distinct from the other vices, which helps in turn to substantiate the distinction between particular and general justice.

Williams tries to bolster his case that Aristotle wrongly identifies particular injustice with the disposition to act from greedy (or 'pleonectic') motives by pointing to a text where Aristotle seems led to say that an unjust official gets "too much" of something, even though no particular greedy motive need stand behind their making an unjust allocation.

[T7]: "If [the distributor] judged unjustly in full knowledge, then he too acts greedily (*pleonektei*), either for gratitude or payback" (NE V.9, 1136b34-37a1).

But as with the discussion of motives in T6, Aristotle can be taken in T7 to be describing a plausible scenario rather than an inevitable one, in line with his general method to state what is true on the whole (literally, 'for the most part' – *bōs epi to polū*) in ethics (see NE I.3, 1094b14-22). After all, it is difficult to imagine why someone would make a patently unjust distribution, if it was in their power not to do so, unless there were some further inducement leading them to act in this way. A corrupt motive of some kind is the most psychologically plausible explanation.

That is why in T7 we find Aristotle imagining that the person making the unjust allocation "acts greedily either for gratitude or payback (*timōria*)". His aim in the broader context of this part of NE V.9 is to show that it need not be only a person who *receives* an unjust allocation who acts from an unjust motive but also the person who sets this allocation in motion. While Williams is perfectly right to argue that settled indifference can lead to unjust allocations, people in public authority would have little motive – assuming they have some distinct motive – to allocate goods unjustly unless they were to receive something in turn.<sup>17</sup>

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<sup>17</sup> Curzer (1995) also notes the importance of the *typical* case to Aristotle's views in this passage (230). Trying to refute his claims about the typical case by counterexample, as Williams does, will not succeed unless the counterexamples themselves are widespread – or typical – enough to demand further analysis. The qualification is

The case of settled indifference is more proper to the recipient of such an allocation, who may cooperate in or concede to an unjust act that benefits them without a specific motive. But Aristotle may well point to such a person's undue desire for the benefit they receive as the mark of their injustice. In any case, Aristotle has good grounds to argue that a disordered relation to the benefits and burdens of social life is always implicated in specifically unjust acts. Such a disordered relation is often best explained in terms of greedy motives, but these need not be the only such case. Still, such cases are paradigmatic and help us to see why particular justice is distinct from other virtues.

All that said, Aristotle's own account does need some modification in the relation between the objects of particular justice and the motives characteristic of the unjust person for it to be fully plausible. More specifically, the disordered relation to the benefits and burdens of social life that he makes characteristic of injustice should be explained, in the first instance, by how we relate to other members of the political community, not by how we relate to the goods of fortune independently of their social consequences. Quite obviously, inordinate desires for the goods of fortune need not implicate injustice, by contrast to other vices, such as intemperance or miserliness.

Williams argues at the end of his essay that wanting to have an inordinate quantity of money or honor inevitably involves wanting more than others, since these goods are divisible, while wanting to have safety does not have this feature, since there is no inordinate quantity of safety itself. But the safety at issue for justice and injustice is the kind of safety implicated in Aristotle's example in T6 of abandoning one's fellow-soldier. To have such safety is to deprive someone else of it, and it is not only divisible but also comes in degrees. In societies such as our own, where danger is typically faced by professionals, such divisible safety is not a prominent social benefit to contend over. While these examples remain intelligible, the view is difficult to understand precisely because it is only safety *as a social benefit* and danger *as a social burden* that are relevant to justice and injustice.

It helps, at this juncture, to consider the kinds of harm that Aristotle goes on to discuss in relation to the various sub-divisions of particular justice. We have already seen that *deprivation* is

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needed to allow for cases of indifference. As I argue below, Aristotle's view accommodates the possibility of such indifference, but it is not the target of his attention here. Thanks to Josh Cohen for discussion of this point.

the characteristic form of injustice to others in relation to distributions, whether one contrives such deprivation as the maker of the distribution or merely as a recipient who cooperates in an unjust distribution. In the case of corrective justice, which applies to social interactions or transactions, the characteristic harms are *injury* in the case of involuntary transactions such as adultery or theft and *fraud* in the case of voluntary transactions such as lending or selling. What is common to these kinds of harm is that one may choose them in order to satisfy one's desire for some social benefit or an aversion from some social burden at the conscious expense of others.

In sum, by so prominently invoking greed and the desire for profit, Aristotle seems to imagine someone with precisely the kind of settled indifference to just dealing that Williams himself thinks characteristic of the unjust person. For in being driven by these motives, such a person is callous both to the needs of others and the need we all have of one another in political community. We may add to this character type another sort of person, who is not only indifferent but also takes pleasure in getting one over others, whom they regard as fools or suckers. This second character type can be seen as a development of the first, when callous disregard becomes an entitled sense of superiority. Both types display the vice of particular injustice, a vice that Aristotle takes to be particularly damaging to the maintenance of political community.

### **5. The problem of parochiality**

I have argued above (§§3-4) that Aristotle conceives of particular justice as a disposition to show due regard for others as participants in the scheme of allocating social benefits and burdens by which political community is maintained. This virtue is, thus, the same as what he calls political justice, both in *Nicomachean Ethics* V.6 and the *Politics* (III.9), where his chief concern is the distribution of political authority. The political character of particular justice opens Aristotle quite directly to the charge of parochiality, which we are now in a better position to appreciate.

As I noted in §1, the problem of parochiality comes in two forms. The first is more straightforward: if particular justice is a disposition to show due regard to one's fellow citizens, then – the critic of Aristotle charges – it seems we may act as we please when it comes to others outside our political community. This is the problem of external domination. The second version of the problem of parochiality is more subtle. The difficulty alleged by some universalist critics is that justice ought to concern our treatment of *any* other person, regardless of our existing relationship to them. This is the problem of cosmopolitan concern.



Let us take up the problem of external domination first. Does Aristotle's view of justice commit him to silence on the injustice of the pirate or the brigand?

The key to an Aristotelian response to this problem lies in the claim (in T5, discussed above in §3) that political justice is the primary locus of justice, while other kinds of justice are related to it by resemblance (*kath' homoiotēta*, 1134a23-26). Notably, Aristotle uses the same language of resemblance to describe the relationship between friendships grounded in virtue and other, lesser sorts of friendship in the *Nicomachean Ethics* discussion of friendship.<sup>18</sup> Later on in *NE* V.6, Aristotle briefly mentions some of the other kinds of justice, e.g. household justice, that differ from political justice and are presumably related to it simply by resemblance.

But why should we regard political justice as the primary locus for justice? This commitment flows from two other Aristotelian principles articulated elsewhere in the corpus. The first is that justice and community are mutually implicating;<sup>19</sup> in other words, every form of human association is governed by the norms and principles of justice. The second is that the political community is the supreme form of human association, because it enables the pursuit of the best human activities and human flourishing itself (*Politics* I.1). Every other community, by contrast, pursues a partial good.

It is important to note that Aristotle's claim that the political community is supreme is not a claim about scale. He is well aware of forms of human association that extended far beyond the communities he takes to be political in nature, not least empires such as the Persian and Macedonian Empires that played a defining role in the events of his time, as well as networks of commercial exchange that had a profound influence in Athens and other mercantile centers (*Politics* III.9, 1280a25-b5). These types of association, however, are not genuinely political in nature because they are not sustained by the reciprocity of ruling and being ruled in turn that defines politics and by which we aim at the highest good. Economic exchange, no matter how widespread, is at most a necessary basis for political life. Large-scale military alliances, likewise,

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<sup>18</sup> *NE* VIII.4, 1157a30-32. The relation between the types of friendship falls short of a strict case of core-dependent homonymy in the *Nicomachean Ethics*, as Shields (1999: 67-68) notes, by contrast to the *Eudemian Ethics* treatment of the types of friendship. Still, as Walker (1979) and Price (1990), Chapter 5, have argued, virtue friendship is still a sort of core or focal case, insofar as friendship is *exemplified* by it. In the same way, we can treat political justice as the *exemplary* case of justice, insofar as the political community is where the virtue of justice is expressed most fully. I thank an anonymous referee for the journal for pressing me to clarify my view of this topic.

<sup>19</sup> *NE* VIII.9, 1159b25-32. For a general account of the issue, see Riesbeck (2016a), chapter 2.

aim at partial goods. Only the political community as such aims at the highest human good for its members. The centrality of political justice, then, derives from the fact that it is the form of justice that governs the human community that aims at the highest good.

To appreciate the implications of this point, we can turn to Aristotle's example of household justice as a contrast case to political justice (V.6, 1134b8-18). Aristotle says that the household aims at necessities in his genealogy of political community in *Politics* I.3, which are subordinate goods relative to our overall aim of living well. But the most relevant fact about the household is that the good of its other members is not fully separate from our own (V.6, 1134b9-12) and it is not characterized by genuine alternation in authority (*Politics* I.12, 1259a39-b10).<sup>20</sup> One consequence of this view is that there can be kinds of imbalance in the allocation of benefits and burdens within a household that are not yet problems with respect to either distributive or corrective justice, which both presuppose a separateness of the lives to which properly social benefits and burdens pertain. Another is that benefits and burdens within a household are not really divisible in the same way. Honor or esteem, for instance, does not typically accrue to one member rather than and to the exclusion of another.<sup>21</sup>

We are now in a position to address the problem of external domination on Aristotle's behalf. The sorts of association where the problem of external domination applies lie beyond the scope of any political community by definition. Yet even if the interactions involved are transient, they are plausibly governed by justice. This justice, as with the kind that applies within the household, will be an image of political justice. In the case of household justice, the lives of the household members are too closely intertwined for the standing of the members to be vulnerable to problems of misallocation. By contrast, in the case of extra-political justice, the lives of those who interact are too remote from one another for them to have the kind of standing at stake in political community. Still, the harms of deprivation, injury, and fraud all seem possible in this context. The pirate or the brigand really does something unjust to their victims. What is missing is the scope for genuine corrective justice to rectify this transaction, since the parties do not need to be brought into equal standing after the fact.

There is admittedly something counterintuitive about this view. The injustice of the pirate or the brigand, or the act of trying out one's new sword on an unsuspecting victim, as Curzer frames

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<sup>20</sup> On this last feature, see Riesbeck (2015).

<sup>21</sup> I am here abstracting somewhat from Aristotle's own conceptualization of the household in *Politics* I, since only the male head-of-household has true citizen-status.

the problem, turns out not to be among the central cases of injustice. The benefit of the view, however, is that it provides norms that vary according to the type of community in question. In the case of the political community, these norms are at their strongest. In the case of extra-political interactions, they may be fairly weak; in particular, someone in a position to turn to brigandage might act well if they simply leave others alone, an attitude we may usefully call pro-sociality. Such indifference to others would be a failing within the political community, where Aristotle takes us to have a strong, positive interest in the way that others live, since they are the others in the company of whom we can live good lives.

My reflections here on the problem of external domination lead directly to a response to the problem of cosmopolitan concern, along the lines suggested by David Riesbeck (2016b) and David Brink (2018). Riesbeck and Brink agree that Aristotle's theory does not require of the just person any particular concern with those with whom they do not interact. But this point can be seen to be salubrious, rather than a defect in Aristotle's view. Brink, in particular, emphasizes the incompatibility of eudaimonism with unrestricted cosmopolitan concern of the kind the Stoics seem to favor, a point in favor of at least the internal consistency of Aristotle's view.

We can go further than Brink, on the basis of what I have said, to see that Aristotle's eudaimonistic framework explains why norms of justice have the normative strength they do. In particular, while non-interference may be appropriate outside the bounds of political community, it may fall well short of what we owe to others within our communities, because of the sharing of distinct lives that political community represents. Moreover, the reciprocity of virtues – the fact that having one of them entails and requires having the others – can help us see that Aristotle does not envision the possibility of someone whose attitudes and thinking are well-ordered with regard to their fellow-citizens but are not so outside their own communities.

Of course, this point depends on there being coordinate virtues to particular justice that can carry some of the normative weight. Perhaps the most important of these is friendliness or amiability, a pro-social virtue that not only rules out trying out one's new swords, but arguably leads one to be well-disposed to the flourishing of others even apart from any particular shared ends or goals. Aristotle does not himself discuss this virtue at length (*NE* IV.6), but he does signal that it characteristically applies to strangers as well as acquaintances, a point that should not be affected by the boundaries of one's political community. His brief treatment is weakened

by focusing narrowly on the alignment of pleasures and pains in social interaction.<sup>22</sup> This point is another important place where we can improve on Aristotle's own account in defense of his larger views.

## 6. Conclusion

I have argued in the body of this essay that Aristotle's conception of justice is more plausible than recent critics have allowed, focusing on three strands of criticism in particular. While addressing these more particular criticisms has allowed me to bring out what I take to be the normative substance of Aristotle's view, I wish to conclude by making the case that neo-Aristotelians ought to consider some elements of Aristotle's view as starting points for their own theorizing, largely to come, on the subject of justice.

I have shown that Aristotelian particular justice is a resolutely political virtue and that this need not make it unworkable as an account of justice. Injustice towards those outside one's political community is not licensed by the view, nor does Aristotle's ethics lack grounds for establishing what positive attitudes a virtuous person takes toward those who (for the moment) lie outside their immediate practical concern.

Moreover, Aristotle is right to note that not all of our other-regarding attitudes belong to the sphere of justice and injustice. For one, friendship and other relations of partiality need an independent treatment. Even virtues like moderation at least *indirectly* implicate the others with whom our lives are entangled. This more indirect form of other-regarding concern can even be thought of as a form of justice, general justice, though the concept we tend to use now for such concern is instead 'morality'.

In too much recent ethical theorizing, (particular) justice has been allowed to swallow up the domain of the other virtues of character, insofar as the virtues get mentioned at all. We ought to resist this assimilation, not simply to get the theoretical details right, but because we will otherwise fail to see how strong the demands of justice can be. It is not enough, in the context of one's own communities, to avoid deprivation, injury, and fraud. The just person must aspire to living in a way that sustains a genuine sharing of lives with others, one that regards others as having not only equal standing and authority in political life but also a continual claim to our attention as far as social benefits and burdens are to be allocated. In this way, what we now call

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<sup>22</sup> See Curzer (2012), chapter 9 "Friendliness and Civility".

social justice, especially its emphasis on rectifying past wrongs, can easily find a home in an Aristotelian framework, which does not rest content with the kind of non-interference that might be appropriate outside the bounds of political community.

There are important issues that I have not discussed here in the interests of space. Perhaps the most pressing for the neo-Aristotelian is what to say about global justice. Should we conceive of ourselves as living in such an interlinked way that there can be or are genuine global communities that sustain norms of justice in the strong sense, as opposed to the weaker extra-political norms I discussed above? The Aristotelian emphasis on grounding such strong norms of justice in the actual sharing of lives likely militates against this more cosmopolitan approach, but a graded approach that reflects the particular degree of interdependence we have does not seem to be entirely implausible. In any case, I have tried to show here that Aristotle can remain a vital conversation partner in thinking about such issues.

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