

Ethical Justice and Political Justice

THORNTON C. LOCKWOOD, JR.

ABSTRACT

The purpose of Aristotle's discussion of political justice (τὸ πολιτικὸν δίκαιον) in *EN* V.6-7 has been a matter of dispute. Although the notion of political justice which Aristotle seeks to elucidate is relatively clear, namely the notion of justice which obtains between free and equal citizens living within a community aiming at self-sufficiency under the rule of law, confusion arises when one asks how political justice relates to the other kinds of justice examined in *EN* V. Is political justice a highly determinate subdivision of justice which Aristotle examines alongside the other varieties of particular justice analyzed in *EN* V.2-5? Or is political justice related to the analysis of ethical agency which follows in *EN* V.8-11? The question is complicated by the fact that the passage in question – *EN* V 1134a17-1135a15 – has occasioned much speculation about textual dislocations and has been incorporated into chapter divisions differently according to the two prevalent modern editorial divisions of the *Ethics*.

To resolve these problems, I argue that Aristotle's account of political justice is situated within an extended aporetic analysis which begins in *EN* V.6 and extends through *EN* V.8. Aristotle introduces the notion of political justice within the extended analysis concerning the ascription of character states because calling someone just or unjust presupposes that the person is a fully mature ethical agent, but anyone capable of political justice possesses such agency. Once the extended argument in the second half of *EN* V is properly understood, it appears that the received text is not in need of emendation. To further support my claim that Aristotle's account of political justice introduces a new inquiry which is not analogous to the analyses of particular justice in the first half of *EN* V, I compare political justice to the other species of justice.

In the center of the fifth book of the *Nicomachean Ethics* (*EN*), the purpose of Aristotle's discussion of political justice (τὸ πολιτικὸν δίκαιον) has been a matter of dispute. Although the notion of political justice which Aristotle seeks to elucidate is relatively clear, namely the notion of justice which obtains between free and equal citizens living within a community aiming at self-sufficiency under the rule of law, confusion arises when one asks how political justice relates to the other kinds of justice examined in *EN* V. Is political justice a highly determinate subdivision of justice, one which Aristotle examines alongside the other varieties of particular justice which are analyzed in *EN* V.2-5? Or is political justice related to the analysis of ethical agency, injustice, and unjust actions which follows in *EN* V.8-11?

The question has both philosophical and philological significance. For the purpose of understanding Aristotle's ethical philosophy, determining the place of political justice in the *Ethics* speaks to the question of the place of politics within Aristotle's account of ethics and human agency. For the purpose of understanding the editorial organization of the Greek text of the *Nicomachean Ethics*, the passage in question – *EN* V 1134a17-1135a15 – has occasioned much speculation about textual dislocations and has been incorporated into chapter divisions differently according to the two prevalent modern editorial divisions of the *Ethics*.¹ Although these two traditions of textual division usually coincide, *EN* V.6 is one of the more prominent places in the *Ethics* where the two traditions have significantly differed on the 'natural joints' of the text.² Since the different editorial traditions and proposed textual recensions have been motivated by different philosophical understandings of the arguments adjacent to *EN* V.6, the philological and philosophical problems of *EN* V.6 are closely interrelated.

The central source of the dispute concerns understanding the relationship between the opening lines of *EN* V.6 and the discussion of political justice in the remainder of V.6. The opening lines commence Aristotle's analysis aporetically by asking

(§1) Since it is possible to act unjustly and still not be unjust, what kind of unjust effects must one bring about to be unjust with respect to each kind of injustice, e.g., must one be a thief, or an adulterer, or a bandit? Is it not the case that the question, raised in this manner, does not show the difference? For a man may commit adultery with a woman whom he knows, but he may do so because of passion and not because of choice (*prohairesis*). (§2) Accordingly, he acts unjustly but he

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¹ As Gauthier and Jolif note, the modern subdivision of books within the *Nicomachean Ethics* stems from two medieval traditions: 'l'une transmise par Argyropoulos et Lefèvre d'Étaples à Zell, à Didot, et aux éditions anglaises, l'autre par Th. Zwinger et Duval à Bekker et aux allemands', R.A. Gauthier and J.Y. Jolif, *L'Éthique à Nicomaque*, 1st ed. (Paris-Louvain, 1958), vol. I, p. 82*, n. 245. Greek passages are based on Bywater's Greek text (*Aristotelis Ethica Nicomachea* [Oxford, 1894]). For clarity's sake, I will cite each passage according to the Anglophone chapter divisions (in arabic numbers), the section divisions (marked with §) first introduced in Zell's edition (*Aristotelis Ethicorum Nicomacheorum* [Heidelberg, 1820]), and line numbers from Bekker's edition (*Aristotelis Opera* [Berlin, 1960]).

² Most Anglophone editors and translators, ultimately following the edition of Didot, divide the text into two chapters, namely *EN* V.6-7. But most continental editors and translators follow the edition of Bekker, and conjoin the discussion of political justice in 1134a17-1135a15 to the subsequent discussion of the difference between unjust acts and injustice as a character-state in V.8 (1135a15-1136a9).

is not unjust. And just as a man stole without being a thief, so he committed adultery without being an adulterer, and similarly in the other cases.³

Aristotle's line of inquiry here clearly anticipates the discussion of *EN* V.8, and its use of choice (*prohairesis*) to resolve the question points to the ultimate conclusion of *EN* V.8.⁴ And yet, in the immediate sequel, Aristotle next reminds his reader that it must not escape notice that the object of inquiry is 'that which is both unqualified justice and political justice'.⁵ Aristotle's transition from the problem of character and action to the analysis of political justice is abrupt and a sign to many editors and commentators that the text is corrupt.⁶ Thus, some translators have emended the text, others have called it into question, and some have left it as is without comment.⁷

The only way to resolve the dispute concerning the purpose of the discussion in *EN* V.6 is to articulate a plausible account of the extended argument of the fifth book of the *Ethics* which explains in philosophical terms the place of political justice within Aristotle's understanding of justice as a whole. Editors have emended the text because they have found no relationship between the problem which begins *EN* V.6 and the discussion of political justice. But they have done so on the assumption that political

³ 1134a17-23, Apostle translation, slightly emended (*Aristotle's Nicomachean Ethics* [Grinnell, 1984]).

⁴ See *EN* V.6.1134a21, V.8.1135b25, 1136a1-5.

⁵ καὶ τὸ ἀπλῶς δίκαιον καὶ τὸ πολιτικὸν δίκαιον (1134a25). I discuss this passage below in Part II.

⁶ As Sarah Broadie recently noted, 'this short discussion of the difference between doing what is unjust and being an unjust person is germane to what precedes it, but is probably out of place, since it seems unrelated . . . to the ensuing discussion of what is just in the "political" sense' (S. Broadie and C. Rowe, *Aristotle: Nicomachean Ethics* [Oxford, 2002], p. 346).

⁷ Among only Anglophone editions, authors who emend the text include: H. Jackson, *Περὶ Δικαιοσύνης – the Fifth Book of the Nicomachean Ethics of Aristotle* (London, 1879), and T.H. Irwin, *Nicomachean Ethics* (Indianapolis, 1985); those who call into question the text without emendation include: J.A. Stewart, *Notes on the Nicomachean Ethics of Aristotle* (Oxford, 1892), H. Rackham, *Aristotle The Nicomachean Ethics* (Cambridge, 1926), H.H. Joachim, *Aristotle – the Nicomachean Ethics* (Oxford, 1955), M. Ostwald, *Aristotle Nicomachean Ethics* (Indianapolis, 1962), T.H. Irwin, *Nicomachean Ethics*, 2nd edition (Indianapolis, 1999), Broadie and Rowe, *Aristotle Nicomachean Ethics* (Oxford, 2002); and those who abide by the received text without comment include: A. Grant, *The Ethics of Aristotle* (London, 1885), J. Burnet, *The Ethics of Aristotle* (London, 1900), Apostle, *Aristotle's Nicomachean Ethics*, J. Sachs, *Nicomachean Ethics* (Newburyport, MA: 2002). For astute discussion of the problem, see H. Rassow, *Forschungen über die Nikomachische Ethik des Aristoteles* (Weimar, 1874), pp. 35-40.

justice is a narrow species of justice which Aristotle takes up only to complete his discussion of the other species of justice. This presupposes that Aristotle's analysis of political justice is continuous with the discussion of the other species of justice in *EN* V.2-5. Against such a position, I will argue that Aristotle examines political justice in *EN* V.6 so that he can establish the necessary conditions for the analysis of ethical agency provided in *EN* V.8-11. Aristotle interposes the discussion of political justice between the articulation of the question concerning agency at the beginning of V.6 and its thorough analysis in V.8. The analysis in V.8 presupposes a person who is a mature ethical agent, but anyone capable of political justice must also possess such mature agency. At least according to Aristotle, children, slaves, and perhaps women do not possess such complete agency, and that is why Aristotle distinguishes political justice from paternal, despotic, and household justice in *EN* V.6.

In order to defend such an interpretation, I argue that if the discussion of political justice establishes the basis for an analysis of ethical agency, then there is no case for textual displacement. In Part I I make the positive case for the received text against one of the most plausible suggestions that has been made for textual reorganization, namely that found in the first edition of T. Irwin's English translation of the *Ethics*. Irwin proposed a radical reorganization of *EN* V.6 on the assumption that political justice was a species of justice. Instead, I argue that there is a clear and compelling reason for Aristotle to examine political justice before examining the relationship of actions and character states, and thus that the text is not in need of emendation. In Part II I provide further support for my argument on the basis of the textual 'signposts' which end *EN* V.5 and begin *EN* V.6. Aristotle ambiguously relates political justice to 'unqualified justice' (τὸ ἀπλῶς δίκαιον) at the beginning of *EN* V.6 (1134a24-26). If political justice and unqualified justice are understood to be different, then Aristotle's signpost at the beginning of *EN* V.6 supports the case that the discussion of political justice is continuous with that of the other subdivisions of justice in *EN* V.2-5. If the two are understood to be the same, then the signpost supports the case that the discussion of political justice initiates a new inquiry which is not continuous with the analysis of the subdivisions of justice in *EN* V.2-5. I argue for the latter interpretation. In the third and final Part, I consider, on the basis of my interpretation of *EN* V.6, the relationship between political justice, the other species of ethical justice, and the notion of 'universal justice' or justice as the whole of virtue towards others.

I: *Political justice and the necessary conditions of agency*

A long list of editors and translators of the *Ethics*, in the Anglophone tradition, beginning at least with Henry Jackson's 1879 edition of the Greek text and continuing up through Broadie and Rowe's 2002 translation, have found the positioning of *EN* V.6 §§1-2 (1134a17-23) problematic because the text appears to have no philosophical relevance to the arguments to which it is immediately adjacent. Whereas V.6 §§1-2 concerns ethical agency, the remainder of V.6 concerns political justice and its relationship to the other forms of justice in the household. The first edition of Irwin's English translation of the *Ethics* proposes a solution to the perceived problem. Irwin reorganizes the text in order to present Aristotle's account of political justice in parallel with the accounts of the other species of justice analyzed in *EN* V.2-5. But an editor's departure from the manuscript tradition of a text – however creative and suggestive it might be – can only be justified by denying that there is a compelling reason for the organization of the text in the manuscript tradition. I claim that Aristotle's account of political justice is the proper introduction to the problem about agency which he poses at V.6 §§1-2, and that as such, there is a compelling reason for the textual organization of the manuscript tradition. Once the text is properly understood, one sees both that Irwin's proposed reorganization is unnecessary and that it was based on a faulty assumption about the purpose of Aristotle's discussion of political justice.

It is helpful to present Irwin's scheme for textual reorganization schematically against the backdrop of the two different editorial chapter divisions of the fifth book of the *Ethics*. Let me set out his textual emendations below (see table I).⁸

⁸ See Irwin, *Nicomachean Ethics*, pp. 131-39. Gauthier and Jolif place V.5 §§17-19 and V.6 §§1-2 at the end of V.8 as a 'fragment d'une rédaction antérieure' (*L'Éthique à Nicomaque*, 2nd ed. [Paris-Louvain, 1970] vol. 2, pt. 1, pp. 328-29); Jackson places V.6 §§1-2 within V.8 at 1135b25 (Περὶ Δικαιοσύνης, pp. xvii-xxi). Although he does not propose an emendation of the text, Moraux's claim that the problematic nature of *EN* V stems from its relationship to Aristotle's lost dialogue on justice is quite suggestive. See P. Moraux, *A la recherche de l'Aristote perdu, Le Dialogue 'Sur la justice'*, (Louvain, 1957), pp. 123-140.

Table I: Textual divisions and emendations of *EN V*: 1134a17-36a9

Didot's Edition	Bekker's Edition	Textual divisions of Terrence Irwin ⁹
V.6 1134a17-b18 §§1-9	V.x	5.7 Political justice (V.6 §§3-9, V.7 §§1-5) 5.71 Conditions for political justice (V.6 §§3-4) 5.72 Nature of political justice explains why individuals are tempted to do injustice (V.6 §§5-7) 5.73 Forms similar to political justice (V.6 §§8-9) 5.74 Justice by nature and by law (V.7 §§1-5)
V.7 1134b18-35a15 §§1-7		5.8 The relation of justice to just action (V.5 §§17-9, V.6 §§1-2, V.7 §§6-7) 5.81 Justice as a mean; injustice as excess and deficiency (V.5 §§17-19) 5.82 Difference between just action and just character (V.6 §§1-2) 5.83 Just actions as universals and particulars (V.7 §§6-7)
V.8 1135a15-36a9 §§1-12		5.9 Relation of voluntary action to just action and to justice (V.8 §§1-12) 5.91 Particular actions of injustice must be voluntary (V.8 §§1-2) 5.92 Voluntary action defined by appropriate sort of knowledge (V.8 §3) 5.93 Clarifications (V.8 §§3-5) 5.94 Distinctions explain different ways of observing and violating justice (V.8 §§6-11) 5.95 Conditions justifying pardon (V.8 §12)

I have placed Irwin's reorganizations in bold. The first column identifies the threefold division of 1134a17-36a9 usually followed in Anglophone editions of the *Ethics*. It further notes the section divisions (marked by §) first proposed in Carl Zell's 1820 edition of the *Ethics*. The second column identifies the chapter organization found in Bekker's edition of the *Ethics*, in which the whole of 1134a17-36a9 is understood to be a single chapter. The third column shows how Irwin divides the section of text into three

⁹ Irwin's reorganization of passages in *EN* 1134a17-36a9 is found only in the first edition (1985) of his translation of the *Nicomachean Ethics*. In his second edition (1999) he returns the text to its traditional order. See his brief discussion of textual emendation in the second edition (p. 223).

parts, one of which is a new chapter of *EN V* that combines sections §§17-19 of *EN V.5*, §§1-2 of *EN V.6*, and *EN V.7* §§6-7. Finally, the third column also includes Irwin's analytical outline of the text.

Irwin has rearranged the text in such a manner that political justice appears to be analyzed as one of the several species of justice, alongside distributive, corrective and reciprocal justice. Although Irwin never explains the principles of his textual reorganization, it is easy enough to see what he has in mind, and indeed to see the plausibility of his emendation. The key to his revision is the positioning of *EN V.5* §§17-9 (1133b29-34a16) *after* the discussion of political justice (the section marked 5.81 in his analytical outline). Book five of the *Ethics* opened with three questions, viz. (1) what sort of actions is justice concerned with? (2) what sort of mean-state is justice as a virtue of character (*δικαιοσύνη*)? and (3) what is the just (*δίκαιον*) a mean of? (*V.1.1129a3-5*). *EN V.5* §§17-9 answers just those questions, and makes clear that a sustained inquiry begun in *EN V.1* has concluded. In effect, by placing such a terminus of the argument after the analysis of political justice, Irwin disconnects political justice from the questions raised in *V.8-11* and includes it within the analysis of the three questions which open *EN V*. At the same time, by placing *V.6*, §§1-2 almost adjacent to the analysis of ethical agency in *EN V.8*, Irwin defuses the apparent interruption of political justice between Aristotle's articulation of the *aporia* which inspires his inquiry (namely, whether character states can be inferred only from the actions of an individual) with its subsequent analysis in terms of the choice (*prohairesis*) of an ethical agent.

As noted above, I contend that textual recension in the case of *EN V.6* is justified only if the text as it stands makes Aristotle's argument incoherent or disjointed. Irwin's recension is plausible because it removes an apparent interruption in the argument and reorganizes the text in a fashion consistent with one main thread which runs through the first half of *EN V*, namely the analyses of the individual species of justice. But the recension gains its plausibility by construing Aristotle's notion of political justice narrowly and disconnecting it from the analysis of ethical agency. Although I do not take issue with the claim that political justice is a distinct sense of justice different from the other varieties of justice which Aristotle examines in the fifth book of the *Ethics* (a point to which I will return in Part III below), it is false to construe political justice as unrelated to the analysis of ethical agency. Rather, I argue that political justice establishes the necessary conditions for the analysis of ethical agency in *EN V.8-11*.¹⁰ In

¹⁰ Although the great bulk of commentators suspect these remarks are misplaced,

philological terms, Bekker was correct to combine *EN* V.6-8 into one large chapter (V.x in his edition) because it is one continuous analysis.

From a philosophical perspective, Aristotle's point is that one cannot 'read' one's intentions from one's actions. One may do what is just from a sense of the noble or from a fear of getting caught, but the external action – for example, putting back an object which you have not purchased before leaving a store – appears the same regardless of the intention. The mark or criterion that makes it possible to infer that someone's unjust actions imply injustice as a character state is that the action was done 'from choice' (ἐκ προαιρέσεως), a point that Aristotle makes at the conclusion of V.8 and one presupposed in the argument in V.6 that separates political justice from paternal and despotic justice (1134b11-12; see also 1134a20-21). Aristotle juxtaposes political justice with despotic, paternal, and household justice to elucidate the necessary condition of ascribing character states to an individual.¹¹ For Aristotle, slaves and children are not fully 'ethical' agents precisely because they lack *prohairesis*, a necessary condition of ethical agency.¹² Aristotle denies that unqualified justice exists between father and son or master and slave because he understands a child to be 'part' of the father and a slave a master's 'possession'. In both cases, their lack of complete agency goes hand in hand with their natural inequality or lack of freedom. Complete ethical agency as Aristotle views it presupposes a 'legal person' or one for whom ascriptions of *prohairesis* or deliberate intention are possible.

EN V.6 §§1-2 are not out of place because Aristotle 'interposes' the discussion of political justice between the question posed at the beginning of

nonetheless, my argument is anticipated by two commentators – Thomas Aquinas and Francis Sparshott – who have sought to explain the text without emendation, understanding the discussion of political justice in V.6 as an instance in which (to quote Aquinas) Aristotle 'interposes some subjects that are necessary for the solution of the proposed question' (Aquinas, *Commentary on Aristotle's Nicomachean Ethics*, trans. C.I. Litzinger [Notre Dame, 1993] Book V, Lectio XI, §1003).

¹¹ The analysis of the 'voluntary' in *EN* III.1-5 presupposes a similar point: see 1109b34-35. Sparshott puts the point well: 'what Aristotle is doing here is simply revising the discussions of II.iv and III.i-iv to fit the special context of justice. The difference this makes is that the framework is that of *prima facie* violations of a code of offences, within a population whose members interact as equals' (*Taking Life Seriously* [Toronto, 1994], p. 183).

¹² *EN* I.4.1095a2-10, I.9: 1099b32-1100a5, II.4: 1105a26-b1, III.1: 1111a27, b8-10, III.2: 1111b6-7, V.10: 1137b35-8, VII.4: 1148a9, VII.8: 1151a7, VII.9: 1141a29-b4, VII.10: 1152a17. See also T. Irwin, 'Reason and Responsibility in Aristotle', in A.O. Rorty, ed., *Essays on Aristotle's Ethics* (Berkeley, 1980), pp. 126-28.

V.6 and its thorough analysis in V.8. The analysis in V.8 presupposes criteria necessary for ascriptions of character states that only belong to one capable of political justice. To distinguish an individual's actions from his character states presupposes that the individual is mature enough to truly possess 'choice' and so truly be an ethical agent. In modern parlance, when we appoint a child a legal guardian to make his or her decisions, it is because the law denies that a child truly can decide or 'act' in the complete sense of the term. For example, we deny that a minor can enter into a binding contract because he or she is not legally a person capable of executing such an act. Whereas we ascribe executive legal personhood to a non-impaired individual based only on age, Aristotle ascribes it on the basis of a person's complete membership in a political community. Aristotle's criteria for legal personhood are different from ours, but our legal systems recognize precisely the same concept.

Although there is much to admire in Irwin's ingenious reorganization of the text in the first edition of his translation of the *Ethics*, his editorial exercise is predicated on the belief that the text as it stands is either incoherent or corrupt.¹³ When it is assumed that political justice is just another species of justice which Aristotle analyzes in the fifth book of the *Ethics*, then the two opening sentences of *EN* V.6 seem out of place because they concern not the various species of justice, but rather the relationship between injustice and acting unjustly. But if my interpretation of Aristotle's analysis of political justice is correct, that he is not providing an analysis of another species of justice but rather that he is positing the necessary conditions of legal personhood, then there is nothing jarring or unusual in the traditional text.¹⁴ V.6 §§1-2 introduce an aporia about the relationship between injustice and unjust acts, the remainder of V.6 supplies the concept of legal personhood which establishes a notion of mature agency, and V.8 solves the aporia by employing the concept of *prohairesis* implied by legal personhood.¹⁵

¹³ For Irwin's brief details concerning textual transposition in *EN*, see pp. xxiii and xxvii in the 1985 edition of his translation.

¹⁴ Against H. Jackson's transpositions, Stewart reasonably noted that 'It is often tolerably safe to say that a passage is an interpolation; but almost always unsafe to assign it to another locus' (*Notes on the Nicomachean Ethics*, vol. 1, p. 477). According to my argument, Stewart is nonetheless wrong to claim that V.6. §§1-2 is a fragment or interpolation.

¹⁵ I have made no mention of *EN* V.7, and its notorious discussion of the natural and conventional parts of political justice. Nothing I have said about the place of political

II: *Political justice and unqualified justice*

The first part of my paper sought to present a compelling reason why Aristotle interposes a discussion of political justice between the aporia concerning the ascription of character states in *EN* V.6 §§1-2 and its subsequent analysis in *EN* V.8. I have argued that allegations of textual incoherence or proposed transpositions have been predicated on a misunderstanding of the purpose of Aristotle's discussion of political justice in the overall analysis of *EN* V. More specifically, the position I have been arguing against claims that the analysis of political justice is analogous to the other species of justice analyzed in *EN* V.2-5, and thus the position implies a continuity of analysis between *EN* V.2-5 and *EN* V.6-7. But a careful examination of the 'signposts' which Aristotle provides at the end of *EN* V.5 (§19: 1134a14-16) and towards the beginning of *EN* V.6 (§4: 1134a24-26) provides further evidence against the claim that the analysis of political justice is continuous with the analysis of the other species of justice. Unfortunately, the main 'signpost' is ambiguous and the Greek can be read in either of two ways, one of which supports my position, the other of which supports the view that *EN* V.6 is continuous with *EN* V.5. Let me present the text in question and explain why my interpretation of the ambiguous text is more plausible.

Aristotle begins *EN* V.6 with the problem text I have examined above, namely, the explanation why a single theft does not make one a thief (§§1-2); Aristotle next points out that he has already stated the nature of the relationship between reciprocity and justice (V.6 §3: 1134a23-24) and then adds that 'it must not escape our notice that that which we seek is unqualified justice and political justice' (δεῖ δὲ μὴ λανθάνειν ὅτι τὸ ζητούμενον ἐστὶ καὶ τὸ ἀπλῶς δίκαιον καὶ τὸ πολιτικὸν δίκαιον [V.6 §4: 1134a24-6, emphasis added]). But this last assertion is ambiguous. The Greek particle construction 'καὶ . . . καί' can operate much like 'both . . . and' in English, but the particle καί can also function adverbially and epexegetically.¹⁶ In the first case, Aristotle's Greek could be rendered as 'let it not escape notice that that which we seek is both (καί) unqualified justice and (καί) political justice', which would suggest that the two are different, and further that the examination of political justice builds upon and is

justice in the second half of *EN* V is inconsistent with that text. For my analysis of *EN* V.7, see my 'νόμος and φύσις in Aristotle's *Ethics*' (unpublished).

¹⁶ See H.W. Smyth, *A Greek Grammar for Colleges* (Cambridge, MA, 1920), §§2868-69, 2881, 2877-78.

continuous with the examination of ‘unqualified justice’. In the second case one could render the Greek as ‘let it not escape notice that we seek also (καὶ) unqualified justice, that is (καί), political justice’, which suggests that the two terms mean roughly the same thing (although political justice is perhaps a narrower term for unqualified justice) and that *EN* V.6 is investigating something new, something additional to what has been considered before.¹⁷ The Greek itself supports either reading, and so one must turn to the context of the argument in order to discern which of the two interpretations is more plausible.

Adjudicating between the two readings of 1134a24-26 turns largely on providing a plausible interpretation of the meaning of ἀπλῶς δίκαιον. Commentators who have accepted the first alternative have understood ἀπλῶς δίκαιον to mean something like ‘the abstract nature of rights’ (Joachim), ‘justice in the absolute sense’ (Rackham), or ‘the formal notion of justice’, as distinct from ‘its (necessarily imperfect) realization in the State’ (Stewart).¹⁸ Taking as their clue the culmination of argument found at the end of V.5 (which spells out how justice is a mean state and which claims to be an account of the ‘nature of justice and injustice’ and ‘that which is just and unjust universally [καθόλου]’ [1134a14-16]), such authors argue that the ‘formal’ accounts of corrective and distributive justice in *EN* V.2-5 – abstracted from any consideration of regime-types – are in need of application or specification. According to this reading, δίκαιον καθόλου at 1134a16 is approximately the same as ἀπλῶς δίκαιον, and whereas *EN* V.2-5 considered abstract notions of justice, at 1134a24-26 Aristotle is reminding his readers that what he seeks is, to paraphrase, ‘both abstract justice [namely, that which was discussed previously in *EN* V.2-5] and that justice applied in a specific political context [namely, in the case of political justice, discussed in *EN* V.6-7]’. Such an interpretation makes *EN* V.6 the continuation – albeit, one moving from abstraction to specification – of the analysis in *EN* V.2-5.

¹⁷ For the clearest articulation of the two renderings, see Young, *Nicomachean Ethics Book V*. Project Archelogos (Draft, March 2000), p. 6.4. See also Broadie and Rowe, *Aristotle Nicomachean Ethics*, p. 347.

¹⁸ Joachim, *Nicomachean Ethics*, pp. 153-54; Rackham, *Nicomachean Ethics*, p. 291; Stewart, *Notes on the Nicomachean Ethics*, vol. 1, pp. 480-81. See also Jackson, *Περὶ Δικαιοσύνης*, p. 101; Burnet, *Ethics of Aristotle*, p. 232; Gauthier/Jolif, pt. 1, p. 386. For a different rendering that presupposes that the two are different, see David Keyt, ‘Injustice and *Pleonexia* in Aristotle’, *Southern Journal of Philosophy* 27 (1988): 251-57.

But a more plausible interpretation of ἀπλῶς δίκαιον can be derived from the subsequent text of *EN* V.6.¹⁹ Throughout *EN* V.6 Aristotle juxtaposes political justice with its ‘approximations’, namely despotic justice, paternal justice, and household justice between a man and woman, all of which he characterizes as ‘not political justice, but a kind of justice based on their similarity’ (ἀλλά τι δίκαιον καὶ καθ’ ὁμοιότητα).²⁰ Given the discussion of *EN* V.6, it is more compelling to interpret ἀπλῶς δίκαιον as a synonym for political justice rather than as a synonym for abstract justice. Political justice is ‘unqualified justice’ in the sense that two citizens taking turns ruling and being ruled partake in complete and unqualified equality.²¹ All the other forms of justice examined in *EN* V.6 are approximations of political justice, or are ‘τι δίκαιον’ because they only resemble political justice in some aspect. For instance, justice between a master and slave is unlike political justice insofar as one party is free and the other unfree, but it also ‘approximates’ political justice insofar as despotic justice is exercised in the interest of the ruled.²² Justice between a father and a son is closer to political justice because although they are unequal in age, they are both

¹⁹ See e.g., 1134a29-30, 1134b8-9. Such an interpretation can be found in Grant, *Ethics of Aristotle*, vol. II, pp. 124-25; Aquinas, *Commentary on the Nicomachean Ethics of Aristotle*, §§1006-7; K. Kalimtzis, *Aristotle on Political Enmity and Disease* (Albany, 2000), pp. 37-39; R. Bodéüs, ‘The Natural Foundations of Right and Aristotelian Philosophy’, in R.C. Bartlett and S.D. Collins, eds., *Action and Contemplation* (New York, 1999), p. 79; B. Yack, *The Problems of a Political Animal* (Berkeley, 1993), pp. 133-35; and Young, *Project Archelagos*, 6.4-6.6. As Gauthier/Jolif note, ‘Le juste politique (πολιτικὸν δίκαιον) auquel nous *EN* venons maintenant, n’est pas une espèce de la justice, par opposition au juste abstrait (τὸ ἀπλῶς δίκαιον): il s’agit à proprement parler de deux façons différentes de définir la chose juste’ (Gauthier/Jolif, vol. 1, p. 386.).

²⁰ *EN* V.6.1134a29-30; cf. 1134b8-10, 15-18.

²¹ *EN* V.6.1134a26-32, 1134b13-15. Within his texts Aristotle refers to political justice or rule as ‘ruling and being ruled’ (ἄρχειν καὶ ἄρχεσθαι) or ‘ruling in turn’ (ἀρχῶν ἐν μέρει). At *Pol* II.2 Aristotle suggests that since all cannot rule at one time, they must observe ‘reciprocal equality’ (τὸ ἴσον τὸ ἀντιπεπονθός) and so ruling and being ruled is sometimes referred to as ‘reciprocal rule’ in the secondary literature, although there is no precise Greek locution which corresponds to that phrase (*Pol* II.2.1261a31ff; cf. *EN* 5.2.1132b31-34). For other references to ruling and being ruled see *EN* VIII.11.1161a30-31, *Pol* I.13.1259b4-9, *Pol* II.2.1261a31-b7, II.5.1264b7-16, III.4.1277a25-33, 1277b8-17, III.6.1279a5-17, III.13.1283b42-84a3, III.16.1287a11-23, III.17.1288a13-15, IV.11.1295b13-25, VII.3.1325b7-10.

²² On the question of whether natural slavery ‘approximates’ to political justice, see further my ‘Is Natural Slavery Beneficial?’ *Journal of the History of Philosophy* (forthcoming).

equally free males. The relationship between husband and wife is the closest approximation of political justice because although they do not take turns ruling and being ruled, they are proportionately equal.²³ Whereas the other species of rule involve inequality, political justice is the relationship between free citizens who share in *ισότης τοῦ ἄρχειν καὶ ἄρχεσθαι* or the equality of ruling and being ruled (1134b14).

Given such an interpretation of *ἀπλῶς δίκαιον*, I conclude that the ambiguous signpost which stands at the beginning of *EN* V.6 points ahead to a new inquiry rather than looks backward to an inquiry already completed. Rather than viewing political justice as the application of formal or abstract justice, I suggest that Aristotle instead is claiming that to figure out the puzzle about the ascription of character states on the basis of one's actions, 'it must not escape our notice that to make sense of this problem we need to investigate unqualified justice, that is political justice, because political justice presupposes a fully mature ethical agent (unlike the other approximations or qualified forms of justice), and only such agents evince 'choice' (*prohairesis*), which is the marker for when we can ascribe an unjust character state to someone'. Although my paraphrase of Aristotle's signpost goes beyond the letter of the text, I find nothing in *EN* V.6 that speaks against such an interpretation and a lot to support it.

There are further reasons to interpret *ἀπλῶς δίκαιον* as a synonym for political justice rather than as a notion of abstract or formal justice in need of application. To begin with, although the account of justice in V.2-5 is abstract (insofar as it seeks primarily to justify the claim that justice is a mean), none of its notions of justice are ever specified or applied in the remainder of *EN* V. For example, in the account of distributive justice in V.3 Aristotle notes that all agree that justice requires equality, because although proponents of democracy, oligarchy, and aristocracy have different criteria for distribution, nonetheless they agree that justice consists in distributions according to worth (1130a24-29). But such an observation is made simply to prove that therefore distributive justice, since it is a sort of *ισότης*, is consistent with the doctrine that virtue is a mean.²⁴ It is in *Politics* III, not the remainder of *EN* V.6-7, that the problem of applying or specifying abstract notions of distributive justice in different regimes is addressed.

²³ See *EN* V.6: 1134b16-18, VIII.10: 1160b33, VIII.11: 1161a23, VIII.12: 1162a17-18; *Pol* I.12: 1259a39-b4, I.13: 1260b18-19, III.6: 1278b37-40. See further my 'Justice in Aristotle's Household and City', *Polis* 20 (2003): 1-21.

²⁴ See 1131a24-5 with 1131a11: ἔτι ἐκ τοῦ κατ' ἀξίαν τοῦτο [namely, ὅτι τὸ δίκαιον μέσον τι ἔστι τοῦ ἀνίσου] δηλον.

Thus, when Burnet claims that V.6§4 signals that ‘we are learning to be lawgivers. Hitherto we have been discussing the subject [i.e., justice] καθόλου; we must now look at its particular application to our subject’,²⁵ it is hard to see wherein consists such lessons since the ‘particular application’ of distributive justice does not take place anywhere in the fifth book of the *Ethics*.

Some authors have tried to support the claim that ἀπλῶς δίκαιον in *EN* V.6 means ‘abstract justice’ on the basis of Aristotle’s use of the term ἀπλῶς elsewhere in his writings. For instance, Aristotle juxtaposes ὁ ἀγαθὸς πολίτης and ὁ ἀγαθὸς ἀνὴρ ἀπλῶς in *EN* V.2 where the latter term means something like ‘the good citizen in an ideal city’ as opposed to those who are considered good citizens in less than ideal cities.²⁶ More generally, Aristotle can use the term ἀπλῶς elsewhere in the corpus to mean ‘universal’ in opposition to καθ’ ἕκαστον.²⁷ The problem with identifying the term ἀπλῶς with ‘universal’ (καθόλου) is that, as Bernard Yack has pointed out, ‘the meaning of ἀπλῶς in any particular expression is . . . highly contextual, since it is derived from the particular qualifications it excludes in any particular context’.²⁸ For instance, whereas in *Pol* III Aristotle juxtaposes ‘unqualified justice’ in the case of a right regime with the τι δίκαιον of a deviant regime, in *EN* V.6 Aristotle juxtaposes it rather to the τι δίκαιον one finds in the master-slave, father-son, or husband-wife relationship.²⁹

I conclude that Aristotle’s transition sentence in *EN* V.6 sets up the juxtaposition between political justice as ‘unqualified justice’ and justice in the household as only qualified forms of justice. There appears to be no such thing as ἀπλῶς δίκαιον or ‘unqualified justice’ as some sort of universal or abstract principle of justice which is in need of implementation. Rather, the term ἀπλῶς is a correlative one, one which always derives its meaning from

²⁵ Burnet, *Ethics of Aristotle*, p. 232.

²⁶ *EN* V.2.1130b26-27; see further Stewart, *Notes on the Nicomachean Ethics*, vol. 1, pp. 480-81.

²⁷ For instance, Aristotle claims that the legislator’s universal laws are in need of correction because he ἤμαρτεν ἀπλῶς εἰπὼν (*EN* V.10: 1137b22) and in *Politics* III.6 he calls regimes right which aim at the common good because they are κατὰ τὸ ἀπλῶς δίκαιον (1279a18-22). Cf. *EN* I.3: 1095a1 and H. Bonitz, *Index Aristotelicus* (Berlin, 1961), 76b61-77a52.

²⁸ Yack, *Problems of a Political Animal*, p. 135; cf. Young, *Archelagos*, pp. 6.5-6.6 with Keyt, ‘Injustice and *pleonexia*’, pp. 252-53. See also *Topics* II.11: 115b29-36.

²⁹ See, for instance, Aristotle’s discussion of ostracism which, as that which is preservative of a democratic (and hence deviant) regime, is said to possess τι δίκαιον πολιτικόν, or ‘an element of political justice’ (*Pol* III.13: 1284b17-18).

the context in which it is used. Thus, the third sentence of *EN V.6* does not establish a bridge between the analysis of *EN V.5* and that in *EN V.6*. Rather, Aristotle's invocation of political justice as unqualified justice is intended to shed light on 'that which we seek', namely, an explanation of the relationship between individual actions and character states.

III: *The nature of political justice and its relationship to other forms of justice*

I have argued that the opening lines of *EN V.6* indicate a break in the inquiry between the analysis of the particular kinds of justice in *EN V.2-5* and that of political justice in *EN V.6*. Further, I have argued that the analysis of political justice serves as an introduction to the problem of ascribing character states to an individual because it establishes a notion of a person as a mature ethical agent who is in fact capable of possessing a character state. Although my claim that the text of *EN V.6*, as it stands, is part of a coherent and sustained argument about the ascription of character states depends primarily on the reasons I have presented in Parts I and II, it is helpful to step back from my claim and explain the relationship of political justice to the other forms of justice analyzed in *EN V*. Although Aristotle gives suggestions about the relationship between political justice and the other forms of justice, the fact that he does not seek to connect political justice with any of the other kinds of justice gives indirect support to my claim that the analysis of political justice in *EN V.6* initiates a new inquiry unrelated to the analyses of the species of justice in *EN V.2-5*. Whereas the analyses of the various species of justice are unified by the goal of showing how justice is a mean,³⁰ the analysis of political justice is entirely unconcerned with that problem.

There are points of comparison between political justice and the other forms of justice analyzed in *EN V.2-5*. For instance, the examples of justice and injustice used in *EN V.6* – theft, adultery, and piracy – are standard examples of particular injustice, namely, that of involuntary corrective justice.³¹ Further, insofar as distributive justice concerns 'the distribution of

³⁰ See, for instance, *EN V.3.1131a10-11, 1131b9-12, V.4.1132a14-19, 1132b18-20, V.5.1133a19-22.*

³¹ See 1131a5-9; cf. 1129b21-22, 1130a29-32. On the basis of such evidence, Young has argued that political justice is a kind of particular justice. See Young, *Project Archelogos*, 6.4. Young also suggests that the use of the past participle of ζῆτεώ evokes 1130a14, where the analysis of particular justice begins (6.4). In 'Aristotle on Justice',

honors [namely, offices and political participation], or wealth, or anything else that can be divided among members of a community who share in a regime' (1130b31-32) and political justice concerns the rotation of offices, it would appear that political justice may be related to distributive justice. Further, the account of political justice as reciprocal rule is very closely related to the considerations of justice in the third book of the *Politics* which have usually been understood as constituting problems of 'distributive justice'.³² One can also observe that for modern liberal political thought, political justice and distributive justice are very closely related – indeed, for some thinkers they are synonyms.³³

Within *EN V*, the major problem of identifying or necessarily relating political justice to distributive justice is that Aristotle leaves them largely unrelated.³⁴ For example, the analysis of distributive justice in V.3 is doggedly concerned with one, and indeed only one issue, namely, justifying the claim that one of the species of justice is in accord with Aristotle's doctrine on the mean. As early as *EN II.7* Aristotle sets this as the main topic for his consideration of justice, he rearticulates it as his goal in V.1, it remains the guiding focus throughout V.3, and its final articulation serves as the conclusion, in V.5 §§17-19, to Aristotle's account of particular justice.³⁵ As I have shown above, V.6 is single-mindedly concerned with the juxtaposition of political justice with its approximations in the household, and it is introduced primarily to elucidate the conditions necessary for ascribing character states. It is quite possible that Aristotle views political justice, understood as the relationship of ruling and being ruled, as a possible solution to the issue of the nature of distributive justice since this serves as a

(*Southern Journal of Philosophy* supplement 27 [1988]: 244-45) Young had previously argued that political justice combined the public aspects of particular justice with its private aspects and so was itself particular justice.

³² See, for instance, D. Keyt, 'Aristotle's Theory of Distributive Justice', in D. Keyt and F.D. Miller, eds., *A Companion to Aristotle's Politics* (Cambridge, 1991), pp. 238-78, and his 'Supplementary Essay', in *Aristotle's Politics: Books III and IV* (Oxford, 1999), pp. 125-48.

³³ See Kalimtzis, *Aristotle on Political Enmity and Disease*, pp. 45-46, and E. Barker, *The Political Thought of Plato and Aristotle* (New York, 1959), pp. 339-43 on the difference between ancients and moderns.

³⁴ David Bostock goes so far as to claim 'it would be misleading to attempt to give the impression that these chapters 6-11 form a discussion that is both continuous within itself and continuous with what has preceded them. They are, as I said at the outset, miscellaneous essays or notes on justice, not properly integrated either with one another or with the scheme announced in V.1-2'. *Aristotle's Ethics* (Oxford, 2000), p. 72.

³⁵ See *EN II.7*: 1108b7-9, V.1: 1129a3-5, V.3: 1131a10-11, V.5: 1133b29-34a16.

mechanism that is both salutary for the governance of the polis and broadens participation to those who, were they disenfranchised, might undermine the polis; nonetheless, nothing in the *Ethics* thematically addresses or provides support for such a view.

Is there any relationship between political justice and the account of reciprocal justice discussed in V.5? In his discussion of reciprocal return (ἀντιποιεῖν) in *Politics* II.2 Aristotle claims

reciprocal equality is that which preserves [σφῆζει] cities, just as we said in the *Ethics* earlier. Even among the free and equal this must necessarily obtain, since it is not possible for them all to rule at the same time, but they must hold office for a year at a time or by some other arrangement or period, and in this manner it does come about that all govern, just as all shoemakers would also be carpenters if the shoemakers and the carpenters kept on changing trades instead of the same person being shoemakers and carpenters always.³⁶

Although the allusion to the *Ethics* and the discussion of ruling in turn as a kind of reciprocal exchange like those analyzed in *EN* V.5 is highly suggestive, the problem with relating political justice and reciprocal exchange is two fold. First, the discussion of reciprocal exchange in *EN* V is concerned entirely with the question of the exchange of goods, not political office. Second, at V.6 §3, immediately before discussing political justice, Aristotle seems to distinguish reciprocity and political justice when he writes ‘how, then, reciprocity relates to justice, we have stated earlier’ (1134a23-24). Such a textual guidepost seems to suggest that Aristotle makes a transition from analyzing justice as reciprocity to a new subject, namely, that of political justice. Once again, a consideration of the relationship between political justice and one of the particular varieties of justice seems to support indirectly the claim that *EN* V.6 initiates an inquiry unrelated to the previous investigations of particular justice.

There remains one final comparison. Aristotle distinguishes particular justice from universal justice or justice as the ‘whole of virtue towards others’.³⁷ Such universal justice is rightly called ethical justice, because its possessor has at one and the same time all the other ethical virtues exhibited towards others. In other words, universal justice is one example of Aristotle’s

³⁶ *Pol* 1261a31-7. Cf. *EN* V.5: 1132b33-33a1, IX.1: 1163b32ff., *EE* VII.10: 1243b29, 1242b22. On the basis of these passages, Yack has argued that Aristotle grounds political justice in reciprocity. See *Problems of a Political Animal*, pp. 136, 139. Yack suggests that his account is anticipated by F. Rosen, ‘The Political Context of Aristotle’s Categories of Justice’, *Phronesis* 20 (1975): 228-40.

³⁷ *EN* V.2.1130a32-30b5, 1130b18-21.

thesis concerning the unity of the virtues – that in their most complete form, it is impossible for one to possess one virtue without possessing all of them.³⁸ Although it would seem to follow that one possessing universal justice must also possess political justice, it remains to be said whether political justice requires universal justice. Put somewhat differently, is the notion of political justice a ‘thick’ one which implies a robust notion of an individual and his or her virtues or is it a ‘thin’ one which implies only the formal equality which exists between citizens living under the law?³⁹

One can find plausible answers to support either position. For instance, Fred Miller has argued that Aristotle’s theory of political justice includes an account of human ends, including those necessary for a perfectionist account of happiness.⁴⁰ Such a notion of political justice includes not only an account of the common good and an account of the virtues, but it also provides a standard by which all governments can be measured. On the other hand, Richard Bodéüs has argued that political justice is ‘une réalité spécifique . . . non pas d’une société quelconque, ni même d’une quelconque société politique, mais seulement de la société Politique (du type politique) qui réunit des hommes libres et égaux’.⁴¹ Rather than appeal to a perfectionist natural teleology like Miller, Bodéüs narrows the notion of political justice to the justice appropriate to citizens within the regime of polity.⁴²

Is political justice a universal norm by which any regime can be judged or a norm immanent within one specific kind of society? Although adjudicating the question completely is beyond the scope of my paper because it requires extended examination of the evidence in the *Politics*, in a sense both Miller and Bodéüs are correct.⁴³ More importantly for my thesis, both

³⁸ *EN* V.2.1130b19-21; cf. IV.3.1123b27-24a5, VI.13.1144b33-45a3.

³⁹ On ‘thick and thin’ concepts, see B. Williams, *Ethics and the Limits of Philosophy* (London, 1985), pp. 143-5.

⁴⁰ F. Miller, *Nature, Justice and Rights in Aristotle’s Politics* (New York, 1995) pp. 137, 193, 257, 335.

⁴¹ Bodéüs, ‘Deux notions aristotéliennes sur le droit naturel chez les contineaux d’Amérique’, *Revue de métaphysique et morale* 94 (1989): p. 385. Bodéüs goes on to claim that the adjective πολιτικόν points to πολιτεία not in the term’s general sense, but rather in its specific sense of ‘polity’ as a regime-type (n. 54, pp. 381-82). See *Pol* III.7: 1279a33, *EN* VIII.12: 1160a34-35.

⁴² See further R. Bodéüs, ‘The Natural Foundations of Right’, in R.C. Bartlett and S.D. Collins, eds., *Actions and Contemplation: Studies in the Moral and Political Thought of Aristotle* (Albany, 1999), pp. 69-106.

⁴³ Richard Kraut seems attuned to the ambiguity of political justice when he distinguishes between political justice in a ‘narrow sense’ (justice appropriate only to a specific

of their positions also support my conclusion that within *EN V.6*, the notion of political justice is used to establish the notion of mature ethical agency. In the *Politics* Aristotle envisions political justice or reciprocal rule existing both in the regime of polity, in which the average citizen possesses a minimum of virtue but takes part in the ruling of the regime through the election and audit of higher officials, and in the ‘city of one’s prayers’ described in *Politics* VII-VIII, in which a young man is ruled by his elders but has the opportunity, upon obtaining seniority and the virtue which accompanies it, to rule.⁴⁴ The difference between the two scenarios is that in the regime of polity, the great majority of citizens take part in ruling only through a form of representational or indirect rule whereas in the ideal city each citizen takes direct part in ruling and being ruled albeit over the course of a lifetime. Like the notion of equality, Aristotle’s notion of political justice or ruling and being ruled is flexible and capable of implementation in different ways.⁴⁵ But if Aristotle’s flexible notion of political justice frustrates philosophers who think there is a single foundational concept of justice from which political norms are to be derived, within the context of *EN V.6*, such a flexible notion of justice suits Aristotle’s analysis well, since whether one is a citizen in a polity or the ideal city, one is nonetheless a ‘legal person’ fully capable of mature agency, and that is what his analysis of the distinction between character and action requires.

In conclusion, it is interesting to note that my argument suggests that ethical agency for Aristotle is, decidedly, an interpersonal and indeed even a ‘political’ concept, something which presupposes all sorts of deliberative excellences and aristocratic notions of self-rule.⁴⁶ By using the notion of political justice to establish the necessary condition of agency and ascribing complete agency only to individuals capable of participating in the rule of a community, Aristotle drastically raises the bar for what passes as human agency. Although we can recognize and even implicitly agree (insofar as our legal codes deny complete agency to minors) with Aristotle’s claim that children are not agents in the sense that mature adults are, we presume that

kind of polis) and political justice in a ‘broad sense’ (as promoting the good of a whole community). See *Aristotle Political Thought* (New York, 2002), pp. 125-27, 151.

⁴⁴ See *Pol* III.11.1281b26-38; VII.14.1332b12-33a6.

⁴⁵ For the complexity of Aristotle’s notion of equality, see M. Schofield, ‘Equality and Hierarchy in Aristotle’s Political Thought’, in his *Saving the City: Philosopher-Kings and other Classical Paradigms* (New York, 1999) pp. 100-14.

⁴⁶ On this point, see further M. Harvey, ‘Deliberation and Natural Slavery’, *Social Theory and Practice* 27 (2001): 41-64.

any non-impaired adult who has accumulated approximately eighteen years of life is a complete ethical agent, regardless of that person's circumstances, education, upbringing, actual experience, or relationship to any community. If my analysis of political justice is correct, it raises suspicions about the extent to which Aristotle thought all humans possess human agency.⁴⁷

Fordham University
Bronx, NY

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