

Aristotle's Theory of Justice: Revisited

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Abstract—*The concept of justice has been a ceaseless issue from its conception to the present day. Despite being enormously debated from ancient time, the common agreement on what justice means or what it constitutes still remains debatable. As a consequence, the ideal of justice remains the most significant issue in Moral as well as Political Philosophy. This is because of the paradoxical or relative nature of justice. For instance, what justice may be according to one may differ from others' point of view. For Socrates justice is minding one's own business. And his disciple Plato defines justice as, a principle of non-interference in supplying duties, and demands a functional specialization in an individual as well as in the society. When it comes to Aristotle, he says that treating equals equally and un-equals unequally but in proportion to their relevant differences. Aristotle justice meant for the goodness as well as willingness to act in accordance with the laws for insuring the highest good of the society. Antecedently, he says that justice is a master imperative for good human relationships and co-existence. For instance, Plato gives more importance to the duties, while Aristotle's justice attaches more to the system of rights. In this paper an attempt has been made by me to revisit Aristotle's theory of justice to find out possible dimensions of justice through which unity, harmony, virtue and happiness can be attained to the fullest in a nation and how the concept of justice as a methodological relativism is better and fair than every other conception of justice that answers to man's quest for a global social order required for human flourishing irrespective of material criteria.*

Keywords: Justice, equality, liberty, distributive justice, rectificatory justice.

1. INTRODUCTION

The concept of justice has been one the most important issue from its early history to the present day. With the popularity of democratic system of governance, it has occupied a significant role in all the possible arena of material as well as non-material spheres of life. Traditionally, justice is often considered as to deal with the socio-economical, moral and political dynamics at human level so far. The significant rudiment of such one-sided approach is that all the incidents and affairs are developed and determined by keeping the human into the centre. Antecedently, Ethics, Politics, Sociology, Economics and Psychology and other subjects

were not only developed and designed by the humans but also they all possible faculties of universe, have been considered as a means to fulfilling and benefitting of wholly and solely for the humans at large. In the two main branches of studying humanities and social sciences, this kind of approach is commonly known as the anthropocentric approach in behaviors.¹ Contrary to it, there are other ideologies such as Eco-centrism, Cosmo-centric and Bio-centrism which appeals to think beyond human interest. For this reason, the role of justice is not changed which is not restricted to the human level only but rather it is extended apart from human to all other creatures that may be of living or non-living of whole cosmos.²

Thus, there is gap between the mindset and ideology of ancient times and modern time. In ancient time's human being were the prime mover and end-in-itself for making and serving the pertinent values and norms in the respective socio-economic, geographical and historical backgrounds of the respective entity. But, in modern times, it has not only been questionable but also broadly at the edge of denial that human beings are the integrated part of the whole universe or cosmos but apart from the human beings all other creatures such as animal, plants and non-living entities are as much significant as the human beings are. That led to inclusive kind of thinking that the all the biotic and a-biotic entities along with the human being, not only important but they are playing an decisive role in determining the values and norms of the whole cosmos. The revolutionary transmission that brought into one, the existing two not only distinguishable but rather the two poles apart approaches and the concept of justice was the deep rooted cause of the transition. For this reason, to show this transition in a concrete manner, in the present research paper, Aristotle's theory of justice has picked up from the ancient

¹ Brennan, Andrew and Lo, Yeuk-Sze, "Environmental Ethics", *The Stanford Encyclopedia of Philosophy* (Winter 2016 Edition), Edward N. Zalta (ed.), URL = <<https://plato.stanford.edu/archives/win2016/entries/ethics-environmental/>>

² *Ibid.*

times and John Rawls's theory of justice has been picked up from the modern times has been from the modern times.

2. ARISTOTLE'S THEORY OF JUSTICE

It would not be exaggeration to say Socrates spent his whole life to attain the real meaning of justice. And he reached at the juncture that Justice was minding one's own business.³ Aristotle's theory of justice initiates with the quest: what is the highest good attainable by human efforts or actions? In General, Aristotle believes that all the incidents, affairs, objects and subjects have something in common that they are seeking for a well analyzed and defined desirable ends. In particular, human beings have also the same phenomenon. All people undergo in the process of attainment of a well analyzed and defined desirable ends that would increase the amount of good in their life which differs from one person to another. While, talking about Aristotle's philosophy, he says that all human beings should have only one aim. Answering this, he says that the whole life an individual runs round about that particular aim that is nothing but the attainment of real happiness.⁴ According to Aristotle the happiness is the highest of all goods that is attainable, provided that may be perceived in different ways and manners with the different human minds. Regarding this fact, Aristotle says in the following manner:

Let us resume our inquiry and state, in view of the fact that all knowledge and every pursuit aims at some good, what it is that we say political science aims at and what is the highest of all goods achievable by action. Verbally there is very general agreement; for both the general run of men and people of superior- refinement say that it is happiness and identify living well and faring well with being happy; but with regard to what happiness is they differ, and the many do not give the same account as the wise.⁵

Aristotle puts forth three different explanations regarding happiness namely: pleasure, wisdom and virtue. In Aristotle's view, many individuals think happiness as pleasure according to Aristotle this is animalistic instincts. While some people think happiness as honor which Aristotle calls as the practical wisdom or political wisdom. And the remaining few understand happiness in virtue.⁶ According to Aristotle the last category of people who think happiness in virtue is the apex of human attainment. It won't be exaggeration to say that often, all the discussed kinds of individuals strive to attain the happiness for self- gratification not for the sake of others. It

means pleasure, honor and virtue, all the three types of happiness, are desired for the self-gratification not for it is own sake. As a consequence, it can be said there is sufficiently none who desires happiness only for the sake of other than itself. Aristotle ultimately derives a conclusion, in this regard, that only virtuous acts are self sufficient. And, self sufficient stands, wholly and solely on itself and make life desirable which is lacking nothing. Aristotle observes this in the following ways:

In Nicomachean Ethics, Aristotle distinguishes between two types of justice namely; general or universal and particular.⁷ But, Aristotle does not define it comprehensively. He has only used the word general justice in the very beginning lines of the book V. According to Aristotle as he used the term "just",⁸ has two distinguishable meanings. The first meaning of the term "just" forms the ground for universal or general justice. The meaning of the word "just", as expressed by Aristotle, regarding making a ground for universal justice or general justice, "that a conduct in accordance with the "law".⁹ In other words, it can be said that general or universal justice means to act lawfully or a state of lawfulness. Thus, according to Aristotle there is no categorical differentiation between that just and law.¹⁰ From this background, it is apparent that those acts are just which are lawful or in accordance with the law, but what is lawful acts. In reply to the question, Aristotle says that the law or lawfulness denotes a certain kind of behaviors aimed at promoting the common interest of the whole society.¹¹ Moreover, in this sense justice means a moral configuration which appeals individuals to do the just deeds or actions. Aristotle says that this is called as the virtue of righteousness of moral justice which is nothing but a virtue that is directed for the benefitting of others not for self. If "just" is veiled as the justice in general or general justice. It can be said that general justice is in the form of the supreme virtue of sticking and working in accordance with law. Aristotle has expressed the incapability of applying universal justice in all time, for this reason he has given a different kind of justice i.e. particular justice.¹² It was needed where no possibilities are left to follow the general or universal frameworks of justice. Aristotle realized that there might be some acts which are not in agreement with the laws but still they are useful. That is why Aristotle has developed the theory of particular justice

The second type of justice is Particular justice which opts the second meaning of the term "just" which stands for equality or

³ G. Stanley Whitby., "Justice" *Ethics* 52 (4), 1942, p. 399.

⁴ Ross. W. D (Tr), Aristotle's The Nicomachean Ethics, Revised with an Introduction and Notes by Lessley Brown, Oxford University Press, Oxford, 2009, p. 05.

⁵ Ross. W. D (Tr), Aristotle's The Nicomachean Ethics, Revised with an Introduction and Notes by Lesley Brown, Oxford University Press, Oxford, 2009, p. 05.

⁶ *Ibid*, p. 21.

⁷ *Ibid*, p. 80.

⁸ *Ibid*, p. 82. (1130a)

⁹ *Ibid*, p. 83 (1130b)

¹⁰ Ross. W. D (Tr), Aristotle's The Nicomachean Ethics, Revised with an Introduction and Notes by Lesley Brown, Oxford University Press, Oxford, 2009, p. 81 (1129b)

¹¹ *Ibid*, p.81 (1129b)

¹² *Ibid*, p.82 (1130a)

to be exact or fair mean.¹³ Thus, particular justice upholds the state of fairness and equality. This kind of justice is based on the idea of distributing external or commensurable goods in fair proportion. For instance, a just wage is a wage in proportion to the detailed account of the labor done by that laborer. Moreover, the term "fair" denotes a status between too much and too little. While the term "equal" denotes a status between more and less.¹⁴ Thus, it can be said that a just law is the ideal mean between two extremes too much and too little or more and less. The meaning of the term "just" can be formulated in the different form as particular justice which means treating equals equally and unequal unequally with their respective conditions.

It is interesting to mention here that Aristotle does not discuss much about the general justice. It was Plato who discussed about this kind of justice at length. But, he did not say anything about particular justice. Unlike Plato, Aristotle pays attention more on particular justice. The reason, behind providing important place to the particular justice, is that particular justice is related to the justice of everyday life such as distribution, exchange, retribution and deliberate participations of rational individuals into social affairs.¹⁵ While, general justice is a kind of supreme virtue, which is being continued as an ideal that has to be attained by the individuals, practically never attained at all.

Aristotle's philosophy of general justice is quite interesting to be followed. The ideas such as rule of law, equality before the law, and lawfulness were worthy to be in accordance with mindset of individual and states from ancient to modern times. It is possible for some thinkers not to be in agreement with this thought. But, the deviation from this was arbitrary that was directed through some morally as well as legally impermissible policies and laws for nullifying or impairing the effects of equality. When it comes to particular justice, Aristotle appears to signify the kind of justice as a morally permissible and desirable distribution of consumerable goods, disadvantages and benefits among the common people. From this discussion it can be said particular justice is a system of norms unlike commonality of general justice, which is responsible to integrate the society as whole. For this reason, Aristotle has classified justice into two types namely; distributive justice and rectificatory justice. In his own words:

*The just as the fair and equal: divided into
distributive and rectificatory justice.*¹⁶

The first one is distributive justice is rested on the rudiments of the thought that everyone should be given his due with

respect to the contributions to the state. In other words, distributive justice appeals that a just distribution of consumerable goods should be done equal or unequal terms. The concept of distributive justice asserts that treating equals equally and un-equals un-equally implies that individual's right, duty and reward should be in proportion to his merit and contribution to the state. For this reason, according to this view of justice the proportionate things are just means just and proportionate both are synonymous of each other. It is also an intermediate status between too large and too small or too much and too little.¹⁷

It is mandatory to mention that the distribution is not arbitrary and blindfolded. It is because while undergoing in the process of distributing the things, one must have to take into account who the individual is, what is his or her share in proportion to his or her unequal worth or merit, the distribution would be done according to geometrical proportion¹⁸ and last but not the least that equality is absolute but equality with regard to the individual concerned. The second type of particular justice is Commutative or Rectificatory or Corrective justice.¹⁹ This type of justice is required in the case where one person performs some actions against other in such a manner that the agent gains and the victims suffers. Applying the core idea of this kind of justice the best way to solve this unequal gains and suffers. There is need to take back the gains of agent and returns back it to the victims. Hence, by punishing the agent and compensating the victims the equality is restored. It is needed to be motioned that corrective justice does not demand or look into status of an individual in the die course of awarding penalty or compensation but rather it has to be taken into account the nature of disadvantages caused to victims and benefits gained by agents.²⁰ Thus, in this process the individual's status is not taken into account. For this reason the justice follows the law of arithmetic proportion.

Interestingly, the concept of justice in Aristotle's philosophy also accepts that all the material and non-material structures have the only ultimate goal that is the fullest realization and actualization of the real happiness of human beings. For this reason, all the socio-economic and political structures should be molded in the way that they are meant to realization of real happiness in their lives. Thus, it can be mentioned that the justice is the core idea of Aristotle's philosophy that has the goal of fullest development of the society. The just society is that type of society where all the individuals are living in the harmony with equality and amity.

The use of particular kind of justice i.e. social justice is not merely to eliminate the factual imbalance i.e. unequal

¹³ *Ibid*, p.82 (1030a)

¹⁴ *Ibid*, p.90 (1133a)

¹⁵ Ross. W. D (Tr), Aristotle's The Nicomachean Ethics, Revised with an Introduction and Notes by Lesley Brown, Oxford University Press, Oxford, 2009, p. 88 (1132b)

¹⁶ *Ibid*, p. 82 (1030a)

¹⁷ Ross.W.D (Tr), Aristotle's The Nicomachean Ethics, Revised with an Introduction and Notes by Lesley Brown, Oxford University Press, Oxford, 2009, p. 85 (1131a)

¹⁸ *Ibid*, p. 84 (1131a)

¹⁹ *Ibid*, p. 86 (1131b)

²⁰ *Ibid*, p. 86 (1133b)

representation in all the socio-political structures of the society. It is because the state and society which formulates some norms or normative theories to ensure the total welfare of the society which is the ultimate goal of the state. The point shows that whatever norms are made, they are made after the philosophical inquiry into the nature of the society in which some factors are being inquired such as the distribution of justice, the presence of equality and absence of inequality, the dispersion of social justice, the presence of social inclusion and absence of social exclusion, the gap between the equity and equality, the distribution of rights and laws in human on being human. All these factors are inquired philosophically.

Equality is a concept which appeals to each and every individual in a society. Every individual aspiring to grow in position, or to elevate him for a better position in life, knows well that equality is indispensable. Likewise the fullest development of an individual is possible only through the principles of equality. The view of equality keeps on changing from time to time, but the concept of equality remains unchanged. Equality as a principle is bound to stay in every society. It's been a matter of disagreement among philosophers over just what "equality as a political notion signifies". Equality is a comprehensive notion. It has many dimensions and prospective as an individual is capable of his own perception of it. Like many familiar phrases of political philosophy, equality is vague, ambiguous and has changed in connotation from one thinker and society to another. Thus, the word 'equality' possesses more than one meaning.

Moreover, the state is providing the scenario which a human being should have, the society is called harmonious. But today's society is disintegrated into several forms. It's because of the unequal distribution of laws and rights. As a result, two groups came into existence. The first group is entertaining more than they should entertain. The second group is entertaining less laws and rights than they should entertain. These are the factors which are creating a difference that leads to injustice. This injustice can be found in every society. To abolish the injustice, equality should be assured. That leads to the emergence of particular kind of justice like Affirmative action. In its ideal form, affirmative actions are those actions in forms of some special laws and rights which are done in a society to pull the targeted or deprived or backward class into the main stream of the society. It's because they have been treated as a differentiated class on the basis of their class, religion, culture, color, race, and sex. This differentiation led to the class into an underrepresented class in every sector of the society. Thus, it's now very clear that that affirmative action is a kind of compensatory justice. This will lead to the total welfare of the society which is the earnest requirement of the today's society.²¹

²¹ Cahn, Steven M., (2002). *The Affirmative Action Debate*, Rutledge: New York and London, pp.xii.

3. EVALUATING JUST AS LAW

A question which remains untouched from coverage of the reasonable evaluations that come from many different sides and many different lands whether exercise of impartiality, fairness, equality should be evaluated with limited frameworks within a culture with shared attitudes and priorities. To understand this, the approaches to justice presented by Aristotle can be taken into account. His theory of justice takes place in Western classical times. He has given two straits of justice. The first one is universal or general justice, which is universally applicable to the society. The second one is particular justice, which is applied to the situations where the normative framework of first kind of justice cannot be followed. Further, Aristotle's justice proposes for the goodness as well as willingness to act in accordance with the laws for insuring the highest good of the society. Antecedently, He says that justice is a master imperative for good human relationships and co-existence.

Aristotle says in universal justice that all lawful things are just which leads to the dilemma of clear distinction of decision making based solely on law. For example, any sensible person will never hesitate to give bribe and save somebody severely injured instead of not giving bribe and allow the person to die. Hence, he is allowing him to do just thing in his own accordance but it is very well-known fact that his act is not lawful. This dilemma is still remains in my article whether to act in accordance with law or to act in accordance with the idea of justness. Surprisingly, Aristotle never specifies the laws as John Rawls asserts that the laws and rights which are based on Liberalism are the only things which will help insure the welfare of the individual. Thus, John Rawls is attached with the individuals' well-being more than the well-being of the public. Rawls sees the well-being of the society in the well-being of the individual. On the other hand, Aristotle is attached with the societal rights for well-being of the society. For this reason, Aristotle denies the dispersion of equal freedom, equal rights and impartial laws at the individual and family levels; because he thinks that right to freedom and equality at family level would destroy the family.²² Thus, he denies outbound distribution of individual's rights as in family only the head of the family has right to free speech. In this regard, Nelson's assertion is worth mentioning:

*Aristotle argues, require strict hierarchical relationships. The husband must rule like a monarch and the children must obey their parents; we would no longer agree that the husband should "rule," but the idea of hierarchy and discipline in raising children is still influential.*²³

²² Nelson, R. Brain.,(2017). *Western Political Thought: From Socrates to the Age of Ideology*, Second edition, Pearson Publication, Delhi, p. 57.

²³ *Ibid.*

To conclude, it can be said by the above discussion of Aristotle's theory of justice, has it is own virtues and defects. And, it has tried to solve a practical problem with the help of normative theories. That is the reason; it not only caught the attention of the intellectuals of his time but also of present intelligentsia. For instance, his theory of particular justice is made up to eliminate the inequalities which are purely economical and biological. In Indian scenario the inequalities are of multi-facets, multi-dimensional and multi-sectored. While, talking about the nature of inequality, they are sometimes, economical, social, political, psychological, cultural and of many more kinds. In my opinion, the situations of the society are different from that of Aristotle. The facts do not show the inferiority of the theories of justice, which are given to solve the problems, but rather there is an extreme urgency to understand the factuality and practicality of the problems in the given particular situations. And then we should go for a relative solution; which is nothing but a methodological relativism. So, Aristotle's theory of justice was good in his own social and historical situations. For instance, a formula of Algebra and it will do justice when we would apply it in Algebra; but when a person would apply this in Arithmetic, it won't work. It is because there is difference in nature. In the same way, determinants of justice are relative. So, my stand is that a theory of justice should be formed by the method of corroboration in the society by looking on its own social, cultural and historical situation, where justice is needed.

From the discussion of Aristotle's theory of justice, it is clear as a crystal that justice can take any of the discussed forms and sometimes more than the discussed numbers in accordance with the socio-economic, geographical and historical backgrounds of the respective entity in which the concept of justice is being applied. Despite of varied forms in the variegated fabrics of the world, there is a common elements running through these variations of the use that is justice is aimed at insuring the common interest among individuals. For instance in Aristotle's discussion of justice, the central theme of his discussion, was to show the path leading to attainment of well-being of the whole society in the form of theory of social justice applied to the basic institutional structure of a modern liberal state.

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