

Interpretation

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Natural Justice and the Nature of Justice in Aristotle's *Nicomachean Ethics*

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Abstract: Aristotle's notoriously difficult statement that natural justice is changeable has led some contemporaries to argue that Aristotle does not hold that natural justice functions as a standard against which to judge political laws and constitutions. In this essay I argue the contrary. However, the naturalness of natural justice must be understood in connection with the fact that justice belongs to the polis, which is a community of roughly equal persons who are governed by law. The polis itself is natural but in a qualified way, more or less as a hybrid could be said to be natural. While the *Nicomachean Ethics* as a whole is a kind of redemption of such virtue as is within reach of ordinarily decent human beings, the discussion of justice comes close to rendering transparent the inferiority of such virtue to the virtue of the philosopher, which Aristotle ultimately agrees with Plato to be most natural, most fit for human beings.

INTRODUCTION

Probably no passage in all of Aristotle's moral and political writing has tested the powers of interpretation among his commentators so much as his statement, in chapter 7 of Book V of the *Nicomachean Ethics*, that natural justice is changeable (1134b30). Aristotle himself testifies to the difficulty, for he says that the changeability of everything men deem just causes some persons to deny that natural justice even exists. These persons hold that all justice is but a matter of convention. They are like the characters Callicles and Thrasymachus in Plato's dialogues, the latter insisting in the *Republic* that justice is "the interest of the stronger," by which he means that it is whatever those in commanding authority declare it to be. For his part Aristotle insists that the persons who say that are wrong. They are not, however, completely wrong.

Their problem is that they are victims of an oversimplification that arises from a misperception. That is, they see, or think that they see, that what is by nature is unchanging and unchangeable, “just as fire burns both here and in Persia,” whereas only what is derived from convention varies from place to place and time to time. Aristotle responds that only among the gods is it the case that nature and natural justice are unchangeable. As we might put it in our own sort of parlance, only if we imagine there to be gods who have duties towards one another would it be the case that justice among them would be unchangeable. They might have their conventions, one may suppose, but what they *are* would remain ever the same. Among us human beings, however, *everything* changes. In its widest scope, this would be to say that our very nature changes. And it is this that is so baffling and troubling; for how can we understand the very distinction between what is natural and what is conventional—merely conventional—except by thinking that what is conventional is of the here and now whereas what is natural is always and everywhere the same? Most especially, how can natural justice be a standard by which we measure the value of our actions and the rules that govern those actions if it be but a temporary and provincial standard?¹ It is no wonder that Thrasymachus thought what he thought or why that thought continues to tempt many people of our own times and in fact of all times.

I contend that we might advance our understanding of this issue if we opt not to rush headlong into it but rather sidle up to it, so to speak, following more closely the rhetorical structure, that is, the textual context, of Aristotle’s whole discussion of justice in *Ethics* V. Reading Aristotle requires patience; he must be allowed to guide us through his own terms. Nevertheless we would not be following naively from the beginning. We make a deliberate choice to return to the beginning and as we proceed we expect to see how each section of the argument contributes to the lesson of the whole. We expect that that lesson will contain the answer to the issue that we already believe to be the central one. This being the case, there is one more observation that is in order at the very outset. That is that Aristotle says that the distinction between natural justice and legal or conventional justice is “easy” to see. There are difficulties correlative with the fact of the distinction but men are generally

¹ This difficulty has led some commentators to conclude that Aristotle advances no notion of natural justice that can function as a standard. Thus Bernard Yack holds that “Aristotle is not...defending the existence of natural, inherently correct standards of justice. He is, instead, arguing that the need for citizens to make and argue about judgments of the intrinsic justice of their actions is something that develops naturally within political communities” (“Natural Right and Aristotle’s Understanding of Justice,” *Political Theory* 18, no. 2 [1990]: 216). Similarly, see Tony Burns, *Aristotle and Natural Law* (London: Continuum, 2011).

aware of the distinction itself. There is, however, another point about which men typically go quite wrong. That is what he says in chapter 9.

Human beings suppose that doing justice is up to them and hence also that what is just is easy. But it is not. For to have intercourse with the neighbor's wife, to strike someone nearby, and to put money into someone's hand is, they suppose, easy and up to them, but to do these things while being in a certain state is neither easy nor up to them. Similarly too, people suppose that to know the just and unjust things is in no way to be wise, because it is not difficult to comprehend what the laws say (but these are not the just things, except incidentally). But how the just things are done and how they are distributed—this is indeed a greater task than to know what is conducive to health, since even here to know about honey, wine, hellebore, cauterizing, and cutting is easy, but to know how one must administer them with a view to health, and to whom and when, is as great a task as to be a physician. (1137a5–14)²

Now this is amazing. To act *unjustly*, in the full sense, is not even possible for us. And yet, we misunderstand ourselves precisely with respect to this fact. At this one's head begins to swim and we feel we are in danger of losing our moral bearings. Are we not even capable of such guilt as we may feel or attribute to others? If we are not already thinking “beyond good and evil,” it does seem that we are invited to adopt a posture from which we will reassess the status of our whole moral responsibility. Or in other words, it would appear that Aristotle's argument is intended not merely or primarily to describe what is meant by “justice,” or to be an encomium to justice, but also to be a critique of justice—of the impulse to justice. Or might it be the case that the best encomium to justice entails the critique of justice, lest it be befouled through an excess of intensity?³ Regarding this matter too it makes sense to pay attention to the textual, rhetorical structure of Aristotle's discussion in Book V.

THE DISTINCTIVENESS OF JUSTICE AMONG THE OTHER VIRTUES

So, to begin, Aristotle assures us that justice is a characteristic, as are the other virtues he has discussed in the previous books. It is not a capacity, or a science. We might reflect, though, that with respect to justice as distinguished from the other virtues this assurance is especially important, since we might well think that in a certain respect justice *is* a science, or as

² All quotations from the *Nicomachean Ethics* are taken from *Aristotle's Nicomachean Ethics*, trans. Robert C. Bartlett and Susan D. Collins (Chicago: University of Chicago Press, 2011).

³ Thucydides's presentation of Cleon is a perfect example of how such intensity can lead to something foul.

requiring a science. This would be the case when we think of justice as a relationship between or among persons—a relationship that a person who has the virtue of justice wishes to exist and does not violate where it does exist. Justice in this sense would be something that one could know, and surely that knowledge would be a necessary ingredient of the person's having justice as a virtue. At the same time, though, to stress the element of knowledge could be problematical, since the knowledge of something, anything, would be as useful in the destruction of that thing as it would be towards bringing it about. As Socrates argues in the *Republic*, justice as a knowledge would be as much the knowledge of how to steal as how to guard and protect. Aristotle's opening statement on the subject, that justice is a characteristic rather than a capacity of a science, avoids this issue but it does so in the manner of an abstraction from it rather than full response.

So justice is one of the virtues, and hence a characteristic. But what is it specifically? There are obviously many disputes about it that require clarification and resolution, especially since among the disputants are those who deny that it even exists. Aristotle proposes that we begin, then, from what might be more evident and clear, namely *injustice*. Perhaps this means that while the issue of justice is a matter of much sophisticated, sometimes sophisticated, debate, few or perhaps no men are devoid of passionate response to what they perceive as injustice, especially if it is perpetrated against themselves. In any case, starting from this, Aristotle observes that justice comes to be spoken of in two broad senses. On one hand we think it wrong for a man to have or want to have more than his proper share—what he deserves in relation to what others have. This sort of justice is one virtue among the several that Aristotle has discussed in the preceding books. It is justice in a “partial” sense. Then there is another sense of justice that is more complete. People condemn it as wrong if someone puts oneself above the law so that in this sense justice is tantamount to lawfulness or law-abidingness. Since the law governs everything that we might do, either prescriptively or proscriptively, justice as lawfulness is in a way complete virtue. Quoting Theognis, Aristotle calls it the sum of the virtues (1129b30).⁴ But this is not meant in a simple arithmetical way. He means that justice enables us to employ any and all of the other virtues in our relationships with others. “For many people are able to use virtue in dealing with the members of their household, but in their

⁴ In making the case that justice in the complete sense is equivalent to lawfulness Aristotle asserts that whatever the law does not forbid it commands. Liberals are sometimes offended by this. Aristotle's stance in the dispute involves his thought that the finality and comprehensiveness of the authority of the law entails the idea that the polis has as its aim the comprehensive human good for its citizens.

affairs regarding another, they are unable to do so" (1129b33–35). We might take courage as an example. A warrior might fight like a tiger, in a courageous spirit, and that would be simple courage. But were he to do so for love of his fellow citizens, or his city, or *for the sake of* his duty, then his courage would be an aspect of justice as well. We might say that in justice the other virtues are more virtuous. Aristotle promises that he will discuss justice in this broad sense in the latter part of Book V, that is, in chapters 6–11.

Towards the end of the initial chapter lies another issue—another at which Aristotle subtly hints. This is that insofar as justice in the broad sense enables one to exercise all the virtues in their full sense, then, as one aspires to be just, one would have to aspire to rule. This follows from the fact that ruling and only ruling is that activity that comprehends and so completes all other human activities as subordinate.⁵ He quotes approvingly a saying of the ancient sage Bias, that “office will show the man,” “for he who rules is already in relation to another and within the community” (1130a1–2). What? Does this mean that the competitive struggle for dominion is in accord with justice—that it is motivated by a concern for justice? Is it therefore true at least in this way that “justice is the interest of the stronger” if by “stronger” is meant “ruler”? That does appear to be the implication. Aristotle keeps it just below the surface by adding, almost in the same breath, that justice in the broad sense of virtue in relation to others is typically thought to be “another’s good,” for that is also part of the implication. Bias sees that all men are, like himself, anxious to serve.⁶

PARTIAL JUSTICE

So much for chapter 1. The issues at which it hints serve as a prologue for what remains. Aristotle gets down to business in chapters 2–5 by discussing justice in the partial sense. It will be important not to have ignored these early chapters if we are to understand the full import of what comes afterwards.

Justice in the partial sense has to do with one’s share of such things as we might enjoy or suffer in good or bad fortune. “It is manifest...that there is

⁵ Cf. Aristotle, *Politics* III.4. All references are to this work are to Ernest Barker, *The Politics of Aristotle* (London: Oxford University Press, 1979).

⁶ Susan Collins has drawn out with great clarity the tension between justice as a human good for which one might long versus “another’s good.” The argument of this paper, however, is that Aristotle’s rhetorical purpose in this book is not merely to lay bare that tension but to lead his readers towards an appreciation of a Socratic/transmoral sort of justice. See Susan Collins, *Aristotle and the Rediscovery of Citizenship* (Cambridge: Cambridge University Press, 2007), 76–80.

a certain other, partial injustice, apart from the whole...which has the same name because its definition falls in the same genus. For both exercise their capacity in what concerns another person: but the one injustice pertains to honor, money, or preservation—or to some one thing if we were to encompass all these by a single name—and arises on account of the pleasure associated with gain” (1130b4–5). Thus a person might commit an act of adultery and so manifest the vice of moral weakness or immoderation but were he to do it for money it would be an act of injustice in the partial sense. With justice thus understood there is another distinction that must be observed: that between justice in distribution as from a common store versus justice as rectification, which governs a transactional exchange. Now *all* justice involves equality in some way or other. Regarding distributional justice the equality is what is involved in a proportion. That is, where there are many contributors to a common store, the ratio between any two contributions should be equal to the ratio between the benefits those contributors receive. As the verbal formula runs, “to each according to his contribution.” Aristotle draws out his explanation of proportionality to some length; but he mentions almost in passing what is the real matter of dispute in the administration of distributive justice. That is, “all men do not mean the same thing by merit; rather, democrats say it is freedom; oligarchs, wealth; others, good birth; aristocrats, virtue” (1131a26–27).

As for rectifactory justice, the equality that it involves is that between things exchanged, that is, the value of what is exchanged between parties to a transaction. Justice requires that one gives as good as one gets. Perhaps of most interest, Aristotle explicitly includes *involuntary* transactions as well as voluntary ones in this discussion. Involuntary transactions are exchanges that one party wishes not to make. They may happen either by stealth or trickery or by open violence. Justice of this sort has to be meted out by an authority—a “judge.” Aristotle’s point here is that the judge does justice when he restores the equality between the parties. That is, he deprives the perpetrator of his ill-gotten gains, or the value thereof, and restores them to the victim. Noteworthy here is that this is *all* that justice requires. The consideration of what we might call “punition,” punishment qua punishment, is lacking. To see this point one might consider as an example how libel is typically treated in contemporary legal systems. A suit might be brought and the judge might award both restorative and punitive damages to the plaintiff. For Aristotle, rectifactory justice in involuntary transactions does not call for punitive damages.

The point here can hardly be stressed too heavily. Aristotle knows of course that when people suffer an assault they in their anger demand recompense, typically in the form of seeing that their assailant suffer as they have suffered, and what they have suffered. This feels like justice itself. That is why the old Pythagoreans identified justice with “reciprocity” (*to antipeponthos*), that is, an eye for an eye and a tooth for a tooth. It might seem only right that the wrongdoer be paid back. There are many people in Aristotle's time, as in our time too, who agree with those Pythagoreans; but they are wrong. The anger that demands reciprocal harm is not really a demand for justice. Aristotle's teaching is calmer. It is more in keeping with what Socrates says to Polemarchus in the *Republic*, that justice is helping friends and harming no one; therefore, so far as intentions go, the just person intends no harm.

After having distinguished reciprocity from justice, Aristotle follows by saying that in one context they are the same, namely, in voluntary exchange. Between a seller and a purchaser, the rectifactory justice is reciprocal; however it has to be understood that the reciprocation be “proportional.” He explains as follows. For there to be a fair exchange between two different goods, say shoes and houses, the goods must be equalized. That is to say, they need to be made or held comparable according to some common measure. This was precisely the reason that money was instituted, Aristotle says. It exists in order to measure the exchange value, and so make possible the voluntary exchange, between different goods. So if one house is worth x dollars, or minae or whatever, and x amount of money will purchase 1000 shoes, the effective rate of exchange between houses and shoes will be $1/1000$. The price of shoes or houses in terms of money is not altogether arbitrary though. One must still ask *why* the equivalent of 1000 shoes can purchase one house—why not 2000? The answer that Aristotle gives to this question is need: “All things must be measured by some one thing, as was said earlier. This thing is, in truth, need, which holds all things together. For if people should not need anything, or not in the same way, then there will either not be exchange or not the same sort of exchange” (1133a26–30). Money is a convention by which men agree to measure their relative needs, hence the very word “currency” (*nomisma*) derives from the word for convention or law (*nomos*).

Fair rates of exchange are determined by how much we need of what the other party offers. Money makes the exchange possible by providing the common, agreed-upon measure of those needs but it does not determine them. What does determine what we need? A modern economist might complain that what Aristotle says about just this is insufficient and unclear. Thus

one might infer that Aristotle is arguing that what we need is a function of our very nature; that indeed nature establishes a hierarchy of human needs and that therefore those things most needful are and ought to be of the greatest value or price. This is the notion of the “just price,” which modern economics insists is a fallacy. For surely water is more needful than, say, diamonds, in any amount, and yet a glass of nice cold water is and ought to be priced less than the jewel on my bride’s finger. Economics can never reach clarity unless we sever the connection between natural need and price, or exchange value, and see instead that prices are determined by the relative scarcity of what is offered for exchange in relation to the intensity of the demand for that same thing. This is Economics 101; it is represented by the most basic graph that shows a supply and a demand schedule intersecting at just that point where seller and purchaser agree to a fair exchange. It is not “need” but rather demand, more precisely “effective demand,” that is important. This is only right, for do not people have a right to pursue their own individual happiness by their own lights and not have some authority dictate to them what they “need”?

Contrasting modern economics and Aristotle in just this way, though, makes of Aristotle’s argument something of a straw man. It is the case that modern economics brings to bear a different understanding of human community, political community, from Aristotle’s. One might put it that when the modern notion of “goods,” as in “goods and services,” replaces the Aristotelian notion of *the good* as the fundamental principle that governs the community, then what Aristotle calls “household management,” *oikonomika*, comes into its own as “economics,” modern economics. This does not mean, though, that Aristotle sets up an abstract idea, “nature,” from which he says that relative prices are or can be derived. He knows perfectly well that our needs operate within circumstances and that these vary depending on how men are differently situated and on their differing ways of life. What might be needed in a fishing village is different from what is needed among hunters or farmers, and so the relative prices of fishhooks will vary. What he does argue is that there *ought* to be a high level of stability among the relative prices of things, especially within a community. His argument is similar to what even modern economists see as the benefit of relatively stable currency. That is, it makes for greater security when people can count on their money retaining its purchasing power in the future. Aristotle extends this point so as to hold that not only money but all goods should maintain their relatively constant exchange value, and for the same reason. A producer should be able to count on being able to receive much the same price for his product tomorrow as he depends on getting today.

As for exchange that will occur in the future, if there is no such need of it now, money is like a guarantee for us that it will occur when there is need of it, since someone who brings money ought to attain what he needs. Now, money undergoes this same thing as well, for it is not always possible for it to be equal. Nevertheless, it tends to stay more constant [than does the value of particular commodities]. Hence *all things ought to have a value assigned to them*; for in this way there will always be exchange, and if there is exchange, there will be community. (1133b10–15; emphasis added)

Not just money should be stable, but the relative value of all the things that money buys. The fundamental reason that modern economics would find this thought unsupportable is that we tend to believe in the normalcy of technological progress. Fixing prices as Aristotle recommends would of course depress investment in new products and new forms of production. That is obvious. Still, many thoughtful people today are inclined to wonder whether continued unregulated technological innovation might bring about more pain by way of social dislocation and very uneven distribution than it offers by way of the further relief of our estate. Perhaps Aristotle is entitled to his implicit doubts as to whether progressive change is always or even generally a good thing.

JUSTICE IN THE MORE GENERAL SENSE

The final paragraph of chapter 5 is a summary of all that has gone before in Book V. Its final sentence is worded so as to say that the discussion has been concluded, and brought to a close. Despite this, Aristotle goes on for six more chapters in which he will discuss several matters of importance with regard to justice in the broader of the two senses that he distinguished at the beginning—justice as the sum of all the virtues insofar as they bear on our relationship to others.

Beginning, then, with chapter 6, Aristotle's first point is that a person might commit an act of injustice while still not being an unjust person *ipso facto*. Some editors and commentators have speculated that this initial thought, in the first paragraph of chapter 6, is out of place insofar as it pertains more directly to the topics of chapters 8 and 9 than it does to what follows immediately in chapters 6 and 7.⁷ The paragraph can be understood as appropriately placed, though, if we adopt an enlarged attitude towards

⁷ See, e.g., Martin Ostwald, *Aristotle: Nicomachean Ethics* (Upper Saddle River, NJ: Prentice Hall, 1999), 129n40. Bartlett and Collins, however, note that there is no ground for this speculation in the MSS (*Nicomachean Ethics*, 103n29).

Aristotle's style. He appears to be concerned to lead us to what he wants us to understand by asserting stipulations that are not always tied directly to a line of argument but are instead governed by a rhetorical principle. In the present case he leads off with what is a major point that governs the whole remainder, a point that we need to hold in mind. That is, we are warned not to be confused by the fact that men do commit acts of injustice willingly: this does not, or at least may not, mean that they *are* unjust. That is, it does not mean that they willed injustice itself.

There follows another stipulation. Justice in the broad, political, sense applies only to persons who are relatively free and equal and who are, as such, able to be and are in fact members of a law-governed community—the polis. There are standards of propriety which bear a certain similarity to justice among persons who are not so free and equal but justice strictly speaking does not exist among them. The relationship between parents and children might be mentioned as an unobjectionable example. So injustice means to assign to oneself more than one deserves by virtue of one's status in the polis. Aristotle avers that this is why men put their trust in law rather than personal rule. Law is “no respecter of persons,” as we say when we are praising it. We might state this categorical quality of the law by saying that the law can base one's entitlement not on who he is but rather on what he is and what he does from the point of view of the polis itself, and this is justice.

The argument is fragrant with the sweet smell of legitimacy. There is a conundrum associated with it, though, which Aristotle mentions in this very context, albeit not with an explicitness that would befoul the air. What, he asks, would be the just return to a “true ruler” who would be the guardian of equality and fairness itself? What would be justly owed to the guarantor. . . of justice? One might think that the only possible answer to this question is “everything!” Indeed, *he* the guarantor might think so. Aristotle, of course, does not explicitly endorse this conclusion; however, he does indicate that anything less than everything might be deemed “insufficient” by such a one and that for this reason they “become tyrants.” It would be reckless to say that this thought amounts to a defense of tyranny, still less an account of the psychology of the tyrant (à la *Republic IX*). It is shocking nonetheless. We do learn that even a tyrant may feel that he deserves what he desires and grasps.

To reiterate: men commit unjust acts but it is not always the case that such acts make them or mark them as unjust in the fullest sense. Already we begin to wonder: do they ever? That is, do men ever commit acts of injustice knowing them to be unjust and intending the injustice? Before we are

brought to see Aristotle's answer to that question and to see the implications of that answer there is another matter that needs to be established. That is that as regards political justice, some part of it is merely legal, in the sense that prior to a law's being enacted acts that the law would forbid are in themselves matters of indifference. We do not dispute whether it might be more or less just to drive on the right-hand side of the road but once a law has made such a determination it then is a serious matter that everyone obey it. There is, however, another part of political justice that is not like that. This part is natural, and is often ground for the most serious disputes. Now Aristotle avers that it is not hard to see which of the things that are politically just belong to the camp of the natural and which merely legal. And indeed, it is not hard; it is obvious that men do not dispute seriously over every sort of law. The real issue, though, is whether there actually is anything that is naturally just, or is it the case that when men dispute over such matters they are confused by a belief in something that does not exist? Aristotle knows that there are some people who hold just that. They base their opinion on the fact that everything that is recognized as naturally just is changeable, in the sense that it varies from place to place, but what is natural is the same everywhere. "Just as fire burns both here and in Persia." Aristotle insists that the people who hold this view are wrong; but they are not completely wrong. He does acknowledge that what is recognized as just in both the legal and the natural sense is changeable, and indeed equally changeable. How can this be?

Contemporary students of Aristotle owe a debt of gratitude to Leo Strauss for underscoring the significance as well as the difficulty of the passage at hand. As is well known, Strauss sought, in his *Natural Right and History*, to defend as a serious matter the issue of natural right, redeeming it from the forces of historicism and relativism. From Strauss we learn that there have been two alternative lines of interpretation of Aristotle's statement, dating as far back as the Middle Ages: the Thomistic and the Averroistic. According to Thomas, Aristotle's statement that natural right is changeable has to be understood in a "qualified" way. It means that while there are in fact immutable, valid principles of natural right, these serve as axioms from which more specific, changeable rules are derived, for instance, that one ought return what one has borrowed. Averroes on the other hand represented the view of Jewish and Islamic Aristotelians, according to which what is changeable is rules of right and wrong that are in fact conventions; but some of these are ubiquitous conventions that exist in all political communities as a matter of necessity. A prohibition against murder would be an example. To put it briefly, Thomas's

interpretation has it that what is truly natural is *not* changeable;⁸ Averroes that all right is changeable because it is *not* strictly speaking natural. Yet Aristotle says that all natural right is changeable. Strauss's quest for a third alternative employs a kind of circumstantialism. That is, he claims that Aristotle holds that beyond any commutative or distributional justice there is justice in the sense of the common good. And so, "In extreme situations there may be conflicts between what the self-preservation of society requires and the requirements of commutative and distributive justice. In such situations, and only in such situations, it can justly be said that the public safety is the highest law."⁹

So now there are three "formidable opponents." But especially the example of the third one bids us to be undaunted in attempting to express our own criticisms, provided we do so with all possible care and circumspection. In the passage at hand, it does not appear that Aristotle is talking about extreme circumstances. He appears to be referring to *variations* among political communities regarding natural justice under normal circumstances. That is, he appears to be saying that the varying notions of what is just are not all merely matters of convention despite the fact that they do vary. Can we make sense of the passage if we read it in this way?

To think this matter through I propose that we observe and elaborate the statement that natural justice is changeable as are all human things. That is, it is not only notions of what is just that vary among men but other matters too; everything human is subject to change. Aristotle does give an example, not of natural justice but of another aspect of human nature that is subject to change. By nature the right hand is stronger but it is possible that anyone can become ambidextrous. As the twig is rebent, so grows the tree. But is the ambidextrous man less natural than one who is right-handed as is true of the generality, or is he even more so? It appears that what Aristotle has to mean is that there *is* a human nature but it is a peculiar sort of naturalness that involves a certain

⁸ Mary Keys has demonstrated that Thomas was aware that his interpretation of Aristotle's thought did not conform exactly with what the philosopher wrote. She quotes Thomas as saying that he changed Aristotle's "water into wine," by which Thomas meant that he read a greater moral depth into Aristotle than was there in the original. Keys clearly approves. See Mary M. Keys, *Aquinas, Aristotle, and the Promise of the Common Good* (New York: Cambridge University Press, 2006).

⁹ That things which are normally advantageous, healthy, or good can be bad under extraordinary circumstances is a fact that pertains throughout nature, not only among human beings and human things. Aristotle's example of something that is natural yet changeable insofar as it is human is that whereas the right hand is normally stronger, all men can become ambidextrous. The example suggests the *alterability* of human things, including human nature. Such alterations are not confined to exceptional circumstances. See Leo Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1953), 160.

latitude or malleability such that there can be a variety of modes of being human.¹⁰ To think further about his example, in many kinds of city or community it might not matter much which of one's hands was dominant, if either one. However, in a city like, say, Sparta, where the whole city was organized around the production of a citizen soldiery trained to fight in a phalanx, ambidexterity might be a tremendous advantage. Now it is true that the training that is required to overcome what nature supplies as raw human material would itself belong to the realm of legal enactment. Aristotle indicates as much by saying that "as for things that are just by agreement and in reference to advantage, they are like measures: the measures for wine and corn are not everywhere equal; rather, where wine and corn are bought, the measures are greater, and where they are sold, smaller." That is, various legal enactments serve what are perceived as advantages among various ways of life (1135a1–4).

If Aristotle were to leave the matter at this one might conclude that his real meaning is that we humans can overcome our natures. His thought would be like that "existentialist" slogan, "man makes himself." Nature, for us, would be but a matrix, while human life would derive its distinctive forms, its meaning, and its elevation from an exercise of human freedom. This, though, is decidedly not his meaning; for if it were, it would follow that there could be no one way of life that would be best for man as such. Human *nature* would not be a standard against which to compare and evaluate the variety of forms of human life and common life. Aristotle insists, however, that this is not so. In the very last sentence of the paragraph under consideration he states, "but everywhere there is only one regime that is in accord with nature, the best regime (1135a5).¹¹ Let us try to elaborate. There are a variety of ways of life, of regime. Each one involves rules some of which involve judgments that are by no means matters of indifference among the members but which reflect a notion of what is just by nature. Political justice, we recall, is itself something that exists only within a polity that is composed of roughly free and equal members who govern themselves through law. Justice, then, has an aspirational quality, as the law reflects what the city aspires to. Might it be said, though, that each polis aspires to its own standard of justice and that what Aristotle means by his sentence is that there is one regime by nature best for each city everywhere? Even so, men must think that it is owing to circumstances that they are prevented from fully realizing whatever they aspire to,

¹⁰ This malleability is what makes possible the very distinction between nature and convention and thereby it is what makes possible a distinctive meaning to the term "nature."

¹¹ This one sentence is probably the major stumbling block for such readings as those of Bernard Yack and Tony Burns.

and that very thought implies, as a correlative, that some circumstances are more fortuitous than others. So what would be best under the most fortuitous imaginable circumstances? That would have to be best simply—everywhere and always the one best regime.

What, though *is* that best regime? At just this point of the text he does not say; however later on, in the context of how various forms of friendship reflect and exist in various forms of regime, Aristotle does say quite simply that of the three nondeviant forms of regime, “the best of these is kingship” (1160a35). Is that, though, his full and final answer to the question of the best regime? At this point more than one commentator thinks it necessary to resist. If, as does seem necessary, we turn to the *Politics* to illuminate the issue, we are confronted with an apparent ambiguity. There too Aristotle writes of kingship as in some sense best (*Pol.* III.6, 12–17), and yet he also praises the aristocratic republic as the ideal regime (*Pol.* VII and VIII).¹² The ambiguity is more apparent than real, however. Kingship and aristocracy can each be properly said to be best, each in their own way. Aristocracy is the best regime insofar as it is ruled by and for those who represent because they embody what the polis is all about: human well-being, virtue, happiness. The *Nicomachean Ethics* as a whole is a description of such persons. Kingship is the theme of the discussion of proportional justice that concludes Book III of the *Politics*. As we saw in our earlier comment on this same issue in the *Ethics*, justice requires that one’s status within the polis be in accordance with one’s contributions to the general good. However, the complicated nature of the polis is such that contributions are required that are of different sorts, and there is no nice mathematical ratio by which they can all be measured. The contributions of, for example, the soldiers, the farmers, the tradesmen are incommensurable, such that the polis, *any* polis, is always beset by a contention regarding justice. The polis is a kind of open wound. Having revealed that problem (chapter 12) Aristotle turns to his discussion of kingship. The lesson is that only kingship resolves the problem of political justice for the polis. It “resolves” it, though, by transcending it. It is a rare “solution,” but where it is possible, say, by virtue of there being one person superior in all relevant criteria to all the rest, that person should be absolute ruler. Aristotle says explicitly in this context that this sort of rule is beyond law and also,

¹² This has caused one commentator, Jesus Vega, to conclude that Aristotle waffles: “Even Aristotle says that more than one constitution might be the best one,” citing the distinction between *Politics* III and VII. In this way Vega seeks to evade or undermine what is for him the troubling significance of Aristotle’s flat statement that there is one best everywhere. See Jesus Vega, “Aristotle’s Concept of Law: Beyond Positivism and Natural Law,” *Journal of Ancient Philosophy* 4, no. 2 (2010): 27–28 with n55.

by the same token, beyond justice. It exemplifies a sort of propriety that is more like that of a father's rule over his children than that of a statesman. The "polis" takes on the character of a large family. In sum, kingship is best where a polis has transformed into something simpler than itself. In reality, kingship exists in a very primitive context where it might actually happen that one person is so preeminent over any and all others that there would not really exist contesting claims to rule (1288a20–30).

Natural justice is changeable, then, because justice in all its forms belongs to a mode of human existence that, whatever its specific form, is defective. One understands as does Aristotle the peculiar thing about the naturalness of human nature if one says that it is our nature to be defective. Still, if Aristotle's whole treatment of political life and of justice becomes fully intelligible only if we graduate to the posture of his critique of justice itself, it is also necessary to see that, and to see why, Aristotle obscures that critique in his compact, subtle, and sometimes ambiguous prose. His expressions are full of hints. In the present case, those people who think that everything just exists by convention do say something that "has an element of the truth." Were it not to be true we would have to be as free of defect as are the gods.

Justice, even natural justice, is relative to time and place. It depends on particular features of each polis. If we are to avoid attributing to Aristotle a simple relativism on this basis it must be by way of explaining his correlative assertion that there is one regime that is everywhere the best. Even if the foregoing attempt at such a reconciliation is correct, though, it still leaves unanswered the bald question, *What is justice?* True, Aristotle has explained the meaning of "partial" justice as rectification in transactions and proportionality in distribution, but useful as these points are they serve to indicate rather than to settle the fundamental issue. As regards rectification, everyone who has thought about this recognizes that sometimes making good on a debt is not good or just, as when one has borrowed a weapon from someone who has become mad, for example. Similarly, distributive justice depends upon a proper assessment of each contribution, typically requiring a comparison among incomparables. Considerations like these demonstrate that the previous discussion of partial justice was not a complete account of a discrete, albeit subordinate, phenomenon but was itself partial. Full clarity requires that we understand what justice is in the full sense—but do we?

In the last, brief paragraph of the chapter under consideration Aristotle very subtly gives us an indication of his thinking about this matter. The paragraph is admittedly hard to interpret but if we stress its connection with the

immediately foregoing, it appears that Aristotle is indicating his substantial agreement with the account of justice that emerges from Book IV of Plato's *Republic*. That is, justice is each member of the polis doing his or her own work (*Rep.* 432e–433a).

Each of the just and lawful things is related [to various acts that accord with them] as universals are to particulars. For whereas there are many particular acts, each of the just and lawful things is one, since it is universal. An act of injustice differs from the unjust, and an act of justice differs from the just. For what is unjust is by nature or by enactment, but this very thing becomes an act of injustice once it is done; yet until what is unjust is done it is not yet an act of injustice, though it is unjust. The case is similar also for an act of justice (though this is more commonly called a “just action” [*dikaiopragēma*], whereas an “act of justice” [*dikaiōma*], is a correction of an act of injustice). In reference to each of these, we must examine later what forms it takes, how many forms there are, and with what sorts of things each happens to be concerned. (1135a5–10)

Even though it is formally true that justice and injustice are each exemplified by their specific acts, Aristotle expects that his reader will imagine more easily how this is with respect to injustice and unjust acts. An unjust act, for example, would be a violation of the law; and this would be the case whether or not the law in question involved justice in the natural sense or merely by enactment. Lawlessness is naturally unjust. What, though, is an act of justice? Is it, by way of contrast, an act that abides by the law? This hardly seems to be a contentful notion. Justice in this sense would be merely that feature of each person doing his or her particular task or duty—in itself scarcely anything. It seems indeed likely that this is the reason Aristotle “postpones” his discussion of the various kinds of justice and injustice. In fact, however, nowhere in Aristotle's extant writings does he pay off this promissory note. Are we to conclude that Aristotle just let the point drop, as if forgetfully? Or is it not much more likely that he intends the lesson to be derived from the very fact that his promise is unfulfilled?

Only now, Aristotle insists, now that we understand what is just and unjust, are we able to say with full understanding that a person acts justly or unjustly when his action is voluntary. Clarity about this point has been the aim announced at the beginning of chapter 6 but before we could address it we needed to understand the nature of justice as something humanly changeable, albeit natural in a special sort of way. The discussion will commence in chapter 8 and then achieve its fundament in chapter 9, where Aristotle will

reveal the real difference between his philosophical view of justice and what we might call, with pardonable imprecision, the moral view.

It is fairly obvious that we do not perform an act of justice or injustice if the act is involuntary, even though in a certain sense the act itself might be just or unjust. There are mistakes, and mishaps whereby an act might be just or unjust in an incidental way; and Aristotle is at some pains to explain what these things are and why they are not acts of justice or injustice in the full sense, whereby we would be guilty if it were an act of injustice. More arresting is the statement that follows, that even a voluntary act of injustice may not be of such a sort that it marks a person as unjust, or wicked. His example, the single example he offers to illustrate this point, is an act performed out of anger. Now we might respond to Aristotle that we should try to control our anger, just as we should try to avoid making mistakes and risking mishaps that would have unjust consequences. To be sure we should, if we care about justice. Aristotle's point at hand, though, is that just as accidents do happen despite our best precautions, sometimes anger does get the better of us and in a case like that the real responsibility lies with the one who provoked our anger, taking advantage of an all-too-human weakness. An unjust act due to anger would be voluntary but it would not be *deliberately chosen* and for that reason would not be an unjust act in the fullest sense. Indeed, Aristotle notes, one *always* presumes when angry that one has justice on one's side. It might be justice in one's own case that one presumes, and so mixed with self-interest, but it is never simple self-interest. All anger involves a reference to justice and a concern for justice.

That all anger involves a concern for justice is a psychological fact that invites the profoundest reflection. It does not mean that justice *is* the satisfaction of anger. We want the presumption of our anger to be true; but we know that it is not necessarily true. To put it metaphorically, anger must look beyond itself, to the higher authority of knowledge so as to confirm, or disconfirm, what it presumes. This is of course the foundation of the role and rank of the auxiliary class in the *Republic* in their subordination to their rational ruler. When we subordinate our own anger to our reason we have to overcome thinking that our own hurt is sufficient evidence that we were dealt an injustice. We need to call to mind what Aristotle is showing us here to be the case, namely, that only voluntary acts performed out of deliberate choice could be unjust in the full sense—in the sense worthy of our anger, so to speak.

But do any acts of *that* sort even exist?

Aristotle begins chapter 9 by acknowledging that there still remains a perplexity regarding what has been said about suffering and doing injustice. He then quotes from Euripides's play *Alcmaeon* and asks whether there might be some truth in the words, despite their being strange.

“I killed my mother, brief is my speech.”

“You voluntarily and she voluntarily,

Or she [not] voluntarily and you not voluntarily?” (1136a12–14)

This is not the first time in the *Ethics* that we have heard of *Alcmaeon*. Earlier, in Book III, Aristotle had referred to it. *Alcmaeon* was said to have offered an absurd excuse for the crime of matricide. Sadly, we do not possess the text of Euripides's play. Martin Ostwald, however, informs us that “an ancient commentator on this passage tells us that *Alcmaeon*'s motive for killing his mother was to escape the curse of his father.”¹³ *Alcmaeon*'s father had laid the curse on him as a means of avenging himself against his wife, *Alcmaeon*'s mother, in return for her inducing the father to attend the ill-fated expedition of *Seven against Thebes*. Aristotle refers to the play as if it would be well known to his immediate audience. We might speculate that in his play Euripides was presenting an intriguing examination of the whole phenomenon of guilt and moral responsibility. However that might be, Aristotle had earlier dismissed as absurd *Alcmaeon*'s appeal to circumstances as exonerating him from the matricide. There are some crimes so heinous that no circumstances can excuse them and in this particular case the circumstances were ones *Alcmaeon* could have and should have borne. This makes good sense in connection with the overall thrust of Book III, which is to defend moral responsibility as such against objections that Aristotle treats as sophistical. Most importantly, while he grants there that a person might be led to sin out of confusion deriving from some deficiency of character, one should nevertheless be praised or blamed insofar as one is responsible for the very formation of one's character, at least partly. Now in Book V, however, *Alcmaeon* returns, this time by way of the direct quote, promising to shed light on acting and suffering unjustly.

What, then, is it that is “strange” about the quotation? It is that the respondent assumes that the matricide could not have been suffered willingly unless the perpetrator was willing as well. And if it was an unwilling act, it must have been suffered unwillingly as well. Why would this be so, though? It might seem that logic would permit two other possibilities: (1) that the

¹³ Ostwald, *Nicomachean Ethics*, 53n2.

matricide was willingly performed upon an unwilling subject, or (2) that it was unwillingly performed on a willing subject. The words suggest, however, that these are not actual possibilities and the question is why. What is it that limits what we can will to do or suffer?

In the sequel Aristotle concentrates his attention on what we can suffer willingly. Can one suffer injustice willingly? The answer, strictly speaking, is no. Aristotle reminds us of the distinction carefully drawn in the previous chapter between an act that is “*ipso facto*” unjust and one that is merely incidentally unjust, and he says here that the same distinction applies to suffering injustice. One can, then, suffer an injustice willingly but only in the incidental way. He is at pains to defend this assertion against what he appears to presume might come to someone’s mind as a decisive contrary example. What about when a person voluntarily harms himself in the way that a morally weak person might do? In such a case the person believes he is doing wrong—that he is committing an injustice in the broad sense—and it is himself whom he believes is wronged. The act is not inadvertent; in some sense it is willed. So is this not a case where someone suffers injustice voluntarily?¹⁴

It is not. Maintaining his assertion that no one suffers injustice willingly, in the strict and full sense, Aristotle now says that the definition of acting unjustly needs to be amended. It must include that the act was performed against the wish of the recipient. On the basis of this emendation of what it means to act unjustly, Aristotle can say that although a morally weak person suffers an injustice, and suffers it at his own hand, he does not strictly speaking suffer injustice willingly. “Rather, he acts against his wish. For no one wishes for what he supposes not to be of serious worth and the person lacking self-restraint supposes that he ought not to do what he proceeds to do” (1136b6–9). In the case at hand, the doing and the suffering are two sides of the same coin. So if the act be contrary to the doer’s wish, then in the same sense it is contrary to the sufferer’s wish. Aristotle will devote a much fuller discussion to the topic of moral weakness later in Book VII. What he has stated in the present context, however, is sufficient to show that the self-referential act of a morally weak person does not constitute an exception to his general rule: that no one suffers injustice voluntarily.

In considering the foregoing argument we have been presuming that the injustice one might suffer is a harmful injustice. What, though, about unjust

¹⁴ Note that this argument does not apply to an immoderate person, whom Aristotle discussed in Book III. That person does harm himself but he does not believe that what he does is wrong, so in no sense does he even appear to intend to do wrong.

benefits: could we not experience such injustices voluntarily? Aristotle's answer involves the same strict distinction between incidentally unjust acts and ones ipso facto unjust that he has been insisting on all along. Yes, one might receive the benefit of an act voluntarily but not the injustice of it. He explains further, when an unjust distribution is made, the guilty party is the distributor; only in a secondary, less blameworthy sense does guilt attach to the recipient. What, though, when the distributor and the recipient are the same person? To see the importance of the answer to this question we need to understand that this is not a special case. On the contrary, Aristotle observes that whenever an unjust distribution is made it is *always* the case that the distributor receives some sort of benefit: perhaps a kickback, or the satisfaction of revenge. And it is this that was the real motive for the unjust act. What the distributor, or indeed any perpetrator, wishes is, strictly speaking, the gain, not the injustice. Was the gain not itself unjust? Maybe, but it is not that that made it gainful, or wished. So if to commit an injustice in the full sense one must wish for and deliberately choose the injustice itself, the conclusion to which we have been led is that this simply does not happen! To reiterate, no one wishes something that he does not believe to be morally good.

Only now are we able to understand the thought that concludes this ninth chapter of Aristotle's book on justice, Book V of the *Ethics*. The thought actually concludes the whole of Book V. There is a contrast between two different attitudes towards the whole subject of justice, one of which we recognize as representing a more ordinary view, or we might term it a more moral view, and the other a philosophical view, which is in one way more forgiving and in another much more demanding. People think that it is easy to be just, since they think that what justice requires is simply forgoing acts that are unjust, such as laws forbid. Everyone is presumed by this view to know what justice demands; the hard thing is to do it. This, though, is precisely what Aristotle has labored to refute. No one ever wishes to do what he knows to be unjust, speaking in that same strict mode that he has required all along. The hard thing, the *very* hard thing, is to know it. Being just in this way involves relating to one's fellows in something like the way a doctor relates to patients. It is a standard that would govern a bestowal from one to a recipient when, for whatever reason, one wishes the recipient well. Readers of the *Republic* will recognize how Aristotle has brought his argument round to an endorsement of that one definition of justice that is there advanced and which is never rescinded: justice is helping one's friends and harming no one.

Of course who *are* one's friends, and what precisely *is* help, are the questions that make justice in this sense so extremely demanding. The difficulty is not so much in knowing what is good. It is, rather, in knowing what of that which is good is good for whom. People's confusion regarding this question is an aspect of why they need the polis, but what the polis demands, that is, justice, points towards a form of authority that is beyond any possible polis.

What, finally, of *Alcmaeon*? If we have drawn out Aristotle's thought correctly it is possible to interpret the passage he quotes as a fitting prologue. Alcmaeon confesses; he killed his mother. The respondent answers in a manner of a judge, one who understands the soundness of Aristotle's view of justice. Alcmaeon could not have willed the matricide as an act of injustice, for that would be impossible. He must have felt it to be an act of justice, perhaps as punishment. If punishment is to be just, though, must it not involve the acceptance of guilt on the part of the recipient and, hence, acceptance that the punishment is indeed just? To inflict harm on an unrepentant sinner can never fully slake the thirst for justice. So if "he" was willing, "she" must also have been willing. And yet when we put it that way, her willing acceptance of the "punishment" means that there are no more grounds for Alcmaeon's anger. Wherein, therefore, is the need for the punishment? One guesses that this, or something close to it, was the lesson of the play, that Euripides saw as did Aristotle that our most serious concern for justice must ultimately take us beyond the moral presumption of justice.

EQUITY

The previous chapter has put us in mind of a standard of justice that is beyond political/legal justice, beyond, that is, what most men think. It is however not beyond the common sense of the matter to understand that action and judgment according to the law can have consequences that are perverse, in the sense of being contrary to what is or appears to be the aim of the law itself. When this happens we need to have recourse to considerations of equity (*epieikes*) so as to correct for the mistake whereby the law "misses the mark" owing to its universality. Aristotle now, in chapter 10, considers this matter. It is important that we realize that equity is not a standard that is beyond legal justice, in the sense of being better than justice or more fundamental. This in fact is a principal thrust of the chapter under consideration and we understand why it is the next subject we have to discuss following what we learned from what preceded immediately. Equity is not a higher standard than legal justice (if it were, justice in that ordinary sense would

not be good!); on the contrary, it is the same standard. A judgment according to equity rectifies the mistakes that may occur under the law, in a way that corresponds to what the lawgiver would have said if he were present. Equity functions, so to speak, within the context of a legal system and when we are driven to refer to it we are still obliged to operate within the parameters and the aims of the law. In this respect, Aristotle's argument provides more support for what in contemporary juridical parlance is termed "originalism" than it does the opposite. Equity requires that we be as originalist as possible.

Why, though, should there be a need for equity? Why cannot human laws be as adequate to govern our lives as, say, the laws of physics are thought to govern material particles? "Concerning some matters it is not possible to speak correctly in a general way. In those cases, then, in which it is necessary to speak generally, but it is not possible to do so correctly, the law takes what is for the most part the case, but without being ignorant of the error involved in so doing. And the law is no less correct for all that: the error resides not in the law or in the lawgiver but in the nature of the matter at hand" (1137b13–19). This same fact means not only that a law may sometimes need to be corrected for in a particular case by a consideration of equity but also that there is or are classes of things that no good law could even be enacted and which must be governed by "a special decree." There is something tantalizing about these remarks; and Aristotle provides no examples of what he means. The chapter simply bids us to consider how it might happen that a law would forbid an action that in a particular situation equity demands to be performed so as to preclude a graver offense. To understand this fully we would need to understand why there should be such recalcitrance in the material of which actions are made to be governed adequately by law. Is it entirely a matter of variation in circumstances, or must the explanation also involve an incommensurability among different and unequal people's needs?

In the subsequent book of the *Ethics* Aristotle will discuss thematically the subject of prudence (*phronēsis*). Perhaps that discussion will throw some light back on the issue of the need for equity. We can say already from this vantage point, though, that prudence is not the same thing as equity, or the knowledge of the equitable. Prudence has a much wider field. It deals with matters of strategy as well as of friendship—it includes some things that may be higher or lower than justice and equity. At its most commanding level, prudence issues orders to the lawgiver or is itself lawgiver. Equity strives to be faithful to the lawgiver. It belongs appropriately to the discussion of justice, that summary

virtue that exists only “among those for whom law is natural, namely those for whom there is equality in ruling and being ruled” (1134b 14–15).

CONCLUSION

I have argued that in Aristotle's text there is a subtle contrast between a more ordinary sense of justice and a philosopher's justice. The former is, in its fullest extent, the virtue that causes one to honor the law and to obey it. This notion of justice entails a reverence for the majesty of the law, as comprehending the highest human good. However, especially in chapter 9, this view of justice, “more admirable than the morning star and the evening star,” loses some of its luster. Another notion of justice begins to emerge that requires a transcendence of the perspective that nearly all men share. In this chapter especially, Aristotle employs language that is meant to be intriguing, thus to direct our thinking beyond the bare words. The reason is that the gap between the two notions of justice is in fact the gap between the two ways of life, which he knows to be fundamentally unbridgeable. From the perspective of nonphilosophers, the justice of philosophers looks not to be justice at all. It certainly does not seem moral. There is a slogan, conventionally attributed to Aristotle, though not to be found in any extant text, that runs, “justice consists in moderation regulated by wisdom.” Whoever it may have been who attributed these words to Aristotle, they are in perfect harmony with the philosopher's notion of justice. The philosopher *does* good, but being sensible he is moderate in doing good. He is good to his “friends” and even to them he does only such good as is good for them. The model that makes this at least somewhat intelligible is Socrates.

If I have succeeded in the foregoing it will have been to recapitulate an account of justice that many thoughtful contemporaries will find disappointing. As one observant reader, who has a gift for forthrightness, puts it:

This is connected to what I was calling the “deflationary view of justice.”...For us justice is the central and ethical and political concern. For Aristotle, it is a virtue of character of the just citizen first and foremost. For us, the key issue—whether justice is by nature or by convention—is only treated in a few cryptic sentences explicated with a few examples (V 6). Instead Aristotle devotes significant effort in several chapters to what must only seem a sophism to modern political and moral philosophers—whether one can be unjust to oneself.¹⁵

¹⁵ The quotation is from Colin Anderson, in an unpublished paper delivered at Hiram College in 2012.

The reaction is understandable; but do we really have a warrant for feeling deflated? To speak of “the contemporary view of justice” is, of course, to speak of something that is full of tensions of its own. Still, one can say with the author of the passage just quoted that some of our contemporaries would find both notions of justice that I have identified in Aristotle to be flawed. The more common, moral notion appears “deflated,” even banal, and the idea that there could be a way of life, indeed *the* life fit for human beings, that excludes almost all human beings is either flatly unintelligible or rejected with a moral shudder. The reason has something to do with the “individualism” that is featured in both modern political philosophy and in Christianity—a thing that has a lower status for Aristotle’s Greeks and for Aristotle himself. And yet, on the other hand, perhaps we are not so much wedded to the idea of “individualism” as we are constrained by it. Few indeed are unaware of its problems. As is well known, at or just after the dawn of modern political philosophy Thomas Hobbes had repudiated any notion of a human *summum bonum* and had, therewith, repudiated any notion of justice beyond what the sovereign representative dictates. Justice means keeping to one’s agreement to obey, an agreement that every natural individual person has an unalienable right to grant or withhold. It appears from our experience, however, that people cannot live on the level of such neutralism. What Hobbes held to be our natural freedom and equality over the next two centuries came to be thought of as standards, the standards that define a just society. Today we see, albeit reluctantly, that those standards fall short. Equality, unless it be equality in freedom, is the footprint of the tyrannical despot, while freedom, mere freedom, is a negative notion that fails to illuminate fully the question of how we should live.

Our contemporary dogmatism of democratic individualism, freedom, and equality is but the attempt to define justice, or to return to an idea of justice, on the level of philosophical neutralism. It is a hopeless endeavor. I contend that the appeal that Aristotle does seem to have among many students today derives precisely from the fact that he takes us beyond the slogans of contemporary public life towards a more serious, searching examination of what is always the fundamental question of public life, namely, What is justice? In its clam, patient, incredible boldness, this examination has then to point us beyond the justice that must govern public life towards that other life that it befits us to honor.