# Aristotle’s Anthropological Conception of Justice in the Contemporary Context

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Abstract

This chapter deals with Aristotle’s theory of justice. It follows the distinction between general and particular justice and focuses on analysis of the latter. It shows, in what sense is the principle of Aristotelian justice the mean, and it points out the importance of judicial procedures when it comes to particular justice. Next, the chapter connects these findings with Aristotle’s theory of a man as a political animal. It shows, how the human ability of speech, *logos*, is directly connected to Aristotle’s theory of justice. Finally, the chapter makes some remarks about possible uses of Aristotle’s theory in a contemporary world.

Keywords

Aristotle; justice; particular justice; distributive justice; political animal; zoon politikon; speech; logos; judicial procedure

# Introduction

When discussing justice in the Nicomachean Ethic[[2]](#footnote-2), Aristotle begins with observation about what everyone means by justice. Everyone, according to Aristotle, understands justice to be the moral disposition, which causes people to act justly and to desire what is just.[[3]](#footnote-3) When it comes to justice, he is concerned with the popular opinion. This can have two reasons. First, Aristotle is a philosopher of experience. He is trying to find out how things are. I believe the second reason lies in his conception of human as a political animal.

 In the following chapter, I will analyze Aristotle’s account of justice in the context of his anthropology. After providing an analysis of Aristotelian justice, I will argue that Aristotle conception of justice is deeply rooted in his concept of *zoon politikon* and namely in the fact that humans have the ability of speech, *logos*. On this basis, I am going to formulate several points on the contemporary relevance of Aristotle’s justice.

# Aristotle’s account of justice

Aristotle’s account of justice is presented In *Eudemian Ethics* and mainly in *Nicomachean Ethics*. In *Eudemian Ethics* justice is listed among other virtues in an illustrative table. It is here, where the notion of virtue as a mean between two extremes is introduced; in every divisible continuum there is an excess, a deficiency, and a mean.[[4]](#footnote-4) For example, between the excess of rashness and the deficiency of cowardice there is a mean of courage.[[5]](#footnote-5) Concerning other virtues, Aristotle identifies similar continuums; the virtue lies in the mean. The mean is here therefore a principle of virtue.

When it comes to justice, justice is identified as a mean between profit and loss.[[6]](#footnote-6) This notion shows us three things. First, Aristotle here considers justice as one of virtues. Second, the principle of this virtue lies in the mean. Third, it indicates that, at least here, Aristotle talks about justice in the terms of a transaction.

However, for a broader notion of justice we need to refer to *Nicomachean Ethics*. In the fifth book Aristotle formulates what will he be examining:

*“In regard to Justice and Injustice, we have to enquire what sort of actions precisely they are concerned with, in what sense Justice is the observance of a mean, and what are the extremes between which that which is just is a mean.”[[7]](#footnote-7)*

From this is already obvious, that Aristotle connects justice to actions, in other words, to how people behave. He asks, what actions people describe as just and unjust. In this manner, Aristotle identifies three senses in which is a person deemed unjust. Unjust is a man who breaks the law (*paranomos*), who takes more than his due (*pleonektes*), and the one who is unfair, that means the one who doesn’t care for equity (*anisos*).[[8]](#footnote-8) From these two modes of the just follow: that which is lawful and that which is equal or fair.[[9]](#footnote-9) The first one is justice in the general sense, or universal justice,[[10]](#footnote-10) as it consists of all other virtues, the latter is particular justice, because it is only a part of the general virtue.[[11]](#footnote-11) Aristotle explains this distinction with an example: if a person manifests cowardice or some other vice, he is not just in the universal sense, but at the same time he is not taking more than his share, and when he does, it is often not because of any other vice.[[12]](#footnote-12) Therefore, although we use the same name, justice, we mean different things.

The universal justice is connected to lawfulness. At this point it is already important mentioning that to Aristotle, lawfulness is a broader concept – to laws he connects all of the virtues as well.7 He says:

*“It is therefore clear that all lawful things are just in one sense of the word, for what is lawful is decided by legislature, and the several decisions of the legislature we call rules of justice. Now all the various pronouncements of the law aim either at the common interest of all, or at the interest of a ruling class determined either by excellence or in some other similar way; so that in one of its senses the term ‘just’ is applied to anything that produces and preserves the happiness, or the component parts of the happiness, of the political community.”[[13]](#footnote-13)*

It is then true, that the general justice is connected to laws, but these laws cannot be any laws, but are somehow connected to production and perseverance of happiness in a political community. Laws are therefore not only giving rules of exchange, but also incorporate different virtues, determine what is virtuous behavior and who is a virtuous person.

Laws aim at someone’s interest, either at the common interest, or the interest of a ruling class. The general justice is embodied in them. That is why Aristotle considers general justice as a perfect virtue, because all the beneficial things for a society, all other virtues, are embodied in it.[[14]](#footnote-14) The content of it is expressed in legislature and it is determined by a common interest and by an interest of a ruling class. Aristotle, however, does not focus on this kind of justice anymore, and he investigates further, what is a particular justice.[[15]](#footnote-15) For it is the particular justice what regulates the political partnership in the frame of judicial procedures.

Particular justice is a part of general justice. It deals with equality; just man is that who abides equality, unjust man that who takes more than his due, unfair man.[[16]](#footnote-16) Within particular justice, Aristotle divides two more kinds: distributive justice[[17]](#footnote-17) and corrective justice[[18]](#footnote-18). Distributive justice deals with distribution of honors, money, and other goods.[[19]](#footnote-19) Following the previous distinction based on what means to be unjust, Aristotle explains the distributive justice in the context of unfair man. Unjust here is unequal.[[20]](#footnote-20) As justice lies in the mean, the corresponding mean for inequality is that which is equal.[[21]](#footnote-21)The just is then a sort of mean.[[22]](#footnote-22) Distributive justice requires at least four terms: two persons for whom it is just, and two shares which are just.[[23]](#footnote-23) From this follows, as Aristotle shows, that distributive justice is not simply a relation of equality, but more of a proportionality.[[24]](#footnote-24) Not only the value of a distributed share plays a role here, but the personal value as well. Equality lies here among the rations, namely the ratio between the shares should be equal to the ratio between the persons.[[25]](#footnote-25) In other words, a person of higher value should have a bigger share. Perhaps the only problem is that although all agree on this principle, they don’t agree on what the value should lie in.[[26]](#footnote-26) For example, democrats see it in freedom (*eleutheria*)[[27]](#footnote-27). In other Aristotle’s works[[28]](#footnote-28), it is shown, how the distribution of offices is conducted. In democratic constitutions are free citizen, who are in this sense equal, their value is equal. Therefore, the offices are distributed by a draw.[[29]](#footnote-29) In a broader sense, as David Keyt suggests, “*the large part of Aristotle’s political philosophy that is concerned with the description, classification and evaluation of constitutions is essentially a theory of distributive justice.”[[30]](#footnote-30)*

Unlike distributive justice, corrective justice operates in private transactions. Before we see how Aristotle deals with this type of justice, it is important to mention the specific characteristic of it. The corrective justice is found in a judicial decision – when a dispute occurs, people must go recourse to a judge (*dikastes*).[[31]](#footnote-31) Here, the judge is a personified justice. As the principle of particular justice is the mean, it is interesting to see Aristotle’s wordplay in this context. For according to him, people require the judge be a middle term, *medium* (*meson*), as the expected mean is also what is just. The origin of the word *dikaion*, just, is *dicha*, half, and the judge – *dikastes*, is *dichastes* – halver.[[32]](#footnote-32) This shows not only the importance of judicial procedures, when it comes to corrective justice, but indeed how the mean is rooted in the Greek thoughts about justice as well. Let us see now the corrective justice in detail.

Aristotle divides corrective justice again in two – based on whether the transaction is voluntary, or involuntary.[[33]](#footnote-33) Voluntary exchange is in trade and other contracts,[[34]](#footnote-34) involuntary then in theft, murder, and other acts which we would describe as crimes.[[35]](#footnote-35) It is interesting that criminal cases are dealt with as private transactions and private cases between individuals. Aristotle here follows the Athenian practice, as seen already in the case of Socrates.[[36]](#footnote-36) The principles which lead the corrective justice are therefore similar in both of its subtypes. Let’s examine them closely.

In private transaction the value of person is not relevant. The principle of corrective justice is therefore not a proportion, but equality.[[37]](#footnote-37)

*“The law looks only at the nature of the damage, treating the parties as equal, and merely asking whether one has done and the other suffered injustice, whether one inflicted and the other has sustained damage.”[[38]](#footnote-38)*

In other words, injustice occurs when inequality occurs. If that is the case, a judge must decide – his job is to equalize it.[[39]](#footnote-39) According to Aristotle, behaving unjustly in a particular case means to behaving unequally, and thus inflicting a damage. The damaged party then needs to bring the case to a court, where the judge, should he find that damage has been inflicted, equalizes it by the penalty or loss, which leads to taking the unjust gain away.[[40]](#footnote-40)

Aristotle uses here two specific terms, that are present in *Eudemian Ethics* as well: gain (*kerdos*) and loss (*zemia*).[[41]](#footnote-41) These terms are not always appropriate – when a thief steals something, it is quite clear, what gain and loss is, but when someone hits, the gain and loss are less obvious. Aristotle is aware of this difficulty, but concludes, that at the end for results of a transaction, these names are apt.[[42]](#footnote-42) Equal is here the mean between gain and loss. Later Aristotle revisits this distinction: he states that he borrows them from the operations of voluntary exchange.[[43]](#footnote-43) As such, he uses them for involuntary exchanges as well. Both terms are put into a context of having one’s own (*ta auton fasin echein*).[[44]](#footnote-44)

How to achieve just state? It was already said that to achieve justice, a judicial decision has to be made. A judge, or a *halver*, needs to find the half, the mean between the gain and the loss. Half is here the starting point. From this, Aristotle follows:

*“For when of two equals a part is taken from the one and added to the other, the latter will exceed the former by twice that part, since if it had been taken from the one but not added to the other, the latter would exceed the former by once the part, and the mean will exceed the former, from which the part was taken, by once that part.”[[45]](#footnote-45)*

This is the state of inequality. Aristotle depicts that later by use of geometrical lines,[[46]](#footnote-46) but I believe it might be clearer with an example. Let us imagine a voluntary exchange between two citizens. First one wants to buy a bed from the second one. The bed is worth five *minae*, which is the equal here. Suppose that the buyer will pay for the bread only four *minae*. Here, the seller has a loss of one *mina*, the buyer has a gain of one *mina*. The difference between the mean and the gain and the loss respectively is one *mina*. The difference between the gain and the loss is two *minae*, as it was on one side the loss, on the other side the gain. Here we begin to see, what must be taken from the one who has too much and given to the one who has too little.[[47]](#footnote-47) This is the task for the judge.

So far, the Aristotelian particular justice reminds of justice by reciprocity. Aristotle however refuses the simple reciprocity because it simply cannot fit the complexity of a *polis*. According to his example, when an official hits a man, the man cannot just hit him back.[[48]](#footnote-48) It is important as well, whether the act is voluntary or involuntary.[[49]](#footnote-49) It is true, that even the simplest of exchange usually involves items or goods of different value, and a simple reciprocity based on equality is not possible. Aristotle however doesn’t oppose reciprocity altogether,[[50]](#footnote-50) he just proposes reciprocity based on proportion.[[51]](#footnote-51) He shows it on an example of builder and shoemaker, and a house and a shoe. Here it is clear that a house is more valuable than a shoe. Therefore, the shoemaker should not receive a house for his shoe, but only a proportion of it. Since an association is not among two shoemakers, but a shoemaker and a builder, should they enter an exchange, the value of the product of their work needs to be equalized.[[52]](#footnote-52) Here Aristotle accents the importance of money, which serve here as a middle term, or the mean (*meson*).[[53]](#footnote-53)

Aristotle stresses the importance of such exchange. If there is no need of mutual service, there no exchange takes place. But people need mutual service (a shoemaker needs not only shoes, but a house as well), and therefore they need a mechanism of exchange. Were the value of the goods not proportional, the mean would not be met, and the exchange would not be possible. And subsequently, no association would be possible.[[54]](#footnote-54) It can be therefore concluded that this principle of distributive justice is paramount for the stability of *polis*.

Let us conclude this overview with some remarks. Justice has two meanings for Aristotle. In one sense, he connects justice to lawfulness and general morality. In this sense he speaks about general justice. This general justice includes all virtues. However, Aristotle’s main focus lies in the second justice, particular justice. This justice regulates private transactions, and in order to find it, a judicial decision is required.

The sole fact that there are two kinds of justice can lead to possible problems and difficulties. What is the relation of these two types of justice? The particular justice is a part of the general justice. It can therefore happen that a man acts justly (= according to particular justice) in private transactions, but isn’t just according to the general justice, because he behaves, for example, cowardly. In one sense he is just, in other sense, he is not.[[55]](#footnote-55) Furthermore, Aristotle doesn’t explain why the just should be in the mean – we don’t know according to what does the judge find out, where the mean lies and how does he decide. I believe some clarification can be found when we look into Aristotle’s concept of human as political animal.

# *Zoon politikon* and discursive justice

That human is a political animal, *zoon politikon*, is one of the most famous findings of Aristotle. Such description of humans is rooted in *Historia animalium*, where Aristotle analyzes differences between animals based on their manner of life and activity:

*“Some are gregarious, some solitary: this applies to footed animals, winged ones, and swimmers alike; others are dualizers. Some of the gregarious animals are social, whereas others are more dispersed. Examples of gregarious animals are: birds – the pigeon class, the crane, the swan; (N.B.: no crook-taloned bird is gregarious); swimmers-many groups of fishes, e.g., those called migrants, the tunnies the pelamys, and the bonito. And man dualizes.*

*The social animals are those which have some one common activity; and this is not true of all the gregarious animals. Examples of social animals are man, bees, wasps, ants, cranes. Some of them live under a ruler, some have no ruler; examples: cranes and bees live under a ruler, ants and innumerable others do not. Some of the gregarious and also some of the solitary animals remain in one situation, others roam about.”[[56]](#footnote-56)*

In this passage Aristotle includes human (*anthropos*) into the family of social animals (*ta politika*), which is a subcategory of gregarious animals (*ta agelaia*). We can see that human is not the only social (political) animal; he shares the category with several types of insects, as well as with cranes. Important for the social animals is that such animal has some common activity (*ergon*). That humans are in this distinction special is indicated by the fact, that man dualizes, that is, he can be categorized in between gregarious and solitary animals, or even between political and dispersed animals. Aristotle express here that the nature of human is somehow special among other animals, as his manner of life can be characterized as in between specified categories. Another distinction of human in comparison with other animals is in *Politics:*

*"And why man is a political animal in a greater measure than any bee or any gregarious animal is clear. For nature, as we declare, does nothing without purpose; and man alone of the animals possesses speech.”* [[57]](#footnote-57)

Therefore, although there are other political animals, human is more political than those, because they possess speech (*logos*).[[58]](#footnote-58) The function of logos – and the reason why it makes people more political – is that it allows people to indicate not only what is painful and pleasant,[[59]](#footnote-59) but to indicate the advantageous and the harmful as well, and thus what is just (*to dikaion*) and what is unjust (*to adikon*).[[60]](#footnote-60) Because of this quality, Aristotle follows, humans are able to form household and a state (*polis*).[[61]](#footnote-61) This relation goes, however, in both directions: only in a state (*polis*) can a human being achieve justice. Aristotle says that justice is an element of the state, because a judicial procedure, which is a decision about what is just, is the regulation of the political partnership.[[62]](#footnote-62) Without *logos*, therefore, *polis* cannot be formed, and without *polis*, humans cannot achieve their highest potential, because they cannot achieve virtue.[[63]](#footnote-63) In this sense the *polis* is prior in nature to each individual and the household as well.[[64]](#footnote-64) That the *polis* is prior can be surprising, as Aristotle in *Politics* so far seemed to suggest that *polis* develops later than an individual and a household.[[65]](#footnote-65) However, the priority of *polis* claimed in the above mentioned context, is a priority in nature, and as explained, is given by the fact that the whole must be prior to the part.[[66]](#footnote-66) This is in line with Aristotle’s argumentation in *Physics* and *Metaphysics*, where he clearly states that what is later in development, is prior in nature.[[67]](#footnote-67) It is, therefore, because of *logos*, why people can form a *polis*, and it is because of being in *polis*, why people can achieve justice.

Let us turn our attention on the problem of justice in this context.

When stating that humans have speech and that they can indicate what is just and unjust, Aristotle declares, that nature does nothing without purpose.[[68]](#footnote-68) To understand, what is just, we need to find the purpose of *logos* in the context of justice. In *Politics*, Aristotle doesn’t elaborate on this subject much: we read that nature doesn’t do anything without a purpose and that speech is designed to indicate the advantageous and harmful, right and wrong. What follows?

If nature had given humans the ability to express and share their perception of the just, it had given it to them because there is no single principle of justice, they would have all shared. If there were such principle, humans would not have needed speech, because they would already possess the same notion of what is just and unjust, and they would not need to discuss it especially. Furthermore, as shown already, Aristotle is mainly concerned with the particular justice, i.e., justice that emerges in particular cases in the judicial procedures. In these procedures each party has an individual notion about what is just in the discussed case. But their opinion varies, otherwise they wouldn’t be in a dispute. At the same time, it is safe to assume, that the opinion on what is just in a particular case varies among other people too. That can be one of the reasons behind the fact that Athenian courts had so many judges.[[69]](#footnote-69) It seems clear then that individual notion of justice vary among humans.

Second, since nature had given humans the ability to talk about their notions of just and unjust, they do so, which somehow allows them to form a partnership, which makes a household and a state. This would not be possible, if the differences among humans were irreconcilable. Again, if nature gave humans speech with a purpose, that purpose must mean not only that humans can talk about just and unjust, but also that they can influence their own views on just. At the court there are two sides with two equally legitimate claims. During the judicial procedure, they can and need to use their *logos* to convince each other as well as the court about their opinion on what is just. The court then decides, stating the just in the particular case. But it is because of *logos* that humans can do this. Because of *logos*, they can find a common ground, and be in a *polis*.

This already gives us a perspective on how the Aristotelian justice arises.

It is quite clear when it comes to particular justice. Aristotle places the just between a profit and a lost. As shown before, this can have different meanings in different types of exchange. In general, profit of one human often means a loss for another one. Let us see an example of a voluntary exchange. A housemaker makes a trade with a bedmaker.[[70]](#footnote-70) If the price of one house is equal five *minae* and one bed is equal one *mina*, the exchange is just, if one house is traded for five beds, or an equivalent of money. This is the mean between profit and loss. If one of the parties wants to make extra profit (for example the housemaker wants to exchange one house for seven beds, or seven *minae*), the other one will be at loss, and a dispute arises. Here the judicial procedure takes place. Both parties need to use their *logos* to convince the judge that their price is just. And it is just, when it is in the mean. That is the court’s decision.

In modern terms, we can view this as a question of long-term benefits as well. The builder and the bedmaker don’t live in a vacuum – they live in a *polis*. From their own perspective, they want not only to make a just deal, but they also want to ensure their own future profit as well. It is therefore important for them to have just prices, i.e., prices that meet the Aristotelian mean. Because if their prices are not just, nobody will buy anything from them. This is important for the *polis* as well, because in a *polis* everyone needs to enter just exchanges, that means, into exchanges that are perceived by all parties as just.

We can conclude that the purpose of *logos* in the context of justice is to allow discussions, and subsequently decisions, about what is just. Originally, it is likely that two individual notions about what is just price in an exchange, will not meet. The purpose of *logos* is to enable a procedure in which the just is found. In this context it is no longer surprising why the Aristotelian principle of justice is the mean. As neither party of any exchange wants to suffer loss, none of the parties can achieve profit either. Therefore, they agree, or it is given to them by judicial decision, on a just price which lies in a mean.

Can this be seen in the general justice? As I mentioned earlier, Aristotle doesn’t say much about it. Nevertheless, it is interesting to examine, what is the purpose of *logos*, when it comes to the general justice. The general justice is a perfect virtue, and as such, it embodies all other virtues and laws. We can therefore see purpose of *logos* within the general justice by examining its purpose within each individual virtue. All of the virtues that Aristotle describes in both *Eudemian* and *Nicomachean* ethics are beneficial to a society; that is why general justice as such benefits the society as well.[[71]](#footnote-71) That already shows the purpose of general justice and virtues as such. But how does *logos* enter the equation? Let us see an example of one particular virtue. The virtue of courage helps the society during a battle or war, or a similar endeavor. Aristotle puts courage in the mean between cowardice and rashness,[[72]](#footnote-72) and explains, that both terms denote a state in which a man is more, or less, afraid, than it is proper.[[73]](#footnote-73) The whole continuum, from cowardice to courage and to rashness, is related to society and the benefits or damages it can get from person with such a characteristic. That is the meaning of the word “proper”. In battle, neither coward nor a daring man are of much use, as one runs away, the other attacks too early. What is necessary for a success in a battle is a brave man, who is in the mean between both extremes. Only from a courageous man a society can benefit. Therefore, courage is a virtue. With other virtues it is similar: they are virtues because they are beneficial for a society, and they are a mean between two extremities. People have the ability of speech, which allows them to form a partnership and subsequently a *polis*. They can interact and express what is beneficial for them and what is harmful.

# Thinking about Aristotelian justice today

Aristotle and his ethical and political works are of course not without problems. Although he claims that people are political animal, this is not true for all people, at least not in the same extent. Already in the first book of politics, a distinction is made between man and woman.[[74]](#footnote-74) Another distinction, which follows, is the one between a master and a slave.[[75]](#footnote-75) These are not accidental; these principles are at the ground of *polis.* In other words, *polis* is constructed by these principles. Moreover, according to Aristotle it follows from the nature, that a man is superior to woman and that a master is superior to a slave. That is quite important inequality, which seems to contradict that people do have logos. If such inequality is rooted at the very core of Aristotle’s doctrine, is it wise or even possible to use his work in a contemporary world?

In the *Politics*, Aristotle gives significantly more space to the problem of natural and legal slaves than to the problem of women. That makes sense. Aristotle is trying to explain and justify the basic principle of rule, the relation of a ruler and a ruled one, and different kinds of rule. However, for contemporary context the problem of women is more of an importance. When it comes to slaves, Aristotle sees the problem in two aspects. The existence of slaves is explained by the argument of necessity and by the argument of nature. Aristotle claims that to be virtuous, one has to be free of work.[[76]](#footnote-76) Slaves in this context are those, who are working for others. As virtue can be achieved only when one is not working, existence of workers and slaves is necessary for the very existence of *polis*. For Aristotle, slave is an instrument – instrument that has soul, but instrument in a possession of a master nevertheless.[[77]](#footnote-77) From this it seems that if there were no need for workers, for example if the inanimate tools were able to work themselves in an automated way, there would be no need for slaves.[[78]](#footnote-78) But Aristotle uses the nature argument as well. This argument follows from the relation of a master and a slave – according to Aristotle, who doesn’t belong by nature to himself, but to another, is by nature a slave, an article of property.[[79]](#footnote-79) Furthermore, the relation of authority and subordination is not only necessary, but expedient as well.[[80]](#footnote-80) This doesn’t mean that slaves do not have virtue, they are just lacking the deliberative part of the soul,[[81]](#footnote-81) and they therefore participate on virtue in a different degree.[[82]](#footnote-82)

For contemporary context is nevertheless more important the problem of women. Let us turn our attention to that. As already mentioned, one of the first distinction that Aristotle made in his *Politics* is the distinction between female and male principle. Because of this and because of his following thoughts on the role of a women, Aristotle’s views are often contested. However, as Mulgan states, up today there is no clear consensus on the substance of Aristotle’s views about the proper role of women, which, at least partially, is because Aristotle’s reference to women is brief and imprecise.[[83]](#footnote-83) Mulgan identifies three main interpretative traditions in this matter: Aristotle as the humane family man, Aristotle as the ideologue of sexism, and Aristotle the female sympathizer and crypto-feminist.[[84]](#footnote-84) He himself argues, that although Aristotle’s thought cannot be described as entirely sexist and does offer some ideas that are appealing to the contemporary feminism, his overall attitude towards women is rightly to be criticized from the feminist perspective and he cannot be seen as an advocate of equality and independence of women, even in his own time.[[85]](#footnote-85) Let us summarize now, what Aristotle says about women.

Right after distinguishing the female and male principle, Aristotle asserts that the female nature is different to the nature of a slave,[[86]](#footnote-86) from which seems that if the slave’s nature is to be subjected to a rule, the nature of women’s is not. On the contrary, later Aristotle states that the male is by nature superior and the female inferior, and therefore the male is ruler and the female subject.[[87]](#footnote-87) The distinction between woman and slave is therefore not in the lack of being ruled, but rather in a different type of rule that is exercised upon them.[[88]](#footnote-88) The rule over a slave is a rule of the head of the household (*despotes*), whereas the rule of a man over a woman is republican, i. e. of a statesman.[[89]](#footnote-89) The rule over a household is a monarchical one, whereas the political rule is a rule over free and equal.[[90]](#footnote-90) Finally, Aristotle states that whereas slaves do not the deliberative part of the soul, women have it, but lack without full authority.[[91]](#footnote-91) In other words, even though women have the capacity to deliberate, their opinion is naturally subjected to the deliberation of men.[[92]](#footnote-92) When compared to men, women as well as men have moral virtue of their own, but their temperance (*sofrosyne*) is not the same. That holds for other virtues as well.[[93]](#footnote-93)

Aristotle’s view on women is especially surprising when compared with Plato’s. Plato in the fifth book of his *Republic* argues extensively for the equal treatment of women and men, and states, that when given a proper education, women can exercise the same jobs as men, even as guardians.[[94]](#footnote-94) Although Plato himself is aware of the fact how such proposition can be controversial,[[95]](#footnote-95) it is surprising that Aristotle’s own account tries to deprive women of the same qualities as men have. One possible explanation for this position is that Aristotle is writing in ancient Greece and takes a lot from personal experience. As women generally were not participating on public life, we cannot reasonably expect from Aristotle that he will give them a significant part in his work.[[96]](#footnote-96) Still, even in his own time, Aristotle cannot be described as a progressive author when it comes to women. This becomes obvious when we realize how important this inequality to him was. Not only it is apparently natural, but it is also an inherit part of a political sphere, of a *polis*.[[97]](#footnote-97) It follows, that as it is core to Aristotle’s view on *polis*, that humans are political animals, it is core to it as well, that women are not equal to men.

Reason, why human is more political than other political animals, lies in his ability of *logos*. Despite some doubts,[[98]](#footnote-98) Aristotle seems to believe that women have *logos* as well. What they lack in comparison with men is the ability to take a decision.[[99]](#footnote-99) Therefore, Aristotle concludes, men should rule over women, because they not only have *logos*, but they can also make decisions based on it. It is natural as well, that men should rule rather than women.[[100]](#footnote-100) Finally, when at the beginning of his *Politics* Aristotle compares Greek *polis* with *barbaric* nations, it seems that one of the differences is that barbarians do not have the distinctions and relations between man and woman, between master and slave, and therefore they are not fully political.[[101]](#footnote-101)

It seems from this short overview of Aristotle’s opinions on women, that we can hardly use his political thoughts today. Aristotle’s concept of justice derives from *zoon politikon*. But since it is obvious, that not all human beings are political animals in the same degree, how can such account of justice be relevant today? Aristotle knows two kinds of justice, and both of them have something to do with virtue. One is virtue; the other one embodies all virtues. But since women are not able to take part in virtue in the same degree as men, it follows that they don’t take the same part in justice either. Moreover, as they should be silent, they cannot fully enjoy the quality of having *logos*, and cannot therefore take a part in creating justice. In other words, it seems that Aristotle’s justice is for humans, but not for women.

Although appealing at the first glance, Aristotle’s concept seems to be appalling now. In modern societies, especially in western democracies, which adopted the concept of legal state (*Rechtsstaat*), of the rule of law, human dignity and human rights, an equality of all humans is generally accepted. That is given by the fact that modern state originates from a different tradition than Aristotle, which can be traced to the famous *Leviathan* of Thomas Hobbes. Although his views are sometimes criticized as a defense of an absolute monarchy, his starting point is that all human beings are equal both in the qualities of body and the qualities of mind.[[102]](#footnote-102) In general, further development of political thought accepted that and equality of all people is not disputed. Of course, even today equality is not without problems. Where there is a formal equality or equality in front of a law, there might not be a social or economic equality. But despite of such problems, it is not disputed that equality is of a value. When working with Aristotle today, we therefore need to overcome the problem of inequality in his work.

Slavery is not an issue today.[[103]](#footnote-103) Therefore, I am not going to discuss it here. Instead, I am going to focus on the issue of women. Here, I believe, the solution of the problem lies within the foundations of Aristotle’s concept. In *Historia animalium* Aristotle, without making any distinction, says that human is a political animal. In *Politics*, again without distinction, states, that human is more political because of the possession of *logos*. When discussing in *Nicomachean Ethics* the nature of a virtue, Aristotle seems to believe that both men and women are capable of virtue and the sole difference is the case of children.[[104]](#footnote-104) The distinction between man and woman comes later in *Politics*, when Aristotle analyzes the household and *polis*. Here the problem lies within the fact that unlike men, children have the deliberative capacity, but not evolved, and women have the deliberative capacity, but without full authority. This can mean that although they have *logos*, it is not fully developed. In Aristotle we cannot find anything more than that. But instead of attempts of an anachronistic interpretation on one side and a complete rejection on the other side, we can assume, that in a contemporary world, women have the capability to possess *logos* entirely. That would mean that all human beings are political animals with the ability to communicate with each other about what is harmful and what is advantageous. This can lead us to a better understanding of how Aristotle is relevant today.

When discussing justice today using Aristotelian lenses, we should keep his distinction in mind: there are two kinds of justice – justice as a whole and particular justice. In my opinion, it is more fruitful to discuss particular justice. Justice as a whole is a set of lawfulness and virtues, and therefore it is difficult to formulate such justice today. The attributes of particular justice are clearer. For we still distribute offices, honors, and goods among people, and we still need to find a principle according to which we should regulate and judge transactions. Also, with the respect to justice as a whole, we can safely assume that in order to fulfill it, we need to address the particular justice first, as the latter is a part of the former. My further remarks will therefore address the particular justice.

Particular justice deals with distribution and with transactions. It is not possible to provide here with a full account on both in a contemporary world, or even try to formulate, what is just. Instead, I will formulate three points we can take from Aristotle.

First point is that to have just transactions (i.e., transactions where both of the parties are satisfied and where cases are treated to their satisfaction), we need a proper judicial system, in which people can solve their disputes. In this sense we are going to a court for justice. Even today this is not a matter of course in all countries.[[105]](#footnote-105)

Second point is that everyone has *logos* and the ability to develop it. This means two things: no one should be left out from the discussions and procedures related to justice. If they need to be excluded for some reason[[106]](#footnote-106), their rights should be sufficiently protected in some other way. It also means other thing: everyone should have access to develop their *logos* appropriately. This means no one should be actively prevented from that, and everyone should have conditions to do that. This of course is not a simple task. It would require quite extensive distribution and a political decision. In this context a capability approach, which presented Martha Nussbaum, is interesting,[[107]](#footnote-107) and whilst it is not an only proposal of how to deal with this issue, it certainly shows a way how to move towards a more inclusive world.

Third point is somehow connected to the second one and it involves thinking about justice globally. If we take from Aristotle, that all human beings are political animals, it should be true globally. This again is mostly a question of a distribution, but it shouldn’t be overlooked that stable and functioning institutions, including judicial ones, are of a paramount importance. John Rawls provides a suggestion, how such global justice should work.[[108]](#footnote-108) Even though his works are concerned more with political actions and the processes how a just rule should be formulated, he also puts a strong emphasis on the importance of institutions.[[109]](#footnote-109)

# Conclusion

In this chapter I have analyzed Aristotle’s concept of justice in the context of his doctrine that human is a political animal. From my reading of Aristotle, it seems that the main Aristotelian principle of the mean, which is applied for justice as well, directly roots from the political nature of human beings, and especially from the fact that humans possess *logos*, the ability of reason and speech. In this sense, Aristotle’s work is normative. When thinking about justice in all its varieties, we need to think universally. For a contemporary world three lessons arise. First, we need to take care of institutions that provide us with justice – especially judicial courts. Second, as everyone is a political animal with *logos*, we need to ensure that everyone has the possibility to develop their *logos* as well. Third, we cannot have a complete account of justice, when we do not think about it globally. Connecting the concept of justice with the Aristotelian concept of *zoon politikon* leads us beyond Aristotle. It requires us to think of the whole globe as of a *polis*, a *polis*, of which every single individual is a valuable and valued member.

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2. Unless said otherwise, I am using the translations of H. Rackham. See references for the used editions. [↑](#footnote-ref-2)
3. NE 1129a8-10. [↑](#footnote-ref-3)
4. EE 1220b22–23 [↑](#footnote-ref-4)
5. EE 1220b40. [↑](#footnote-ref-5)
6. EE 1121a4. [↑](#footnote-ref-6)
7. NE, 1129a3-6. [↑](#footnote-ref-7)
8. NE 1129a33-35. [↑](#footnote-ref-8)
9. NE 1129b1-2. [↑](#footnote-ref-9)
10. NE 1129b27. [↑](#footnote-ref-10)
11. NE 1130a15. [↑](#footnote-ref-11)
12. NE 1130a17ff. [↑](#footnote-ref-12)
13. NE 1129b13–20. [↑](#footnote-ref-13)
14. NE 1129b13–15, 26. [↑](#footnote-ref-14)
15. General justice is of importance in the context of seventh book of Aristotle’s *Politics*, when he deals with the question of maintenance of peace and wealth in an ideal *polis*. [↑](#footnote-ref-15)
16. NE 1129a30–35. [↑](#footnote-ref-16)
17. Also dianemetic justice – from greek *dianomé*, distribution. NE 1130b31. [↑](#footnote-ref-17)
18. Also restorative or equalizing, justice, diorthotic justice – from Greek *diorthotikós*, corrective. NE 1131a1, 1131b25. [↑](#footnote-ref-18)
19. NE 1130b31–32. It should be stresses that primarily function of distributive justice for Aristotle is the distribution of political authority. [↑](#footnote-ref-19)
20. NE 1131a10. [↑](#footnote-ref-20)
21. NE 1131a13. [↑](#footnote-ref-21)
22. NE 1131a14. [↑](#footnote-ref-22)
23. NE 1131a20-21. [↑](#footnote-ref-23)
24. NE 1131a30. [↑](#footnote-ref-24)
25. NE 1131a21-23. [↑](#footnote-ref-25)
26. NE 1131a26-27. [↑](#footnote-ref-26)
27. NE 1131a28. [↑](#footnote-ref-27)
28. Namely the Athenian Constitution and Politics. [↑](#footnote-ref-28)
29. For examples see Politics, 1298a24, or Athenian Constitution 43: „*All the officials concerned with the regular administration are appointed by lot (…).*“ [↑](#footnote-ref-29)
30. Keyt, D.: Aristotle’s Theory of Distributive Justice. In: Keyt, D. – Miller, D. (eds): A companion to Aristotle’s Politics. Oxford: B. Blackwell 1991, p. 238 [↑](#footnote-ref-30)
31. NE 1132a20. [↑](#footnote-ref-31)
32. NE 1132s20-32. [↑](#footnote-ref-32)
33. NE 1131b25. See Höffe, O., Gerechtigkeit. Eine philosophische Einführung, p. 25. Here Höffe provides a helpful diagram of Aristotle’s division of justice. [↑](#footnote-ref-33)
34. NE 1131a2–5. [↑](#footnote-ref-34)
35. NE 1131a7–9. [↑](#footnote-ref-35)
36. Socrates was charged for corrupting the youth, for which he was later found guilty, sentenced and executed. Although this would seem to us as a public law case, as shown in Plato’s *Euthyphro*, the judicial procedure began with a private person’s indictment. See Plato, Euthyphro 1a-d. I am using Harold North Fowler’s translation. [↑](#footnote-ref-36)
37. NE 1132a1. [↑](#footnote-ref-37)
38. NE 1132a4-7. [↑](#footnote-ref-38)
39. NE 1132a8. [↑](#footnote-ref-39)
40. NE 1132a10. [↑](#footnote-ref-40)
41. NE 1132a12-14. See again also EE 1221a4. [↑](#footnote-ref-41)
42. NE 113214. [↑](#footnote-ref-42)
43. EN 1132b8. [↑](#footnote-ref-43)
44. EN 1132b17. This reminds of Plato’s definition of justice, which consists in everyone doing his own work. The difference is that Plato searches for an universal justice, whereas Aristotle describes justice in particular cases. Hence, he speaks not about doing, but about having their own. See Plato: Resp. 443d. [↑](#footnote-ref-44)
45. NE 1132a33-1132b2. [↑](#footnote-ref-45)
46. See NE 1132b6-8. [↑](#footnote-ref-46)
47. NE 1132b3-5. [↑](#footnote-ref-47)
48. NE 1132b28-30. [↑](#footnote-ref-48)
49. NE 1132b32. [↑](#footnote-ref-49)
50. On the contrary, he specifically states that reciprocity is paramount for maintaining association (*koinonia*) and *polis*. NE 1132b32-35. [↑](#footnote-ref-50)
51. NE 1132a34. [↑](#footnote-ref-51)
52. NE 1133a7-18. [↑](#footnote-ref-52)
53. NE 1133a20. [↑](#footnote-ref-53)
54. NE 1132b32-1133a10. [↑](#footnote-ref-54)
55. Aristotle is aware of that, as shown at the beginning of his distinction. See NE 1130a25ff. [↑](#footnote-ref-55)
56. Hist. anim. 487b33–488a14. Translation of A. L. Peck. [↑](#footnote-ref-56)
57. Politics, 1253a8–11. I am using the translation of H. Rackham. [↑](#footnote-ref-57)
58. As Kullmann suggests, this does not mean that the quality of political is based on *logos*. See Kullmann, W.: Man as a Political Animal in Aristotle. In: Keyt, D. – Miller, D. (eds): A companion to Aristotle’s Politics. Oxford: B. Blackwell 1991, p. 99. According to Kullmann, the political quality of people in Aristotle’s thought results from the special biological nature of man. See ibid., p. 100. [↑](#footnote-ref-58)
59. As it is with other animals. [↑](#footnote-ref-59)
60. Politics, 1253a14–16. [↑](#footnote-ref-60)
61. Politics, 1253a18. [↑](#footnote-ref-61)
62. Politics 1253a37ff. [↑](#footnote-ref-62)
63. See Politics 1253a30ff. [↑](#footnote-ref-63)
64. Politics 1253a19, 25. [↑](#footnote-ref-64)
65. See Politics 1252a25ff. [↑](#footnote-ref-65)
66. Politics 1253a20ff. [↑](#footnote-ref-66)
67. In Physics Aristotle states that what comes last in its own genesis, precedes in the order of nature that which is still only in the process of coming into being. Physics VIII 261a12-14 (Translation P. H. Wicksteed and F. M. Cornford). In Metaphysics Aristotle again talks about the relation of parts to the whole and states that parts are prior to the whole. Metaphysics VII 10 1035b4 (Translation Hugh Tredennick).

In this place, I partially follow the interpretation of David Keyt in Keyt, D.: Three Basic Theorems in Aristotle’s Politics. In: Keyt, D. – Miller, D. (eds): A companion to Aristotle’s Politics. Oxford: B. Blackwell 1991, p. 118–141. Keyt argues that Aristotle fails to establish that *polis* exists by nature and that within his philosophy there are reasons for denying it (p. 140). Whilst I am not entirely convinced about the plausibility of such interpretation, I find especially useful the categorization of four types of priority in Aristotle, presented on pages 126–127. [↑](#footnote-ref-67)
68. Politics, 1253a10. [↑](#footnote-ref-68)
69. See for example Athenian constitution 53 – cases of a value up to 1000 drachmas were judged by a court of 201 members, more valuable cases were judged by a court of 401 members. [↑](#footnote-ref-69)
70. I am using an example of Aristotle. See NE 1133b22-28. [↑](#footnote-ref-70)
71. It is true that Aristotle specifically claims that other virtues are good for oneself, whereas justice is good for others. However, that does not mean that those virtues are not good for the society as well. [↑](#footnote-ref-71)
72. EE 1220b39. [↑](#footnote-ref-72)
73. EE 1228a31–37. [↑](#footnote-ref-73)
74. Politics 1252a28. It should be noted though, that Aristotle is not talking about man (*aner*) and woman (*gyne*). The *neutrum* form he uses refers more to an abstract principle: male principle (*arren*) and female principle (*delu*). Aristotle here wants to show that he is not interested in specific persons, but rather the general principle. [↑](#footnote-ref-74)
75. Politics 1252a30–35. Here, again, Aristotle is more interested in the general principle rather than in specific persons. See the previous footnote. [↑](#footnote-ref-75)
76. Politics 1278a10-15. [↑](#footnote-ref-76)
77. Politics 1253b27-33. [↑](#footnote-ref-77)
78. Politics 1253b1253b35-1254a1. [↑](#footnote-ref-78)
79. Politics 1254a15-17. [↑](#footnote-ref-79)
80. Politics 1254a21. [↑](#footnote-ref-80)
81. Politics 1254a12. [↑](#footnote-ref-81)
82. Politics 1254a20. [↑](#footnote-ref-82)
83. Mulgan, R.: History of Political Thought, Summer 1994, Vol. 15, No. 2 (Summer 1994), p. 179. [↑](#footnote-ref-83)
84. *Ibid*., pp. 179–181. [↑](#footnote-ref-84)
85. *Ibid*, p. 182–183, and again p. 201–202. [↑](#footnote-ref-85)
86. Politics 1152b1-7. [↑](#footnote-ref-86)
87. Politics 1254b13-14. [↑](#footnote-ref-87)
88. Aristotle distinguishes four types of rule: the rule of a statesman, the rule of a king, the rule of a head of a household and the rule of a master of a family. Politics 1252a7-8. [↑](#footnote-ref-88)
89. Politics 1259b1. [↑](#footnote-ref-89)
90. Politics 1255b19-21. [↑](#footnote-ref-90)
91. Politics 1260a13. [↑](#footnote-ref-91)
92. See Coelho, N. M. M. S.: Emotions: Impediment or Basis of Political Life? In: Huppes-Cluysenaer, L, Coelho, N. M. M. S.: Aristotle on Emotions in Law and Politics. Springer 2018, p. 372. [↑](#footnote-ref-92)
93. 1260a20-24. [↑](#footnote-ref-93)
94. See Plato: Resp. 450c-457d. I am using the translation of Chris Emlyn-Jones and William Preddy. [↑](#footnote-ref-94)
95. In fact this is the first of three metaphorical waves that his Socrates needs to avoid, whilst arguing about the best *polis*. Plato: Resp. 457c3. [↑](#footnote-ref-95)
96. Nuno Coelho suggests that lack of sovereignty of women’s deliberative part is not due to the necessary structure of the household as a political organisation, but rather it relates to their desires and feelings as an intrapersonal phenomenon. See Coelho, N. M. M. S.: Emotions: Impediment or Basis of Political Life?, p. 372. [↑](#footnote-ref-96)
97. See Jinek, J.: Obec a politično v Aristotelově myšlení. Praha: Oikoymenh 2017, p. 106–107. [↑](#footnote-ref-97)
98. For example, Aristotle agrees with a quotation from Sophocles, according to which it suits to women to be silent. How does this work with the fact that humans possess *logos*, speech? See Politics 1260a30–31. [↑](#footnote-ref-98)
99. Politics 1260a14. [↑](#footnote-ref-99)
100. Politics 1259b2-3. [↑](#footnote-ref-100)
101. Politics 1252b5–10. [↑](#footnote-ref-101)
102. Hobbes, T.: Leviathan. XIII, 1. [↑](#footnote-ref-102)
103. This is a simplification. First thing we have to keep in mind is that slavery in ancient Greece was different from what we understand under the term slavery today. Second, I do not dispute that slavery exist in many countries on illegal or even legal level. What I mean here is that in modern liberal democratic countries, slavery is illegal, and the economic system is not dependent on it. Another question, which I do not aim to discuss here, is the status of human beings in the modern capitalist and consumerist societies. [↑](#footnote-ref-103)
104. See NE 1111b5-10. [↑](#footnote-ref-104)
105. Even within European Union there are concerns of that matter in the cases of Poland and Hungary. [↑](#footnote-ref-105)
106. As with children or people with illnesses that prevent them from participating in these procedures. [↑](#footnote-ref-106)
107. See Nussbaum, M.: *Beyond the Social Contract.* In: The Tanner Lectures on Human Values 24. Salt Lake City: The University of Utah Press 2004, p. 448 ff, where so called capabilities approach is introduced. Nussbaum here operates with the concept of human dignity, which she derives from Aristotle. Therefore, it can be seen as an extension of the principle, that humans are political animals. From this, she formulates strong moral requirements applicable globally. [↑](#footnote-ref-107)
108. See Rawls, J.: The Law of Peoples. In: Pogge, T., Moellendorf, D.: Global Justice. Seminal Essays. St. Paul: Paragon House 2008, p. 421-452. [↑](#footnote-ref-108)
109. See Rawls, J.: The Law of Peoples, p. 436, where he talks about the importance of courts, judges and other officials. [↑](#footnote-ref-109)