

ARISTOTLE ON JUSTICE (δικαιοσύνη): CHARACTER, ACTION
AND SOME PAULINE COUNTERPARTS

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The Western notion of justice (δικαιοσύνη) has a heritage that is both complex and wide-ranging.¹ The concepts and distinctions that have informed its most prominent interlocutors are as rich as they are varied.²

1. There is a wide range of works in which δικαιοσύνη is used. Some representative texts and works in which the word consistently occurs are as follows: Plato, *Alc. Phileb.* 1.134 c; *Clit.* 410c; *Crat.* 411a, 412c; *Cri.* 47e; *Gorg.* 470e, 504d; *Hipp. maj.* 287c; *Hipp. min.* 376a; *Lach.* 198a; *Leg.* 9.859e, 12.964b; *Menex.* 88a; *Min.* 314d; *Resp.* 1.332e, 333c, 2.366c, 3.392c, 4.433e, 8.545a, 10.612c; *Parm.* 130e; *Phaed.* 69a; *Phlb.* 62a; *Prot.* 333b; *Soph.* 247b; *Symp.* 209a. While most of the texts that will be dealt with later in the essay come from Aristotle's *Nicomachean Ethics*, there are representative uses in his other treatises from his practical thought: Aristotle, *Ath.* 23.1; *Eth. eud.* 1.1216b, 8.1246b, 8.1248b; *Pol.* 1.1260a, 3.1277b, 3.1283a, 5.1309a, 7.1323a; *Rhet.* 1362b, 1366b; *Virt. vit.* 1249a, 1250a, 1250b. Some uses in Xenophon include *Anab.* 2.6.1; *Cyr.* 1.3.16, 8.8.1; *Mem.* 4.2.1, 4.2.13-14; *Hist. Gr.* 2.4.1; *Symp.* 3.1. See also Aeschines 1.181; 2.184, 3.258; *Arist.* 6.1, 6.4; Demosthenes 15.28, 22.72, 26.25; Epictetus, *Diatr.* 2.20, 3.14; Herodotus 1.96, 6.86; 7.52, 7.164; Isocrates 3.35, 8.144, 10.1, 12.187, 13.20; Lysias 12.5; Plutarch, *Arist.* 6.1, 6.4; Strabo 7.3.1, 7.3.4; Thucydides 3.63.1.

2. This essay presents a largely conceptual examination of justice and righteousness that focuses upon the way that δικαιοσύνη is used in reference to these concepts. There are other words that capture some aspects of these concepts, but there are a few other words that capture their dispositional or character qualities as well. Framing this discussion as a conceptual study is accurate, but potentially misleading, especially in reference to the Aristotelian sense of justice. Aristotle sees this sense of justice (δικαιοσύνη) as more of a disposition than a concept, though much of his study in *Eth. nic.* 5 is a conceptual reflection on the features and function of such dispositions. This is quite different from the Socratic approach to justice where it is the theoretical knowledge of justice and other such objects that drive one's

This is no less the case in the ancient world. Aristotle's famous treatment of justice in Book Five of his *Nicomachean Ethics* is one of the most influential and substantive works on the topic.³ While it is often treated as its own treatise on justice, it falls squarely within a treatise on ethics. It is no accident that Aristotle presented his most sustained account of justice within a study of ethics, since justice for him is both a preeminent mark of excellent character and indispensable for a political community.

For Aristotle, justice makes demands on human beings that require both action and a character that correctly motivates those actions. The dispositions that support justice (δικαιοσύνη)⁴ and its various divisions—like any of his other virtues—must involve the whole person, including one's beliefs, thoughts, desires, emotions and actions. All of the faculties collaborate in the service of one's ethical disposition or character, whether they do so well or badly. In short, the dispositions that support or undermine justice (δικαιοσύνη) involve the full range of human faculties and so are highly character driven.

The New Testament understanding of righteousness (δικαιοσύνη), especially in its Pauline contexts, shares some of these assumptions. This understanding of righteousness (δικαιοσύνη) treats it as an all-encompassing condition, rather than as merely a satisfaction of an externally imposed standard of conduct with positive and negative requirements. Of course, the New Testament view of righteousness (δικαιοσύνη) diverges from the Aristotelian one on many points, including the manner, means and timing in which one becomes just or righteous. The New Testament view treats righteousness (δικαιοσύνη) as an imputed condition, rather than one that is simply shaped by correct actions and habituation, even though the latter will be characteristic of those who are made righteous. On both views, δικαιοσύνη is a condition that affects the

actions and motivations when one acts correctly. While Aristotle admits that theoretical knowledge of a subject is helpful in action, it is ultimately the good character state and practical wisdom that guide the agent's correct action. So, this essay discusses the realities of justice and righteousness as they are understood dispositionally and expressed conceptually through words such as δικαιοσύνη and its cognates.

3. All passages from *Nicomachean Ethics* are drawn from W.D. Ross (ed.), *Aristotelis Ethica Nicomachea* (Oxford: Clarendon Press, 1894).

4. Any remaining portion of the essay that makes use of δικαιοσύνη refers to the concept of justice or righteousness that the word expresses.

whole person, but there is considerable disagreement about how and when this occurs.⁵

This essay considers in more detail the view of righteousness (δικαιοσύνη) where its external demands must also have a dispositional base in the agent that supports it. This first part considers this view of righteousness (δικαιοσύνη) in some New Testament contexts, before demonstrating its earlier parallels in ancient Greek culture and thought, and most explicitly in Aristotle's treatment of it.

1. The Character Dimension of Justice (δικαιοσύνη): New Testament Contexts, Aristotelian Provocations

Let me first address the New Testament view of righteousness (δικαιοσύνη) in a somewhat preliminary way in order to consider what the character dimension of righteousness (δικαιοσύνη) might be in the New Testament, before elaborating the Aristotelian view of justice (δικαιοσύνη) and its more explicit character dimensions. While such a comparison could not offer conclusive guidance for a New Testament interpretation of righteousness (δικαιοσύνη), it might suggest plausible insights from the wider ancient cultural and historical contexts. While the New Testament brings many of its cultural assumptions under critical scrutiny, some of these assumptions may turn out to be endorsed by the New Testament. Of course, it would take a much larger study to consider to what extent the New Testament view of righteousness (δικαιοσύνη) is in line with or at odds with a view such as Aristotle's, which carves out a robust character sphere for righteousness (δικαιοσύνη). But, in any case, a serious treatment of this aspect of righteousness (δικαιοσύνη) in the New Testament would be illuminated by the ancient Greek background on the topic.

There are two aspects of the New Testament view of righteousness (δικαιοσύνη) that arise when considering its character dimension. Some contexts highlight the imputed status of righteousness (δικαιοσύνη), whereas other contexts highlight its dispositional quality.

A standard view of righteousness (δικαιοσύνη) is that it is through the sacrificial work of Christ that it is imputed to the believer. The believer is thereby declared righteous to the Father, even though he or she dramatically fails to meet the standard of righteousness. By grace,

5. In this formulation, the word δικαιοσύνη refers to the notion of justice in Aristotle or righteousness in the New Testament and, especially, Pauline contexts.

one is given a justifying faith in the person and work of Jesus Christ.⁶ Some passages highlight this type of point, emphasizing not so much how it functions in the life of the believer, but rather how it is acquired and its status. Of course, it is not acquired through the agency of the person, but rather as a gift of faith.⁷ The object of that faith is the person and work of Christ. Consequently, the believer is justified through faith in this object,⁸ and conferred a status of righteousness.⁹ This aspect of righteousness (δικαιοσύνη) is quite prominent throughout the New Testament and cannot be exaggerated in its significance.

Another aspect of the New Testament view of righteousness (δικαιοσύνη) is its dispositional quality. A number of passages convey this aspect of the view, not by distinguishing *how* it is acquired or its status, but rather how it is possessed and its effects on the person.

First, some uses of righteousness (δικαιοσύνη) indicate that it is a quality that precedes righteous action. It is important to distinguish righteousness (δικαιοσύνη) itself from righteous action. So, there must be some quality of righteousness that leads to a righteous effect—the fruits

6. Rom. 4.3-6, 20-23; 10.5-10; 2 Cor. 5.21; Phil. 3.9; 1 Pet. 2.24-25. See also Augustine, *Conf.* 12.19, 3.13; Aquinas, *Sum. theol.* Ia.Q106.A2; IIIa.Q44.A3; IIIa.Q53.A2; Calvin, *Institutes*, 3.17.10, 3.14.11, 4.15.10.

7. ‘Yet he did not waver through unbelief regarding the promise of God, but was strengthened in his faith and gave glory to God, being fully persuaded that God had power to do what he had promised. This is why it was credited to him as righteousness’ [NIV] (εἰς δὲ τὴν ἐπαγγελίαν τοῦ θεοῦ οὐ διεκρίθη τῇ ἀπιστίᾳ ἀλλ’ ἐνεδυναμώθη τῇ πίστει, δοὺς δόξαν τῷ θεῷ καὶ πληροφορηθεὶς ὅτι ὁ ἐπήγγελται δυνατός ἐστιν καὶ ποιῆσαι. διὸ [καὶ] ἐλογίσθη αὐτῷ εἰς δικαιοσύνην) [UBS⁴/Nestle] (Rom. 4.20-22). On the necessity of faith for righteousness, see Augustine, *Lecture on the Gospel of John* Tractate 53.10; Calvin, *Institutes*, 3.14.4, 3.14.11, 3.14.17.

8. Rom. 3.22. See also Augustine, *Sermons on Selected Lessons of the New Testament* Sermon 44.6; Aquinas, *Sum. theol.* IIIa.Q36.A1; Calvin, *Institutes*, 3.14.4.

9. ‘What does the Scripture say? “Abraham believed God, and it was credited to him as righteousness.” Now when a man works, his wages are not credited to him as a gift, but as an obligation. However, to the man who does not work but trusts God who justifies the wicked, his faith is credited as righteousness’ (τί γὰρ ἡ γραφή λέγει; ἐπίστευσεν δὲ Ἀβραὰμ τῷ θεῷ, καὶ ἐλογίσθη αὐτῷ εἰς δικαιοσύνην. τῷ δὲ ἐργαζομένῳ ὁ μισθὸς οὐ λογίζεται κατὰ χάριν ἀλλὰ κατὰ ὀφείλημα, τῷ δὲ μὴ ἐργαζομένῳ, πιστεύοντι δὲ ἐπὶ τὸν δικαιοῦντα τὸν ἀσεβῆ λογίζεται ἡ πίστις αὐτοῦ εἰς δικαιοσύνην) (Rom. 4.3-5). See also Rom. 4.22; Augustine, *Sermons on Selected Lessons of the New Testament* 44.4, *City of God* 13.4; Aquinas, *Sum. theol.* IIIa.Q44.A3; Calvin, *Institutes*, 3.14.4.

of righteousness.¹⁰ Furthermore, it must be a quality of some sort, if more of it can be exhibited over time. It is clear that one may become more righteous over time,¹¹ and not just by performing a greater number of righteous actions. As one increasingly takes on the ways of the new man rather than the old man,¹² one becomes increasingly like the new man. Some qualities or characteristics of the believer must change as the old man gives way to the new man.

Secondly, the quality of righteousness (δικαιοσύνη) has a motivational dimension. The person with this quality tends to have beliefs, desires and emotions that are the outgrowth of righteousness. A number of passages refer to the fruits of righteousness, some of which are actions and some of which involve appropriate emotions, desires and attitudes.¹³ In some cases, such passages highlight the importance of

10. 'If you know that he is righteous, you know that everyone who does what is right has been born of him' (ἐὰν εἰδῆτε ὅτι δίκαιός ἐστιν, γινώσκετε ὅτι καὶ πᾶς ὁ ποιῶν τὴν δικαιοσύνην ἐξ αὐτοῦ γεγέννηται) (1 Jn 2.29); 'Now he who supplies seed to the sower and bread for food will also supply and increase your store of seed and will enlarge the harvest of your righteousness. You will be made rich in every way so that you can be generous on every occasion, and through us your generosity will result in thanksgiving to God' (ὁ δὲ ἐπιχορηγῶν σπόρον τῷ σπείροντι καὶ ἄρτον εἰς βρῶσιν χορηγήσει καὶ πληθυνεῖ τὸν σπόρον ὑμῶν καὶ αὐξήσει τὰ γενήματα τῆς δικαιοσύνης ὑμῶν· ἐν παντὶ πλουτιζόμενοι εἰς πᾶσαν ἀπλότητα, ἧτις κατεργάζεται δι' ἡμῶν εὐχαριστίαν τῷ θεῷ) (2 Cor. 9.10-11).

11. 2 Cor. 5.20. See also Augustine, *Perf.* 13.31; Aquinas, *Sum. theol.* IIIa.Q72.A7; IIIa.Q66.A2; Calvin, *Institutes*, 3.14.11, 3.17.10.

12. 'You, however, did not come to know Christ that way. Surely you heard of him and were taught in him in accordance with the truth that is in Jesus. You were taught, with regard to your former way of life, to put off your old self, which is being corrupted by its deceitful desires; to be made new in the attitude of your minds; and to put on the new self, created to be like God in true righteousness and holiness' (ὁμοίως δὲ οὐχ οὕτως ἐμάθετε τὸν Χριστόν, εἴ γε αὐτὸν ἠκούσατε καὶ ἐν αὐτῷ ἐδιδάχθητε, καθὼς ἐστὶν ἀλήθεια ἐν τῷ Ἰησοῦ, ἀποθέσθαι ὑμᾶς κατὰ τὴν προτέραν ἀναστροφὴν τὸν παλαιὸν ἄνθρωπον τὸν φθειρόμενον κατὰ τὰς ἐπιθυμίας τῆς ἀπάτης, ἀνανεοῦσθαι δὲ τῷ πνεύματι τοῦ νοῦς ὑμῶν καὶ ἐνδύσασθαι τὸν καινὸν ἄνθρωπον τὸν κατὰ θεὸν κτισθέντα ἐν δικαιοσύνῃ καὶ ὁσιότητι τῆς ἀληθείας) (Eph. 4.20-24).

13. 'And this is my prayer: that your love may abound more and more in knowledge and depth of insight, so that you may be able to discern what is best and may be pure and blameless until the day of Christ, filled with the fruit of righteousness that comes through Jesus Christ—to the glory and praise of God. Now I want you to know, brothers, that what has happened to me has really served to advance the gospel. As a result, it has become clear throughout the whole palace guard and to

having the appropriate desires and not having the inappropriate ones. Without righteousness (δικαιοσύνη), one will be subject especially to bad desires in both a carnal and a non-carnal sphere.¹⁴ Moreover,

everyone else that I am in chains for Christ. Because of my chains, most of the brothers in the Lord have been encouraged to speak the word of God more courageously and fearlessly' (καὶ τοῦτο προσεύχομαι ἵνα ἡ ἀγάπη ὑμῶν ἔτι μᾶλλον καὶ μᾶλλον περισσεύῃ ἐν ἐπιγνώσει καὶ πάσῃ αἰσθήσει, εἰς τὸ δοκιμάζειν ὑμᾶς τὰ διαφέροντα, ἵνα ἦτε εἰλικρινεῖς καὶ ἀπρόσκοποι εἰς ἡμέραν Χριστοῦ, πεπληρωμένοι καρπὸν δικαιοσύνης τὸν διὰ Ἰησοῦ Χριστοῦ εἰς δόξαν καὶ ἔπαινον θεοῦ. γινώσκουν δὲ ὑμᾶς βούλομαι, ἀδελφοί, ὅτι τὰ κατ' ἐμὲ μᾶλλον εἰς προκοπὴν τοῦ εὐαγγελίου ἐλήλυθεν, ὥστε τοὺς δεσμούς μου φανεροὺς ἐν Χριστῷ γενέσθαι ἐν ὄλῳ τῷ πραιτωρίῳ καὶ τοῖς λοιποῖς πᾶσιν, καὶ τοὺς πλείονας τῶν ἀδελφῶν ἐν κυρίῳ πεποιθότας τοῖς δεσμοῖς μου περισσοτέρως τολμᾶν ἀφόβως τὸν λόγον λαλεῖν (Phil. 1.9-14). Aquinas, *Sum. theol.* Ia-II.Q108.A2; Calvin, *Institutes*, 3.14.1, 3.14.9. On its general effects on the inner life, see Augustine, *Confessions* 3.13.

14. Rom. 1.24-32; Acts 13.9. Aristotle also employs roughly similar distinctions for desire. There is a broad category of desire (ὄρεξις) that can refer to appetitive desire (ἐπιθυμία), non-appetitive desire (ὄρεξις) and emotion (πάθος). Initially, Aristotle includes appetitive desire (ἐπιθυμία) as one of many emotions. This is so in his initial description of emotion in *Eth. nic.* 2: 'By the emotions, I mean desire, anger, fear, confidence, envy, joy, friendship, hatred, longing, jealousy, pity; and generally those which are accompanied by pleasure or pain' (λέγω δὲ πάθη μὲν ἐπιθυμίαν ὀργὴν φόβον θράσος φθόνον χαρὰν φιλίαν μῖσος πόθον ζῆλον ἔλεον, ὅλως οἷς ἔπεται ἡδονὴ ἢ λύπη) (*Eth. nic.* 2.5 1105b20-23). At this point, non-appetitive desires are not treated as emotions. And eventually in the *Nicomachean Ethics*, Aristotle more sharply distinguishes appetitive desire from emotion, even though they still share some features. The appetitive desire (ἐπιθυμία) is a longing or want for some end that is achieved through activity associated with food, sex and drink. This longing is not prompted chiefly by a perception of the world. Rather, it is more the result of internal physical conditions, such as the absence of nourishment or hydration. (See *Eth. nic.* 2.1 1103b15, 2.5 1105b20, 3.1 1111a20, 3.1 1111a25, 3.2 1111b10, 3.2 1111b15, 3.8 1117a1, 3.10 1118b5, 3.10 1118b15, 3.12 1119b1, 3.12 1119b5, 5.2 1130a20, 7.2 1145b35, 7.2 1146a10, 7.3 1147a30, 7.3 1147b1, 7.4 1148a20, 7.5 1149a20, 7.6 1149a30, 7.6 1149b1, 7.6 1149b5, 7.6 1149b15, 7.6 1149b20, 7.7 1150a15, 7.7 1150b25, 7.9 1151b5, 7.9 1151b10, 7.9 1151b30, 7.11 1152b35, 7.12 1153a25, 9.7 1168b15, 10.5 1175b25, 10.8 1178b15; *Pol.* 1.3 1258a35, 2.4 1266b, 2.4 1267a; *Rhet.* 1264b, 1269a, 1364b, 1369a, 1369b, 1370a, 1370b, 1374b, 1385a, 1388b, 1389b, 1390a, 1392a, 1393a, 1406a). In contrast, the non-appetitive desire is a longing for an end such as being honorable in battle. Non-appetitive desire is one that is typically manifested in emotion. So, the desire that is presented as a feature of emotion (as in *Eth. nic.* 2.5 1105b20-23) is usually a non-appetitive desire (ὄρεξις). (Aristotle uses the term ὄρεξις throughout his practical thought, especially in the

righteousness (δικαιοσύνη) promotes good desires, especially ones that can be correctly satisfied in the long run. The desires associated with δικαιοσύνη will be fulfilled,¹⁵ in contrast with ones that are the product of disordered desires and that cannot be satisfied.¹⁶ This understanding of righteousness (δικαιοσύνη) is also closely connected with the heart,¹⁷ the shaping of its true desires and the manifestation of correct forms of love.¹⁸

Nicomachean Ethics, but also in *Politics* and *Rhetoric*. See *Eth. nic.* 1.1 1094a15, 1.4 1095a10, 2.7 1107b25, 3.3 1113a5, 3.8 1116a25, 3.12 1119b5, 4.3 1125a5, 5.11 1138b5, 6.1 1139a15, 6.2 1139a25, 6.2 1139a30, 6.2 1139b1, 7.6 1149b1, 7.14 1154b10, 8.8 1159b15, 9.4 1166a30, 10.5 1175b30; *Pol.* 1.2 1254b, 3.2 1277a, 3.11 1287a; *Rhet.* 1364b, 1368b, 1369a). For example, a courageous person is appropriately affected by the emotions of fear and confidence under conditions of war. Then he desires to perform honorably in the scenario that follows. The feelings of pain and pleasure associated with fear and confidence are prompted by an image of a mortal threat and a plausible target. This condition is then succeeded by a non-appetitive desire to act honorably. The image of some object that the affected person takes to be good or bad activates the desire, rather than an internal physical condition (as with appetitive desire). So, non-appetitive desires are triggered by external conditions rather than internal ones. Aristotle's agent does not crave anger or fear. Instead, his established non-appetitive desires for some ends are activated when the emotion is triggered by an external source.

15. Mt. 5.6.

16. See also Augustine, *Letter to Anastasius* 145; Calvin, *Institutes*, 3.14.9.

17. 'But the righteousness that is by faith says: "Do not say in your heart, 'Who will ascend into heaven?'" (that is, to bring Christ down) "or 'Who will descend into the deep?'" (that is, to bring Christ up from the dead)". But what does it say? "The word is near you; it is in your mouth and in your heart", that is, the word of faith we are proclaiming: That if you confess with your mouth, "Jesus is Lord", and believe in your heart that God raised him from the dead, you will be saved. For it is with your heart that you believe and are justified, and it is with your mouth that you confess and are saved' (ἡ δὲ ἐκ πίστεως δικαιοσύνη οὕτως λέγει, μὴ εἴπῃς ἐν τῇ καρδίᾳ σου, τίς ἀναβήσεται εἰς τὸν οὐρανόν; τοῦτ' ἔστιν Χριστὸν καταγαγεῖν ἢ, τίς καταβήσεται εἰς τὴν ἄβυσσον; τοῦτ' ἔστιν Χριστὸν ἐκ νεκρῶν ἀναγαγεῖν. ἀλλὰ τί λέγει; ἐγγύς σου τὸ ῥῆμά ἐστιν ἐν τῷ στόματί σου καὶ ἐν τῇ καρδίᾳ σου, τοῦτ' ἔστιν τὸ ῥῆμα τῆς πίστεως ὃ κηρύσσομεν. ὅτι ἐὰν ὁμολογήσῃς ἐν τῷ στόματί σου ὅτι κύριον Ἰησοῦν καὶ πιστεύσῃς ἐν τῇ καρδίᾳ σου ὅτι ὁ θεὸς αὐτὸν ἤγειρεν ἐκ νεκρῶν, σωθήσῃ· καρδίᾳ γὰρ πιστεύεται εἰς δικαιοσύνην, στόματι δὲ ὁμολογεῖται εἰς σωτηρίαν) (Rom. 10.6-10). See also Augustine, *Perf.* 15.36; Aquinas, *Sum. theol.* Ia-II.Q108.A2; Calvin, *Institutes*, 3.14.9.

18. Gal. 5.5-15; Heb. 1.9. See also Augustine, *Trin.* 8.8.12.

Along these lines, righteousness (δικαιοσύνη) must bring with it not just the right kind of desires, but also appropriate emotions. Peace and joy are emotions that are strongly associated with righteousness (δικαιοσύνη), but problematic emotions such as fear, envy and wrath are also the result of a lack of righteousness (δικαιοσύνη).¹⁹ Such emotions are often contrasted as the fruits of unrighteousness versus the fruits of righteousness.²⁰

Thirdly, the effects of righteousness (δικαιοσύνη) not only include proper motivation but also correct actions. The believer should be an instrument of righteousness.²¹ That is, righteousness (δικαιοσύνη) should lead to certain actions that are wholly consistent with a righteous disposition.²² It is not unusual for great characters in salvation history to

19. ‘My dear brothers, take note of this: Everyone should be quick to listen, slow to speak and slow to become angry, for man’s anger does not bring about the righteous life that God desires. Therefore, get rid of all moral filth and the evil that is so prevalent and humbly accept the word planted in you, which can save you’ (ἴστε, ἀδελφοί μου ἀγαπητοί: ἔστω δὲ πᾶς ἄνθρωπος ταχύς εἰς τὸ ἀκοῦσαι, βραδύς εἰς τὸ λαλῆσαι, βραδύς εἰς ὀργήν: ὀργὴ γὰρ ἄνδρὸς δικαιοσύνην θεοῦ οὐκ ἐργάζεται. διὸ ἀποθέμενοι πᾶσαν ῥυπαρίαν καὶ περισσεῖαν κακίας ἐν πραΰτητι, δέξασθε τὸν ἔμφυτον λόγον τὸν δυνάμενον σῶσαι τὰς ψυχὰς ὑμῶν. γίνεσθε δὲ ποιηταὶ λόγου καὶ μὴ μόνον ἀκροαταὶ παραλογιζόμενοι ἑαυτοὺς) (Jas 1.19-22); ‘His father Zechariah was filled with the Holy Spirit and prophesied: “Praise be to the Lord, the God of Israel, because he has come and has redeemed his people. He has raised up a horn of salvation for us in the house of his servant David (as he said through his holy prophets of long ago), salvation from our enemies and from the hand of all who hate us—to show mercy to our fathers and to remember his holy covenant, the oath he swore to our father Abraham: to rescue us from the hand of our enemies, and to enable us to serve him without fear in holiness and righteousness before him all our days”’ (καὶ Ζαχαρίας ὁ πατὴρ αὐτοῦ ἐπλήσθη πνεύματος ἁγίου καὶ ἐπροφήτευσεν λέγων, εὐλογητὸς κύριος ὁ θεὸς τοῦ Ἰσραὴλ, ὅτι ἐπεσκέψατο καὶ ἐποίησεν λύτρωσιν τῷ λαῷ αὐτοῦ, καὶ ἤγειρεν κέρασ σωτηρίας ἡμῖν ἐν οἴκῳ Δαυὶδ παιδὸς αὐτοῦ, καθὼς ἐλάλησεν διὰ στόματος τῶν ἁγίων ἀπ’ αἰῶνος προφητῶν αὐτοῦ, σωτηρίαν ἐξ ἐχθρῶν ἡμῶν καὶ ἐκ χειρὸς πάντων τῶνμισούντων ἡμᾶς, ποιῆσαι ἔλεος μετὰ τῶν πατέρων ἡμῶν καὶ μνησθῆναι διαθήκης ἁγίας αὐτοῦ, ὄρκον ὃν ὤμοσεν πρὸς Ἀβραάμ τὸν πατέρα ἡμῶν, τοῦ δοῦναι ἡμῖν ἀφόβως ἐκ χειρὸς ἐχθρῶν ῥυσθέντας λατρεύειν αὐτῷ ἐν ὁσιότητι καὶ δικαιοσύνῃ ἐνώπιον αὐτοῦ πάσαις ταῖς ἡμέραις ἡμῶν) (Lk. 1.67-75).

20. Gal. 5.16-26. See also, Aquinas, *Sum. theol.* Ia-II.Q108.A2; Calvin, *Institutes*, 3.14.9.

21. 2 Cor. 6.3-8.

22. ‘Let the evildoer still do evil, and the filthy still be filthy, and the righteous still do right, and the holy still be holy’ (ὁ ἀδικῶν ἀδικησάτω ἔτι καὶ ὁ ῥυπαρὸς

be featured for qualities that they have been greatly blessed to have, such as faithfulness or mercy or courage. Moreover, the quality of such actions almost always implies a corresponding quality of character,²³ however that character is divinely formed and sustained. A righteous character must lead to righteous deeds.²⁴

The above contexts for righteousness (δικαιοσύνη) simply pick out different aspects of it. Some of the New Testament contexts highlight how it is acquired and its status, whereas other contexts emphasize its dispositional elements—the beliefs, desires and attitudes that are associated with it—and its characteristic effects.²⁵ Both aspects of δικαιοσύνη imply a central sphere of character that is formed and sustained by grace and from which the believer manifests motivations and actions. It will be seen that the Aristotelian treatment of righteousness (δικαιοσύνη) makes more explicit both its external demands and the dispositional support that would be necessary to meet those demands. Of course, the notion of justice, as it would be understood in the ancient Greek *polis*, is worlds apart from the Christian notion of righteousness. But there are some overlapping notions of the human being and what human beings must become according to both understandings of justice and righteousness (δικαιοσύνη). And both of these understandings recognize a central and necessary dimension of character that either supports or undermines the condition of justice and righteousness (δικαιοσύνη). Let us now turn to the divisions of justice in Aristotle's work and the virtue or character that must ground it on his view.

ῥυπανθήτω ἔτι, καὶ ὁ δίκαιος δικαιοσύνην ποιησάτω ἔτι καὶ ὁ ἅγιος ἁγιασθήτω ἔτι) (Rev. 22.11 NRSV). See also 1 Jn 2.29.

23. On the general distinction, see Augustine, *Perf.* 12.29.

24. The New Testament view lives with a certain tension between being fully righteous in Christ, yet still becoming increasingly righteous over time. There is strong language in a number of New Testament passages indicating that the believer will grow in righteousness (2 Cor. 5.20), eventually receiving a full conformity to it at the resurrection of the dead. Even though the believer is fully justified by faith in Christ, he or she still 'puts on Christ' (Eph. 6.14), anticipating a greater conformity to righteousness later (Rom. 6.16, Gal. 5.5, 2 Pet. 3.13), eventually being perfected. See also Augustine, *Perf.* 9.20, 15.36; Aquinas, *Sum. theol.* IIa-II.Q113.A1; Calvin, *Institutes*, 3.14.1, 3.17.10, 3.17.15, 4.15.12.

25. On the connection with belief and thought, see Augustine, *Sermons on Selected Lessons of the New Testament* 43, *Trin.* 8.6.9.

2. Justice (δικαιοσύνη) in Aristotle: Its Divisions, Demands and Character Dimensions

According to Aristotle, justice can be attributed to persons, laws and systems of adjudication. A person is just (δίκαιος) due to his or her disposition to act justly:

[B]y justice [we mean] that kind of state of character (ἔξις)²⁶ which makes people disposed to do what is just and...to wish for what is just

ὁρῶμεν δὴ πάντα τὴν τοιαύτην ἔξιν βουλομένους λέγειν δικαιοσύνην, ἀφ' ἧς πρακτικοὶ τῶν δικαίων εἰσὶ καὶ ἀφ' ἧς δικαιοπραγοῦσι καὶ βούλονται τὰ δίκαια (Aristotle, *Eth. nic.* 5.1 1129a6-7).

In contrast, a law or system of adjudication is considered 'just' (δίκαια) if it tends to promote or preserve the happiness of its citizenry:

Laws (νόμοι) in their enactments...aim at the common advantage either of all or of the best or of those who hold power, or something of the sort; so that in one sense we call those enactments just that tend to produce or preserve happiness and its parts for a political community

οἱ δὲ νόμοι ἀγορεύουσι περὶ ἀπάντων, στοχαζόμενοι ἢ τοῦ κοινῆ συμφέροντος πᾶσιν ἢ τοῖς ἀρίστοις ἢ τοῖς κυρίοις [κατ' ἀρετὴν] ἢ κατ' ἄλλον τινὰ τρόπον τοιοῦτον· ὥστε ἓνα μὲν τρόπον δίκαια λέγομεν τὰ ποιητικὰ καὶ φυλακτικὰ εὐδαιμονίας καὶ τῶν μορίων αὐτῆς τῆ πολιτικῆ κοινωνίᾳ (Aristotle, *Eth. nic.* 5.1 1129b15-20).²⁷

26. There may be several words or expressions that acceptably translate the Greek word ἔξις besides 'settled disposition', such as 'disposition', 'habit', 'state', 'stable state', 'tendency', 'inclination' and 'state of character'. The most direct rendering of the word is as 'disposition', just as 'state' is the most bald translation of ἦθος. But, since the state being referred to in *Nichomachean Ethics* is almost always a state of character, this is an appropriate translation. Similarly, ἔξις almost always refers to a settled disposition of character. So, the above use captures the best aspects of both words. Moreover, for the purposes of this paper the words 'disposition', 'state of character', 'character', 'character state', 'state' and 'settled disposition' will all be used interchangeably.

27. Aristotle understands happiness (εὐδαιμονία) at its best as flourishing or excellence associated with the perfection of one's desiderative faculties. For Aristotle, moral virtue or excellence is a not just a tendency to act well, but rather a well-tuned disposition to be affected by emotion, desire such that one is inclined subsequently to choose and act well. 'Virtue then is [i] a settled disposition of character concerning choice lying in the mean relative to the person, [ii] the mean being determined in accordance with right reason as [iii] the practically wise man would determine it' (ἔστιν ἄρα ἡ ἀρετὴ ἔξις προαιρετικῆ, ἐν μεσότητι οὐσα τῆ πρὸς ἡμᾶς ὀρισμένη λόγῳ

Different regimes are informed by different conceptions of justice. In an aristocratic regime, laws are considered just insofar as they foster the true happiness or excellence of the citizenry of that regime. But in more common regimes, such as oligarchy or democracy, laws are said to be just when they promote the apparent happiness of some portion of the citizenry.²⁸ For example, an oligarchy is organized according to oligarchic principles and ruled by an oligarchic section that puts down laws conducive to their apparent happiness. In contrast, democracy for Aristotle establishes laws that promote the happiness of the numerical majority of its citizens. In principle, these latter senses of the just (δίκαια) require some underlying just disposition (or certain features of it) in order to preserve it. For example, one who does not desire more than one's share has a disposition that grounds that desire. Similarly, the restraint that is necessary to preserve contracts or conduct implies a disposition for such restraint. In this sense, the wider meaning of justice as a disposition of some sort must underlie the divisions of justice that Aristotle treats in his work.²⁹

καὶ ὡς ἂν ὁ φρόνιμος ὀρίσειεν) (Aristotle, *Eth. nic.* 2.2 1106b36-1107a2). For more on moral virtue (ἠθικὴ ἀρετή) as a perfected capacity (δύναμις) for emotion (πάθος) and desire—both appetitive desire (ἐπιθύμια) and non-appetitive desire (ὄρεξις)—see Aristotle, *Rhet.* 1364b, 1368b, 1369a; 1378a30-1378b4; *Eth. nic.* 1.1 1094a2-3, 15, 17-20; 1.2 1095a10; 2.4 1105b20-23, 27-28, 32-33; 2.7 1107b25; 3.2 1111a27-31; 3.3 1112b31; 3.4 1113a15-16, 17-23, 25-29; 3.6 1113a5; 3.11 1116a25, 3.15 1119b5; 4.8 1125a5; 5.15 1138b5; 6.2 1139a15, 21-23, 25,30; 1139a36-1139b6; 6.2 1139b1; 7.7 1149b1; 7.15 1154b10; 8.10 1159b15; 9.4 1166a30; 10.5 1175b30; *Pol.* 1.1 1254b; 3.2 1277a; 3.11 1287a. See also John Cooper, 'Rhetoric, Dialectic and the Passions', in C.C. Taylor (ed.), *Oxford Studies in Ancient Philosophy* (Oxford: Oxford University Press, 1993), XII, pp. 175-78.

28. Aristotle already concedes early on (*Eth. nic.* 1.5 1095b-1096a11) that a range of views of happiness is found in most cities, but especially in more ordinary ones where freedom and wealth are honored considerably more than excellence (*Eth. nic.* 5.3 1131a25-29).

29. There is some considerable debate about what is included in the disposition of justice. For representative positions on that debate, see B. Williams, 'Justice as a Virtue', in A. Rorty (ed.), *Essays on Aristotle's Ethics* (Berkeley and Los Angeles: University of California Press, 1980), pp. 189-99; and D. O'Connor, 'Aristotelian Justice as a Personal Virtue', *Midwest Studies in Philosophy* 13 (1988), pp. 417-27. While the scope of the disposition (and its object) might be somewhat ambiguous, there must be some disposition that underlies just and unjust conduct and qualities.

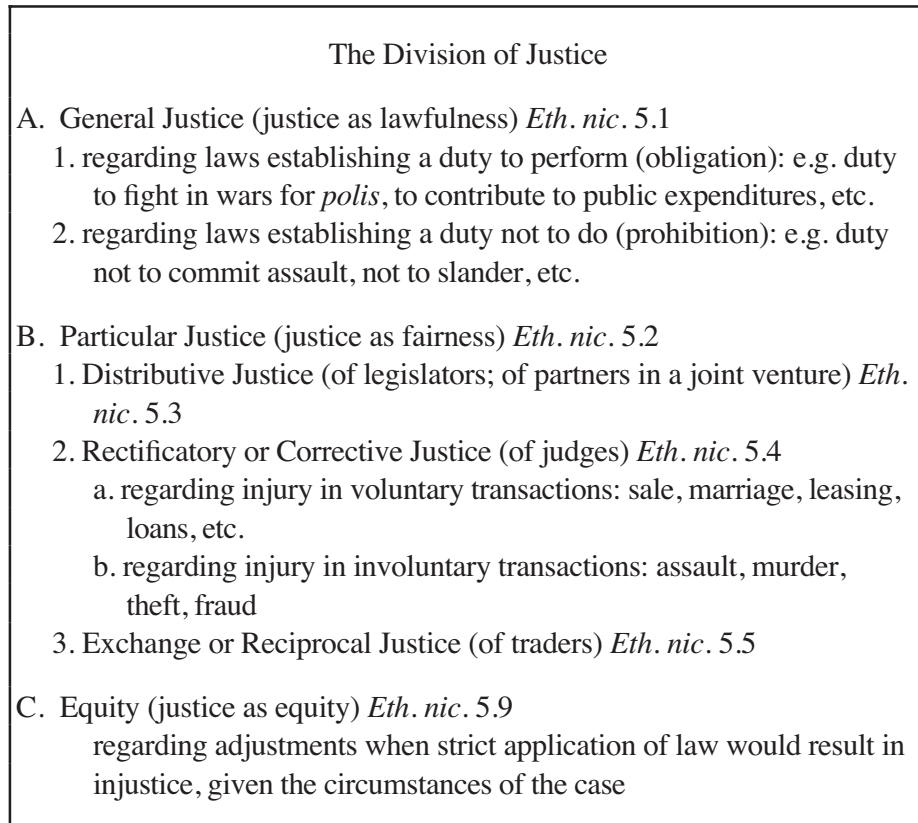


Figure 1: The Division of Justice

a. *General Justice (Justice as Lawfulness)*

Concerning general justice or justice as lawfulness (τὸ δίκαιον τὸ νόμιμον), the law promotes actions that are in keeping with the behavioral requirements of the moral virtues, while punishing those actions that depart from them, especially courage, temperance and good temper. Along these lines, the law demands that citizens fight to protect their city, never abandoning their fellow soldiers, especially under the gravest conditions.³⁰ Moreover, it restricts acts of adultery and molestation, as well as punishing acts of insult and slander.

[T]he law directs us to do the acts of a brave man (e.g. not to abandon our station nor to flee nor throw away our weapons), and those of a temperate man (e.g. not to commit adultery, nor to indulge one's lust), and those of a good-tempered man (e.g. not to strike another nor to speak evil), and similarly with regard to the other virtues and vices, commanding some acts and forbidding others; and the correctly-framed law does this correctly, and the hastily conceived one less well.

30. Thucydides describes a condition that might be characteristic of the gravity Aristotle has in mind in his *History of the Peloponnesian War* at 8.2.3-5, 8; 8.3.1-4.

προστάττει δ' ὁ νόμος καὶ τὰ τοῦ ἀνδρείου ἔργα ποιεῖν, οἷον μὴ λείπειν τὴν τάξιν μηδὲ φεύγειν μηδὲ ρίπτειν τὰ ὄπλα, καὶ τὰ τοῦ σώφρονος, οἷον μὴ μοιχεύειν μηδ' ὑβρίζειν, καὶ τὰ τοῦ πράου, οἷον μὴ τύπτειν μηδὲ κακηγορεῖν, ὁμοίως δὲ καὶ κατὰ τὰς ἄλλας ἀρετὰς καὶ μοχθηρίας τὰ μὲν κελεύων τὰ δ' ἀπαγορεύων, ὀρθῶς μὲν ὁ κείμενος ὀρθῶς, χειρὸν δ' ὁ ἀπεσχεδιασμένος (Aristotle, *Eth. nic.* 5.1 1129a19-26).

Justice in this general sense is the whole of justice. The moral virtue of the morally-virtuous person enables actions that constitute his happiness, just as he does what is useful or beneficial for others and the *polis* as a whole by those same actions. Along these lines, the moral individual and just individual are the same person. Justice is not simply one moral virtue among the others that support the happy life. Rather, justice is the whole of moral virtue and so, in this sense, is the counterpart of the moral virtue.³¹

So, justice as lawfulness is the case of justice that most obviously requires dispositions that support just acts.

b. *Distributive Justice*

Particular justice³² concerns (a) the preservation of fairness in reference to the distribution of benefits and burdens (distributive justice, διαναμητικός), (b) the correction of injustices (corrective justice, διορθωτικόν) and (c) commercial exchanges (reciprocal justice, ἀντιπεπόνθος).

31. Aristotle, *Eth. nic.* 5.1 1130a10-13. Similarly, particular justice also avoids the particular injustices that Aristotle describes as follows: 'So, it is evident that, besides injustice as a whole, there is another kind of injustice which is specific and has the same name, for its definition belongs to the same genus; for both have the force of being defined in relation to some other person, but the narrow one concerns the honor or property or security or something which includes all these and has as its aim the pleasure which comes from gain, while the other is concerned with all the things with which a virtuous man is concerned' (ὥστε φανερόν ὅτι ἔστι τις ἀδικία παρὰ τὴν ὅλην ἄλλη ἐν μέρει, συνώνυμος, ὅτι ὁ ὀρισμὸς ἐν τῷ αὐτῷ γένει· ἄμφω γὰρ ἐν τῷ πρὸς ἕτερον ἔχουσι τὴν δύναμιν, ἀλλ' ἢ μὲν περὶ τιμὴν ἢ χρήματα ἢ σωτηρίαν, ἢ εἴ τιτι ἔχοιμεν ἐνὶ ὀνόματι περιλαβεῖν ταῦτα πάντα, καὶ δι' ἡδονὴν τὴν ἀπὸ τοῦ κέρδους, ἢ δὲ περὶ ἅπαντα περὶ ὅσα ὁ σπουδαῖος) (Aristotle, *Eth. nic.* 5.2 1130a32-b5). While a full statement and explanation of moral virtue and vice is not treated here, their significance is already implicit in this discussion. So, while Aristotle does not explicitly develop the motivational dimension of particular injustice in these sections, his treatments of virtue and vice may well do that.

32. Aristotle, *Eth. nic.* 5.1 1130a14, 5.2 1130b30.

These aspects of justice are especially important in his account since they are so central in disputes concerning the distribution of basic goods.

Distributive justice is chiefly the virtue of legislators and, to a lesser extent, associates in commercial projects for profit.³³ Legislators must craft laws that distribute appropriately the levels of decision making (and eligibility) for public office, privileges of leadership in the armed forces, prerogatives of private property ownership, as well as tax burdens.³⁴ Associates in commercial enterprises must distribute appropriately the shares of ownership and profits (or losses) among themselves.

There is widespread agreement that distributive justice requires a distribution of benefits and burdens that correctly meets the claims of merit and equality. Both claims are respected best in Aristotle's understanding of proportionate equality (τὸ ἴσον).³⁵ This expression refers to an equality of merits and shares of benefits that have the general form:

33. Aristotle's theory of distributive justice (διαναμητικός) is implied in several key sections of the *Politics*, *Pol.* 3.9 1280a7-25; 3.12 1282a14-22, but it is discussed most explicitly and completely in the *Nicomachean Ethics*.

34. This is not to say that other forms of justice are not concerned with these goods. But Aristotle introduces distributive justice first and emphasizes its role in the struggle for the goods (τῆς δὲ κατὰ μέρος δικαιοσύνης καὶ τοῦ κατ' αὐτὴν δικαίου ἐν μὲν ἐστὶν εἶδος τὸ ἐν ταῖς διανομαῖς τιμῆς ἢ χρημάτων ἢ τῶν ἄλλων ὅσα μεριστὰ τοῖς κοινωνοῦσι τῆς πολιτείας (ἐν τούτοις γὰρ ἔστι καὶ ἄνισον ἔχειν καὶ ἴσον ἕτερον ἑτέρου; *Eth. nic.* 5.2 1113b30-34).

35. 'Now proportionate equality depends on at least two things. It is necessary now that, the just be both a mean and proportionately equal, and in relation to something, and for certain persons. As a mean, it lies between certain things (and these are the greater and the less); as proportionately equal, it is in respect of two things; and as just it is in relation to certain persons. The just then must depend on at least four things; for the persons to which it happens to be just are two, and the things are distributed into two parts' (ἔστι δὲ τὸ ἴσον ἐν ἐλαχίστοις δυσὶν. ἀνάγκη τοίνυν τὸ δίκαιον μέσον τε καὶ ἴσον εἶναι καὶ πρὸς τι καὶ τισίν, καὶ ἢ μὲν μέσον, τινῶν (ταῦτα δ' ἐστὶ πλεῖον καὶ ἕλαττον), ἢ δ' ἴσον, δυοῖν, δὲ δίκαιον, τισίν. ἀνάγκη ἄρα τὸ δίκαιον ἐν ἐλαχίστοις εἶναι τέτταρσιν· οἷς τε γὰρ δίκαιον τυγχάνει ὄν, δύο ἐστὶ, καὶ ἐν οἷς, τὰ πράγματα, δύο) (*Eth. nic.* 5.3 1131a15-20).

Distributive Justice	
Merit of person X -----	Share of Benefits (powers) to person X -----
Merit of person Y	Share of Benefits (powers) to person X

Figure 2: Distributive Justice

The proportionately equal distribution is the equality of ratios of the worth ($\alpha\zeta\acute{\iota}\alpha$)³⁶ of persons and the goods they possess. The equality of ratios involves four terms. Thus, the ratio of the worth of person A³⁷ to the goods possessed by A must be equal to the ratio of the worth of person B to the goods possessed by B.³⁸ Distributive justice differs from the other forms of particular justice in that it considers the relevant worth of the person as indispensable for determining whether it is just for that person to hold an office. The other forms of particular justice only consider the value of some good, among other goods, exchanged in a transaction without reference to the relevant worth of the persons involved.³⁹ But in the case of distributive justice there is a geometric

36. This term is the most explicit reference to the worth of an office. This sense of worth conveys both the principle according to which an office is distributed (Aristotle, *Pol.* 4.6 1294a10-15; 4.7 1294a12) and, implicitly, the extent of decision making power available through it (*Pol.* 4.12 1299b39; 4.5 1292b29-30).

37. The worth relevant for assessing the distributively just share might not be the whole worth of the persons at issue. And typically, the relevant worth is one factor such as wealth or military valor that the regime highlights as the overriding standard of worth for the regime. So, such a formulation would not indicate a comprehensive assessment of a citizen's worth, even in principle.

38. See D. Keyt, 'Aristotle's Theory of Distributive Justice', in D. Keyt and F. Miller (eds.), *A Companion to Aristotle's Politics* (Oxford: Oxford University Press, 1991), pp. 238-51; and F. Miller, *Nature, Justice, and Rights in Aristotle's Politics* (Oxford: Clarendon Press, 1997), pp. 68-73.

39. Unlike distributive justice, corrective and exchange justice (*Pol.* 5.5 1131a1-10) is not based on the relevant worth of the persons involved. So, there is no geometric proportion that fixes the ratios between the persons and the objects at issue. Instead there is an arithmetic relation that preserves equality among the terms in the way that the following two operations are equal to one another: $4-2 = 7-5$ (Aristotle, *Pol.* 5.6 1131b33-1132a7). The differences between the latter forms of justice and distributive justice will be treated more directly near the end of this section.

proportion (ἀναλογίαν γέμετρικὴν)⁴⁰ set between two persons and two goods.⁴¹

Aristotle's account of distributive justice provides a useful framework for understanding how different regimes distribute offices on the basis of their regime priorities. And these different standards inform what counts as the proper proportion in distributive justice. So, although there is agreement that justice requires a distribution respecting equality and merit—a proportionate equality—there is no agreement about the standard for merit:

[Although] men agree that what is just in portion must be so in accordance with merit in some sense, they do not all specify the same sort of merit, but democrats identify it with status as free men [hence, all free men have equal merit]; supporters of oligarchy with wealth (or noble birth), and supporters of aristocracy with excellence

τὸ γὰρ δίκαιον ἐν ταῖς νομαῖς ὁμολογοῦσι πάντες κατ' ἀξίαν τινὰ δεῖν εἶναι, τὴν μέντοι ἀξίαν οὐ τὴν αὐτὴν λέγουσι πάντες [ὑπάρχειν], ἀλλ' οἱ μὲν δημοκρατικοὶ ἐλευθερίαν, οἱ δ' ὀλιγαρχικοὶ πλοῦτον, οἱ δ' εὐγένειαν, οἱ δ' ἀριστοκρατικοὶ ἀρετὴν (Aristotle, *Eth. nic.* 5.3 1131a25-29).

So, because each of these regime types disagrees about what merit is in the distribution of benefits and burdens, they thereby disagree about what the fair distribution is.⁴²

Aristocrats consider merit to be a function of a citizen's moral and intellectual virtue. This is the basis for the aristocratic principle: To each according to one's moral and intellectual virtue or excellence:

$$\text{Aristocratic Merit} = f(\text{Virtue})$$

Accordingly, the distribution of benefits and burdens in an aristocratic regime will be based on this understanding of merit. For example, in an aristocratic regime, the most important public offices should be filled by

40. 'Mathematicians call such a proportion geometrical; for in a geometrical proportion it also follows that the whole is to the whole as each term is to the corresponding term' (καλοῦσι δὲ τὴν τοιαύτην ἀναλογίαν γέμετρικὴν οἱ μαθηματικοὶ ἐν γὰρ τῇ γέμετρικῇ συμβαίνει καὶ τὸ ὅλον πρὸς τὸ ὅλον ὅπερ ἑκάτερον πρὸς ἑκάτερον) (Aristotle, *Eth. nic.* 5.3 1131b12-15).

41. Aristotle, *Eth. nic.* 5.3 1131a15-20.

42. Oligarchs and democrats make mistakes about what merit is because they hope to privilege themselves in their judgment of it and they are bad judges where they themselves are concerned. See Aristotle, *Pol.* 3.5 1280a19-23, 13-16.

the most excellent of its citizens. Excellent citizens should fill even those public offices with more limited decision-making powers. So, in this case, the demands of merit and equality are both respected, insofar as the more excellent citizens are more greatly honored for their greater excellence by holding offices with greater decision-making powers. Those citizens who are still excellent, though less excellent, are also honored for their excellence through more modest offices. Aristotle's aristocrats treat equals as equals and unequals as unequals. So, offering a greater honor to the most excellent citizen and a lesser honor to the merely excellent is a case of an 'equal' distribution, though these honors are neither the same nor of an equal status:⁴³

If the unjust is the unequal then the just is the *equal*, as all men suppose it to be, even apart from argument... [Now] the just involves at least four terms; for the one for whom it is in fact just are two, and the things in which it is manifested, the objects distributed, are two... Further, ...awards [of benefits] should be according to *merit*: for 'men agree that what is just in portion must be so in accordance with merit in some sense, they do not all specify the same sort of merit.

εἰ οὖν τὸ ἄδικον ἄνισον, τὸ δίκαιον ἴσον· ὅπερ καὶ ἄνευ λόγου δοκεῖ πᾶσιν... ἀνάγκη ἄρα τὸ δίκαιον ἐν ἐλαχίστοις εἶναι τέτταρσιν· οἷς τε γὰρ δίκαιον τυγχάνει ὄν, δύο ἐστί, καὶ ἐν οἷς, τὰ πράγματα, δύο... ἔτι ἐκ τοῦ κατ' ἀξίαν τοῦτο δῆλον· τὸ γὰρ δίκαιον ἐν ταῖς νομαῖς ὁμολογοῦσι πάντες κατ' ἀξίαν τινὰ δεῖν εἶναι, τὴν μέντοι ἀξίαν οὐ τὴν αὐτὴν λέγουσι πάντες [ὑπάρχειν] (Aristotle, *Eth. nic.* 5.3 1131a11-29).

Oligarchs consider merit to be a function of a citizen's wealth, family lineage or social status.⁴⁴ Aristotle's oligarch might think that those who contribute more to the regime whether financially (or by genealogy) are due more:

Oligarchic Merit = f (Financial or Genealogical Contribution)

43. But there is another sense of equality preserved among those at the same level of merit. A citizen of the highest excellence is honored at a level that is equal to the honor of those who have the same caliber of excellence. Similarly, the less distinguished citizen who accordingly receives a lower level of honor is equal to those other less distinguished citizens with the same merit (Aristotle, *Eth. nic.* 5.3 1131a30-b16).

44. Aristotle, *Pol.* 3.5 1279a16-19; 3.5 1279b39-1280a6; 4.3 1290a17-20; 4.3 1290a39-1290b3; 4.6 1294a10-12. According to this understanding even a citizen of high birth who is not wealthy may qualify for office or other benefits and burdens in an oligarchy.

Oligarchs, like democrats and aristocrats, agree that distributive justice respects both merit and equality according to a standard of proportionate equality. So, it is just for those of the highest wealth to hold the most important offices, whereas those of lesser wealth (or genealogical contribution) should hold an appropriately less-significant office. Moreover, it is quite unfair for those who are unequal in wealth or social status to receive offices of equal importance.⁴⁵ But the oligarchic standard of wealth⁴⁶ is also different from the aristocratic standard in the sense that an oligarch's wealth or status might not have much to do with his character or talent, although he might have trouble holding onto it without excellence in some sphere. So, the oligarchic standard of worth is like the aristocratic one in the way in which merit is respected: the offices, honors and powers given to those with great wealth and status are proportionate to the greatness of their wealth and status. But, the oligarchic standard diverges from the aristocratic one, insofar as what counts as merit is considerably different. What they both agree about is that few citizens have equal merit, and accordingly, that it is unfair to offer equal rewards for unequal merit.

Democrats consider the merit of a citizen to be simply a function of being a citizen. So, the democratic principle of justice treats the merit of each citizen as equal regardless of wealth, genealogy, or excellence:⁴⁷

45. Aristotle, *Pol.* 3.5 1280a25-32.

46. Aristotle does not suggest that every office should be filled by a person whose relevant worth is determined by the overriding regime standard. Certainly, the office holders for some administrative or executive offices might be based on some other standard such as talent, skill (see *Pol.* 3.7 1283a) or even a combination of regime standards that are weighed differently for a particular position.

47. Aristotle, *Pol.* 3.5 1279a16-19; 3.5 1279b39-1280a6; 4.3 1290a17-20; 4.3 1290a39-1290b3; 4.4 1291b31-38; 4.6 1294a10-12. The democratic view of merit should be understood in reference to the goods that distributive justice concerns (*Pol.* 3.6 1282b23-29). There are other spheres of justice where factors such as talent, background or fit may inform a judgment of democratic merit. For example, even in democracy, skill or talent must clearly be a factor (*Pol.* 3.7 1282b31-35) in the appointment to an office such as city treasurer. The fact that talent is relevant to such an office in democracy is quite compatible with democracy for Aristotle because the office is specialized (*Pol.* 2.8 1278b13-15) and not a body with broad legislative powers such as the assembly or council. Distributive justice is especially concerned with the latter type of offices, rather than more specialized administrative and executive offices (*Pol.* 3.7 1283a3-1; 3.6 1282a34-42). Also, the quality of the agent's goods or actions rather than his mere citizenship status is central in the other forms of justice, especially in democracy. This is discussed in later portions of this section.

$$\text{Democratic Merit} = f(\text{Citizenship})$$

Even in democracy, distributive justice must respect both merit and equality according to a standard of proportionate equality. Those with greater merit should be honored by greater offices and powers, whereas those with less merit should only be more modestly honored in terms of office and power. But democracy is quite unlike oligarchy and aristocracy in its assignment of merit. The factors that might distinguish citizens from one another, above and beyond their citizenship status, are irrelevant to the democratic standard of merit that informs distributive justice. While oligarchs and aristocrats might dispute one another's claims to merit, they both insist that it requires something beyond their status as citizens. But the democrat would disagree with both. Their status as citizens is the only basis for merit in reference to the goods of distributive justice. So, the democrat agrees with the oligarch that the aristocratic claim to merit is an irrelevant factor for distributive justice. The democrat also agrees with the aristocrat that the oligarchic claim to merit is unwarranted,⁴⁸ though not for the same reasons as the aristocrat. Both aristocratic and oligarchic claims to merit are superfluous. For their claims to merit must be captured already under the rubric of their merit as mere citizens,⁴⁹ and so, are superfluous to distributive justice.

The democrats agree with oligarchs and aristocrats in their acceptance of distributive justice as proportionate equality, but disagree with their respective assessments of merit.⁵⁰ In democracy, all citizens deserve the same level of honor because they are equal in merit.

In all of these cases the just distribution of goods in question requires a judgment about what the proper portion is for this or that citizen. While that portion may vary according to regime type and regime, the excellence from which that judgment obtains has a strong dispositional content. For example, a leader who tends to desire to assign excessive portions of a good to his political allies or to deprive his rivals of the same

48. Aristotle, *Pol.* 3.5 1280a23-24.

49. Aristotle, *Pol.* 3.5 1280a25-26.

50. Moreover, since all citizens in democracy are equal in merit, the numerically equal distribution of shares among them *is* the proportionately equal distribution. So, citizens who are wealthy or excellent might deserve a proportionately greater honor if their wealth or excellence actually counted as merit. But this is not the case in democracy, at least in reference to the goods that distributive justice concerns.

goods lacks some disposition necessary for justice.⁵¹ While this disposition might support somewhat varied judgments from regime to regime, some form of it is necessary for justice in any regime.

c. Rectificatory or Corrective Justice

Corrective justice concerns the correction or rectification of losses that result from the violation of voluntary agreements or from tortfeasance. Justice, in this sense, concerns the actions of a judge. Injury or harm may occur in transactions that the relevant agents enter into voluntarily. Similarly, an injury or harm may occur in a situation that one does not enter into voluntarily, such as in the case of theft. The injured party has apparently suffered a loss, whereas the one who caused the injury is treated as having gained something at the expense of the injured party. Along

51. Aristotle considers a number of scenarios where conflict between oligarchs and democrats occurs. For example, in *Pol.* 5.6 1305a35-1305b21, he considers one that oligarchs trigger. Oligarchs treat the people unjustly, thereby unleashing in the people a widespread response that might be championed by democratic leaders or oligarchic opportunists. ‘Oligarchies undergo revolution principally through two ways that are the most obvious. One is if they treat the multitude unjustly; for anybody makes an adequate people’s champion, and especially so when their leader comes from the oligarchy itself’ (*Pol.* 5.5 1305a36-38). At this point, the regime can break down in three ways. First, there might be a straightforward revolt of the people against the upper oligarchs, as occurred at Erythrae (*Pol.* 5.5 1305b18-22). Secondly, a popular revolt may be led by a disaffected oligarch, such as occurred in the case of Lygdamis at Naxos and at Cnidus. Aristotle traces the first popular *stasis* at Naxos, a dispute between wealthy Naxians and a citizen named Telestagoras. At a latter stage of the *stasis*, Lygdamis led the revolt of the *demos* against the oligarchs and (initially) established a democracy. He later became tyrant of Naxos through the help of Peisistratus. See also J.M. Moore, *Aristotle and Xenophon on Democracy and Oligarchy* (Berkeley: University of California Press, 1975), p. 229; and W.L. Newman, *The Politics of Aristotle* (Oxford: Oxford University Press, 1902), p. 346. Thirdly, a popular revolt may only later emerge when divisions among the oligarchic classes weaken the regime enough for the people to seize control. Aristotle also cites cases where the people seize control through the use of military forces that join the cause of the people, as was the case with the Guards at Larisa (5.5 1306a31) and at Abydos (5.5 1306a32). Larissa was the main city of Thessaly. While the full scope of duties exercised by the Guards of Larissa (οἱ πολιτοφύλακες) is not documented, it is clear that they were a high level internal police force that also served a political function. Newman also suggests that they were elected by the people at large. See Newman, *Politics of Aristotle*, p. 351; and Keyt, ‘Aristotle’s Theory of Distributive Justice’, pp. 109-10. See also Aristotle, *Pol.* 5.5 1305b21-1306b20 and 5.6 1304b19-1305a35 for his discussion of other conflict scenarios.

these lines, justice demands that the judge impose a judgment that best restores to the injured party what was lost. Typically, the injuring or otherwise responsible party must make some form of restitution to the injured party that is equivalent to the harm or injury caused.

Rectificatory Justice		
<i>Before Injury</i>	<i>After Injury</i>	<i>After Correction</i>
Person X: has goods A	has goods A – I	has goods A – I + D = A
Person Y: has goods B	has goods B + I	has goods B + I – D = B
I = value of injury; D = value of damage award		

Figure 3: Rectificatory Justice

It makes no difference whether a good man has deprived a bad man or a bad man a good one, nor whether it is a good or a bad man who has committed adultery; the law looks only to the distinctive character of the damage, and treats the parties as equal... [T]his kind of damage being an inequality, the judge tries to equalize it...by taking away from the gain of the wrongdoer. For the term ‘gain’ is said to apply without qualification to such cases, even if it is not a term appropriate to some particular cases, e.g. to a person who inflicts a wound—and ‘loss’ to the sufferer; at all events when the suffering has been estimated, the one is called loss and the other gain...

οὐδὲν γὰρ διαφέρει, εἰ ἐπιεικῆς φαῦλον ἀπεστέρησεν ἢ φαῦλος ἐπιεικῆ, οὐδ’ εἰ ἐμοίχευσεν ἐπιεικῆς ἢ φαῦλος· ἀλλὰ πρὸς τοῦ βλάβους τὴν διαφορὰν μόνον βλέπει ὁ νόμος, καὶ χρῆται ὡς ἴσοις... ἄδικον τοῦτο ἄνισον ὃν ἰσάζειν πειρᾶται ὁ δικαστής...ἀφαιρῶν τοῦ κέρδους. λέγεται γὰρ ὡς ἀπλῶς εἰπεῖν ἐπὶ τοῖς τοιούτοις, κἂν εἰ μή τισιν οἰκεῖον ὄνομα εἴη, τὸ κέρδος, οἷον τῷ πατάξαντι, καὶ ἡ ζημία τῷ παθόντι· ἀλλ’ ὅταν γε μετρηθῇ τὸ πάθος, καλεῖται τὸ μὲν ζημία τὸ δὲ κέρδος (Aristotle, *Eth. nic.* 5.4 1132a4-14).

So, the goal of rectificatory justice is not to assign ‘punitive’ damage above and beyond the actual damages. Rather, it aims to provide a judgment that restores both wrongdoer and the wronged person to their original conditions.

This justice differs from distributive justice because here the merit of the citizens engaged in the dispute is not relevant to the judgment of justice. If citizen A assaults citizen B, it does not matter whether citizen A has great or small property holdings, or a distinguished or undistinguished lineage. When a poor and socially undistinguished citizen assaults

a wealthy and notable one, the damages of the latter are not greater because of their social asymmetry. Similarly, the damages assigned to a wealthy and notable citizen who assaults a poor one should not be less because the victim is poor and the perpetrator wealthy. Corrective justice only considers the damage and what would restore the wronged person to his or her prior condition.⁵²

This form of justice seeks to correct an injustice that occurs due to a bad or harmful act. Such acts typically stem from a misguided or deficient desire. The disposition each agent has for such desire(s) inclines him or her to cause damages that justice must correct or remedy in some way. For Aristotle, desires are always for certain ends that some action will bring about. So, citizen A wants something that leads to the harm of citizen B and, thereby, a state of affairs between them that must be corrected. While the judgment of justice is not a judgment upon the desire or disposition behind the act, the injustice done is a result of the disposition and so the justice prescribes a correction of its effects. Similarly, the integrity of the judgment requires an official who is not subject to that bad disposition, at least in the course of making such judgments. Those whose judgments are easily swayed by money are not the best judges of theft, bribery, embezzlement and so on.

d. *Exchange or Reciprocal Justice*

This form of justice concerns the fair exchange of goods between buyers and sellers. Aristotle considers a fair exchange as one where the value of the goods being exchanged is equal.

Now proportionate return [in an exchange] is secured by cross-conjunction. Let A be a builder, B a shoemaker, C house, D a shoe. The builder, then must get from the shoemaker the latter's work, and must himself give in return his own. If, then, first there is proportionate equality of goods, and then reciprocal action takes place, the result we mentioned will be effected [i.e. justice in exchange is achieved]... But if [this is] not

52. Of course, there may be cases where some aspect of the wronged party (whether social status, position, wealth or even virtue) may be relevant to understanding the damage inflicted. For example, suppose one slanders a merchant's reputation and his business thereby declines. Justice must then provide a correction that takes into account these aspects of the citizen who has been wronged. In this case, the status of the wronged citizen as a merchant is relevant to justice, not because he would deserve a higher grade of justice than laborers. Rather, the nature of the offense and the status of the damage must be understood in light of this citizen's role as merchant.

[effected] then the bargain is not equal, and does not hold [as just]... They [the exchanged goods] must be equalized...

ποιεῖ δὲ τὴν ἀντίδοσιν τὴν κατ' ἀναλογίαν ἢ κατὰ διάμετρον σύζευξις. οἰκοδόμος ἐφ' ᾧ α, σκυτοτόμος ἐφ' ᾧ β, οἰκία ἐφ' ᾧ γ, ὑπόδημα ἐφ' ᾧ δ. δεῖ οὖν λαμβάνειν τὸν οἰκοδόμον παρὰ τοῦ σκυτοτόμου τὸ ἐκείνου ἔργον, καὶ αὐτὸν ἐκεῖνον μεταδιδόναι τὸ αὐτοῦ ἐὰν οὖν πρῶτον ἦ τὸ κατὰ τὴν ἀναλογίαν ἴσον, εἶτα τὸ ἀντιπεπονθὸς γένηται, ἔσται τὸ λεγόμενον. εἰ δὲ μή, οὐκ ἴσον, οὐδὲ συμμένει... ἀλλὰ τούτους δεῖ ἰσασθῆναι (Aristotle, *Eth. nic.* 5.5 1133a5-15).

Like rectificatory justice, the worth of the agent involved in the transaction plays no role in determining the fairness of the exchange.⁵³ The fair exchange respects the value of each of the goods being exchanged and so preserves the equivalence between their values in the exchange.

Exchange or Reciprocal Justice		
	Seller Gain	Buyer Loss
Unfair Price	1	-1
Just Price	0	0

Figure 4: Exchange or Reciprocal Justice

Aristotle seems to think that an exchange is fair if and only if the value of the goods being exchanged is equal. In such a case there is no gain or loss of value by either party. Thus, trading appears to be a zero-sum game: a gain for one party is a loss for the other.

Reciprocal justice then refers both to the exchange that would equalize the products or goods of those involved in the exchange and those citizens involved in the exchange. While the merit, status, or wealth of those involved in the exchange are not relevant to what a fair exchange is, their dispositions are relevant for achieving such exchanges and abiding by them. For example, if the parties in the exchange desire to receive more than they give, it may frustrate the achievement of a fair price. Even if one of the parties desires to receive more than they give, circumstances such as power asymmetries, supply bottlenecks and high levels of demand may reinforce some unfair price. So, while the disposition of

53. See also Aristotle, *Pol.* 5.6 1132b22-1133b28.

the agent is not relevant in the determination of what the fair exchange is, the disposition is relevant for its achievement.

Reciprocal justice then refers to both the exchange that would equalize the products or goods of those involved in the exchange and those citizens involved in the exchange. While the merit, status or wealth of those involved in the exchange is not relevant to what a fair exchange is, their dispositions are relevant to their achieving such an exchange and abiding by it. For example, if the parties in the exchange both desire to receive more than they give, it may frustrate the achievement of a fair price. Even if one party desires to receive more than they give, conditions such as power asymmetries, supply bottlenecks and high levels of need or demand may reinforce some unfair price. So, while the disposition of the agent is not relevant in the determination of what the fair exchange is, the disposition is relevant for achieving and sustaining the fair exchange.

e. The Equitable (ἐπιεικεία)

A city that manifests a ‘rule of law’ rather than (merely) a ‘rule of citizens’ tends to be more stable and impartial. In contrast, a city that embodies a ‘rule of citizens’—whether through the decision making of one man, or several, or the majority—is quite variable and subject to the partiality of such people.⁵⁴ For Aristotle, most cities are especially susceptible to the latter, given the baseness of most citizens.⁵⁵ Yet, laws tend to be necessarily general rules. The most that a legislator can do in the crafting of a law is to consider the largest number of cases that might be subject to it. But it is possible that a formulaic application of the law to a particular situation may result in an injustice. For example, citizen A may borrow a weapon from citizen B when citizen A is in his right mind. But citizen A may later become ill and prove unable to exercise good judgment. Suppose he becomes embroiled in a conflict and irrationally

54. Aristotle often refers to the distribution of decision making. The decision-making share of a particular citizen usually refers to the portion of that citizen’s contribution to the governance of the regime. The word is associated with the common expression used throughout the politics of a citizen’s prerogative ‘to share in the regime’ (μετεχειν τῆς πολιτείας) (Aristotle, *Pol.* 4.13 1301a38). See also *Pol.* 2.8 1268a27-28; 2.10 1272a15; 3.2 1275b31; 4.5 1292a41; 4.6 1292b39; 4.6 1293a3-4; 4.8 1294a18; 4.13 1297b5-6; 4.13 1297b23-24; 5.3 1302b26-27; 6.6 1320b26; 7.10 1329b37; 7.13 1332a33-35.

55. Aristotle, *Eth. nic.* 5.5 1113b30-34; 5.6 1134b1-5; *Pol.* 3.16 1287a20-89b6.

seeks to harm a third party. At that moment, citizen B may demand his weapon back from citizen A and have every legal expectation that it be returned. But should citizen A deny him the weapon, even though citizen B is its rightful owner, it may be the most just response in the circumstance. In contrast, should citizen A return the weapon, he may be complicit in some harm and thereby unjust, even though he seems legally required to return it. Equity concerns these kinds of cases, where injustice results from the strict application of the law. Equity, then, is the rectification of a law when it is defective due to its generality:

This is the nature of the equitable, a correction of the law where it is defective owing to its universality. In fact this is the reason why all things are not determined by law...so a *decree* is needed. For when the thing is indefinite the rule also is indefinite, like the leaden rule used in making the Lesbian moulding; the rule adapts itself to the shape of the stone and is not rigid, and so too the decree is adapted to the facts.

καὶ ἔστιν αὕτη ἡ φύσις ἢ τοῦ ἐπιεικοῦς, ἐπανόρθωμα νόμου, ἣ ἔλλείπει διὰ τὸ καθόλου. τοῦτο γὰρ αἴτιον καὶ τοῦ μὴ πάντα κατὰ νόμον εἶναι...τοῦ γὰρ ἀορίστου ἀόριστος καὶ ὁ κανὼν ἐστίν, ὥσπερ καὶ τῆς Λεσβίας οἰκοδομίας ὁ μολίβδινος κανὼν· πρὸς γὰρ τὸ σχῆμα τοῦ λίθου μετακινεῖται καὶ οὐ μένει ὁ κανὼν, καὶ τὸ χήφισμα πρὸς τὰ πράγματα (Aristotle, *Eth. nic.* 5.10 1137b25-32).

It is clear that the appeal of oligarchic and democratic regimes to their respective standards of freedom and wealth leads them to different conclusions about what the proportionately equal distribution of offices is. But Aristotle also makes it clear that their character shapes the beliefs and desires from which they make judgments about proportionate equality. Aristotle pays special attention to the backdrop for these judgments and the divisive action that results from them in his discussion of civic discord:

Now the principal cause, speaking generally, of the citizens being themselves disposed to revolution is the one about which we happen to have spoken already. Those that desire equality form factions if they think that they have too little although they are the equals of those who have more, while those that desire inequality or superiority do so if they suppose that although they are unequal they have not got more but an equal amount or less (and these desires may be felt justly, and they may also be felt unjustly); for when inferior, people form factions in order that they may be equal, and when equal, in order that they may be greater. We have therefore said what are the states of feeling in which men engage in factious struggle.

τοῦ μὲν οὖν αὐτοῦς ἔχειν πως πρὸς τὴν μεταβολὴν αἰτίαν καθόλου μάλιστα θετέον περὶ ἧς ἤδη τυγχάνομεν εἰρηκότες. οἱ μὲν γὰρ ἰσότητος ἐφιέμενοι στασιάζουσιν ἂν νομίζωσιν ἔλαττον ἔχειν ὄντες ἴσοι τοῖς πλεονεκτοῦσιν, οἱ δὲ τῆς ἀνισότητος καὶ τῆς ὑπεροχῆς ἂν ὑπολαμβάνωσιν ὄντες ἄνισοι μὴ πλεόν ἔχειν ἀλλ' ἴσον ἢ ἔλαττον (τούτων δ' ἔστι μὲν ὀρέγεσθαι δικαίως, ἔστι δὲ καὶ ἀδίκως)· ἐλάττους τε γὰρ ὄντες ὅπως ἴσοι ὧσι στασιάζουσι, καὶ ἴσοι ὄντες ὅπως μείζους. πῶς μὲν οὖν ἔχοντες στασιάζουσιν, εἴρηται (Aristotle, *Pol.* 5.2 1302a24-30).

The disorder in character that drives these conflicts represents a breakdown in justice in any number of the earlier divisions. Just as some disposition or character connected with justice must support the fulfillment of its demands, other disordered dispositions motivate outright injustice.

3. Conclusion

Ancient Greek notions of justice (δικαιοσύνη), whether in their Socratic, Platonic or Aristotelian forms are inextricably character-laden. There are numerous ways that this tradition has conceived of such character, its relation to reason, belief, desire, and its role in action. But, however that may be construed in figures before and after Aristotle, they all largely recognize the priority of character for justice (δικαιοσύνη). Of course, the demands and content of justice are quite varied in the historical and cultural setting that precedes and includes the New Testament writers. But there are important parallels in the New Testament and Aristotelian understanding of justice and righteousness (δικαιοσύνη). These parallels include some important similarities in concept, language and meaning. More importantly, there is some similarity in approach. The view that character and justice are inextricably connected has a heritage in the ancient Greek world that can also be seen in the Christian tradition, despite their many disagreements. This view or approach to justice and righteousness (δικαιοσύνη) has many streams of influence in Christian theology, ethics and its history. Moreover, some of its features are already manifest in the doctrinal starting-points that even a preliminary treatment of the New Testament view elicits. They share an approach that recognizes a deep link between character and justice/righteousness (δικαιοσύνη), as well as some overlapping notions of the human being. But, on either account of the human being and justice/righteousness (δικαιοσύνη), human beings must be wholly transformed

in keeping with it. There is significant disagreement about how that occurs and the end it serves. In either case, justice and righteousness (δικαιοσύνη) must involve a condition that affects the whole person—beliefs, desires, emotion and action—rather than just a satisfaction of external demands of conduct.