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## **THE CONCEPTS OF JUSTICE IN ARISTOTLE'S PHILOSOPHY: IMPLICATIONS FOR SOCIO- POLITICAL LIFE IN NIGERIA**

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### Introduction

In the Collins English Dictionary, justice is defined as 'the quality or fact of being just; the principle of fairness that like cases should be treated alike; distribution of benefits and burdens fairly in accordance with a particular conception of what are to count as like cases; the principle that punishment should be proportionate to the offence; the administration of law according to prescribed and accepted principles; conformity to the law; legal validity' (Sinclair 1979: 837; cf (Sinclair 1979: 837; cf Sinclair 2000). In a like manner, in the Chambers English Dictionary, justice is defined as 'the quality of being just; just treatment; fairness; administration of, or conformity to the law' (Robinson & Davidson 1997: 736). Justice is also used to denote the title of a judge or justice of the peace (JP). In philosophy, justice is closely related to ethics, a component of axiology, relating to good or bad, right or wrong. So, justice connotes the idea of individual members or citizens of a state or nation, doing the right things and being associated with goodness. A good person does not kill, rape, kidnap, impersonate, bear false witness against others, buggle the house of others or vandalize government property, or engage in any form of corrupt practice. Justice is treating others as you would like

to be treated.

### Types of Justice in Aristotle's Philosophy

Puja Monda has provided a summary of Aristotle's theory of justice. The entire Greek political thought revolves around the concept of justice. This is an abstract concept and is difficult to define in fixed terms, as it is viewed differently by different thinkers. But for Aristotle, justice is of two types, viz., (i) universal justice; and (ii) particular justice. The former refers to obedience to laws, that one should be virtuous.

Particular justice is also of two types, viz., (i) distributive justice; and (ii) remedial or corrective justice. Distributive justice implies that the state should divide or distribute goods and wealth among citizens according to merit. Again, remedial justice is in turn divided into two, (i) one dealing with voluntary transactions (civil law); and (ii) the other dealing with involuntary transaction (criminal law).

Furthermore, Aristotle added commercial and cumulative justice to the above-mentioned types of justice. <http://www.yourarticlelibrary.com/paragraphs/aristotles-theory-of-justice/40130/> .

### Distributive Justice

Aristotle was of the opinion that this form of justice is the most powerful law to prevent any revolution, as this justice believes in proper and proportionate allocation of offices, honours, goods and services to the citizen of a nation or state. This justice is mostly concerned with political privileges. Aristotle advocated that every political organisation must have its own distributive justice. He, however, rejected democratic and oligarchic criteria of justice and permitted the allocation of offices to the virtuous only, owing to their highest contributions to the society, because the virtuous people are few. Aristotle believed that most of the offices should be allocated to those few only.

### Corrective Justice

All laws relating to commercial transactions are dealt within the remedial and corrective actions. It aims at restoring what an individual

had lost due to the injustice of the society. This justice prevents the encroachments of one right over the other. Aristotle opined that corrective justice relates to voluntary and commercial activities such as hire, sale and furnishing security. These actions involve aggression on life, property, honor and freedom. In brief, this justice aims at virtue and moral excellence of character and it is for this reason that it is called corrective justice.

#### Concept of Justice in Book 5 of the Nicomachean Ethics

Justice can mean either lawfulness or fairness, since injustice is lawlessness and unfairness. The laws encourage people to behave virtuously, so that the just person, who by definition is lawful, will necessarily be virtuous. Virtue differs from justice because it deals with one's moral state, while justice deals with one's relations with others. Universal justice is that state of a person who is generally lawful and fair. Particular justice deals with the "divisible" goods of honor, money, and safety, where one person's gain of such goods results in a corresponding loss by someone else.

There are two forms of particular justice: (i) distributive; and (ii) rectificatory. Distributive justice deals with the distribution of wealth among the members of a community. It employs geometric proportion that is what each person receives is directly proportional to his or her merit; so a good person will receive more than a bad person. This justice is a virtuous mean between the vices of giving more than a person deserves and giving less. Rectificatory justice remedies unequal distributions of gain and loss between two people. Rectification may be called for in cases of injustice involving voluntary transactions like trade or involuntary transactions like theft or assault. Justice is restored in a court case, where the judge ensures that the gains and losses of both parties are equaled out, thus restoring a mean.

Justice must be distributed proportionately. For instance, a shoemaker and a farmer cannot exchange one shoe for one harvest, since shoes and harvests are not of equal value. Rather, the shoemaker would have to give a number of shoes proportional in value to the crops the farmer provides. Money reflects the demand placed on various goods and allows for just exchanges. The shoemaker could sell some shoes and use the money to buy some farm products; the

farmer could sell some of his farm products and use the money to buy shoes.

Political justice and domestic justice are related but distinct. Political justice is governed by the rule of law, while domestic justice relies more on mutual respect. Political justice is based in part on natural law, which is the same for all people, and in part on particular legal conventions, which vary from place to place.

An agent is responsible only for acts of injustice performed voluntarily. We call injustice done out of ignorance 'mistakes', injustice done because plans went awry "misadventures," and injustice done knowingly but without premeditation "injuries." Ignorance is an excuse only if it is reasonably unavoidable.

#### The Golden Mean: A Point Between Two Extremes

One way of maintaining justice by, and for the individual is to adopt and maintain what Aristotle has described as the 'Golden Mean', a point between two extremes, between the extreme of too little and the extreme of too much in anything we do, in the way we behave in public and private, and the way we behave to ourselves. According to Aristotle, there is a design and order in the universe for things to happen in an orderly way. For example, a pregnant woman gives birth to a baby who subsequently becomes a man or woman and not an elephant; a lamb becomes a sheep and not a goat; a kitten becomes a cat and not a dog; and an acorn becomes an oak and not a sycamore tree. When a farmer plants maize, he does not expect sorghum or cassava at harvest time. By studying the universe in terms of its purposes, we can understand it. Thus, whatever happens can be explained according to purpose: the acorn follows its purpose and the kitten its purpose. With regard to man, we have already seen that man's purpose is to think, but we admit that man could refuse to think or circumstances may compel him to think poorly or irrationally. He can avoid thinking by not paying attention, by misdirecting his thinking, or by otherwise subverting his thinking. Aristotle believed that man could refuse to think and, therefore, go against the design of the universe and even the reason for his creation; hence, man has a free will.

When man goes against his purpose, however, he suffers the

consequences of erroneous ideas, poor health, and an unhappy life, among other things. For Aristotle, the man who follows his true purpose leads a rational life of moderation, avoiding extremes. There are two Aristotelian extremes: the extreme of too little and the extreme of too much. In terms of eating, for example, if a man follows the extreme of too much food, he could overfeed himself and suffer from obesity, which could lead to overweight, high blood pressure and the development of the killer disease such as diabetes, among others. On the other hand, if he eats too little, he might suffer from lack of energy and poor health in general, which could lead to weight loss, low blood pressure, and possibly death. The same principle applies to drinking (taking of alcohol), exercising and relaxing. The moderate man, the right-thinking man, avoids both extremes.

For Aristotle, the proper perspective is the 'Golden Mean', a point between two extremes. Aristotle's concept of the Golden Mean is illustrated by his notion of the soul as an entity to be kept in balance. He spoke of the three aspects of the soul being vegetative, animal, and rational. We might say that when a man vegetates, he is following the extreme of too little; when he is angry and hostile (animal), the extreme of too much is at work; but when he uses his reasoning to keep the vegetative and animal aspects in harmony, he is following the path for which he was designed and is fulfilling his life purpose. We might also relate this idea to Plato's concept of the ideal state where the good state is where all the classes, i.e., brass (vegetative), silver (animal), and gold (rational) are in balance, in harmony, with each class performing its assigned duties, with no class or section of the citizens interfering with the activities of the others. Aristotle believed that a good education is one that promotes the harmony and balance of both soul and body, which is only possible in a state ruled by philosophers – wise men with a commitment to the service of the state (Aristotle, a 1943 translation; Gay 1964); .

### Justice and Happiness

A major component of Aristotle's theory of justice is happiness. In Aristotle's philosophy; s philosophy, justice and happiness are closely linked. James William Guest has made available to readers his work on 'Justice and Happiness in Aristotle's Philosophy of Human Beings. The dissertation explains Aristotle's account of happiness in the

Nicomachean Ethics. The bulk of the Nicomachean Ethics appears to teach that happiness chiefly consists in the activity of the soul in accordance with moral virtue. But at the end of the work, Aristotle concludes that happiness consists in theoretical activity or the contemplative life rather than in the morally virtuous activity that is the end of political life. Through a close examination of his teaching on justice in book five of the Nicomachean Ethics, supplemented by a reading of book three of the Politics, James William Guest concludes that Aristotle's defense of the happiness of the contemplative life rests on a critique of the happiness available in or through the practice of moral virtue, a virtue that is absent in the activities of some leaders, particularly the political class in some African and other third world countries. (<http://pqdtopen.proquest.com/doc/1313732504.html?FMT=ABS>)

Chapter 1 considers the political character of Aristotle's writings on ethics and politics, and examines the two accounts of happiness {Nicomachean Ethics (NE) 1.1–7 and 10.6–8}. In chapter 2, Guest discusses Aristotle's initial account of justice as the whole of virtue and justice as a particular virtue in order to discern the deep connection between justice and happiness {NE 5.1–2}. In chapter 3, he explains the two proper forms of particular justice—distributive justice and corrective justice—and considers how reciprocity is related to these forms (NE 5.3–5). Chapter 4 turns to the Politics in order to attempt to resolve a problem left open in the discussion of distributive justice in the Nicomachean Ethics concerning the standard of merit. Finally, chapter 5 takes up the difficult second half of book five of the Nicomachean Ethics, with a view to answering the question of the motivation of just and unjust human beings (NE 5.6–11)

Aristotle reasons that no one can willingly suffer an injustice and that when goods are unjustly distributed; the distributor is more culpable than the person who receives the largest share. People mistakenly think that justice is an easy matter, as it simply requires obedience to laws. However, true justice comes only from a virtuous disposition, and those lacking in virtue are unable to perceive the just course of action in all cases, and are, therefore, not fit to rule. This is in line with Plato's recommendation that in an ideal state, only the philosophers, that is those who understand and are ready to maintain

justice in the handling of the state's human and material resources, should rule.

Laws may not always be perfectly applicable. In particular circumstances in which the laws do not produce perfect justice; equity is necessary to mend the imbalance. Therefore, equity is superior to legal justice, but inferior to absolute justice. It is impossible to treat oneself unjustly. Injustice involves one person gaining at another's expense; so it requires at least two people. Even in the case of suicide, it is not the victim, but the state, that suffers an injustice, because the state has been denied of the service of one of its citizens.

### Analysis of Aristotle's Concept of Justice

Justice, for Aristotle, consists in restoring or maintaining a proper balance. He hardly distinguishes the justice that deals with criminal cases and the justice involved in legal commerce except to call the former "involuntary" and the latter "voluntary." It might be difficult to see what a commercial transaction might have in common with a brutal assault. For Aristotle, they both involve exchanges between two people in which one person stands to gain unfair advantage and the other stands to receive an equivalent disadvantage. Since justice deals with maintaining a proper balance, any case that might result in unfair advantage or disadvantage is a concern of justice.

Though Aristotle considers justice to be a virtue, it is not listed in his table of virtues and vices because it is a special case. Because just behaviour is a virtuous behaviour, justice encompasses all the other virtues. Further, it is not the mean between two extremes (as in Aristotle's Golden Mean explained earlier on in this discourse), injustice itself is a single extreme (Ozmon & Craver 1995).

The earlier suggestion that justice involves restoring or ensuring balance fits very nicely with Aristotle's Doctrine of the Golden Mean. Justice is a mean state of people having their proper due, while injustice involves people having either too much or too little. At the outset, Aristotle distinguishes between universal justice, which is a general trait of the virtuous character, and particular justice, which is the primary concern of Book V. Particular justice deals with honour, money, and safety because these are "zero sum" goods, that is, a gain

for one person results in a corresponding loss for another. This is most obvious with money. If Mr. A steals twenty thousand Naira (N20,000) from Mr. B, Mr. A's unjust gain of N20,000 corresponds to Mr. B's unjust loss of N20,000. The same idea can be applied more problematically to honour and safety. Presumably, honours unjustly conferred on one person means that another is unjustly deprived of these honours, as there is normally a limit to the number of honours that could be given at a particular time, and those who are most qualified to receive such honours are not usually nominated. An assault on an enemy ensures one's safety to the extent that it hurts the enemy's safety.

Because particular justice involves this zero sum exchange of goods, Aristotle associates particular injustice with greed or the desire to have more than one's due, as is common among people holding executive, legislative and judicial powers in some African and other Third World countries today. Aristotle points out that someone who commits adultery for the sake of gain is behaving unjustly (at least to herself and for breaching one of the Mosaic laws); but someone who actually loses money by committing adultery out of lust is exhibiting the vice of licentiousness, not injustice (Guttek 2004).

This notion of zero sum exchange is problematic for a number of reasons. Most obviously, especially in the case of safety, as it is far from clear that one person's gain is always equal to another person's loss. For example, if Mr. A steals an item of great personal value to Mr. B, Mr. B's loss far exceeds Mr. A's gain. More significant, though, is the implication that if one person is treated unjustly, then another person must have acted unjustly toward that person. Aristotle has made it clear that injustice is a result of wanting more than one's fair share and has stated explicitly that behaviour motivated by lust or anger is not unjust, but rather licentious or irascible. Presumably, a person can suffer a loss, and hence suffer an injustice, because of someone else's lust, anger, or cowardice. The idea that justice is a zero sum game, where one person's loss is always another's gain, is thus not entirely consistent with Aristotle's discussion of virtue.

Distributive justice is a central notion in Aristotle's *Politics*, but gets only a brief mention in *Nicomachean Ethics*. Aristotle's suggestion is that wealth and honour should be distributed according to virtue. The most virtuous people make the most significant contributions to



the life of the city, so they have the right to the greatest honours. This contradicts the modalities for distributing the wealth of the nation, the 'national cake', in many African and Third World countries today. The way things are done in the developing countries today seems to suggest that the political class is arrogating to itself the marks of honour and virtue, which may not really be the case as their character would amount to injustice, if Aristotle's philosophy is correctly interpreted and applied.

Distributive justice reinforces Aristotle's aristocratic bias. Women, workers, and slaves do not have the freedom to fully exercise all the virtues, so they will necessarily receive a lesser share of the 'national cake' being the wealth of the nation. Distributive justice is somewhat circular, in this sense, as those who have the greatest privilege have the greatest access to the leisure, freedom, and wealth necessary for virtue, and so are most deserving of their great privilege as they control and distribute the greater portions of the wealth to themselves, and the remnants to the people they were elected to rule and protect.

#### Further Discourse

From what we have discussed so far, it could be concluded or assumed, that virtue is attained by adopting a mean between vicious extremes according to the right principle. This is only as helpful as telling a sick person that health comes about by choosing medicine according to what a doctor prescribes. That is, we have no helpful understanding of virtue until we learn what this right principle is. To learn about the right principle, we must examine the intellectual virtues.

The soul is divided into a rational part and an irrational part. The rational part can be further divided into a contemplative part, which studies the truths of science and mathematics, and a calculative part, which deals with the practical matters of human life. Right reasoning with respect to the contemplative intellect corresponds to truth. With the practical intellect, right reasoning corresponds to proper deliberation that leads to making the right choice and doing the right things at all times.

The soul arrives at truth by five intellectual virtues. First, is the scientific knowledge which arrives at eternal truths by means of deduction or induction. Second, is the art or technical skill which

involves production according to proper reasoning. Third, is the prudence or practical wisdom which helps us to pursue the good life generally. The fourth is intuition which helps us to grasp first principles from which we derive scientific truths. The fifth which is the final wisdom that is a combination of scientific knowledge and intuition. This helps us to arrive at the highest truths of all. Political science is a species of prudence, since it involves ensuring the good life for an entire city, although in many cases in Africa and other parts of the third world, the good life is reserved for, or hijacked by the political class who have, but often abuse the privilege of possessing power, or at worst being in the corridors of power.

Within intellectual virtue, Aristotle distinguishes the contemplative from the calculative. Contemplative reasoning deals with eternal truths. For Aristotle, these are truths unrelated to human action, as revealed in the natural sciences and Mathematics. Contemplative reasoning makes use of the intellectual virtues of scientific knowledge, intuition, and wisdom. Scientific knowledge consists mostly of logical inferences derived from first principles. These first principles cannot themselves be inferred through scientific reasoning, but can be grasped only through intuition.

Wisdom is a combination of intuition and scientific knowledge, involving a deep understanding of the natural world. The Greek word for wisdom is *sophia*, and the word philosopher literally means "lover of wisdom." Wisdom is the highest of all intellectual virtues, because it involves a profound understanding of the eternal truths of the universe. Such understanding is brought about by philosophy. Though Aristotle thinks his work on ethics and politics is important, he rates his work on science, metaphysics, and logic as much more superior and more important.

However, the Ethics is concerned with the practical and non-eternal matters of the human world; so contemplative reasoning receives relatively brief mention. So does art, or technical skill, which is important mostly to artists and artisans, and does not fall within the scope of the Ethics. Art or technical skill guides us in the correct manner of producing things. Prudence, or practical wisdom guides us in the correct manner of action. This intellectual virtue, which is closely tied to the rational deliberation and choice necessary to the moral

virtues, is the central focus of Aristotle's discussion of the intellectual virtues in the Ethics.

The Greek word translated as "prudence" or "practical wisdom" is *phronesis*, which conveys a general sense of knowing the proper behaviour in all situations, the type of behaviour that Isocrates, an eminent Greek philosopher in pre-Aristotle's days, expected of a truly educated person. *Phronesis* is an intellectual virtue rather than a moral virtue because we learn it through instruction and not practice, but it is very closely connected to the moral virtues. Without *phronesis*, it would be impossible to practice the moral virtues properly. A person who has all the right moral virtues knows what ends to pursue, but without *phronesis*, that person will not know how to set about pursuing the right ends. Contrary to modern assumptions, Aristotle is telling us that being sincere is not good enough; and that being a good person requires a kind of practical intelligence as well as a good disposition.

On the other hand, a person who has *phronesis* but does not have the right moral virtues will be very effective in devising means to personal ends, but those ends might not be noble, because some people out there will suffer some injustice. The villain in a James Bond film might be seen as a portrait of a person with *phronesis*, but no moral virtue. The person to whom billions of naira is entrusted could devise the means of laundering or converting a significant proportion of the money to his personal use and so be acclaimed by the public (the real owners of the money he now claims to be his) as a rich and affluent person, and could even be described as a philanthropist if he is the type that helps others with 'his money', but he possesses no moral virtue and is, therefore, not a man or woman of honour.

### Logical Syllogism and Justice

The logical syllogism, which was invented and perfected by Aristotle, consists of three terms: (i) a major premise, which states some universal or general truth; (ii) a minor premise, which states some particular, specific truth; and (iii) a conclusion based on the universal and particular truths. For instance, the major premise, "All humans will die" and the minor premise, "Williams is a human", leads to the conclusion that "Williams will die." Aristotle takes the syllogism to be the basic

unit of reasoning and applies it not only to reasoning in the sciences but also to practical reasoning. With particular reference to justice, it is clear that all those who inflict injustice on others should also expect the pain of injustice waiting for them, even at the peak of their power.

### Friendliness as Justice

Friendship is clearly necessary and splendid, but people disagree on its precise nature. Friendship consists of a mutual feeling of goodwill between two people. There are three kinds of friendship: (i) friendship based on utility, where both people derive some benefit from each other; (ii) friendship based on pleasure, where both people are drawn to the other's wit, good looks, or other pleasant qualities; and (iii) friendship based on goodness, where both people admire the other's goodness and help one another strive for goodness.

The first two kinds of friendship are only accidental, because in these cases friends are motivated by their own utility and pleasure, not by anything essential to the nature of the friend. Both of these kinds of friendship are short-lived because one's needs and pleasures are bound to change over time. Goodness is an enduring quality, so friendships based on goodness tend to be long lasting. This friendship encompasses the other two, as good friends are useful to one another and please one another. Such friendship is rare and takes time to develop, but it is the best type of friendship. Bad people can be friends for reasons of pleasure or utility, but only good people can be friends for each other's sake.

Overall, friendships consist of equal exchanges, whether of utility, pleasantness, or goodness. However, there are some relationships that by their nature exist between two people of unequal standing such as father-son, husband-wife, ruler-subject, and lecturer-student. In these relationships, a different kind of love is called for from each party, and the amount of love should be proportional to the merit of each person. For instance, a subject should show more love for a ruler than the reverse. When there is too great a gap between people, friendship is impossible, and often two friends will grow apart if one becomes far more virtuous than the other. Most people prefer being loved to loving, since they desire flattery and honour. The true mark of friendship is that it consists more of loving than of being loved.

Friendships endure when each friend loves the other according to the other's merit. Justice and friendship are closely connected, as both tie families and communities together. Since justice, friendship, families and community are closely related, it is far worse to abuse a close friend or family member than it is to abuse a stranger.

### Politics, Friendship and Justice

There are three kinds of political constitution. These are monarchy, aristocracy and timocracy. Tyranny is the corruption of monarchy, where the tyrant looks out for his own interest rather than that of his subjects. Oligarchy is a perversion of aristocracy, and democracy is a perversion of timocracy, but neither is as bad as tyranny. Monarchy is analogous to the father-son relationship, aristocracy to the husband-wife relationship, and timocracy to the relationship between brothers. Corrupt political institutions are like those relationships where no friendship exists. As in the master-servant relationship, this is the type of relationship that exists between the political leaders or rulers and the citizens or the ruled in most countries of Africa and the third world. Because there is no feeling of affection, friendship or love, the rulers, who are expected to be servants of the people, become 'masters' of the people, and 'controllers' of the people's socio-economic life by appropriating to themselves all that belong to the people. To Aristotle, this is injustice in the highest order.

### Conclusion

An objective study and interpretation of Aristotle's conception of justice would tempt one to conclude that there is no justice in the way we do things in most countries in Africa and the Third World. For example, most employees in the public and private sectors do not seem to be putting in their best to the service of their employers. This is injustice, because people are receiving wages for poor or ineffective performance at their workplaces and sometimes for services not rendered as recurrent stories of ghost workers tend to indicate. The newspapers are replete with stories of abuse of privileges, abuse of office, and abuse of power in the awards of contracts as we hear of cases of governments' laudable projects being abandoned halfway by contractors to whom the contracts have been awarded. In situations

like these, appropriate actions ought to have been taken against such contractors, but this has not always been the case in some 'developing' countries, because money has changed hands. This is injustice. There are cases of several workers in country X or Y not receiving their salaries as and when due, with many workers still expecting arrears of several months salaries, This is injustice to the core. The mass media are also frequently reporting cases of corruption at all tiers and levels of government in country X or Y, and the people involved are, in many cases, 'untouchable'. This is injustice at the highest level. Injustice also manifests itself in the overt perpetration of criminal acts, such as kidnapping, raping, suicide bombing, highway robbery, damage to government property and sources of revenue (government buildings, bridges, oil pipelines etc), and so on

'Developing' countries can only continue to develop when justice reigns among the people within and among the three tiers of government (executive, legislative and judiciary); between the rulers and the ruled; between the rich and the poor; between the youths and the elderly; among people of different religious beliefs and practices; within the Church and between the various denominations; within the Mosques and among other centres of Islamic education; within and among the various educational, political and social institutions; within and between the various local communities; within and among the various professional associations; within and among the families, etc.

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