

Justice as Economics in Aristotle's *Nicomachean Ethics*¹

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This paper explores the role of money in Aristotle's understanding of justice. Scholars typically point to book 1 of the *Politics* in which Aristotle famously critiques money as the medium of economic exchange as indicative of his views on the subject of money (see Nichols, 26-27). A common unit of measurement intended to represent goods for exchange, money, for Aristotle, is the source of the unlimited pursuit of wealth that is both unnatural and an obstacle to the good life (*Pol.* 1257a4-5, 30-41; 1257b29-35, 39-41)² It focuses moneymakers on the pleasures of the body rather than the soul and causes an isolated individualism to emerge that divides citizens (*Pol.* 1257b40-1258a6; 1258b1-2). This critique in the *Politics*, however, is not exhaustive of Aristotle's views on money. Rather, I argue that in book 5 of the *Nicomachean Ethics*, an analysis of Aristotle's discussion of fairness in distribution, rectification and reciprocity shows that money is crucial for the existence of justice in the city.

A significant problem, I argue, emerges in Aristotle's discussion of fairness in distribution and rectification. Political justice and the rule of law seem to require what Aristotle terms an "arithmetical" form of equality that assumes that all persons are equal and should receive equal shares. Yet, Aristotle suggests that persons are in fact unequal. Natural justice seems to demand a "geometrical" form of equality in which unequal persons receive unequal shares. A potential resolution to this dilemma can be found in Aristotle's discussion of reciprocity in exchange, with which the paper concludes. Although Aristotle, as he does in the *Politics*, will critique money in his discussion of friendship in books 8 and 9 of the *Ethics*, I argue that in his discussion of reciprocity in book 5 of the *Ethics* Aristotle demonstrates the significance and necessity of money in exchange. Money is that which equalizes human beings and skills where no equality is apparent. Aristotle therefore suggests that money is a crucial part of justice. It initially binds persons together into a polity and provides a form of artificial equality that can allow political justice and the rule of law to come into being.

Justice

Aristotle dedicates the entire fifth book of the *Nicomachean Ethics* to a discussion of the moral virtue of justice. He initially divides justice into two broad types: justice in the complete sense and justice in the partial sense. Justice in the complete sense is the lawful, and results in the acquisition of the whole of the moral virtues on the part of the

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² Aristotle, *Politics*. Carnes Lord trans. (1984). Chicago: University of Chicago Press. All subsequent citations will be taken from this edition.

law-abiding (*NE* 1129a30-35; 1129b11-30; 1130b21-25)³ (see Bradshaw, 174; but see Collins, 57; Smith, 149-50; Tessitore, 40-41; and Winthrop, 1203). In the partial or particular sense, or as a distinct virtue in itself like all of the other moral virtues, justice means fairness (*NE* 1129a30-35). Moreover, justice as fairness can be further subdivided into three different forms: fairness in distribution, rectification, and reciprocity. It is this latter type of justice, justice as fairness, that is the focus of this paper.

Aristotle characterizes fairness, as he does the other moral virtues, as a mean between excess and deficiency (but see Collins, 55-56; Annas, 312-13; and Hardie, 182-84). Justice as fairness is a mean between the excess of taking or receiving more than your fair share of honours, security and especially material goods, and the deficiency of taking or receiving less than your fair share of these goods (*NE* 1129b6-11; 1130b3-5, 30-35) (see Collins, 56; and Smith, 136, 140, 146). The just, in other words, is receiving your fair share of goods, and thus getting what you deserve. However, disputes often arise concerning what persons actually deserve as, Aristotle argues, “[e]veryone agrees that in distributions the just share must be given on the basis of what one deserves, though not everyone would name the same criterion of deserving” (*NE* 1131a25-27). Thus, for example, all in the city think the virtuous should rule, but they disagree over who is actually virtuous; according to Aristotle, “democrats say it is free birth, oligarchs that it is wealth or noble birth, and aristocrats that it is excellence” (*NE* 1131a27-28; also see *Pol.* 1280a6-19; 1282b15-1283a22). Disputes over merit or what constitutes desert, and thus over the fair share that one is entitled to receive, are resolved by applying what Aristotle calls either a “geometrical” proportion in a just distribution, or an “arithmetical” proportion in a just rectification (but see Mathie, 64-69; and Winthrop, 1204).

Distribution and Rectification

Aristotle argues that a “geometrical” proportion or equality is applied when the concern is for a just distribution of goods between persons (*NE* 1131a29-32; 1131b8-12). According to Aristotle, in a just or fair distribution, “[i]f the persons are not equal, their (just) shares will not be equal ... when equals have and are awarded unequal shares or unequals equal shares, [this is the source of quarrels and recriminations]” (*NE* 1131a22-24) (also see Sokolon, 58-59, 64). Thus, geometrical proportion in distribution prioritizes the evaluation of persons rather than shares, and assumes that persons are unequal. It requires consideration of such questions as: Is this person “equal to” or worthy of the share that they will receive? Such questions result in equal shares being distributed to equals, but unequal shares to unequals (see Mathie, 63; and Winthrop, 1204). Justice as fairness is getting what you deserve as opposed to the same as everyone else, because persons deserve different things (see Barry, 112-13). For instance, person A and person B both spend eight hours a day in the office. Person A likes their employer and thus works hard all day, but person B dislikes their employer and is less productive as a result. On pay day, a just distribution that applies geometrical proportion requires that person A receive \$10.00 as their fair share, while person B receive only \$5.00 (but see Hardie, 191). Geometrical proportion in distribution, therefore, in contemporary language allows

³ Aristotle, *Nicomachean Ethics*. Martin Ostwald trans. (1999). Upper Saddle River, NJ: Prentice Hall. All subsequent citations will be taken from this edition.

for an equality of opportunity that will result in much inequality of outcome between persons.

Aristotle argues, however, that there is another kind of just action not concerned with distribution but rather with playing a “rectifying function in private transactions” (*NE* 1131a1). These “private transactions” can in turn be divided into two kinds: “voluntary” transactions, which are economic or financial in nature, and “involuntary” transactions, which involve crimes or social immoralities between persons such as murder, assault, theft, adultery and bearing false witness (*NE* 1131a1-8). In just rectification, which is the restoration of a loss or the taking back of an unjust gain, equality or fairness means something different than in just distribution (*NE* 1132a7-14). Justice in rectification requires the application not of a geometrical proportion as in a just distribution, but rather of an “arithmetical” proportion that implies, “[o]nly when the whole has been divided into two equal parts can a man say that he has what is properly his” (*NE* 1132a1, 27-28). Thus, for instance, person A and person B both spend eight hours a day in the office. Justice in distribution, making use of a geometrical proportion, inquires as to who is more affectionate toward their employer and thus more productive, determines that this is person A, and therefore distributes \$10.00 to person A on pay day while giving only \$5.00 to person B. Justice in rectification, making use of arithmetical proportion, changes the story entirely. If on pay day person A receives \$10.00 and person B only \$5.00, but both persons spent eight hours a day in the office, from the perspective of arithmetical proportion the employer and person A, who received more than their fair share, inflict a loss on person B who receives less than their fair share. A “rectification” is therefore needed in which \$2.50 is taken away from person A and given to person B, so that both person A and person B receive \$7.50 (see Winthrop, 1204). In this way the “whole” is divided into two “equal” parts as arithmetical proportion requires.

Just rectification can produce such divergent results from just distribution because, applying an arithmetical rather than a geometrical proportion, it prioritizes the evaluation of shares rather than persons, and assumes all persons are equal rather than unequal. It asks: Is the share “equal to” or worthy of the person that will receive it, assuming that all persons are equal? Such questions result in the attempt to maintain an absolute equality of shares between persons, rather than an inequality. Fairness, again, is getting what you deserve, but from the perspective of just rectification, all persons are and deserve the same. In the contemporary sense, arithmetical proportion in rectification ensures not necessarily equality of opportunity but rather equality of outcome.

Aristotle argues that just rectification can prioritize the evaluation of shares rather than the evaluation of persons because it focuses solely on the actions of persons rather than their character. In other words, this “partial” form of justice abstracts from the possession of moral virtue on the part of the person, or from what Aristotle calls justice in the “complete” sense. Thus, from the perspective of arithmetical proportion, according to Aristotle, “[i]t makes no difference whether a decent man has defrauded a bad man or vice versa, or whether it was a decent or a bad man who committed adultery. The only difference the law considers is that brought about by the damage: it treats the parties as equals and asks only whether one has done the other has suffered wrong [or damage]. As the unjust in this sense is inequality, the judge tries to restore the equilibrium” (*NE* 1132a1-7). For instance, a poor, troubled youth with no prospects for the future is caught consuming illegal drugs in the street. At the same time, a bright, young university student

is caught experimenting with illegal drugs at a campus party thrown by seniors. What should the judge in these cases do? Treat both of them in the same way—“lock them up and throw away the key,” as it were—having committed the same crime? Or should the judge take into account the university student’s otherwise admirable record and potentially very bright future, acquitting the student while putting the poor, trouble youth “behind bars,” as it were? Just distribution, operating under the assumptions of a geometrical proportion that evaluates persons, would direct the judge to the latter choice. Just rectification, on the other hand, adhering to an arithmetic proportion that focuses solely on actions and assumes the equality of persons, would direct the judge to the former.

A significant problem has therefore emerged in Aristotle’s discussion of justice in distribution and rectification. A just distribution that assumes inequality of persons and results in an inequality of shares may actually be unjust with regard to rectification that assumes the arithmetical or absolute equality of persons and thus ensures an equality of shares (but see Collins, 57). Should person A receive \$10.00 and person B \$5.00? Or should both receive \$7.50? Should the poor, troubled youth go to jail and the bright, young university student be returned to school? Or should both end up “behind bars,” as it were? In other words, which justice is more just?

Political Justice and the Rule of Law

A preliminary answer to the question of which justice is more just, distribution or rectification, initially may be found in Aristotle’s discussion of political justice. Aristotle suggests that political justice is the “rule of reason” in contradistinction to the “rule of man,” as “man takes too large a share for himself and becomes a tyrant” (*NE* 1134a35-1134b1). Men, therefore, following their selfish passions, attempt to take more than their fair share of the good things, resulting in injustice and tyranny. Reason rules, however, “among men whose mutual relationship is regulated by law” (*NE* 1134a30). Aristotle thus associates political justice and the rule of reason with the rule of law (Bradshaw, 174; Sokolon, 81; but see Bartlett, 145, 147). Under the rule of law a person “does not get more than his share. He does not assign to himself a larger share of what is intrinsically good, unless such a share is proportionate to his deserts” (*NE* 1134b2-3). The law, in other words, constrains those it governs to do what is rational, which means not unfairly taking more of the good things than others. It mandates the recognition and acceptance of the equality of one’s fellow citizens to oneself. The reward for such recognition, Aristotle suggests, is the “honor and privilege” that comes in the form of sharing in the political rule of one’s city (*NE* 1134b6). According to Aristotle, “the politically just ... depends upon law and applies to people who have a natural capacity for law, that is people who have the requisite equality in ruling and being ruled” (*NE* 1134b13-15). Political justice, therefore, is the rule of law upheld by “ruling and being ruled” in turn by equal citizens who, recognizing each other as equals, accept equal shares of good things for themselves.

In what way, however, are the citizens of a politically just regime equal to each other? Do they share in a geometrical form of equality which assumes that persons are actually unequal in desert and thus should result in an unequal distribution of shares? Or do they share in an arithmetical form of equality which assumes an absolute equality among persons and thus ensures a strict equality of shares as in rectification? Aristotle

initially suggests that the politically just regime can be based on either form of equality. Aristotle claims, “[t]he just in political matters is found among men who share a common life ... and who are free and equal, either proportionately [geometrically] or arithmetically” (*NE* 1134a26-28). Yet, further reflection on Aristotle’s understanding of the nature of law in his discussion of equity suggests that the rule of law tends to rest more on an arithmetical form of equality.

Aristotle refers to equity as that process by which the law is bent or laid aside in particular cases (*NE* 1137b20-22). The need for equity arises, according to Aristotle, because “all law is universal, but there are some things about which it is not possible to speak correctly in universal terms” (*NE* 1137b11-12). The fault is not with the law, however, as “[t]he law itself is none the less correct ... the mistake lies neither in the law nor in the lawgiver, but in the nature of the case” (*NE* 1137b13, 19). Aristotle thus argues that the law by its nature is universal, or applies equally to all in the city. It intends “equality before the law,” as it were, and hence assumes that the persons that come before it are the same rather than different. Both person A and person B should receive \$7.50 for the same amount of work, and both the poor, troubled youth and the bright, young university student experimenting with illegal drugs should go to jail. The rule of law, it seems, and therefore political justice, inclines toward an arithmetical form of equality that assumes that persons are the same (see Collins, 55; and Winthrop, 1207; but see Annas, 314; and Mathie, 77).

Reciprocity, Equity, and Natural Justice

Doubts about the superior justice of arithmetical forms of equality, however, emerge in Aristotle’s discussion of reciprocity. Reciprocity can take place within both voluntary transactions, those that are economic or financial in nature, and involuntary transactions, those that are criminal or immoral in nature. With reference to involuntary transactions, Aristotle argues that reciprocity “corresponds neither to just action as just distribution nor to just action as rectification,” and is thus a distinct form of justice in itself (*NE* 1132b24-25). Reciprocity in this unique sense is defined by the Pythagoreans, according to Aristotle, as “suffering the same thing you’ve done to another” (*NE* 1132b 24). It assumes that what is just is “an eye for an eye,” or, that “what goes around comes around,” as it were. Yet, Aristotle initially objects to reciprocity as a form of justice because, like arithmetical proportion, it assumes that persons are equal or the same when in fact they are not (see Collins, 56; Winthrop, 1205; and Hardie, 193; but see Tessitore, 37; and Sokolon, 62). Aristotle argues for instance, that “if a magistrate, while in office, strikes a man, he should not be struck in return, and if someone strikes a magistrate, he should not only be struck in return but should, in addition, be punished” (*NE* 1132b26-30). Thus, as a father may rightfully strike a son but a son may not rightfully strike his father in return, so an officer of the law may with right strike a person but that person cannot with right strike the officer of the law in return. Aristotle, it appears, manifests a preference for a geometrical form of equality that assumes, unlike reciprocity, that persons are different and thus deserve to do and receive different things.

Further evidence of Aristotle’s preference for geometrical rather than arithmetical equality can be found if we return to Aristotle’s discussion of equity. As we have seen, equity sets aside the law in certain situations, and arises “in ... situation[s] in which the

law speaks universally, but the case at hand happens to fall outside the universal formula” (*NE* 1137b19-20). The fact that equity, unlike law, can accommodate the particular actions of particular persons in particular circumstances, means that for Aristotle equity is not simply just but is even “better than the just” in a certain sense (*NE* 1137b7) (see Tessitore, 40; Bartlett, 144; and Winthrop, 1211). For instance, on the highway, there is one legal and universal speed limit—100kmph—that all drivers are expected to follow. The law does not say that some drivers can travel at 60kmph while others can travel at 140kmph. Yet, driver X’s wife has gone into labour and he is rushing to the hospital at 140kmph. Driver Y, in the meantime, is rushing to the casino at 140kmph to gamble. Both drivers have broken the law, but sometimes following the “letter of the law,” as it were, or treating everyone equally in all situations would actually be unjust. It would be unfair to treat driver X, whose reason for violating the speed limit is his concern for his pregnant wife, the same as or equal to driver Y, whose reason for violating the speed limit is his concern to feed his problematic gambling habit. Equity “rectifies” or corrects the situation, laying aside the law for driver X while prosecuting driver Y. For Aristotle, the ability of equity, in contradistinction to law, to treat different and thus unequal persons and situations differently and unequally, means that although the “just and equitable are in fact identical (in genus), and . . . both are morally good, the equitable is the better of the two” (*NE* 1137b8-11).

Aristotle’s analysis of equity leads us to question on what basis, if not law, the equitable person or judge decides what is equitable in any given case. This question points to Aristotle’s distinction between natural justice and conventional justice (but see Winthrop, 1211). Conventional justice, according to Aristotle, is “everything enacted by decree” (*NE* 1134b23). Examples that Aristotle gives are laws requiring that a prisoner’s ransom will be one mina, that a sacrifice shall consist of a goat and not two sheep, “and all other measures enacted for particular occasions” (*NE* 1134b22). Conventional justice, in other words, is contained within positive, human-made law that, although “speaking” universally, deals with particulars and is the product of particular regimes. Dependent on the particular regime, conventional justice is changeable. Monarchies, aristocracies, and democracies, for instance, will each have different laws and therefore different or changing conceptions of what is just. This leads some to believe that natural justice does not exist, as they think “whatever is by nature is unchangeable and has the same force everywhere—as, for example, fire burns both here and in Persia—whereas they see that notions of what is just change” (*NE* 1134b24-26). They are, however, mistaken according to Aristotle, as “there are some things that are just by nature” and indeed “have the same force everywhere” (*NE* 1134b30; 19). Aristotle therefore argues that there is a natural justice that exists beyond the regime (but see Winthrop, 1206-08). Natural justice is thus distinct from human law and in a certain sense relativizes the latter; it allows one to say that some laws are unjust or that there is a distinction between the legal and the just.

Although maintaining a distinction between the naturally just, which “has the same force everywhere,” and the conventionally just, Aristotle does claim that the naturally just is “nevertheless changeable” (*NE* 1134b29). What does it mean to say that there is a natural justice that “has the same force everywhere” but which is also “changeable”? Perhaps the process of equity can illuminate this complexity. On what basis does the equitable person or judge lay aside the law in a particular situation? It would appear that the judge looks away from one universal, the positive law of the city,

toward another universal, natural justice beyond the regime, to adjust or accommodate his or her ruling to the particular circumstances at hand. This would explain why natural justice, although having the same force everywhere, is also changeable. What is naturally just in any given circumstance would change with the particular situations into which it is called to adjudicate; its application and therefore manifestation would change with changing particulars of each separate case.

The analysis of reciprocity, equity, and natural justice reveals a possible dilemma in Aristotle's understanding of justice. Political justice and the rule of law seem to rest on an arithmetical form of equality that assumes that all persons are the same and therefore equal, thus receiving equal treatment and shares. Yet, in his objection to reciprocity and his discussions of equity and natural justice, Aristotle suggests that persons are actually unequal. Natural justice, it seems, demands a geometrical form of equality in which different and therefore unequal persons are treated differently and receive unequal shares.

Reciprocity in Exchange: Money

A potential resolution to the conflict between political and natural justice, appearing as they do to rest on arithmetical and geometrical forms of equality respectively, suggests itself in Aristotle's discussion of another form of reciprocity, reciprocity in voluntary transactions (but see Winthrop, 1205). This is reciprocity in exchange or in the economic life of the citizens, with which the paper shall conclude.

Reciprocity in mutual exchange, for instance when a shoemaker barter their shoes for a cloak and a cloakmaker barter their cloak for a pair of shoes, is, for Aristotle, what initially brings and holds the community together and binds the citizens into one polity (*NE* 1132b31, 12, 24). Exchange, Aristotle argues, arises out of two conditions. The first is the mutual need, or in contemporary terms "demand," that the citizens have of each other. According to Aristotle, "need ... holds the parties together as if they were one single unit ... [as] there is no exchange when one or both parties do not stand in need of the other" (*NE* 1133b6-7). Second, mutual need that fosters exchange results from the diversity of individuals and specialization of functions. Thus, as Aristotle states, "a community is not formed by two physicians, but by a physician and a farmer, and, in general, by people who are different and unequal" (*NE* 1133a16-17, also see *Pol.* 1261a23-25). Moreover, these diverse individuals must practice one function if exchange is to take place. If a physician grew his own wheat and a farmer also practiced the medical art, neither would have need of the other, both being self-sufficient, and exchange would not take place. Yet, a physician who focuses solely on the medical art would have to exchange this art for the farmer's wheat, and a farmer who focuses solely on agriculture would have to exchange their wheat for the physician's medical art when ill. Exchange and therefore community, according to Aristotle, arises among human beings due to the diversity of talents and specialization of trades that causes persons to have mutual need of each other.

Although diversity and specialization binds individuals together in mutual need, it is fair to ask: Are all in the city equally needy? Or: Does everyone contribute things of equal value? For instance, a physician needs shoes and a shoemaker, suffering from disease, needs the medical art. In order to satisfy their mutual needs, the physician cures the shoemaker's illness in exchange for one thousand pairs of shoes from the shoemaker.

Yet, although in mutual need of each other and their respective skills, are the physician and the shoemaker equally needy? Will the physician ever need the shoemaker's shoes as much as the shoemaker needs the physician's medical art? Aristotle suggests, "it is impossible that things differing so greatly from one another should in reality become commensurable" (*NE* 1133b18-19). Yet, without commensurability and hence equality between goods, there can be no exchange and thus no community between the individuals in need who produce such goods. The value of persons, it seems, is linked to the value of and hence need for the goods that they produce (see Hardie, 196, 200). Aristotle suggests that the initial solution to this apparently unbridgeable gap in the equality of need and therefore goods, is the invention of money. According to Aristotle, money, or "currency," tells us, for example, "how many shoes are equal to a house or to a given quantity of food" (*NE* 1133b21; 1133a21). Thus, if one pair of shoes costs \$10.00, a given quantity of food \$50.00, and a house \$100.00, we know that five pairs of shoes are equal to the given quantity of food and that ten pairs of shoes are equal to the house. In this way, according to Aristotle, "money acts like a measure: it makes goods commensurable and equalizes them. For ... there is no exchange without equality and no equality without commensurability" (*NE* 1133b15-17; see also 1163b33-1164a2).

Later in books 8 and 9 of the *Ethics*, Aristotle critiques the introduction of money as that which grounds relationships between dissimilar persons within the city. According to Aristotle, citizens whose relationships are mediated through money often slip into viewing the purpose of their mutual exchange as material gain and the purpose of the city as economic prosperity. A self-interested individualism emerges as a result that causes faction and threatens descent into civil strife. Thus, although the political community may have initially come into being to satisfy the mutual needs of its members, the satisfaction of need facilitated through monetary exchange is not enough to maintain unity, but friendship is needed in addition (see Winthrop, 1202, 1214-15). This is why, according to Aristotle, "lawgivers ... devote more attention to [friendship] than to justice" (*NE* 1155a22). Yet, even though the invention of money to facilitate exchange is not a sufficient condition to keep the city together over time, it is an absolutely essential one. Aristotle explains the necessity of money in exchange in book 5 of the *Ethics*.

The significance of money in exchange is that it equalizes human beings and skills, and thus the mutual need they have of each other, where no initial or natural equality is apparent (see Collins, 55). For instance, with the introduction of money into their relationship, the physician no longer cures the shoemaker in exchange for one thousand pairs of shoes that the physician doesn't need, but rather for one thousand gold coins that the physician can then use in exchange with another for something that they do in fact need. Thus, one thousand gold coins, given by the shoemaker to the physician, allows the shoemaker to serve a necessary need of the physician just as the physician's medical art served a necessary need of the shoemaker. Money, in other words, allows the shoemaker and the physician to enter into a reciprocal form of exchange that would otherwise be absent, in which the physician truly "receives that which they have given to another." Money, Aristotle therefore suggests, is a crucial part of justice and at the origin of the political community. It initially binds persons together into a polity and provides a form of artificial or constructed equality between persons that can allow political justice and the rule of law to plausibly come into being.

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