

**GENERAL PERCEPTIONS OF JUSTICE
AND
JUSTICE AS PERCEIVED IN PLATO'S *REPUBLIC* AND ARISTOTLE'S *NICOMACHEAN ETHICS***

George Walendowski

INTRODUCTION

The concept of justice has been debated throughout history. The problem is whether the concept of justice is truly understood. There are many diverse opinions of what justice is or should be. Consequently, the question arises as to "what is justice?"

This paper will focus on Plato's and Aristotle's ideas of justice as presented in Plato's *Republic* and Aristotle's *Nicomachean Ethics*. However, before proceeding to their views of justice, it would be beneficial to first point out the general perceptions and the complexities of justice.

GENERAL PERCEPTIONS AND COMPLEXITIES OF JUSTICE

Justice - Right and Fairness

Many speak about justice. References have been made in the Bible, by famous individuals and in important documents. Unfortunately, justice is not defined in these cases. However, justice has been equated with right and fairness in some, but not all, instances.

On the other hand, equating justice with right and fairness does not eliminate the different interpretations of what justice is. This still poses a problem of definition. Specifically, what is considered right and fair, and for whom? In other words, right and fairness refer back to justice, and justice refers back to right and fairness. Therefore, a form of a circular argument is encountered. Consequently, one can deduce that justice is a popular and important concept but it is not a simple one. The concept of justice and its relationship to right and fairness requires an in-depth examination in order to truly understand the nature of justice.

Historical Importance of Justice

Justice is such an important concept that it has been expressed in different ways. For example, some of the passages in the Bible state [1]:

"...learn to do right! Seek justice, encourage the oppressed. Defend the cause of the fatherless, plead the case of the widow" [Isaiah 1:17].

"...Blessed are they who maintain justice, who constantly do what is right" [Psalm 106:3].

“...Do not pervert justice; do not show partiality to the poor or favoritism to the great, but judge your neighbor fairly” [Leviticus 19:15].

As can be observed these Bible passages do not define justice but they make references to right and fairness. However, there is no clear explanation as to what right and fairness are other than considering it to be justice. Nevertheless, right and fairness are shown to be important in their relationship to justice.

Not only in the Bible are references made to justice but notable individuals have also commented on justice. For example, Heraclitus has stated that “If it were not for injustice, men would not know justice” and Martin Luther King, Jr. has said that “Injustice anywhere is a threat to justice everywhere.” Both of these quotes do not clarify the concept of justice but point out its importance. In fact, justice in both of these cases is used in terms of an argument of opposites. In other words, justice is expressed in relation to injustice.

Theodore Roosevelt, on the other hand, spoke of justice in terms of right and wrong. He said that “Justice consists not in being neutral between right and wrong, but in finding out the right and upholding it, wherever found, against the wrong.” Once again, justice is not really defined but used in conjunction with right and wrong. Interestingly, Roosevelt mentions that justice involves *finding* the right but he does not mention what that right is.

In addition to comments made by famous individuals concerning justice two well-known and influential documents, namely, the Magna Carta and the Constitution of the United States have incorporated the word “justice” into their documents. Specifically, the Magna Carta states:

“No free man shall be seized or imprisoned, or stripped of his right or possessions, or outlawed or exiled, or deprived of his standing in any other way, nor will we proceed with force against him, or send others to do so, except by the lawful judgement of his equals or by the law of the land.

To no one will we sell, to no one deny or delay right or justice.”

The other well-known and influential document, the Constitution of the United States, includes the word “justice” in its Preamble:

“We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.”

Obviously, justice was recognized as being quite important in both of these documents. In the Constitution of the United States, for example, the word justice is the first principle mentioned in the

Preamble giving it a high status of importance. However, once again, the words “right” and “justice” are used but they are not defined.

Concerns of Justice

Without doubt justice is necessary for the existence of society and the avoidance of chaos. This significance can be summarized as follows:

“The foundations of justice can be traced to the notions of social stability, interdependence, and equal dignity. As the ethicist John Rawls has pointed out, the stability of a society – or any group, for that matter – depends upon the extent to which the members of that society feel that they are being treated justly. When some of society’s members come to feel that they are subject to unequal treatment, the foundations have been laid for social unrest, disturbances, and strife” [2].

One example of where “equal dignity” and the extent of society’s feelings as to whether or not “they are being treated justly” can be found in the Bible. In Matthew 20: 1-16 it is written:

“...a householder...went out early in the morning to hire laborers for his vineyard. And having agreed with the laborers for a denarius a day, he sent them into his vineyard. And about the third hour, he went out and saw others standing in the market place...and he said to them, ‘Go you also into the vineyard, and I will give you whatever is just...’ And again he went out about the sixth, and about the ninth hour, and did as before. But about the eleventh hour he went out and found others standing about...He said to them, ‘Go you also into the vineyard.’ But when evening had come, the owner of the vineyard said to his steward, ‘Call the laborers, and pay them their wages...’ Now when they of the eleventh hour came, they received each a denarius. And when the first in their turn came, they thought that they would receive more; but they also received each his denarius. And on receiving it, they began to murmur against the householder saying, ‘These last have worked a single hour, and thou hast put them on a level with us, who have borne the burden of the day’s heat.’ But answering one of them, he said, ‘Friend, I do thee no injustice; didst thou not agree with me for a denarius?...’ “

From this example it can be seen that originally the first laborers agreed to the amount of the payment for the work to be done and they thought it was just (a virtuous agreement). However, when jealousy (an anti-virtue) was involved, then some of the members of that society (the laborers) thought it was unjust. This raises the issue of dividing justice into two components. In other words, this exemplifies the perception of justice as either “objective” justice (a justice separated from emotions) or “subjective” justice (a justice based on individual emotions).

EXAMINING PLATO'S AND ARISTOTLE'S THEORIES OF JUSTICE

Justification for Studying Plato and Aristotle

Up to this point, justice has been viewed in its importance throughout history. However, the concept of justice has not yet been explained as to what it really is or involves. In other words, what are the criteria or parameters of justice? Therefore, it would be of great interest to study the concepts of justice as proposed in two major works, specifically, Plato's *Republic* and Aristotle's *Nicomachean Ethics*.

As Pomerleau [3] states: "Plato's masterful *Republic*... is most obviously a careful analysis of justice...[and] Book V of [Aristotle's] *Nicomachean Ethics* deals in considerable depth with the moral and political virtue of justice." In addition, it would seem appropriate to analyze Plato's and Aristotle's theories of justice since they both have greatly influenced Western thought. In fact, according to Copleston "Plato and Aristotle are, without a shadow of doubt, not only the two greatest Greek philosophers, but also two of the greatest philosophers the world has seen" [4].

JUSTICE IN PLATO'S *REPUBLIC*

Proposed Definitions of Justice

Plato discusses the various concepts of justice in a dialogue format that involves Socrates (the main person), Polermarchus, Cephalus (Polermarchus's father), Thrasymachus (a Sophist), Glaucon (one of Plato's brothers) and Adeimantus (Plato's other brother). It needs to be clarified that Plato's philosophy of justice is assumed to be reflected in Socrates' discussions. In other words, the implication is that Plato is speaking through Socrates, and, consequently, the philosophical beliefs of Plato and Socrates are presumed to be one and the same.

Plato paves the way for the concept of justice at the end of Book I and at the beginning of Book II of the *Republic*. He writes that justice is to be desired not only for its own sake but also for what it produces, namely, that justice is a virtue leading to happiness. Before Plato proves the ultimate value of justice, he begins first by refuting the popular beliefs of justice.

In this section some of the popular definitions of justice as discussed in Book I of Plato's *Republic* will be presented. These definitions of justice are: telling the truth, repaying debts, doing good to friends, harming enemies, claiming that the stronger have an advantage, and claiming that the just person is neither clever nor good.

Plato begins the *Republic* in Book I with a first attempt at defining justice through a discussion between Socrates and Cephalus. Cephalus viewed justice as telling the truth and paying back incurred debts. However, Plato introduces a problem with this definition of justice when he has Socrates questioning whether telling the truth and repaying incurred debts *unconditionally* are truly just.

The concern with this particular definition of justice relates to the operative word “unconditionally.” Plato presents through Socrates a valid and good argument disproving the acceptance of this definition. Socrates argues that if, for example, a friend borrows weapons from a sane person and later that sane person becomes insane, then it would not be a just act for the friend to return the weapons. Socrates also applies this same logic to the second part of Cephalus’ definition of justice, that is, justice also requires telling the truth. In other words, an insane person should not be told the entire truth. In both of these cases harm is the overwhelming consideration for the concept of justice.

Consequently, the implication is that the term “unconditionally” should not as a general rule be applied to repaying debts or telling the truth under all circumstances, otherwise, rather than justice, an injustice would be incurred. Therefore, telling the truth and repaying debts cannot, strictly speaking, be the complete and unequivocal definition of justice.

Since the above definition of justice has been rejected, another definition has been proposed based upon the poet Simonides’ view of justice. In this particular case Polemarchus gets involved in the discussion. In the dialogue between Socrates and Polemarchus the assumption was made that Simonides’ meaning of justice was to do good to friends and harm to enemies. Plato now has Socrates further pursuing this definition of justice which eventually leads to two absurd conclusions.

In the dialogue between Socrates and Polemarchus, Socrates asks Polemarchus under what conditions can a person do good to friends and harm to enemies. Polemarchus answers that this would apply during wars. In other words, alliances are formed to create a friendly union in order to defeat an enemy.

However, Socrates, being dissatisfied with Polemarchus’ response, further questions Polemarchus to determine if this definition of justice applies only during wars or is it also applicable during peacetime. Polemarchus responds that justice is also applicable during peacetime in the form of a money partnership. In other words, an individual would choose a just person to deposit money for safekeeping. From this response Socrates draws the conclusion that since deposited money is not needed, it is really useless but justice is still useful even in money’s useless condition. Proceeding further Socrates continues with this form of logic by applying it to all things and remarking that justice really is useful when things are useless but justice is useless when things are useful. Therefore, Socrates concludes that justice is not really good for very much.

Socrates now proceeds one step further. He makes the assumption that a good custodian of anything can also be a good thief. Socrates’ rationale is that since the just man is a good custodian in safekeeping deposited money, then he is also presumed to be capable of stealing the money. The overall conclusion, therefore, is that the just person is a thief.

As can be observed from this discussion, Plato shows that the conclusions drawn become absurd. In other words, justice is considered not to be good for anything and that a just man is really a criminal. Obviously, these conclusions are false. However, the arguments and conclusions in this dialogue are

virtually a moot point. The problem is that Socrates' conclusions fail the test of logic. In other words, the conclusions do not follow from the assumptions (premises).

Plato continues by refuting the definition of justice which defined it as benefiting friends and harming enemies. Plato counters this definition by arguing that a person may falsely believe someone to be his friend when, in fact, he is an enemy and vice versa. The consequences of this mistaken identity can be harmful. What Plato points out is that it could be misconstrued to believe that it would be just in benefiting bad people and harming good people.

So far, two definitions of justice have been proposed, that is, telling the truth and repaying debts, and doing good to friends and harming enemies. However, both of these definitions have been shown to be inadequate. Now, a third definition is presented. In this definition Plato has Thrasymachus defining justice in terms of the stronger having an advantage. It is interesting to note that Thrasymachus' definition makes a comparison to rulers in a city. It is interesting because Plato later in the *Republic* has Socrates defining justice in terms of a just city (State) and then analogously applying that to a just person.

Thrasymachus argues that regardless of the type of government in power justice is the same for all cities. He reasons, for example, that rulers of a democracy will make democratic laws, rulers of a tyranny will make tyrannical laws, and so it goes with other forms of government. Thrasymachus' logic continues by stating that these laws are to the advantage of the rulers and are declared as being just for their people and those who disobey them are deemed to be unjust and to be punished. The conclusion, therefore, is that these laws become advantageous to the stronger.

Socrates counters Thrasymachus' argument and conclusion by the proposition of certain premises. Specifically, Socrates makes the following premises:

1. Obeying rulers is just.
2. Rulers are not infallible and are subject to errors.
3. Since rulers are liable to errors, then some laws will be correct and other laws will be incorrect.
4. Correct laws are to the advantage of the rulers and incorrect laws are to their disadvantage.

Consequently, based on these premises, Socrates concludes that this leads to doing not only what is considered just for the stronger's advantage but also for the stronger's disadvantage. In other words, justice demands that those who are ruled must obey whatever laws the rulers (the stronger) make.

Thrasymachus continues with his opinions that: (1) "...justice is what is advantageous to the stronger, while injustice is to one's own profit and advantage..." and (2) the "unjust person is clever and good, and [the] just one is neither..." [5]. As to the first opinion concerning advantage and profit, Plato presents Socrates' opposing viewpoint in the following discussion:

“[Socrates:] Then this benefit, receiving wages, doesn’t result from their own craft but rather, if we’re to examine this precisely, medicine provides health, and wage-earning provides wages; house-building provides a house, and wage-earning, which accompanies it, provides a wage; and so on with the other crafts. Each of them does its own work and benefits the thing it is set over. So, if wages aren’t added, is there any benefit that the craftsman gets from his craft?

[Thrasymachus:] Apparently none.

[Socrates:] But he still provides a benefit when he works for nothing?

[Thrasymachus:] Yes...

[Socrates:] Then, it is clear now, Thrasymachus, that no craft or rule provides for its own advantage, but...it provides and orders for its subject and aims at its advantage that of the weaker, not of the stronger” [6].

For the second opinion that the unjust person is both good and clever, Plato, once again, presents Socrates’s opposition to Thrasymachus in the following discussion:

“[Socrates:] Then, let’s put it this way: A just person doesn’t outdo someone like himself but someone unlike himself; whereas an unjust person outdoes both like and unlike.

[Thrasymachus:] Very well put.

[Socrates:] An unjust person is clever and good, and a just one is neither?

[Thrasymachus:] That’s well put...

[Socrates:] A knowledgeable person is clever?

[Thrasymachus:] I agree.

[Socrates:] And a clever one is good?

[Thrasymachus:] I agree.

[Socrates:] Therefore, a good and clever person doesn’t want to outdo those like himself but those who are unlike him and his opposite.

[Thrasymachus:] So it seems...

[Socrates:] Now, Thrasymachus, we found that an unjust person tries to outdo those like him and those unlike him? Didn’t you say that?

[Thrasymachus:] I did.

[Socrates:] And that a just person won’t outdo his like but his unlike?

[Thrasymachus:] Yes...

[Socrates:] Then a just person has turned out to be good and clever, and an unjust one ignorant and bad” [7].

Regarding Socrates’ conclusion that a just person is good and clever there are two incorrect statements that Socrates uses to prove this. The first incorrect statement assumes that a person who is knowledgeable is also clever. In other words, Socrates equates knowledge with skill since being clever means being skillful. This is not necessarily true. For example, a person may be knowledgeable about the function and operation of an airplane but this does not mean that this person has the skill, or is clever enough, to fly an airplane. Being knowledgeable involves thought and being clever involves an act and the two are not necessarily equal to one another.

The second incorrect statement assumes that a clever person is good. Again, this is not necessarily true since there can be many people who are clever and good, and many people who are clever and bad. Therefore, this brings up the question: Does this mean that a knowledgeable person is good and a person who is not knowledgeable is bad? Socrates seems to imply this. This implication involves a faulty logic which can be illustrated by applying a simple logical argument with the three attributes: a knowledgeable person (K), a clever person (C), and a good person (G). This logical argument can be expressed as follows:

Premise 1: $K = C$
 Premise 2: $C = G$
 Conclusion: $K = G$

This logical argument states that a knowledgeable person is a clever person and a clever person is a good person. These premises are based upon Socrates' assumptions. Since Socrates is specifically stating positive premises and a positive conclusion, then it can be inferred that the opposite (negative) premises must also hold true. In this case the three attributes would be: a person who is not knowledgeable ($\sim K$), a person who is not clever ($\sim C$), and a person who is not good ($\sim G$). Therefore, this logical argument can be expressed as follows:

Premise 1: $\sim K = \sim C$
 Premise 2: $\sim C = \sim G$
 Conclusion: $\sim K = \sim G$

This logical argument assumes that a person who is not knowledgeable is not clever and a person who is not clever is not good. Therefore, the conclusion is that a person who is not knowledgeable is also not a good person. This negative argument would have to be valid because Socrates specifically states that a person who is knowledgeable is clever and a clever person is a good person, but he does not state that a person who is not knowledgeable is also clever and good since he is trying to prove that a knowledgeable person is both clever and good. Therefore, it must be assumed that a person who is not knowledgeable must also not be clever and not be good, otherwise, Socrates' conclusion that a knowledgeable person is clever and good would be invalid.

In general it seems that Plato, unintentionally, has Socrates committing the same logical error as Thrasymachus, namely, that their premises and conclusions apply to all people in the same category. In other words, Thrasymachus implies that *all* just persons are not good and clever, and Socrates implies that *all* just persons are clever and good.

Both Thrasymachus and Socrates imply that either all just persons are not clever or all just persons are clever – basically, an all or nothing proposition. Obviously, being just in itself does not automatically make a person clever or not clever. In addition, Thrasymachus commits a logical contradiction by

assuming that a just person is not good, but by definition a just person is good, otherwise, a person who is not good would not be just but unjust.

Up to this point Plato has not defined justice. In fact, Plato has concentrated on refuting the various definitions of justice as proposed by others. However, Plato does claim in Book I that justice is a virtue and injustice is a vice, and that a person who is just is happy but an unjust person is miserable. Since Plato has not yet identified the nature of justice or defined justice, he eventually does present a discussion of this issue. Plato's approach to examining the nature of justice is to use the analogy of a just city (State) and applying its principles to a just person. However, before Plato proceeds to analyze the nature and definition of justice, he first presents the assertion by some that injustice seems to be preferred over justice.

A Negative View of Justice

In Book II of the *Republic* Plato points out that arguments have been given in favor of injustice. It is through Glaucon that Plato has him presenting and defending three arguments unfavorable to justice: (1) justice is a compromise arising from mutual covenants and laws; (2) justice is an involuntary necessity and not a good in itself; and (3) the unjust person's life is better than the just person's life.

In the first argument where justice is considered to be a compromise, the rationale is that doing an injustice is good by nature but receiving an injustice is evil. Therefore, when individuals have experienced both doing and receiving an injustice, they agreed among themselves to do neither. Consequently, mutual agreements and laws were created that were considered just and lawful. As a result, justice was treated as a lesser evil and not a good in itself.

The second argument of Glaucon's that justice is an involuntary necessity is based on the enforcement of the law. Glaucon reasons that if an individual believes he can be unjust without being discovered, then he will be unjust. In other words, if anyone can safely commit unjust actions such as, for example, stealing, then that individual will do so. Plato has Glaucon believing this on the assumption that "For all men believe in their hearts that injustice is far more profitable to the individual than justice..." [8]. In other words, unjust actions are based on human weakness. Human weakness is a very real part of life. Even the Bible recognizes human weakness in Matthew 26: 41-42: "The spirit indeed is willing, but the flesh is weak." However, there is one very important difference between the Bible and Glaucon. Glaucon believes that all people are unjust from their hearts whereas the Bible presents an optimistic attitude that people are willing to be good.

In Glaucon's third argument he proposes that an unjust person has a better life than the just person. In this argument Glaucon makes the assumption that the truly just person appears to be unjust in the public's view and the unjust person seems to be just in the public's view. Glaucon then states what the supporters of injustice claim in order to give credence to this third argument: "They will tell you that the just man who is thought unjust will be scourged, racked, bound – will have his eyes burnt out; and, at

last, after suffering every kind of evil, he will be impaled...Then he will understand that he ought to seem only, and not to be, just..." [9].

Adeimantus also presents an argument implying that justice is not sought for its own sake but for its consequences. He gives the example of parents who instruct their sons to be just not for the sake of justice but for the honors and rewards it brings.

As can be observed Plato has both Glaucon and Adeimantus proposing the nature of justice in a negative way. However, in the next section Plato will show that Socrates will present a non-negative nature of justice. In other words, Socrates will propose an ideal justice.

Plato's Concept of Ideal Justice

Socrates believes that it is important to first establish the concept of justice in a city (State) and then applying this justice to the individual. His justification for this is that he feels that it is easier to understand justice in a greater (larger) context, then comparing the lesser (smaller) to the larger and discerning similarities between the larger and the smaller.

Socrates argues that since his founded city is completely good, then it is "wise, courageous, moderate, and just" [10]. Therefore, justice is viewed as:

"The wisdom of the just city is found in its rulers and it is the type of knowledge that allows them to rule the city well...The courage of the just city is found in its military and it is correct and lawful belief about what to fear and what not to fear...The city's moderation or self-discipline is its unanimity in following the just city's structure in terms of who should rule and who should be ruled..." [11].

Now consideration must be given as to what comprises the just city. In other words, the two questions that need to be answered are: (1) Who are to be the rulers in this proposed city and who are to be ruled?; and (2) What are the rules (laws) to be followed?

In answering the questions who are to be the rulers and who are to be ruled Plato shows Socrates establishing three different societal classes in this regard: the money-makers are the workers who belong to the labor (productive) class and are represented by appetite (indulgence); the auxiliaries are the defenders who belong to the protector class and are represented by spirit (impulsiveness); and the guardians (philosopher-kings) are the leaders who belong to the ruling class and are represented by reason (wisdom). In other words, "Given that reason is wise and responsible, appetite foolish and indulgent, and spirit headstrong and impulsive, it is true for all of them that it is just and best that reason rule while spirit and appetite obey. Thus, as demanded, justice admits the same account within city and soul" [12].

In Book IV Socrates considers justice as not interfering in other areas but simply performing a person's own responsible task. Socrates then applies this definition of justice to an individual maintaining self-control over the three classes of indulgence, impulsiveness and wisdom. In other words, a self-controlled individual will prevent these classes from interfering with each other, and, thereby, promote harmony. For harmony to exist wisdom is required to rule over the other two classes. Socrates considers harmony as being just and any disruption of this harmony as being unjust.

In Book II Socrates proposes his rules for a just city in two major areas: education and family matters. Concerning education Socrates believes in censorship. Specifically, he states: "And shall we just carelessly allow children to hear any casual tales which may be devised by casual persons, and to receive into their minds ideas for the most part the very opposite of those which we should wish them to have when they are grown up?...Then the first thing will be to establish a censorship..." [13]. Socrates justifies this censorship on the basis that young people are incapable of distinguishing between allegorical and literal writings.

In Book V Socrates presents his ideas concerning family matters. He advocates certain standards pertaining to marriage and the raising of children. Socrates believes in sacred marriages but sacred marriages according to Socrates are those that are the most beneficial. The question now arises as to what Socrates considers to be the most beneficial marriages. His proposal is "...that the best men must have sex with the best women as frequently as possible, while the opposite is true of the most inferior men and women...Then there'll have to be some sophisticated lotteries introduced, so that at each marriage the inferior people...will blame luck rather than the rulers when they aren't chosen" [14]. In addition to promoting free sex between the best men and the best women, Socrates also believed in free sex between men and women who were over the age of bearing children.

In addition, Socrates also advocated certain rules concerning the raising of children. Plato mentions in several places these rules pertaining to how children are to be treated. For example, in Book V [15] Plato writes:

"...the children...are to be possessed in common, so that no parent will know his own offspring or any child his parent."

"...if our herd is to be of the highest possible quality, the [best men's and women's] offspring must be reared but not the [most inferior men's and women's]."

"I think they'll take the children of good parents to the nurses in charge of the rearing pen situated in a separate part of the city, but the children of inferior parents, or any child of the others that is born defective, they'll hide in a secret and unknown place, as is appropriate...And won't the nurses also see to it that the mothers are brought to the rearing pen when their breasts have milk, taking every precaution to insure that no mother knows her own child...".

In Book VII Plato, once again, presents how children are to be treated. He writes: “They’ll send everyone in the city who is over ten years old into the country. Then they’ll take possession of the children, who are now free from the ethos of their parents, and bring them up in their own customs and laws...”[16].

Summary Commentary on Plato’s Justice

Overall, on the positive side the conclusion that can be drawn is that Plato describes justice as follows:

1. Doing one’s own job.
2. Not interfering outside of one’s own work.
3. Providing harmony.
4. Just people are happier than unjust people.
5. Just people are good and clever.

However, on the negative side Plato presents justice with some extreme ideas which will be discussed in the “Critical Analysis” section of this paper.

JUSTICE IN ARISTOTLE’S *NICOMACHEAN ETHICS*

Aristotle’s Approach to Justice

Aristotle’s major discussion of justice appears in Book V of the *Nicomachean Ethics*. Here Aristotle presents different types of justices. The major themes of justice discussed by Aristotle are: universal justice, particular justice, distributive justice, rectificatory justice, political justice, natural justice and legal justice.

Aristotle begins his discussion by first stating what needs to be considered in regards to justice. “With regard to justice and injustice we must consider what kind of actions they are concerned with, what sort of mean justice is, and between what extremes the just act is intermediate” [17].

In addition, Aristotle also takes into consideration the general view of justice as a starting point for his concept of justice. Specifically, he states: “We see that all men mean by justice that kind of state which makes people disposed to do what is just and makes them act justly and wish for what is just; and similarly by injustice that state which makes them act unjustly and wish for what is unjust” [18].

Universal and Particular Justice

Aristotle distinguishes between universal justice and particular justice. Universal justice pertains to being lawful and particular justice is concerned with being fair and equal. Therefore, according to Aristotle, the just are lawful and equal and the unjust are unlawful and unequal.

Since universal justice implies obeying the law, Aristotle presents a justification as to why lawful acts are just acts. In Book V he explains that any edict that is lawful is just. Aristotle considers all edicts ratified by a legislative procedure as being lawful. Furthermore, Aristotle states that the purpose of laws is for the common benefit of all people or for some people. However, in the final analysis Aristotle considers laws just that yield happiness.

There might be a concern regarding Aristotle's assertion that laws are for the common benefit of all people or for some people. There could be two interpretations of what Aristotle really meant. The first interpretation could be taken to mean that the purpose of laws is for the common benefit of some people only. A second interpretation would be to view it as pertaining specifically to certain people in order to prevent abuses by them.

If the first interpretation is accepted, then this would be contrary to Aristotle's definition of a just law yielding happiness. On the other hand, if the second interpretation is accepted, then there would be a common benefit for all people since abusiveness is to be prevented or controlled.

Aristotle in Book V.1 further describes universal justice as being complete virtue because justice is being carried out in relation to other people. However, he does distinguish between justice and virtue. Aristotle uses the word "justice" when it pertains to others while virtue is considered a certain type of state. On the other hand, Aristotle refers to injustice as complete vice and not simply as part of vice.

In Book V.2 Aristotle explains the difference between universal justice and particular justice. He uses the analogy of the part (particular justice) to the whole (universal justice) in distinguishing these two types of justices. Aristotle further explains the difference between universal justice and particular justice in terms of the lawful and the equal, and the unlawful and the unequal. Specifically, he states that everything that is unequal (which is a violation of particular justice) is also unlawful (which is a violation of universal justice) but not everything that is unlawful is unequal. In other words, the unlawful (or lawful) comprises the whole (universal justice) which encompasses the part (particular justice).

Distributive and Rectificatory Justice

Aristotle further elaborates on particular justice by dividing it into distributive justice and rectificatory justice. Both types of justices follow the Doctrine of the Mean as expressed "In Aristotle's ethics...[as being] an intermediate state between extremes of excess and defect" [19]. In Book V.3 the implication of this Doctrine is found in Aristotle's concept of the "equal". Specifically, Aristotle comments that since both the unjust act and the unjust man are considered to be unequal, then the intermediate position for being unequal is being equal because equal lies between the more and the less. This more and less (the two extremes) is what comprises the unequal.

In the case of distributive justice Aristotle applies proportion (which he calls geometrical proportion) to equality since he views proportion as being an equality of ratios. The reason Aristotle uses the analogy

of ratios is that he states that a just distribution should have awards apportioned to some form of merit. Therefore, according to Aristotle ratios are involved because at least four terms are implied in this relationship which is based on Aristotle making a "...distinction between the persons and between the things. As the term A, then, is to B, so will C be to D, and therefore, *alternando*, as A is to C, B will be to D." [20].

In Book V Aristotle summarizes the meaning of just and unjust in relation to distributive justice. He explains that the just involves a proportion and if this proportion is violated, it becomes unjust. The proportion relates to having too much or too little of something that is good. Therefore, the person possessing too much is considered to be acting unjustly and the person having too little is considered to be treated unjustly.

Interestingly, Aristotle associates the concept of "good" with evil. In fact, this association is concerned with proportion which is part of distributive justice. In other words, Aristotle considers choosing a lesser evil over a greater one as being good. In this case the choice of a lesser harm becomes the determinant of good.

In Book V.4 Aristotle discusses the second type of particular justice, namely, rectificatory justice. This type of justice relates to both voluntary and involuntary transactions. In this particular case the injustice becomes rectified through a judicial process of equalization between the injured person and the person who caused the injury.

Aristotle views rectificatory justice as being based according to an arithmetical proportion. The distinctive characteristic of this type of justice is to rectify an inequality into equality. Furthermore, the parties involved in the dispute are treated as equals, that is, only the case itself is of importance and not an individual's character. This can be viewed as the modern motto of "justice is blind."

What Aristotle points out that needs to be equalized is the difference between the greater (the gain) and the less (the loss). The mean, which is the intermediate point, between the gain and the loss is what Aristotle considers as being equal and regarded as just.

Reciprocity

In Book V.5 Aristotle brings up the issue of whether reciprocity can be considered as a form of justice. Aristotle does not accept pure reciprocity (an eye for an eye) without qualification. He states that reciprocity without qualification is not compatible with distributive justice or with rectificatory justice.

On the other hand, Aristotle considers reciprocity as a form of justice when it relates to a commensurate (equal) exchange based on a proportion of equality. Aristotle uses the example of a builder and a shoemaker to illustrate reciprocal equality. He states:

“The builder, then, must get from the shoemaker the latter’s work, and must himself give him in return his own. If, then, first there is proportionate equality of goods, and then reciprocal action takes place, the result we mention will be effected. If not, the bargain is not equal, and does not hold; for there is nothing to prevent the work of the one being better than that of the other; they must therefore be equated...This is why all things that are exchanged must be somehow commensurable. It is for this end that money has been introduced, and it becomes in a sense an intermediate...The number of shoes exchanged for a house...must therefore correspond to the ratio of builder to shoemaker” [21].

Once again, Aristotle adheres to a common theme regarding his three forms of justice that, thus far, have been presented. In other words, proportionality is part of the three forms of justice. Specifically, distributive justice is concerned with geometrical proportion, particular justice is concerned with arithmetical proportion and reciprocity is concerned with proportionate exchange.

Political Justice

Aristotle states in Book V.6 that he is not only interested in justice in general but also in political justice. Aristotle describes political justice as requiring three objectives. First, justice exists between individuals whose relationships are ruled by law. Second, the law exists because there is injustice. Third, legal justice distinguishes between the just and unjust.

Aristotle makes it clear that society does not allow a man to rule but the law to rule. Aristotle’s justification for this is that a man acts for his own interests, and, therefore, he becomes a tyrant. On the other hand, a magistrate is the protector of justice, and, consequently, of equality. However, in Book V.10 Aristotle points out that since equity is just, it is better than legal justice. His rationale is that the essence of equity is to correct defective laws.

Aristotle divides political justice into natural justice and legal justice. He also briefly discusses domestic (household) justice in its relation to political justice. Aristotle defines natural justice as that which has the same efficacy everywhere and is not dependent upon people’s acceptance for its existence. Legal justice, on the other hand, is at first indifferent until it becomes recognized as the law.

When Aristotle presented his concept of political justice, he also included in Book V.6 domestic justice by comparing it to political justice. Aristotle states that domestic (household) justice is similar to political justice and, yet, it is still different from it. Aristotle makes it clear that a master and a father cannot commit an injustice for things they own because Aristotle regards a man’s chattel and child as being part of that man, and, consequently, that man would not be willing to hurt himself. More specifically, Barker translates Aristotle’s explanation of the difference between political justice and domestic justice as follows:

“Justice between a master and his slaves, or between a parent and his children, is not the same as justice between citizens, although it is similar. A man cannot act unjustly...towards objects

which belong to him...Chattel-slaves, and children under a certain age before they are separate person's, are like parts of the master's or parent's self; and nobody intends to injure himself, or can therefore be guilty of injustice towards himself. It follows that there is here no question of political justice or injustice [i.e. of the sort of justice or injustice which exists as between citizen and citizen]. Justice of that sort...is based upon law: it exists between persons who are naturally connected by law...and these...are persons who share equally in a system of ruling and being ruled by turns. We may therefore say that justice exists between husband and wife more than it does between parent and child, or between master and slave. Justice as between husband and wife may be termed "house-justice"; but even this differs from political justice" [22].

The Nature of Just and Unjust Acts

After discussing his views of justice per se, Aristotle then proceeds to show the importance of distinguishing between being just or unjust and acting justly or unjustly. In other words, Aristotle scrutinizes the difference between the act and the object itself. As Aristotle clearly states: "There is a difference between the act of injustice and what is unjust, and between the act of justice and what is just; for a thing is unjust by nature or by enactment; and this very thing, when it has been done, is an act of injustice, but before it is done is not yet this but is unjust. So, too, with an act of justice..." [23].

In Book V.8 Aristotle further clarifies his distinction between the act and the thing itself. "Whether an act is or is not one of injustice (or of justice) is determined by its voluntariness or involuntariness; for when it is voluntary it is blamed, and at the same time is then an act of injustice; so that there will be things that are unjust but not yet acts of injustice, if voluntariness be not present as well" [24].

As one can observe, Aristotle makes the important point that choice is the determinant in deciding whether a person acts justly or unjustly. Therefore, based on this choice an individual can be judged as being a just person or an unjust person. Choice is a factor to be considered as to whether acts are voluntary or involuntary.

Now the question arises as to how Aristotle differentiates between voluntary and involuntary acts. As far as involuntary acts are concerned Aristotle identifies three types: (1) acts committed in ignorance; (2) acts done outside a person's control; and (3) acts committed under compulsion. Therefore, involuntary acts are not done by free choice.

On the other hand, according to Aristotle a voluntary act is one in which the person has control over doing the act and the act is done with that person's knowledge. Furthermore, Aristotle classifies voluntary acts as being done either by choice or not by choice. When voluntary acts are done after deliberating about them, then the acts are considered as done by choice. If, however, voluntary acts are done without deliberation, then these acts are classified as being done not by choice.

Aristotle presents two explanations clarifying his view of acts done by choice. In the first explanation Aristotle distinguishes between an unjust act and an unjust man. Specifically, Aristotle states:

“When he acts with knowledge but not after deliberation, it is an *act of injustice* – e.g. the acts due to anger or to other passions necessary or natural to man; for when men do such harmful and mistaken acts they act unjustly, and the acts are acts of injustice, but this does not imply that the doers are unjust or wicked; for the injury is not due to vice. But when a man acts from choice, he is an *unjust man* and a vicious man” [25].

In Aristotle’s second explanation he presents a similar view as with the first explanation above. However, in the second explanation Aristotle adds a proviso to acts of injustice which would label a man as being unjust. In addition, Aristotle distinguishes between acting justly by choice and simply acting justly. As Aristotle specifically states:

“But if a man harms another by choice, he acts unjustly; and *these* are the acts of injustice which imply that the doer is an unjust man, provided that the act violates proportion [distributive justice] or equality [rectificatory justice]. Similarly, a man *is just* when he acts justly by choice; but he *acts justly* if he merely acts voluntarily” [26].

Summary of Aristotle’s Justice

As one can observe Aristotle’s justice is categorized into different types of justices. He discusses universal justice, particular justice, distributive and rectificatory justice, reciprocity (justice involving exchange), political justice, natural and legal justice, and household (domestic) justice.

Even though Aristotle discusses all these different forms of justice, he still introduces an important concept underlying justice itself. Specifically, he does not ignore the significance of choice or intent. In fact, intent is essential in determining whether a person is just or unjust. As Aristotle pointed out, a just or an unjust act does not necessarily make that particular person just or unjust – it is a matter of deliberate choice (intent).

CRITICAL ANALYSIS

General Perceptions

By examining the general perceptions of justice, three important issues arise. First, when some refer to justice, they do not give a definition to clearly indicate what they mean by justice. In other words, it is assumed that everyone has the same concept of justice but this is not necessarily true since one person’s idea of justice may be another person’s view as injustice. Therefore, it is important to clearly understand what each person’s definition of justice is.

The second issue raises the problem of providing further clarification of justice. In other words, even though a definition of justice may be given, that definition may include other terms that may require

further elaboration. For example, if one defines justice as helping others, then it would be necessary to clarify how much and what kind of “help” is involved and who are considered “others.”

The third issue concerns an inconsistency in applying the meaning of justice between the same people. For example, what was originally thought to be a mutual agreement of the meaning of justice may, in fact, change from that original understanding.

To better understand these issues some examples as presented earlier in this paper will be given in order to further clarify these points. In reference to the first issue where a clear understanding of justice may be lacking, there are two possibilities: (1) no definition is given, or (2) the implied definition involves two opposite terms. For example, in the Bible in Deuteronomy 16: 20 it states: “...Follow justice and justice alone...” Here justice is not defined. In another example Heraclitus states that “If it were not for injustice, men would not know justice”. In this particular case justice is being defined as the opposite of injustice.

In the second issue there is a problem of further clarification being required in order to understand justice. For example, justice has been associated with right and fairness. However, this definition is incomplete because it requires further elaboration. Specifically, what is considered right and what is considered fair is neither defined nor explained.

The third issue raises the problem of inconsistency in the application of justice. An example of this can be found in the Bible in Matthew 20: 1-16. In this particular case an employer hired laborers at different times during the day to work in his vineyard. The employer agreed with the first laborers hired that they were to be paid a certain fixed amount of money. However, at the end of the day all the laborers (those hired earlier in the day and those hired later in the day) were paid the same amount of money. The earlier laborers began to complain that this was not just or fair even though an earlier agreement was reached which these laborers originally agreed was just. As this example illustrates, perceptions regarding justice can change within the same context due to changing circumstances in which one is currently confronted. These attitudes play an important role in the concept of justice and it is a problem that one needs to be aware.

Therefore, the conclusion is that accepting general perceptions of justice without qualifications can lead to misunderstandings and contentions. Consequently, it is simply not enough to advocate justice but it is necessary to encourage the understanding of the true nature of justice which is what Plato and Aristotle were attempting to do.

Plato's Justice

Plato rejects some of the popular views of justice such as, for example, that unjust people are happier than the just. Also, Plato states that just people are good, clever and happier. In addition, Plato describes justice as involving harmony.

On the other hand, Plato's theory of justice presents some serious problems. For example, in his ideal State Plato believed that a person should be doing one's own job and not be concerned with others. In other words, Plato was building a fence isolating individuals from each other. Consequently, what this really does is that it blocks communication and learning which leads to a lack of wisdom and improvement. Therefore, the question that is raised is: How does this promote justice in the ideal State?

Another very serious problem with Plato's concept of justice concerns the ideal State itself. In fact, it is really a repressive, and not a just, State. There are several reasons why this is true. First, Plato accepts censorship. In Book II he writes: "Then the first thing will be to establish a censorship..."

A second reason why Plato's justice in the ideal State is repressive is because he advocates the separation of children from their parents. In Book V of the *Republic* Plato states "...that the children... are to be possessed in common, so that no parent will know his own offspring or any child his parent." Again, this same issue is repeated in Book VII of the *Republic*: "They'll send everyone in the city who is over ten years old into the country. Then they'll take possession of the children, who are now free from the ethos of their parents, and bring them up in their own customs and laws, which are the ones we've described."

A third reason why justice in Plato's ideal State can be considered repressive concerns falsehoods and promiscuity. Specifically, in Books VI and IX of the *Republic* Plato opposes falsehoods. He clearly states that city leaders must not accept what is false but have a desire for the truth, and that anyone who promotes justice speaks what is true and anyone who supports injustice speaks what is false. In addition, in Book V Plato also condemns promiscuity whereby he labels it as being impious, and, therefore, the rulers of the city (State) must not allow it. Also, Plato reinforces the condemnation of promiscuity when he goes on to state that marriage is sacred. However, even though it seems that Plato promotes truth and condemns promiscuity, he, in fact, proposes just the opposite in Book V when he writes, for example, "... I think that when women and men have passed the age of having children, we'll leave them free to have sex with whomever they wish..."

As far as truth is concerned, Plato writes in Book V that deceptions and falsehoods are permitted in certain situations. For example, Plato was in favor of a false and deceptive lottery where the best men and women would be certain to be chosen for marriage but not those who were considered inferior. The purpose of this dishonest lottery plan was to avoid any dissensions among those who were labeled as inferior.

In general, it can be discerned that Plato's concept of justice has implications of limiting free will by the imposition of State control. This is a dangerous concept to promote as modern history has illustrated.

In addition, there have been criticisms of Plato's theory of justice by others. For example, Singpurwalla writes:

“...Plato defines justice as a state of an individual’s soul or psyche where each part of the soul performs its proper function, with the result that the individual attains psychological harmony; Plato proceeds to argue that this state is essential to our happiness. The problem for Plato’s defense of justice, however, is that his account of justice appears to have nothing to do with justice in the ordinary sense of the term, which at the least implies acting with some regard for the good of others. This is deeply problematic, since doubts about the value of justice in terms of our own happiness arise because we view justice as requiring that we act for the sake of the good of others, often at our own perceived expense. Thus, Plato cannot assuage our worries about justice by giving an account of it that ignores this essential other-regarding aspect of justice” [27].

Aristotle’s Justice

Aristotle goes into some detail presenting his concept of justice. He discusses the various types of justices and he distinguishes between acting unjustly (justly) and being unjust (just). In addition, he shows the importance of intent with knowledge in defining his theory of justice.

In Book V.1 Aristotle defines one form of justice in terms of lawfulness. Specifically, he states that “Since the lawless man was seen to be unjust and the law-abiding man just, evidently all lawful acts are in a sense just acts; for the acts laid down by the legislative art are lawful, and each of these, we say, is just.” Here Aristotle makes the assumption that all lawful acts are just because a legislative process was involved. However, there are problems associated with this assumption. For example, what about legislative laws that are harmful to others? Are they also to be considered just? Are they to be obeyed even though harm may occur?

There have been other critiques of Aristotle’s philosophical principles of justice. For example, Hardie takes exception to Aristotle’s conviction that a gain (taking more than one’s share) is to be considered unjust (Book V.2 of the *Nicomachean Ethics*). Hardie states:

“Aristotle would claim the support of ordinary language for defining injustice in terms of seeking a gain for oneself. It is typically ‘unfair’ to grab an excessive share of something...But this account of injustice raises at least two difficulties. The first is that, if excessive gain-seeking is vicious, the doctrine of the mean suggests that it is vicious also to take too small a share of something for oneself. But...Aristotle finds it difficult to allow this. The second difficulty is that a judge who makes an unjust decision need not be acting from a desire for gain. He may have some other bad motive or no bad motive” [28].

On the other hand, one can try to counter hardie’s criticism of excessive gain-seeking by applying Aristotle’s theory of proportion. However, even applying Aristotle’s theory of proportion in distributing a person’s share based on merit still poses a problem. Specifically, it is not clear as to what a fair proportion is and how this proportion is to be calculated.

In Book V.1 and Book V.2 Aristotle incorporates fairness in his concept of particular justice. However, he does not define what he considers to be fair. Obviously, what one person would accept as being fair would not necessarily be accepted by another person. On the other hand, the word “fair” has also been interpreted as “equal.” However, regardless of this interpretation, the problem still remains the same as for using the word “fair.” In other words, what does Aristotle consider to be equal?

There is one final issue that needs to be addressed. Aristotle presents two views dealing with the “good” that are not completely clear and seem to be contradictory. The first view concerns education and the second view relates to just acts. Specifically, Aristotle states that “...with regard to the education of the individual as such, which makes him without qualification a good man...” [29] and that “Just acts occur between people who participate in things good in themselves...those who are incurably bad, not even the smallest share in them is beneficial but all such goods are harmful” [30].

Regarding Aristotle’s first statement, one needs to question why education makes someone a good person and what kind of education is Aristotle implying. Does Aristotle mean that an individual without an education cannot be a good person?

Concerning Aristotle’s second statement, the implication would seem to indicate that those who are bad can never benefit from sharing in good things. Why? Is change not possible? In fact, Aristotle points out that those who are bad not only cannot benefit from sharing in good things but any sharing in the good things are actually harmful. Again, the question is: Why is it harmful?

If both of these statements presented by Aristotle are taken together and if Aristotle is assumed to be correct that education can make an individual a good person, then why cannot those who are bad be educated and, therefore, become good people? Is Aristotle’s concept of education restricted? If it is restricted, then it goes contrary to Aristotle’s assertion that “...the things that tend to produce excellence taken as a whole are those of the acts prescribed by the law which have been prescribed with a view to education for the common good” [31]. Consequently, if those who are bad are left out from this education, then how is the common good to be achieved?

CONCLUSION

As presented in this paper, justice is a complex issue with different viewpoints as to what it is or should be. However, the objective of this paper was to focus on Plato’s *Republic* and Aristotle’s *Nicomachean Ethics* for three reasons. First, both Plato and Aristotle are considered two of the world’s greatest philosophers. Second, Plato’s *Republic* is his “...best-known work, it has proven to be one of the world’s most influential works of philosophy and political theory, both intellectually and historically” [32]. Third, “*The Nicomachean Ethics* is widely considered one of the most important historical philosophical works, and had an important impact upon the European Middle Ages, becoming one of the core works of medieval philosophy” [33].

Even though Plato's and Aristotle's theories of justice have been critiqued, it is still important to study them since they have laid the foundations of the nature of justice. Their influential philosophies mandate scrutiny of their works in order to better understand their contributions to the world. Whether one agrees or disagrees with Plato or Aristotle, one has to admit that they both have left a legacy and opened a path of discussion leading to finding the true nature of justice.

Footnotes

- [1] Bible Study Tools, pp. 3- 4.
- [2] Velasquez et al, p. 2.
- [3] Pomerleau, pp. 3 and 8.
- [4] Copleston, p. 372.
- [5] Plato, *Plato Complete Works*, Book I, pp. 988 and 993.
- [6] *ibid.*, p. 990.
- [7] *ibid.*, pp. 993-994.
- [8] Plato, *Five Great Dialogues*, Book II, p. 257.
- [9] *ibid.*, p. 259.
- [10] Plato, *Plato Complete Works*, Book IV, p. 1059.
- [11] Coumoundouros, p. 6.
- [12] Price, p. 107.
- [13] Plato, *Five Great Dialogues*, Book II, p. 279.
- [14] Plato, *Plato Complete Works*, Book V, p. 1087.
- [15] *ibid.*, pp. 1085, 1087, 1088.
- [16] *ibid.*, Book VII, p. 1155.
- [17] Aristotle, *The Complete Works of Aristotle*, Book V, p. 1781.
- [18] *ibid.*
- [19] Runes, p. 193.
- [20] Aristotle, *The Complete Works of Aristotle*, Book V, p. 1785.
- [21] *ibid.*, p. 1788.
- [22] Barker, pp. 364-365.
- [23] Aristotle, *The Complete Works of Aristotle*, Book V, p. 1791.
- [24] *ibid.*
- [25] *ibid.*, p. 1792.
- [26] *ibid.*, p. 1793.
- [27] Singpurwalla, p.2.
- [28] Hardie, p. 187.
- [29] Aristotle, *The Complete Works of Aristotle*, Book V, p. 1784.
- [30] *ibid.*, p. 1795.
- [31] *ibid.*, p. 1784.
- [32] Wikipedia, "Republic (Plato)," p.1.
- [33] Wikipedia, "Nicomachean Ethics," p. 1.

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