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## Is “Part of Justice” Just At All? Reconsidering Aristotle’s *Politics* III.9

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### I. Introduction

We know from *Nicomachean Ethics* Book V, Chapter 3, that the familiar political groups who seek to control constitutions (democrats, oligarchs, etc.), as well as all the philosophers thinking about justice, share a similar understanding of distributive justice: “all agree that the just in distributions must accord with some sort of worth” (1131a25). Everyone, we might say, starts off on the right track. Disagreement only begins when these different groups introduce their respective conceptions of worth into the distributive equation: “supporters of democracy say it is free citizenship, some supporters of oligarchy say it is wealth, others good birth, while supporters of aristocracy say it is virtue.” (1131a27-9) The significance of this disagreement is not only that there will be political debate and disagreement in the polis, but that there will be erroneous political conceptions inhabiting the public sphere. While these different political groups might all start off on the right track, it is clear that once they have introduced their respective conceptions of worth, their resulting respective conceptions of justice are flawed: indeed, Aristotle explicitly claims that partisans “judge badly” (*Pol.* III.9 1280a14) in producing their conceptions of justice.

The question I would like to answer in this paper is the following: how bad of a mistake have the partisans made according to Aristotle? In Book III, Chapter 9 of the *Politics*, he says that these various political groups “speak about a part of justice [*meros ti tou dikaiou*].”<sup>1</sup> (1281a9-10) That phrase, taken by itself, seems to suggest that while the partisans make some kind of mistake with their conceptions of justice, they at least do not commit a catastrophic mistake. The phrase suggests that they start off on the right foot, go slightly awry when introducing their conception of worth, and are left with a theory that may not be perfect, but which nonetheless achieves *some degree* of justice.

The purpose of this paper is to argue against that interpretation of the phrase “part of justice.” Rather than indicating that partisans achieve some degree of justice, I will argue that their conceptions of justice are *not just at all*. When Aristotle says that they speak about part of justice, he means that they advance a conception of justice that only reflects a bid for political power made by one part of the polis.

Here is a summary of my argument: if partisan groups like oligarchs and democrats successfully achieve some degree of justice, it must be the case that they exhibit some degree of that virtue as it is analyzed in *Nicomachean Ethics* Book V (= *Eudemian Ethics* Book IV). Justice there is divided into two types: justice as lawfulness (which I will often refer to as “justice in the broad sense”), and justice as the equal (or, alternatively, “justice in the narrow sense”).<sup>2</sup> The former type of justice is complete virtue with respect to others; it is the virtue that allows individuals to exercise any of the virtues in a manner that promotes the well-being of fellow citizens. If partisans have some degree of justice in this broad sense, it must be that they promote the welfare of other citizens to some degree. Yet I will show (in section V) that Aristotle does not think that partisan justice is capable of securing happiness for anyone, and thus fails to be just to some degree.

Partisans fare no better with respect to justice in the narrow sense. If partisans have some degree of justice in the narrow sense, they must have some degree of distributive, rectificatory, or reciprocal justice. But at *NE* V.3 1131a25-29, Aristotle makes it clear that oligarchs and democrats are distinguished by their brand of *distributive*, rather than rectificatory or reciprocal justice. Thus, if partisans exhibit some degree of justice in the narrow sense, they must exhibit some degree of distributive justice. I will show,

<sup>1</sup> All the translations in this paper are my own, though for some phrases I have found it impossible to come up with anything that would be better than what Reeve suggests in his elegant translation of the *Politics* (Hackett, 1998).

<sup>2</sup> These are the titles suggested by Richard Kraut in *Aristotle: Political Philosophy* (Oxford: Oxford University Press, 2002) p.102, n.6.

however, (in sections III and IV) that partisan justice can only mimic the results of true justice, and is itself not capable of being just to some degree.

Having thus shown that partial justice does not exhibit a degree of justice in either the broad or narrow sense, I shall conclude (in section V) that partial justice is really no justice at all.

## II. Partisans Judge Badly: The Argument of Pol. III.9

We are introduced to the language of “partial” justice in Book III, Chapter 9 of the *Politics*. After stating that it is necessary to understand oligarchic and democratic justice at the beginning of Chapter 9, Aristotle advances a complicated argument that concludes this way: “therefore, it is clear from what has been said that all those who dispute over constitutions are speaking about a part of justice.” (1281a9-10) Although this is the first time the reader is confronted with the words “part of justice,” she cannot be too surprised since the defect of democratic and oligarchic justice was described at the beginning of the chapter this way: they “all hit upon some sort of justice, but they go only to a certain point and do not discuss whole, authoritative justice.” (1280a8-9) Since partisans do not grasp “whole [*pan*]” justice, it seems at least rhetorically plausible to say that they speak only about a “part of justice.”

This rhetorical plausibility, however, does not make it clear in what way partial justice is lacking authoritativeness. It goes “only to a certain point”, but a certain point of what? Aristotle gives us a little more explanation of this claim at the beginning of Chapter 9 when he says that while “the just is just for certain people” (80a16), democrats and oligarchs “set aside the ‘for whom’”(a14). While whole justice is thus equality for equals, democrats only say part of that formula: “justice is equality”; while whole justice is inequality for unequals, oligarchs only repeat this formula to a certain point: “justice is inequality.” Apparently, then, democrats and oligarchs are partial because they act in accordance with an abbreviated principle that goes “only to a certain point” of the full principle of justice that includes the “for whom.”

Yet all of this amounts to little more than name calling. Democrats insist that all citizens, as equally free men, have equal political merit; oligarchs insist that wealthy citizens, by making unequal financial contributions to the life of the city, have unequal political merit. In other words, oligarchs and democrats believe they leave off the “for whom” with good reason: their respective conceptions of merit justify the lack of further specification. Simply calling their brand of justice a “part” of justice, or “lacking in authoritativeness,” or only speaking “up to a point,” isn’t going to convince anyone that these partisan notions of justice are in any way flawed. This is why, after Chapter 9 begins by merely describing democratic and oligarchic justice as “justice of a sort”, not “unqualifiedly just”, and not “the most authoritative”, Aristotle feels compelled to give the argument that begins at 80a24: he knows that none of these descriptions alone prove the claim that partisans “judge badly” (a14) by using their partial conceptions of justice.

The argument he then produces, stretching from 1280a24 to 1281a7, is rather curious. For while we expect an analysis of partial justice, what we get instead is a review of the essential purpose of a city. The city does not exist for the sake of property, for the sake of an alliance, or for the sake of exchange and mutual assistance; nor indeed does it exist simply by virtue of a common location. Rather, “it is necessary for the city to be concerned with virtue, at least in as much it is truly called a city, and not just for the sake of argument.” (1280b6-8). While property, alliance, exchange, and location are necessary for a city, they do not describe the *telos* of the city: “The end of the city is living well, but these [other] things are for the sake of the end.” (1280b39-40)

How is this supposed to prove that the justice of oligarchs and democrats is lacking authoritativeness? Aristotle’s idea seems to be that the proper end of the polis provides the proper criterion for ranking the political merit of different citizens, and helps establish the value of the contribution made by different groups.

It is necessary to posit that the political community exists for the sake of noble actions, not living together. For this reason, those who contribute most to this sort of community should have a greater share in the city than [1] those who are equal or greater in freedom and birth, but unequal

when it comes to political virtue, and [2] those who surpass in wealth, but are surpassed in virtue. (1281a2-8)

The reference in this quotation is hardly subtle: those who are equal or superior in citizenship are clearly democrats; those who surpass in wealth are oligarchs. With the proper end of the polis identified, it is clear that those providing freedom or wealth do not contribute a larger share of political merit than those who provide virtue. Thus, a normative conclusion is justified: the freedom of democrats and the wealth of oligarchs *should not* entitle them to a larger share of the city than those who possess political virtue; anyone who would judge this way judges “badly.”

The argument of III.9 thus shows us that partial justice is flawed; but notice that the argument tells us surprisingly little about the nature or severity of the flaw. Interestingly, the argument does not tell us about the status of oligarchic or democratic conceptions of justice, but rather tells us about the status of oligarchs and democrats according to whole justice. These *people* – the rich property owners and the free poor citizens – are not to have a larger share in the polis than the politically virtuous. But what is the status of their respective conceptions of *justice*? That partisan justice yields the wrong result is clear: it would distribute political resources incorrectly. Why partial justice makes a mistake is also unproblematic: it uses the wrong criterion to rank political merit. But we still do not know how we should think about the ultimate status of partial justice. Is it completely unjust? Is it somewhat just? Is it just sometimes and not at other times? *Pol.* III.9 raises, but fails to answer, these questions.

### III. Degrees of Just Allocation

One plausible attempt to account for the status of partial justice is to say that partial justice is actually just because it allocates some degree of resources as whole justice would. In other words, we could think that some degree of distributive justice is achieved by democrats and oligarchs, though certainly not an ideal degree. For example, let us imagine a community of three citizens: one is poor, one rich, and one is highly virtuous. In fact, for the sake of giving a precise example, let us give each of these citizens the following properties:

*The Poor Citizen:*

Wealth: contributes 10% of the community’s wealth

Citizenship: is free

Virtue: contributes 10% of the community’s noble living

*The Rich Citizen:*

Wealth: contributes 60% of the community’s wealth

Citizenship: is free (even well-born)

Virtue: contributes 30% of the community’s noble living

*The Virtuous Citizen:*

Wealth: contributes 30% of the community’s wealth

Citizenship: is free

Virtue: contributes 60% of the community’s noble living

Now compare the different allocations these three citizens receive under different conceptions of justice:

Under democratic justice, % of community resources received:

Poor: 33%; Rich: 33%; Virtuous: 33%

Under oligarchic justice, % of community resources received:

Poor: 10%; Rich: 60%; Virtuous: 30%

Under whole justice, % of community resources received:

Poor: 10%; Rich: 30%; Virtuous: 60%

This set-up suggests that partial justice is a justice that renders some proportion of communal resources to the virtuous, but fails to do this to the proper degree. Indeed, according to the numbers given above, we could say that oligarchic justice is here 50% just (for 30% is half of 60%), and democratic justice is slightly more just than that (for 33% is a bit more than half of 60%).

However, while this is a plausible rendition of why partial justice is “part” of justice, I do not think that it can be what Aristotle has in mind. The argument of III.9 establishes that the proper aim of the city provides the proper criterion for assessing political merit: those who contribute most to the proper end of the city should have a greater share than others. But we could imagine any number of other criteria that could be used instead of political virtue. In Book III, Chapter 12, in fact, we are introduced to a number of alternative criteria by which political merit could potentially be assessed: not only political virtue, wealth or freedom could be used, but so could height or complexion. The point Aristotle makes about all of these different criteria is that they are not all equally feasible and should be separated into three different categories: excellent, reasonable, and ridiculous. Height or complexion, for example, are ridiculous criteria for determining political merit, while wealth or freedom, while not excellent, are nevertheless reasonable.

But the fact that height or complexion are utterly implausible, ridiculous criteria means that partisan groups cannot be said to have “part of justice” merely because of a partially correct allocation of resources; for if that were the case, then it would follow that height justice would also be a kind of partial justice. If the poor person were tall, the rich person short, and the virtuous person of medium height, then height justice would yield a distribution that would be partially suitable. But clearly the point Aristotle is insisting upon in III.12 is that height, complexion, or running speed are *completely* the wrong *kind* of thing to be considered when calculating political merit:

...it is clear that in political affairs as well, it is not reasonable for people to dispute over political offices on the basis any inequality (for if some are slow and others fast, this difference is *no reason* to require that the latter have more and the former less; it is in gymnastic competitions that this difference brings honor). Rather, the dispute must be based upon those things from which the city is constituted. (III.12 1283a10-15)

Height justice or running-speed justice would be no justice at all, even though the distributive outcome yielded by each conception would be to some degree correct.

We might hope that III.12, because it so clearly renders height justice as no justice at all, could also shed some light on the shortcomings of democratic and oligarchic justice. Unfortunately, it does not help as much as we would like. It is clear that democratic and oligarchic justice are not patently ridiculous as is height or speed justice: “The dispute must be based on the things from which a city is constituted. Because of this, it is reasonable for those well-born, free, and rich to contend for public honor.” (1283a15-17) But this statement does not reveal the status of partial justice, or tell us that partial justice is in some way correct. It merely suggests that partisans avoid being obviously ridiculous; it only suggests that they have adopted a “reasonable” position in the contentious dispute for political power. “Reasonable,” however, is not the same as correct or just. Just as it would be reasonable -- but completely wrong -- to think that Chicago is the capitol of Illinois (as opposed to the unreasonable claim that the capitol was Sante Fe), so too may partial justice be a reasonable but completely wrong attempt at justice.

Indeed, as III.12 closes, Aristotle appears to go out of his way to point out that while democrats and oligarchs may be reasonable, there is still something deeply problematic with their position:

But if it is necessary for a city to have these people [the free democrats and the property-owning oligarchs], it is also clear that it must have those with justice and political virtue, since without these it is not possible for a city to be managed. Rather, though it is impossible for a city to exist without the former, it cannot be *well* managed without the latter it. (1283a17-22)

A strong contrast is here drawn between democrats and oligarchs, on the one hand, and those who possess political virtue and *justice*, on the other. The last sentence suggests that the difference between these two groups is as great and as fundamental as the difference between living and living well. While democratic and oligarchic justice may be reasonable, it is nonetheless flawed in some fundamental way.

#### IV. Justice With and Without Qualification

But of course we already know that democratic and oligarchic justice are flawed; the challenge is to characterize the nature and severity of that flaw. The last section makes it clear that partial justice is not part of justice by virtue of a partial allocation of political resources. Another plausible interpretation of partial justice is suggested by Aristotle's description at the beginning of III.9, where he says that partial justice lacks authoritativeness and leaves off the "for whom." While whole justice is equality for equals and inequality for unequals, democratic justice is equality, and oligarchic justice is inequality. This description of partisan justice as leaving off the "for whom" may perhaps remind us of the Aristotelian notion that while something may in fact be good, it can be bad for this or that particular person. Wealth, for example, is said to be a good in just this way (*NE* I.3 1094b17). Perhaps by calling democratic and oligarchic justice "a part of justice", Aristotle is signaling that these types of justice, while just in general, are not just when applied to this or that particular community. By contrast, whole justice would be the justice which can be successfully applied universally, in all situations, because it does not leave off the "for whom."

Let me give an example. Suppose we only had two different political communities: in one community of a multitude of families (city A), there are only three families that are rich, and it turns out that these are the only families which have any real political virtue; in another community (city B), three families have political virtue, and a three families are rich, but this time these are two, distinct groups. Whole justice correctly allocates political resources in both cities: in city A, the rich, virtuous families have most of the control; in city B, the virtuous families have most of the control. By contrast, oligarchic justice makes the correct allocation in only one city – city A; in city B, oligarchic justice is incorrect. We might thus conclude that oligarchic justice is "part of justice" because it renders justice in only 50% of the cities.

This, however, is not a plausible reconstruction of Aristotle's conception. He would not accept the claim that oligarchic justice is just for 50% of the cities for two reasons. First, it seems that oligarchic justice has only been lucky with its allocation in city A: oligarchic justice in no way required that wealth be tied to virtue in city A, which only happened to be divided in a suitable manner. In other words, the oligarchic justice of city A is merely *coincidental*; oligarchic justice has produced the correct result, but for the wrong reason.

There are ... also unjust and just actions that are coincidental: for even if someone returns a deposit, but does so unwillingly and because of fear, it would be necessary to say that he neither does what is just nor does justice, except coincidentally. (*NE* V.8 1135b2-6)

The example in this particular quotation deals with reciprocal rather than distributive justice, but the same idea is clearly applicable to the oligarchic justice in city A. This distribution is being carried out because of a mistaken criterion of merit and, no doubt, arrogance. Though the distributive outcome is correct, the reasons for the action are not what just action demands. The same will hold for democrats: though their justice may coincidentally yield the just allocation in a certain city, it does so because of a mistaken conception of value and a bit of envy. Thus, as the quotation suggests, it seems that in making these distributions neither oligarchs nor democrats do what is just or do justice.<sup>3</sup>

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<sup>3</sup> I have argued that we cannot infer that oligarchic justice is in some way correct from the fact that an oligarchic distribution yields a correct outcome. For the same reason, the fact that a correct distribution yields an oligarchic result does not imply that correct justice is in some way oligarchic. David Keyt, in "Aristotle's Theory of

But it is not only the coincidental nature of oligarchic and democratic justice which counts against the idea that partial justice is just for some, but not all, cities. The argument Aristotle makes in Book III, Chapter 13 suggests that oligarchic justice employs a self defeating *logic* that undermines any kind of partisanship. As chapter 12 makes clear, any group from which a city is necessarily made has at least a reasonable claim to dispute for rule in the constitution, and is not being ridiculous in trying to set up a criterion for rule that would allow members of their group alone to wield political power. Aristotle repeats the idea in beginning of Chapter 13: “It was said before that all dispute justly in some sense, but that not all do so in an unqualifiedly just way.” (1283a29-31) But how far apart, exactly, is justice “in some sense” from the “unqualifiedly just”? As Chapter 13 proceeds, an intellectual gulf opens up between the two: it seems that those who dispute over the constitution with a limited conception of justice have no justice to their claim at all because of the following argument:

But there is a problem for all those who wrangle over political offices. For it would seem that those who claim that they deserve to rule because of their wealth have *no justice to their claim at all* [*ouden legein dikaion*]; the same holds for those making a claim because of family. For it is clear that if someone is again richer than everyone else, then, according to this same justice, it shall be necessary for this one man to rule them all. (III.13 1283b13-18)

The claim being made here concerns the very *logic* of adopting a partisan conception of justice. Each type of partial justice is the justice of a part of the city: each is a conception of justice that uses a criterion of merit that is supposed to result in that part of the city having exclusive rule and political office. The oligarchic conception of justice, for example, uses a criterion of merit (vast wealth) that is supposed to justify the group of rich property owners having permanent rule. The problem, however, is that these partial definitions of justice end up undermining the rule of the partisan groups: according to oligarchic justice (i.e. that vast wealth is the criterion of political merit), the richest citizen is entitled to tyrannical rule. Oddly, oligarchic justice actually justifies a tyrannical rather than oligarchic constitution.

Aristotle makes it quite clear at this point in the text that the self-defeating logic of partial justice is not something peculiar to oligarchic justice. Democrats who dispute using free citizenship as the criterion of value inadvertently justify rule by the freest citizen – i.e. the citizen with the most established heritage of citizen stirps (1283b18). Aristocrats who dispute using virtue as the criterion of value mistakenly endorse a monarchy of the most virtuous (1283b19-22). The majority who dispute for the constitution using the criterion of superiority (in force, etc.), will have to relinquish rule to any subset of citizens who are superior (1283b23-26). In short,

All this seems to make it evident, then, that none of the definitions on the basis of which people claim that they themselves deserve to rule, whereas everyone else deserves to be ruled by them, is correct. (1283b27-29)

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Distributive Justice” (*A Companion to Aristotle’s Politics*, Keyt and Miller (eds.) [Oxford: Blackwell, 1991]), makes this latter mistake: “Aristotle’s best polis...exemplifies (in a fashion at least) the aristocratic, oligarchic, and democratic conceptions of justice as well as the Aristotelian. The aristocratic conception, whose standard of worth is political virtue alone, is fully realized. The democratic conception is realized in the sense that every free man who does not die prematurely eventually becomes a full citizen. And the oligarchic conception is realized to the extent that those, and only those, who own land are full citizens.” (p.267) The best city may exemplify oligarchic or democratic distributive outcomes, but it in no way exemplifies oligarchic or democratic *justice*. Recall *Pol.* V.12 1316a39-b3: “It is also strange to think that a constitution changes into an oligarchy because the office holders are money lovers and acquirers of wealth, and not because those who are far superior in property holdings think it not just for those who do not own anything to share equally in the city with those who do.” The fact that rulers have wealth does not make a constitution oligarchic, and thus the fact that rulers in the best city are property owners does not express oligarchic justice.

In each case, the logic of partisanship breaks down: a conception of justice is advanced to support permanent rule by a specific *group* – a specific part of the city – but each partial conception ends up justifying rule by a subset of specific *individuals*.<sup>4</sup>

In fact, the logic of partisanship is even more unstable than the last paragraph suggests. Aristotle goes on to point out that partisanship not only ends up justifying rule by some subset of the part, but also a superset: “For nothing prevents the multitude from being at sometime better than the few and richer, not individually but as a group.” (1283b33-35)<sup>5</sup> If the criterion of value is vast wealth, then the collective wealth of non-oligarchs seems to justify their inclusion in rule. If the criterion of value is virtue, then the collective virtue of the non-excellent justifies their inclusion. Once again, the logic of partisanship has broken down: the conception of justice which was supposed to entitle a specific part of the city to unchallenged sovereignty in fact justifies rule by many outside that part.

The conclusion we are supposed to draw from the self-defeating nature of partisan definitions of justice, I think, is that the partisan claims for political power, while reasonable, have no true justice to them. Whole, unqualified justice is equality for equals and inequality for unequals, where merit is measured by the contribution to the political community that exists for noble action. This sort of justice is not self-defeating because it a “communal virtue” (*Pol.* III.13 1283a38) that makes no prior commitment to any particular subgroup within the community: in a city where there is one Zeus-like citizen, whole justice is monarchical; if the city has a few virtuous people and many people with no virtue, this justice will be aristocratic; if the city is one in which no individual or group of individuals is vastly more virtuous than the multitude (as is the case in the ideal city, for example), then all will share in rotational rule. This justice is not partial justice because it has no commitment towards handing over exclusive rule to one part. Oligarchic or democratic justice, by contrast, are specifically intended to lock the rich or the poor part of the city into perpetual rule.

Thus, even in city A, where oligarchic justice appears to be just because it mimics the results of unqualified justice, oligarchic justice fails. For oligarchic justice seeks rule by the rich families, but it would actually justify giving tyrannical rule to the richest of the three families; if several rich families rule, it is only because they have failed to live up to their own conception of justice. By contrast, whole justice makes no commitment to any group, not even to the virtuous families:<sup>6</sup> the distribution of political power among families in city A will all depend on which individual or subset or part or even whole of the

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<sup>4</sup> Bernard Yack (*Problems of a Political Animal*, pp.164-166) correctly sees that Aristotle is here providing a *fundamental* critique of partisan standards of justice that undercuts their entire approach. Unfortunately, Yack identifies the wrong target: he thinks Aristotle is repudiating *any* kind of standard (anything that resembles what he calls the “normal model”), rather than *partisan* standards. Delba Winthrop (“Aristotle and Theories of Justice” *The American Political Science Review*, 72:4 (Dec., 1978)) makes a similar mistake. She, however, not only claims that Aristotle repudiates any standard of fairness, but makes the much stronger claim that he repudiates any theory of justice.

<sup>5</sup> Keyt suggests that this sort of “summation argument” (which is defended at length by Aristotle in *Pol.* III.11) betrays support for democratic justice. He gleans this from Aristotle’s statement that “But the view that the multitude rather than the few best people should be in authority would seem to be held, and while it involves a problem, it perhaps also involves *some truth*.” (*Pol.* III.11 1281a39-41) But here again (as I explained in note 2), Keyt is confusing outcome and justification. The argument Aristotle makes in III.11 is that the multitude deserve some share of rule because of their collective *virtue*. III.11 never endorses freedom as a criterion of merit, as democratic justice requires. This explains why Aristotle never refers to democracy or democratic justice anywhere in his explanation of the summation argument.

<sup>6</sup> This claim in no way contradicts McKerlie’s thesis (“Aristotle’s Theory of Justice”, *The Southern Journal of Philosophy* 39 (Spring 2001)) – which I think is correct – that distributive justice does not simply have instrumental value for maximizing civic perfection. Distributing political resources based on the ground of political virtue has intrinsic value for Aristotle. *Pol.* III.13 stresses that this ground has no a priori shape: we cannot say ahead of time that the virtuous part of the city (i.e. the group of recognized luminaries) will have a lock on power, since virtue may be spread across or condensed in the city in unexpected ways.



city contributes most to the community's noble living. Whole justice is committed to the overall flourishing of the whole city; it is not the justice of any particular part.

#### V. Justice in the Broad Sense Revisited

In the last two sections I have argued that partial justice cannot be said to be just to some degree by virtue of attaining some degree of distributive justice. But we might wonder if justice in the broad sense would provide better reason to think that partial justice is just to some degree. For the partial justice of democrats or oligarchs is a way of ordering a city in accordance with a set of laws: "justice is the ordering of a political community" (*Pol* I 1253a37-9). And though democratic or oligarchic laws are non-ideal, they at least provide some benefit and make some contribution to the happiness of citizens – and this seems to entail that they are (to some degree) just: "in one way we call just those things that produce and preserve happiness and its parts for the political community." (*NE* V.1 1129b17-19) Of course an ideal constitution, unlike a democracy or oligarchy, will aim perfectly, and will produce and preserve happiness to the highest degree possible. But it seems plausible that democracies and oligarchies can achieve at least some degree of this success.

Indeed, there seems to be textual evidence that democracies and oligarchies are to some degree just: "in *every* community there seems to be justice of some sort, and some type of friendship also" (*NE* VIII.9 1159b26-7) suggests that there is some justice in democracies and oligarchies. Of course, as we said a moment ago, we need not infer that every community is *completely* just, but only that every community (with perhaps the exception of extreme tyranny) promotes some degree of happiness and is thus just (in the broad sense) to that degree. Aristotle seems to make the point quite explicitly: "In the deviant constitutions, just as even justice exists but to a slight degree, so too friendship. There is least of it in the worst deviation: for in a tyranny there is little or no friendship." (*NE* VIII.11 1161a30-32) Similarly: "Hence, even in tyrannies, friendships and justice exist only in a slight degree, while in democracies they exist in a much larger degree." (*NE* VIII.11 1161b8-10)<sup>7</sup>

While suggestive, I do not think that these passages can be taken as evidence that the partial justice of democrats and oligarchs is to some degree just. Consider the last two quotations. It is true that in democracies there is some justice and friendship, but Aristotle means by this that justice and friendship can be found *only among the democrats*. When he makes these statements, he is in process of explaining his claim that "in those communities where ruler and ruled have nothing in common, there is no friendship: for they have no justice either." (*NE* VIII.11 1161a32-4) This is why, he explains, a master and slave (qua master and slave) have no justice: the master is not looking toward anything common in this relationship; he only uses the slave for his own benefit. For this same reason tyrannies have no justice: the tyrant looks toward nothing common with the ruled, but only looks to his own benefit. In democracies the same lack of commonality holds between the ruling poor and everyone else. Whatever commonality (and thus justice) there is in such a city, it holds only *within* the poor *part* of the city. This explains why the full quotation from above reads: "Hence, even in tyrannies, friendships and justice exist only in a slight degree, while in democracies they exist in a much larger degree: for there people are equal and have much that is common." (*NE* VIII.11 1161b8-10) In a tyranny the one person who makes up the governing class is unequal to everyone else, and thus has no friendship or justice with others. In a democracy, there are many people who make up the governing class, and *these* people are equal to one another – but they do not have equality and commonality with those not in their faction.

If we want to argue that partial justice partakes of some degree of *whole justice*, we cannot simply examine how much commonality and friendship we find within a part of the city; rather, we must ask how

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<sup>7</sup> These last two paragraphs summarize Kraut's position, pp.111-118.

much commonality we find in the city as a whole.<sup>8</sup> Here is Aristotle's stark assessment of the kind of city-wide commonality achieved under partial justice:

[The poor democrats] do not know how to rule, but only how to be ruled as a slave is ruled, whereas the [rich oligarchs] do not know how to be ruled with any kind of rule, and thus rule with a master's rule. This results in a city coming into being that is made up of slaves and masters, rather than free people: the one group full of envy and the other full of arrogance. *Nothing is further removed from a friendship and a community that is political.* For community is friendly; when people are enemies, they do not wish to share even a journey in common. [*Pol.* IV.11 1295b19-25]

This does not contradict the idea that "in every community there seems to be justice of some sort" (*NE* VIII.9 1159b26-7) It only shows us that partial justice fails to establish polis-wide community.

But even though democratic and oligarchic justice fail to establish a city-wide commonality, one might still argue that there is some degree of city-wide happiness achievable, even in a fragmented city. Thus, because "...we call just those things that produce and preserve happiness and its parts for the political community." (*NE* V.1 1129b17-19), it seems one could say that the fragmented, partisan city is at least just in this way. Democracies and oligarchies, the argument would suggest, at least "produce and preserve" *some* degree of happiness.

The problem with this interpretation, however, is that Aristotle has no confidence that democratic or oligarchic justice can in fact preserve happiness:

For democrats say that the just is whatever would seem to be so for the many; the oligarchs say that it is whatever would seem to be so for those with great property: for they say that it is necessary to judge according to the extent of property. *But both have positions that are unequal and unjust.* For if justice is what the oligarchs proclaim, there will be tyranny (for if one man has more than the other wealthy citizens, then, according to oligarchic justice, it is just for him alone to rule). If, however, justice is what the greatest number claim, they will do injustice by confiscating those things that belong to the wealthy few, as was said earlier (*Pol.* VI.3 1318a18-26)

Oligarchic and democratic justice are "unequal and unjust" because they destroy oligarchic and democratic constitutions. Pure oligarchic justice leads to tyranny, and pure democratic justice leads to confiscations which are unjust and which, as we know from *Pol.* V.5 1304b20-24, will likely scare property owners into revolution. Indeed, Aristotle thinks that when democrats take over constitutions these confiscations are inevitable: "because of their *lack of justice* and practical wisdom, [democrats] would *necessarily act unjustly* and make mistakes." (*Pol.* III.11 1281b26-8) Thus, the partial justice of oligarchs and democrats does not do a very good job at all of "producing and preserving" happiness and thus attaining some degree of justice. "Surely that which is a virtue does not ruin what has it, nor is something just capable of destroying a city-state," (*Pol.* III.10 1281a19-20) yet both oligarchic and democratic justice do this very thing; the justice of both constitutions – if carried out fully according to their criterion of value – forces the constitution (which, as *Pol.* III.3 explains, is the form of the polis) to be destroyed.

One possible response to this rather dire depiction of democratic and oligarchic justice is to say that these descriptions of destruction and collapse only apply to the most lawless species of these constitutions, ultimate democracy and dynastic oligarchy. One might argue that it is *lawful* democracy and oligarchy that have some degree of justice. After all, laws for Aristotle "address all matters" (*NE* V.1

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<sup>8</sup> Cf. Plato's *Laws* IV 715b2-6: "But we say now that those are neither *politeiai* nor correct laws which they had made not for the sake of the whole city; and those who acted for the sake of some, we call not citizens but civil warriors, and the legal duties which these people assert to exist, we say are said in vain." (trans. Trevor J. Saunders)

1129b14)<sup>9</sup> and will have a broad enough scope to encourage some degree of courageous, temperate, gentle acts, etc. (b19-23) In other words, *lawful* democracies and oligarchies (which Aristotle thinks are the best forms of these constitutions – *Pol.* IV.4 1292a1-6, IV.5 1292b4-7), do seem to “produce and preserve happiness” for the community by maintaining laws that enforce some level of virtue. Thus, it seems that these lawful constitutions are just (in a broad sense) to some degree.

It is surely correct to say that a stable democracy or oligarchy is more just than their extreme versions. But it is incorrect to attribute the justice (or stability) of such a city to the partial justice of the governing class. On the contrary, this stability and justice is achieved *despite* partial justice, not because of it.<sup>10</sup> Consider the ideal democracy of citizen farmers, described in *Pol.* VI.4. The stability and virtue of such a democracy is attributed to the fact that (1) farmers live too far away from the city to attend assembly frequently; (2) farmers are much more interested in making money than winning political honor; (3) farmers are too busy to covet their neighbors’ property or spend time thinking about political change. Apparently this is the best kind of democracy precisely because the citizens are content to *refrain* from implementing democratic justice: rather, they are content to have such things as “authority over the election and inspection of officials” (1318b20-1) and “authority over deliberation.” (1318b25) Aristotle’s statement in VI.5 that legislators “should not consider something to be democratic or oligarchic because it will make the city as democratic or oligarchic as possible, but because it will make it so for the longest time” (1320a2-4) affirms the same idea: if you want a successful democracy, minimize democratic justice. Democratic and oligarchic doctrinal purity is a sure path to destruction.

#### V. “Part of Justice” is No Justice At All

In summary, the partial justice of democrats and oligarchs is really no justice at all. Democratic and oligarchic justice are not partially just because they may make partially correct allocations of resources – for that would entail that height or running-speed justice is also partially just, which is impossible. Nor can these conceptions of justice be thought of as partially just in the sense of being just for some (but not all) communities. Even if the distributive outcome were occasionally correct, these actions could only be considered coincidentally just. Moreover, not only are partial conceptions of justice conceptually self-defeating and contradictory, but they destroy the very constitutions they are supposed to justify. While democrats and oligarchs can have some justice among themselves, partial justice for the whole city spells disaster. Indeed, the best way to stabilize a democracy or oligarchy is to minimize the degree to which partial justice can be implemented.

But if I am right that partial justice is no justice at all, what function does Aristotle’s misleading descriptions serve? At the end of III.9 Aristotle says, “it is clear from what has been said that all those who dispute over constitutions are speaking about a part of justice.” At the beginning of III.13 he says, “all dispute justly in some sense, but that not all do so in an unqualifiedly just way.” In V.1 we find that deviant constitutions “possess some sort of justice, although, unqualifiedly, they are mistaken.” (1301a35-6) If partial justice is not just at all, what is the point of using these phrases that make it sound as if partial conceptions of justice are in some way just?

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<sup>9</sup> This is Kraut’s way of putting the point, and I am here using his translation to give this interpretation the benefit of the doubt (for it is his position that I am critiquing in this section). However, I find this translation – that laws “address all matters” -- problematic because it breaks the sentence from which it comes into two, quite separate ideas: (1) the laws cover all matters; (2) the laws aim to benefit the common advantage for all, or for the best, or for those with authority based in virtue or in some other such thing. But Aristotle’s use of the participle *stochazomenoi* (agreeing with *hoi nomoi*) makes it more plausible that (2) is supposed to elaborate the vague claim of (1) that “*hoi nomoi agoreuouosi peri hapantōn*”, not to make a completely separate point. Thus, I would favor a translation similar to Irwin’s (Hackett, 2<sup>nd</sup> ed., 1999): “In every matter that they deal with, the laws aim...”

<sup>10</sup> Kraut admits as much when he writes “The rule of law...is by itself a just institution, and offsets to some degree the injustice inherent in rule by the rich or the poor.” (p.115, n.26) After all, rule by the rich *is* oligarchy and oligarchic justice, and rule by the poor *is* democracy and democratic justice. (*Pol.* III.8 1279b38-80a2)

From the argument I have presented above, we see that there are two reasons. First, we discover repeatedly throughout the *Politics* that the polis is to be thought of as being divided into different parts: the rich, the poor, the well-born, etc. Each group is tempted to think that it *alone* should constitute the governing class of the city, and this leads to each group putting forth a definition of justice that is supposed to justify exclusive power for its *part* of the city. This, I submit, is one reason democratic or oligarchic justice are “part of justice.” While unqualified justice looks to the good of the city as community devoted to noble living, these specific forms of justice only look to the good of their part of the city, and think that the city should aim at their mistaken ideal.

At the same time, while oligarchs and democrats are wholly mistaken in their conception of justice, it would be a mistake to think that their claim is as ridiculous or as unreasonable as that of those who would promote the exclusive rule of tall citizens. Such people would not even be arguing for “a part of justice” – for they are not even designating a group of people who form part of the city qua city. So, in comparison to these ridiculous claims, democrats or oligarchs are making a claim “somewhat justly.” However, from the perspective of political science, they are still every bit as mistaken. Thus, democracies and oligarchies do possess “justice of a sort”: they possess that sort which is “part of justice”, that reasonable attempt at justice which is, however, no justice at all.

The second reason we might call democratic and oligarchic justice “part of justice” is that they get part of the formula for whole justice correct. Justice without qualification is justice that designates the “for whom”: equality for equals, and inequality for unequals. Democrats do not endorse the whole phrase “equality for equals”, but at least they get the “equality” part. Oligarchs do not endorse the whole phrase “inequality for unequals”; they only get the “inequality” part. In each case, these conceptions of justice get part of the complete formula. But of course getting part of the mere verbal formula correct in no way makes these partial conceptions of justice just. We can certainly admit that “York” captures part of the correct answer to the question, “What is the largest city in America?” Nevertheless, “York” is an *entirely* mistaken answer. Similarly, oligarchs and democrats capture part of whole justice, but their respective conceptions are nevertheless completely unjust.