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Particular justice and its architectonics in Aristotle's *Ethica Nicomachea* V

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ABSTRACT

This paper presents a reconstruction of Aristotle's conceptual architectonics of particular justice. It has been noticed that Aristotle's account of just/unjust action is not informed by an account of the character trait of particular justice/injustice, and this has sparked serious concern about whether Aristotle's treatment of particular justice is consistent with his general programme of ethics. In response, I propose that at least on one possible construal, the 'definitional priority of virtue' thesis is not prescribed by Aristotle's agent-centred approach to ethics. Aristotle is thereby justified in ascribing definitional priority to just/unjust states of affairs in his investigation of particular justice, and this conceptual architectonics is both internally coherent and compatible with his agent-centred approach to ethics.

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1. Introduction

Aristotle's treatment of justice, as Kraut observes (*Aristotle*, 98), might be the least exciting part of *Ethica Nicomachea* (henceforward *EN*) for its modern readers. The disappointment with Aristotle's unflavoured discussion might turn into a real frustration when some apparent tensions become evident to its audience. The central tension pertains to the relationship between Aristotle's theory of particular justice and his overall programme of ethics: it has often been noticed that Aristotle assigns some priority to virtue as a state of character, whereas Aristotle's theory of particular justice seems to consist of norms regulating distribution and rectification, which, at first glance, are not informed by an account of a just state of character

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(LeBar, “After Aristotle’s Justice”, 38–40).¹ This tension might still be tolerable, but it will look fatal if it turns out that this tension is responsible for analytical inadequacy or even textual contradiction. To begin with, Aristotle’s analysis of justice/injustice as a state of character seems incomplete, since the proper affective state of justice is left unspecified, which gives his audience no clue about what a just agent looks like (Urmson, “Aristotle’s Doctrine”, 164–5).² Yet more importantly, as Williams observes (“Justice as a Virtue”, 189–94), Aristotle seems to run into a self-contradiction when he pairs his usual agent-centred analysis with a more norm-centered approach. On the one hand, Aristotle seems tempted by his standard analytical model, according to which a just/unjust action properly speaking must exhibit the affective state that accompanies a characteristic action of a just/unjust agent. On this model, that is, an unjust action (even an episodic one) must exhibit the pleonectic affective state characteristic of injustice as a state of character. Nonetheless, on the other hand, Aristotle does attempt to identify norms that specify a just/unjust apportion without reference to character trait and its affective state, and Aristotle seems to go so far as to suggest that an action not motivated by pleonexia is no less an unjust action (1130a28–31; 1135b19–25). Contradictions arise, it seems, when Aristotle plays with different cards.

Two different interpretive decisions have been adopted by commentators in light of these difficulties. Unsympathetic readers believe that these tensions betray a fundamental error on Aristotle’s part, since particular justice/injustice is not a proper subject matter that can be adequately studied through the lens of an agent-centred ethics at all (Urmson, “Aristotle’s Doctrine”, 164–6; *Aristotle’s Ethics*, 76–8; Williams, “Justice as a Virtue”, 197–9).³ Following their logic, however, particular justice/injustice can, or even should, be removed from Aristotle’s agent-centred ethics altogether. Sympathetic commentators, by

¹Henceforward, it is categories in relation to ‘particular justice’, as opposed to ‘universal justice’, that are referred to by ‘what is just/unjust’, ‘just/unjust action’, and ‘justice/injustice’, unless otherwise indicated. All Greek translations are mine, while Irwin’s translation (*Nicomachean Ethics*) is often consulted.

²In response to Urmson’s challenge, scholars have attempted to identify a unitary character trait of justice that has a positive content. See O’Conner (“Aristotelian Justice”, 423–27), Curzer (“Aristotle’s Account”, 221–2) and Drefcinski (“Characteristic Desire”, 118–23). In this paper, I will follow Kraut (*Aristotle*, 160), who suggests that justice as a state of character should be that by which an agent is pleased with her own share.

³Urmson suggests that Aristotle’s failure to specify the character trait of particular justice is foreseeable, since there is simply not such a thing (*Aristotle’s Ethics*, 76–8). Williams presents his challenge from the angle of injustice: despite Aristotle’s effort to identify pleonexia with the character trait of particular injustice, pleonexia is not a clear and unified notion (“Justice as a Virtue”, 197–9). Since Williams, scholars have attempted to unpack the meaning of pleonexia in such a way that an action out of pleonexia can be sufficiently distinguished from an action out of other vices (e.g. illiberality). See O’Conner (“Aristotelian Justice”), Young (“Aristotle on Justice”, 237–8), Keyt (“Injustice”), Curzer (“Aristotle’s Account”, 212–5), Sherman (“Problem”), and Kraut (*Aristotle*, 136–41). For the sake of argument, I will assume that pleonexia refers to a character trait out of which an agent attempts to gain more at the cost of others (which has become a minimum consensus shared by almost all commentators, though with the exception of O’Conner); moreover, when someone commits injustice out of choice, pleonexia should be responsible for both a pleonectic affective state and the agent’s reason for doing so (1130a24).

contrast, insist that the unsympathetic readers' challenge is built on some exegetical mistakes. But curiously, in presenting a better exegesis of *EN* V, sympathetic readers take on board the assumption that a just/unjust action can be specified independently of the character trait of justice/injustice (Sherman, "Problem", 239; Pearson, "Acting Unjustly", 217–21; Jagannathan, "A Defense", 901–5), without yet assessing the stakes involved in this assumption. Nonetheless, instead of defusing the challenge, sympathetic commentators seem to do unsympathetic readers a huge favour: they help *vindicate* the seemingly disconcerting thesis that Aristotle's account of just/unjust action is not informed by justice/injustice as a state of character. As a result, the radical challenge underlying unsympathetic readers' position still looms large: does, or should, particular justice/injustice belong to an agent-centred ethics, *if it proves true that a just/unjust action can be specified independently of justice/injustice as a state of character?*⁴

This paper attempts to provide a framework in response to this challenge. The crux of this controversy, as we have seen, lies in Aristotle's analytical and definitional structure: how different concepts related to justice/injustice are specified, and how their definitions are structured. Sympathetic commentators are right in suggesting that a just/unjust action can be specified without reference to the character trait of a just/unjust agent, and the architectonics thus reconstructed is internally coherent and maps nicely onto Aristotle's arguments *inside EN* V. But to free this grain of truth from possible charges, it has to be shown that this picture does not attribute to Aristotle an un-Aristotelian starting point. I will argue that according to Aristotle's definitional structure, the notion of a just/unjust state of affairs is definitionally prior, and an internally consistent picture of particular justice can be reconstructed on that basis (Sections Three–Five). Nonetheless, this reconstruction should be anchored in a broader thesis (Section Two): on one possible construal of 'definitional priority', the architectonics presented in *EN* V is perfectly compatible with Aristotle's agent-centred approach.

The proposed reading has further repercussions. It has been noticed that the agent-centred virtue ethics has a difficult time in incorporating a theory of justice, especially when pressured by the Rawlsian paradigm, which specifies just social institutions and norms independently of a just state of character. Nonetheless, I suspect that this difficulty only haunts versions of virtue ethics that diverge significantly from Aristotle's own theory. When we uncover how Aristotle situates particular justice in his framework of agent-centred ethics, we might notice that a surprising overlap exists between his approach and the Rawlsian paradigm.

⁴Fernandez ("The Doing of Justice") presents a third proposal: it is *not true* that a just/unjust action can be specified independently of justice/injustice as a state of character. The textual evidence on which his proposal is built will be examined in Section Five.

2. Definitional priority

‘Priority of virtue’ is an apt slogan to capture the spirit of Aristotle’s agent-centered ethics. Yet under this rubric, a bunch of commitments can be encompassed: Aristotle suggests that practices in accordance with virtue are characteristic of human flourishing (1098a16–17); habituation is a necessary stage to reach ethical maturity (1103a14–18); ethical virtue plus practical wisdom equips an agent with the capacity to identify the correct action-token in a specific scenario (1144a7–9). Yet over and above these commitments that Aristotle uncontroversially embraces, sometimes a more ambitious thesis is attributed to Aristotle: virtue as a state of character enjoys a *definitional* priority, such that virtuous action cannot be properly explicated unless virtue as a state of character has been defined in the first place. Call this the ‘definitional priority of virtue’ thesis. One famous passage in *EN* II. 4, moreover, appears to support it:

[A] Then deeds are called just or temperate when they are such things that a just or a temperate agent would do. Being just and temperate is not doing these things, but doing in a way that just and temperate people do.

(1105b5–9)

Taylor contends that this passage explicitly bespeaks Aristotle’s commitment to the definitional priority of virtue: “the virtuous agent is not defined as one who does acts which fall under specific virtue descriptions, such as ‘courageous’ or ‘just’; rather, courageous acts are defined as the sort of thing that the courageous person does, etc.” (*Nicomachean Ethics*, 94).⁵

In effect, this thesis invites us to minimize the distinction between an action *virtuously* performed and a *virtuous* action in a non-derivative sense.⁶ However, if the ‘definitional priority of virtue’ thesis were true of Aristotle, the oddity of Aristotle’s treatment of particular justice/injustice would be nothing less than fatal. As Aristotle argues, virtue is a state of character with regard to its affective state (1105b25–26). Now if the ‘definitional priority of virtue’ thesis is true, just/unjust action has to be defined with reference to what a just/unjust agent characteristically does, and an account of just/unjust action must thereby include the manifestation of the affective state characteristic of justice/injustice. Though sometimes an action

⁵It is not clear whether the context of II. 4 requires us to accept this interpretation, however. Against the traditional reading, Hampson (“Necessity”) has demonstrated that Aristotle’s arguments are not premised on an anterior commitment to the priority of virtue. Though the existence of [A] might still leave the puzzle unsettled regarding Aristotle’s attitude to the ‘definitional priority of virtue’ thesis, Hampson’s study undercuts one important motivation for attributing it to Aristotle.

⁶Three agential conditions are constitutive of an action virtuously performed: performed with knowledge, chosen for its own sake, and springing from a firm and unchanging character (1105a30–33). However, whether these conditions are also constitutive of a virtuous action in a non-derivative sense has been debated. For recent discussions, see Jimenez (“Becoming Virtuous”), Hirji (“Acting Virtuously”; “What is Aristotelian?”), Hampson (“Necessity”; “Motivation”), and Fernandez (“Perfections”).

without the manifestation of the affective state characteristic of justice/injustice could still be called just/unjust, such predicates must be used qualifiedly or analogously. Nonetheless, as we shall see later, in *EN* V Aristotle does attempt to specify a just/unjust action in such a way that the character trait of justice/injustice is not invoked, and Aristotle does not seem to suggest that such predicates are applied only with qualification. However, this would spark serious tension. Therefore, if the ‘definitional priority of virtue’ thesis were true of Aristotle, Aristotle’s approach to particular justice would be a misguided one by Aristotle’s own standard.

Yet it also bears noting that *only if* the ‘definitional priority of virtue’ thesis were true would Aristotle’s approach to particular justice be called into question. Indeed, in *EN* V Aristotle does not place exclusive focus on justice/injustice as a state of character, but a difference of emphasis and style by no means generates a philosophical problem. Indeed, Aristotle seems to leave some concepts in the realm of particular justice/injustice inadequately explicated; but incompleteness is not a deep challenge, since we can follow Aristotle’s definitional procedure and flesh out these concepts in his spirit.⁷ Nonetheless, we are still pressured to confront the ‘definitional priority of virtue’ thesis, since it problematizes precisely Aristotle’s answer in *EN* V to the question of how to define any concept. Before reconstructing Aristotle’s architectonics of particular justice, therefore, it is necessary to reconsider whether ‘definitional priority of virtue’ belongs to the packet of Aristotle’s commitments to the ‘priority of virtue’.

The ‘definitional priority’ registers a special relation of dependence, and Aristotle does have such a notion in his lexicon. In *Metaphysica*, Aristotle articulates a notion of priority that holds between definitions or formulae.

[B] For those [formulae] which are parts of the definition [of the whole] and into which the definition [of the whole] is decomposed are prior to the whole or some [of the whole].

(*Met.* 1035b4–6)

An asymmetrical relation underlies definitional priority: if *x* is definitionally prior to *y*, then *y* cannot be properly defined unless a reference to *x*’s definition is made; but *x* can be properly defined without mentioning *y*. Though Aristotle does not straightforwardly apply such an analysis to his ethics, some passages

⁷There is a remaining puzzle about whether a *deficient* character in relation to injustice exists. At 1138a34–35, Aristotle seems to deny its existence, but then it seems that the doctrine of the mean fails to apply to particular justice/injustice. Urmson contends that this failure reinforces his point that particular justice/injustice should be removed from Aristotle’s agent-centred ethics (“Aristotle’s Doctrine”, 165). Yet it might be a merit of Aristotle’s theory that he does not dogmatically applies the doctrine of the mean uniformly to all virtues/vices. As Aristotle acknowledges (1108b7–9; 1133b32–33), the doctrine of the mean still applies to particular justice/injustice, though in a distinct way. Moreover, as Curzer (“Aristotle’s Account”, 222–5) and Zingano (“The Definition”, 280–6) suggest, a deficient character in relation to injustice might actually exist, despite Aristotle’s hesitation to acknowledge it.

in *EN* seem to allude to a relation of definitional dependence. Apart from [A], which we have encountered above, in II. 6 Aristotle argues,

[C] Therefore, virtue is a state of character with regard to choice, consisting in an intermediary state related to us, defined by reason – that is, what a practically wise person would determine.

(1106b36–1107a2)

If the point of [C] is that the proper evaluation of a virtuous action depends on the practical wisdom of a virtuous agent, [C] *might* allude to a definitional priority: when we attempt to define virtuous action, we have to refer to the judgement of a virtuous agent; but not vice versa. This interpretation is indeed questionable;⁸ yet be that as it may, there is clear counterevidence to the ‘definitional priority of virtue’ thesis in the same chapter. For instance, at the beginning of *EN* II. 6 Aristotle attempts to specify what type of state of character virtue is (1106a14–15). Since a good state of character is responsible for the well-functioning of the bearer of that state, to define what human virtue is, Aristotle continues, it is necessary to specify what the well-functioning of human being consists of (1106a15–24). To this question Aristotle has a ready answer: reaching the mean in affective responses and activities (1106a24 – b18). Aristotle concludes,

[D] Virtue is therefore some intermediary state, aiming at the mean.

(1106b27–28)

Several pages later, Aristotle repeats this conclusion,

[E] That virtue is an ethical intermediary state, [...] and that it is such a thing because (*toiautē esti dia*) it aims at the mean in affective responses and in activities, have been sufficiently discussed.

(1109a20–24)

Note the force of ‘because’ (*dia*) in [E]: this seems to suggest that the sense in which virtue is an intermediary state of character is explained by the meaning of the mean in action. Therefore, here definitional priority seems ascribed to a virtuous action instead of virtue as a state of character.⁹

While textual evidence does not seem univocal, we still have a clue about how to proceed philosophically. To vindicate a thesis of definitional priority, we need an account of what relation definitional dependence is supposed to track. That is, we have to identify what type of dependence that holds between a virtuous agent and other entities will license the ascription of definitional priority. Now there seem to be some candidates at hand: Aristotle acknowledges a *causal* dependence between a virtuous action and a virtuous

⁸Compare Taylor’s (*Nicomachean Ethics*, 107–10) and Morison’s (“Aristotle, Almost Entirely”, 244–5) readings.

⁹See Brown (“Why is Aristotle’s Virtue of Character a Mean?”).



agent – being virtuous is a necessary and sufficient antecedent for hitting the mark reliably and constantly with regard to all parameters of a virtuous action; Aristotle also accepts an *epistemic* dependence – an action-token cannot be conclusively ascertained as virtuous unless we take advantage of the practical insight of a virtuous agent. Do these types of dependence entail the definitional priority of virtue as a state of character?

Not quite so. To begin with, it is not clear whether causal dependence bears upon definitional dependence. For instance, a hard strike (under normal conditions) is necessary and sufficient for a fracture, but it is awkward to suggest that fracture has to be defined with reference to a hard strike. Epistemic dependence seems more promising, but it does not seem to license the ascription of definitional priority immediately. For instance, the identification of a particle might rely on the observation of its trail in a cloud chamber, but it does not mean that this particle has to be defined with reference to cloud chamber. Whether a reason licenses the ascription of definitional priority depends upon whether it is a reason of the *right kind*, but there is no guarantee that causal and epistemic dependence belong to this category.

Nevertheless, in a passage of *Topica* (*Top.* 141b3–142a9) Aristotle gives us a clue to single out the right kind(s) of reason. Prior in definition, Aristotle argues, should be things that are more knowable: either more knowable absolutely, or more knowable to us. Sometimes things that are more knowable absolutely are also more knowable to us. By ascribing definitional priority to these entities, the essence of the *definienda* can be grasped. Yet sometimes things that are more knowable absolutely cannot be easily comprehended. In such a scenario, Aristotle seems to allow us to start with things that are more knowable to us, with reference to which entities that are more knowable absolutely can be described. Aristotle cites an example from mathematics: we can ascribe definitional priority to lines and define ‘point’ as the limit of a line (insofar as a line is more perceptible), though such a definition never states the essence of a point. Although towards the end of this passage Aristotle cautions against following this approach (141b34–142a9), he does make use of this strategy in his investigations – for instance, elsewhere Aristotle seems to feel no difficulty in taking ‘the limit of a line’ as a workable formula of ‘point’ (*Met.* 1060b12–17).¹⁰

Therefore, as Michail Peramatzis points out (*Priority*, 29–30; 255–60), Aristotle entertains two reasons of the right kind for assigning definitional priority: one is its function in tracking ontology, the other is its expediency in explicating entities in a given realm. For the sake of simplicity, if definitional priority is assigned to mirror the metaphysical structure, I will use the label ‘metaphysical-definitional priority’ (MDP); if definitional priority is assigned

¹⁰See Mueller (“Aristotle on Geometrical Objects”, 166).

for expediency in philosophical investigation, I will use the label ‘operational-definitional priority’ (ODP). If Aristotle is pressured to answer the question of definitional priority in ethics, he should therefore be expected to pick out one of them.¹¹

Let us start with MDP. Commentators who evaluate the attribution of MDP in Aristotle’s ethics understand it as a question parallel to the Euthyphro Dilemma, though now a virtuous agent is substituted for God. Specifically, if MDP is assigned to virtue as a state of character, then an action being virtuous is *constituted* or *made* by a virtuous agent’s decision (Vasiliou, “Aristotle, Agents, and Actions”, 171; Hirji, “What’s Aristotelian?”, 673–5). If MDP is assigned to virtuous action, by contrast, then a character being virtuous is constituted by the goodness of the actions that a virtuous agent is disposed to perform. In recent scholarship, however, MDP of virtue has been severely challenged (Morison, “Aristotle, Almost Entirely”, 244; Aufderheide, “Is Aristotle a Virtue Ethicist?”, 213–20; Hirji, “What’s Aristotelian?”, 680). In response to the emerging suspicion, Fernandez (“The Doing of Justice”; “Perfections”) has made a provocative case in defense of MDP of virtue, but the debate seems still unresolved.

However, an advocate of the definitional priority of virtue can turn away from metaethics and defend ODP of virtue instead. This approach appears more promising when the ‘epistemic dependence’ mentioned above is recalled: an action-token cannot be conclusively ascertained as virtuous unless we take advantage of the practical insight of a virtuous agent. Therefore, it might be suggested that virtue as a state of character is bound to be definitionally prior, since ‘the judgement of a virtuous agent’ is indispensable for an infallible and full specification of a virtuous action.¹² However, this suggestion misapprehends the correct criterion for assigning ODP. Indeed, ODP is attributed on the basis of knowability and specifiability, but the criterion of assigning ODP is the *relative* difficulty of specifying the content of a concept. However, ‘epistemic dependence’ does not entail that a virtuous agent is *more* specifiable than a virtuous action, and therefore, the contribution of a reference to virtue as a character to providing an infallible and full specification of virtuous action does not entail its ODP. It is often challenged that the specification of a virtuous agent is circular or empty, and I will not repeat these objections. Suffice it now to note that given the difficulty of independently specifying virtue as a state of character informatively and accurately, ODP can be assigned to some other concept, provided that this concept

¹¹The separation of two types of definitional priority is inspired by Vasiliou’s study (“Aristotle, Agents, and Actions”, 176–9), and I draw on Aristotle’s logical works to anchor this distinction. Recently, studies of Aristotle’s ethics through the lens of his logical works have shed invaluable light on both the definitional structure of Aristotle’s ethics and the deep connection between Aristotle’s scientific method and his ethical inquiry. See for example, Natali (“Definition of Happiness”; “The Search”), and Karbowksi (*Method*).

¹²See Taylor (*Nicomachean Ethics*, 94–6).

can be specified with a relatively high level of precision and informativeness. Consider this analogy: a detective knows that the testimony of an eyewitness can be infallible, but she might have no clue about how to identify an infallible eyewitness (say, if there are several alleged eyewitnesses whose testimonies are somewhat contradictory); in such a scenario, the detective can be justified in basing her judgement on the evidence that she has gathered from the crime scene (say, the estimated height of the criminal), if the evidence has been beyond reasonable doubt.

It is beyond the scope of this paper to provide a comprehensive evaluation of the attribution of definitional priority in Aristotle's ethics. Yet still, it should not be presumed in advance that Aristotle subscribes to the definitional priority of virtue dogmatically. For at least on one construal (ODP), the definitional priority of virtue is not *prescribed* by Aristotle's agent-centred approach; rather, the bearer of ODP is still open to question until a detailed analysis of the relative knowability and specifiability (of different concepts) is gained. In what follows, I propose that Aristotle's definitional structure of particular justice/injustice turns out to sit happily with his overall programme of ethics when we approach his architectonics from the angle of ODP. With these preliminaries in mind, we may now turn to Aristotle's conceptual scheme of *EN* V, and a justification of his definitional structure will follow shortly.¹³

3. Locutions and concepts of particular justice

What is the foundation of Aristotle's architectonics of particular justice/injustice? Until now, it seems as if there are only two possible candidates: just/unjust actions, or just/unjust agents. Nonetheless, the case of particular justice is more complicated, since there is another concept that is definitionally more fundamental: just/unjust states of affairs. In this section, I will draw a map based on Aristotle's locutions to track his conceptual distinctions. In the following sections, I will display how these concepts are related.

In *EN* V. 1–2, Aristotle distinguishes particular justice from universal justice: the latter stands for the other-regarding aspect of all virtues (1129b31–33; 1130a10–13), whereas the former stands for a species of virtue related to the allocation of honour, wealth, and safety (1130a33–1130b5). Particular justice can be further distinguished into distributive justice, which pertains to the distribution of divisible goods of a polis (1130b30–33), and corrective justice, which pertains to the rectification of unfair enrichment (1130b33–1131a9).

¹³A qualification is in order. Even if the 'definitional priority of virtue' thesis is rejected, nothing yet *prohibits* Aristotle from presuming that with regard to a particular virtue (courage, temperance, etc.), the manifestation of its characteristic affective state is essential to a virtuous action in a non-derivative sense. In what follows, I will argue that in the case of particular justice/injustice, Aristotle *does not have to*, and for good reasons *does not*, make this stipulation.

After singling out particular justice and laying out its typology, in *EN* V. 3–4 Aristotle offers an extensive treatment of what is just (*to dikaios*) in terms of what is fair (*to ison*, 1131a10–11) in distribution and rectification. At the end of V. 5, Aristotle finally arrives at his definitions of just/unjust action and justice/injustice as a state of character.

[F1] What is unjust and what is just (*ti men oun adikon kai ti to dikaios esti*) have been said. [F2] As these things have been defined, it is clear that a just-deed (*dikaiopragia*) is intermediate between committing-injustice (*adikein*) and suffering-injustice (*adikeisthai*). The one is to have more, whereas the other is to have less. [F3] Justice is some intermediate state (*hē de dikaiosunē mesotēs tis estin*), not in the same way as other virtues, but because it is about a mean. Injustice (*adikia*) belongs to extremes. And justice is that [state of character] by which a just person is said to be able to act out of his choice for what is just, and to distribute both to himself in relation to another person, and between two other persons, not in such a way that he distributes more than what is choiceworthy to himself and less to his neighbors – nor reversely in the case of harm; [but he distributes] what is fair in accordance with proportionality [to himself in relation to another person], and in the same way between other persons.

(1133b29–1134a6)

This long passage has a plain structure: in [F2] Aristotle defines just/unjust action, and in [F3] he proceeds to justice/injustice as a state of character. Yet as Aristotle's wording (*diōrismenōn de toutōn dēlon hoti [...]*, 1133b30) suggests, the definitions in [F2] and [F3] are informed by what figures in [F1], namely 'what is just/unjust' (expressed by the substantive use of neuter adjectives). Nonetheless, it is not immediately clear what is *signified* by 'what is just/unjust'. To begin with, 'what is just/unjust' has a non-denoting use. For instance, when Aristotle claims that 'what is just' is equivalent to 'what is fair' in the realm of particular justice (1130b8–9), Aristotle articulates the conceptual connection between 'just' and 'fair', without necessarily making reference to any entity of which 'just' and 'fair' are predicated. If anything is signified by 'what is just', it is the semantic meaning of 'just'. On the other hand, 'what is just/unjust' also has a denoting use. For instance, in V. 7 Aristotle suggests that 'what is just/unjust' can refer to something that is just/unjust by nature before it is concretized into a real action (1135a8–12). In other words, Aristotle here uses 'what is just/unjust' to pick out an action-type in contrast with an action-token.¹⁴

Yet it seems that a state of affairs is also a good candidate for the referent of 'what is just/unjust' in its denoting use. I will vindicate this claim in the next section, but here some conceptual clarifications are needed to begin with. By a 'state of affairs', I mean the relation between several parties, which can be cashed out in quantitative terms specifying the amount of

¹⁴See Brown (*The Nicomachean Ethics*, 233) and Irwin (*Nicomachean Ethics*, 271).

goods that each party holds. A full-fledged specification of a state of affairs should take the form of, say, ‘the ratio between Maya’s and Mary’s share is 4:3 insofar as Maya’s share is 400 dollars and Mary’s 300 dollars’; whereas an abbreviated specification in the form of ‘Mary has 300 dollars as her share’ is equally good as long as the relation in which Mary’s share stands to Maya’s can be worked out.

A ‘just/unjust state of affairs’ has to be distinguished from a ‘just/unjust action’. By an ‘action’, I mean an actual or hypothetical change in the state of affairs, to which an agent is (or can be) related. A ‘state of affairs’ differs from an ‘action’, I stipulate, *not* insofar as a state of affairs refers to a static situation, whereas an action refers to a change of the state of affairs. Instead, a ‘state of affairs’ differs from an ‘action’ insofar as the description of a state of affairs does not have to mention *by whom* and *how* the state of affairs is brought about, whereas a reference to the agent and her manner is relevant to the description of an action. On this stipulation, for instance, ‘Mia allocates 300 dollars to Mary’ refers to an action of Mia, while ‘After the allocation Mary has 300 dollars’ is a description of a state of affairs.

It might seem that the distinction between a state of affairs and an action is artificial, but Aristotle is certainly alive to this distinction. For Aristotle has at his disposal a family of locutions that unambiguously refer to actions, and this family of locutions plays a vital role in Aristotle’s architectonics. For instance, in [F2] Aristotle introduces a group of words that are either themselves verbs (*adikein*, *adikeisthai*, 1133b31) or explicitly connote ‘deed’ (*dikaiopragia*, 1133b30). These action-associated words are even more frequently employed in *EN* V. 8–9: since in these chapters the subject matter under investigation (namely, voluntariness and involuntariness) is manifestly about actions, a family of vocabularies that are unequivocally associated with actions is needed to facilitate discussion.

[G] Unjust-deed (*adikēma*) and just-deed (*dikaiopragēma*) are demarcated by being voluntary and involuntary.

(1135a19–20)

[H] The same puzzle also rises in the case of being-justly-treated (*dikaiousthai*). For doing-justice (*dikaiopragein*) is always voluntary. So that it is reasonable that the same applies in each contrary case: suffering-injustice (*adikeisthai*) and being-justly-treated (*dikaiousthai*) will be either always voluntary or always involuntary. But it would seem strange in the case of being-justly-treated (*dikaiousthai*), if it were always voluntary. For some people are justly-treated without [being so treated] voluntarily.

(1136a18–23)

From these passages we can get a table of vocabularies that are unequivocally associated with actions: in the verb form we have ‘commit-injustice’ (*adikein*), ‘suffer-injustice’ (*adikeisthai*), ‘do-justice’ (*dikaiopragein*, 1136a19),

‘be-justly-treated’ (*dikaiousthai*, 1136a18–19); in the noun form we have ‘unjust-deed’ (*adikēma*, 1130a28 and 1135a19) and ‘just-deed’ (*dikaiopragēma*, 1135a20; also *dikaipragia* at 1133a30, and *dikaiōma* at 1135a12). However, Aristotle primarily has *voluntary* actions in mind when this group of action-associated locutions is used. Yet there are involuntary actions that are nevertheless relevant to the sphere of particular justice. If someone grasps my hand and uses my hand to punch another person, I hurt another person only involuntarily (1135a27–28). To properly describe these actions, Aristotle employs another group of locutions.

[I] Now that what is just and what is unjust has been said, someone commits-injustice and does-justice when [he] does it voluntarily. When [he is] involuntary, [he] neither commits-injustice nor does-justice, except coincidentally (out' *adikei oute dikaiopragei all' ē kata sumbebēkos*).

(1135a15–18)

[J] So that is some sort of unjust thing (*ti adikon*), but this is not an unjust-deed (*adikēma*), when it is not voluntary.

(1135a21–23)

[K] For neither is doing something unjust (*tadika prattein*) the same as committing-injustice (*adikein*), nor is suffering something unjust (*adika paschein*) the same as suffering-injustice (*adikeisthai*).

(1136a27–28)

There are two major ways in which Aristotle describes an involuntary action that is nevertheless relevant to the sphere of particular justice.¹⁵ In some cases, Aristotle adds ‘coincidentally’ (*kata sumbebēkos*) to those words that normally refer to voluntary just/unjust actions. In other cases, Aristotle employs the neuter adjective ‘just/unjust’ to indicate that it is a scenario related to the sphere of justice, and then annexes non-committal verbs (*prattein* and *paschein*) to highlight that it is not a just/unjust-deed properly speaking.¹⁶

¹⁵In discussing involuntary unjust-deeds, Aristotle also suggests that when an agent acts (leading to an unjust outcome) because of ignorance of the particular features of a scenario, it is called a ‘misfortune’ (*atuchēma*) – if it is against rational expectation (1135b16–17). With regard to the notion of ‘fault’ (*hamartēma*, 1135b11–19), I follow Farina’s suggestion that it refers to the category of culpable negligence (“Degrees”, 74–8). Yet for reasons of space, I cannot dive deeply into the question how culpable negligence belongs to the category of involuntary unjust-deed.

¹⁶There are some exceptions to this rule. At 1135b4–6, Aristotle suggests that in a case of involuntary action that happens to be just, the agent neither does something just (*dikaia prattein*) nor does-justice (*dikaiopragein*), except coincidentally. This seems to collapse the distinction between *dikaia prattein* and *dikaiopragein*. I take this passage to be an outlier. The passage 1135b6–8 seems to raise the same challenge. Here Aristotle suggests that in a case of involuntary action that happens to be unjust, “we have to say that the agent commits-injustice coincidentally, and does something unjust” (*kata sumbebēkos phateon adikein kai ta adika prattein*). See Pearson (“Acting Unjustly”, 221). Nonetheless, to reconcile this passage with the framework I advocate, we may take ‘coincidentally’ to modify only ‘commits-injustice’ (*adikein*). The difficult passage of 1137a4–26, however, will be discussed in Section Five.



Now let us come back to [F]. After introducing ‘what is just/unjust’ and ‘just/unjust action’, in [F3] Aristotle finally proceeds to justice as a state of character (and then injustice in 1134a6–12). Actions can be indicative of states of character, but not all just/unjust actions bespeak the character of an agent. When a voluntary just/unjust-deed is done out of choice, Aristotle suggests, a just/unjust state of character will be revealed (1135b25). To talk about justice/injustice as a state of character, Aristotle uses masculine adjectives (*dikaios/adikos*, also 1131a10) and abstract nouns (*dikaiosunē/adikia*); when such an agent does just/unjust action out of choice, in addition, Aristotle will attribute adverbs (*dikaiōs*, 1105a28–33; *adikōs*, 1136b34–1137a3) to the action.

Group	Locution	Signification
1. What is just/unjust	Neuter adjectives: <i>dikaion/adikon</i>	The semantic meaning of ‘just/unjust’ A just/unjust state of affairs A just/unjust action-type
2. Just/unjust deed	Verbs: <i>dikaiopragein, dikaiousthai, adikein, adikeisthai</i> ¹⁷ Nouns: <i>dikaiopragia, dikaiopragēma, adikēma</i>	A just/unjust action (primarily voluntary action)
3. Involuntary just/unjust deed	<i>kata sumbebēkos</i> Substantive use of neuter adjectives + <i>prattein</i> or <i>paschein</i>	An involuntary action that nevertheless has a just/unjust outcome
4. Just/unjust person	Masculine adjectives: <i>dikaios/adikos</i> Nouns: <i>dikaiosunē/adikia</i> Adverbs: <i>dikaiōs/adikōs</i>	Indicative of justice/injustice as a state of character

4. A just/unjust state of affairs

Having identified the building blocks of Aristotle’s architectonics, we can proceed to see how these blocks are structured. Let us start with ‘what is just/unjust’. That Aristotle assigns some priority to it can be easily read off from the sequence of the text: right after isolating particular justice from universal justice and distinguishing its two species, Aristotle offers an extensive account of ‘what is just/unjust’ in distributive and rectificatory situations (1131a11–1133b28), and only when this analysis reaches its end does Aristotle feel prepared to offer definitions for just/unjust action and justice/injustice as a state of character. Therefore, ‘what is just/unjust’ appears to occupy a privileged position in Aristotle’s architectonics, insofar as the explication of other concepts relies on a decent clarification of ‘what is just/unjust’. This section will show that the priority implied in the sequence of the text

¹⁷It bears noting that Aristotle expresses his doubt about whether ‘suffering-injustice’ can be voluntary (1136b1–14), and I cannot address this aporia in this paper. For helpful discussions, see Kraut (*Aristotle*, 161–6), and Lockwood (*Aristotle on Justice*).

amounts to a justified definitional priority assigned to just/unjust states of affairs.

As we have seen, however, ‘what is just/unjust’ have different significations, and we cannot vindicate a claim of definitional priority without knowing to which concept such a priority is assigned. Fortunately, only the preceding analysis in V. 3–5 is relevant to Aristotle’s definitional structure laid out in [F], and in these chapters ‘what is just/unjust’ has a fixed signification. In the prefatory analysis of V. 3 (1131a10–11) Aristotle does use ‘what is just/unjust’ in a non-denoting way to explicate the conceptual connection between ‘just’ and ‘fair’. But the non-denoting use is quickly dropped when Aristotle proceeds to identify just/unjust distribution and rectification. Now when it comes to the choice between two species of denoting use, the close tie between ‘what is just/unjust’ and the quantified allocative amount speaks decisively in favour of taking a state of affairs as the referent of ‘what is just/unjust’. As Brown points out, Aristotle’s analysis of [F] is premised on the identification of the right amount to be allocated (*The Nicomachean Ethics*, 232),¹⁸ and Aristotle achieves this precisely by having ‘what is just’ stand for the correct amount and then specifying how this amount is determined.

[L] In whatever sort of practice where there is what is more and what is less (*to pleon kai to elatton*), there is also what is fair [or equal] (*to ison*). If then what is unjust is unfair, what is just is what is fair.

(1131a11–13)

Aristotle has established in V. 2 that in the realm of particular justice, ‘just/unjust’ is equivalent to ‘fair/unfair’ (1130b8–9). Here Aristotle further (drawing on the connection between *to ison* and *to meson* defended in 1106a26–28) identifies ‘what is fair’ with *the mean* between what is more and what is less. Yet ‘the mean’ and ‘what is more/less’ explicitly connote quantities, which is implied by Aristotle’s doctrine of the mean: Aristotle imagines that an evaluative parameter of an action can be interpreted as a continuous scale, on which a mean, what is more and what is less can be located (1106a26–29).¹⁹ Now that ‘what is just/unjust’ is identified with the quantified mean, it is plausible to suppose that ‘what is just/unjust’ is deliberately employed to pick out a quantified parameter. Moreover, such a quantified parameter can be nothing but the allocative amount, which is made clear in Aristotle’s quasi-mathematic rendering of ‘what is just/unjust’:

¹⁸See Pakaluk (*Aristotle’s Nicomachean Ethics*, 182).

¹⁹Though it has often been questioned whether *all* parameters of evaluation allow for quantitative interpretations, Aristotle at least believes that a quantity located in the middle of a continuous scale is an illuminating model for what is appropriate in ethics. I agree with Brown (“Why is Aristotle’s Virtue of Character a Mean?”, 74–5), who suggests that the quantitative interpretation is introduced as a useful heuristic device, but evaluating actions quantitatively does not exhaust the ways in which an action can be described.

[M] The combination (*suzeuxis*) of the term A with C, and that of B with D is what is just in distribution, and this type of what is just is the mean, whereas what is unjust is contrary to proportionality.

(1131b9–11)

Aristotle suggests that ‘what is just/unjust’ in distribution, just like ‘combination’ in mathematics, refers to a ratio according to which different terms are related to each other.²⁰ Yet the relation in which different parties stand to each other, cashed out in quantitative terms, is just what constitutes a state of affairs. By contrast, while an allocative action aims at hitting its mark, the action itself is still analytically different from its quantified parameters. Moreover, insofar as a mathematical relation *only* concerns the numbers that figure in the relation, the question of who is doing the calculation only has an accidental connection with the mathematical relation itself. Therefore, if the mathematical relation is the model that an account of ‘what is just/unjust’ aspires to approximate, then ‘what is just/unjust’ seems to be *exhausted* by the relation in which people stand to each other.²¹

Now that the referent of ‘what is just/unjust’ is fixed, we may proceed to the question of whether ‘what is just/unjust’ is justified in bearing definitional priority. Hirji seems willing to defend MDP of a just state of affairs (“What is Aristotelian?”, 679). Yet even if we do not want to go that far, it seems at least plausible that a just/unjust state of affairs enjoys ODP in virtue of its knowability and specifiability: rules specifying a just state of affairs in distribution and rectification are capable of an independent, precise, and informative articulation. Since Aristotle’s account of rules in relation to particular justice/injustice has been familiar to us, I will only flag two points that contribute to the precision and informativeness in Aristotle’s treatment. To begin with, Aristotle identifies the grounds for evaluating states of affairs. As I have mentioned, a state of affairs refers to a relation in which different parties stand to each other, and this relation is asserted as just when the amount held by each party tracks the determining ground of a just distribution or rectification. In distribution, the ground lies in how much a recipient exhibits the quality selected by a specific regime (1131a24–29). In rectification, the ground lies in the profit and loss that have been incurred (1132b11–20).²² This account might not sound impressive, but it does rule out some misguided conceptions.

²⁰Also, 1132a29–31.

²¹It might be objected that this reconstruction runs too fast. Though this reconstruction suggests that a state of affairs is a good candidate for the referent of ‘what is just/unjust’, it does not preclude the possibility that ‘what is just/unjust’ refers to actions. In particular, the objection continues, though an action is not straightforwardly a quantity, Aristotle feels no difficulty in saying that a mean, ‘what is more’ and ‘what is less’ lie in actions (1106b16–18). There is no knock-down argument against this objection. Nonetheless, when there is a better candidate for the referent of ‘what is just/unjust’, I contend that we should choose this option by default.

²²For a sophisticated discussion on how this account is connected to Aristotle’s theory of justice in institutional settings, see Lockwood (*Aristotle on Justice*).

In addition, Aristotle invokes a theory of proportion to highlight that the correct ratio characterizing a just state of affairs is capable of a precise specification. In matters of distribution, a just distributive amount can be worked out by following geometrical proportionality (1131b13–15); in matters of rectification, a just transactional amount can be worked out by following arithmetic proportionality (1132a29–30). Articulating rules that strive for mathematical rigour is not meant to preclude the contribution of practical wisdom.²³ Instead, it is meant to highlight the distinctive regularity and generality that, as Zingano points out (“The Definition”, 290), do not obtain in other realms of our ethical life. Now if a just state of affairs can be independently specified with a high level of precision and informativeness, attributing definitional priority to it is a justified decision.

5. Action and agent

Once we see that Aristotle builds his conceptual architectonics on the notion of a just/unjust state of affairs, his account of just/unjust action is no longer tainted by a sense of self-contradiction. Commentators have shown in detail the textual coherence inside *EN* V, once the assumption that just/unjust action can be specified independently of justice/injustice as a state of character is adopted (Sherman, “Problem”; Pearson, “Acting Unjustly”; Jagan-nathan, “A Defense”). Building on their contributions, I will only illustrate how the definitional priority reconstructed in this paper further fortifies their conclusion.

As I have mentioned, sometimes it is expected that Aristotle should restrict the label ‘just/unjust action’ to actions that exhibit the affective response characteristic of justice/injustice. But Aristotle does not do so:

[N] When someone [does it], knowingly but without pre-deliberation, it is an unjust-deed (*adikēma*): for example (*hoion*),²⁴ those deeds because of spirit

²³LeBar complains that the introduction of rules is inconsistent with Aristotle’s notion of practical wisdom (“After Aristotle’s Justice”, 38–40). Nonetheless, as Curzer shows (“Lurking”, 66–73), rule-following is not incompatible with Aristotle’s theory of practical wisdom. See also Santas (“Does Aristotle Have a Virtue Ethics?”, 20–5).

²⁴I follow the traditional reading, according to which *hoion* means ‘for example’. See for instance, Rowe (*Nicomachean Ethics*, 170), Crisp (*Nicomachean Ethics*, 95), Pearson (“Acting Unjustly”, 215), Ross (*The Nicomachean Ethics*, 94), and Reeve (*Nicomachean Ethics*, 91). On this reading, the category of unjust-deed *includes* actions out of spirit and other affective states. Nonetheless, *hoion* might also mean ‘as in the cases of’. On this alternative reading, Aristotle might only offer cases for comparison, without stating that the deeds out of spirit or other affective states belong to the category of unjust-deed. However, the traditional reading seems more plausible and attractive. To begin with, the traditional reading has a stronger exegetical basis. For instance, *tauta* at 1135b22 seems to refer back to *hosa* at 1135b20; since Aristotle connects *tauta* at 1135b22 with ‘committing-injustice’ (*adikousi*), it is highly likely that *hosa* following *hoion* at 1135b20 also denote unjust-deeds. Moreover, the traditional reading invites an interpretation consistent with the message of V. 2, where ‘unjust-deed’ (*adikēma*) refers to all actions that lead to unjust outcomes, even if they do not spring from an unjust character (1130a28–31). I am grateful to an anonymous reviewer for pushing me on this point.

and other affective states – those which happen to human beings either as necessary ones or natural ones. For when people do harms and commit faults [out of such affective states], they commit-injustice (*adikousi*), and these actions are unjust-deeds (*adikēmata*); but [simply] because of such deeds, they are not yet unjust (*adikoi*) and vicious people. For the harm is done not because of wickedness. By contrast, when [an action is] out of choice, the agent is unjust (*adikos*) and wicked.

(1135b19–25)

Here, Aristotle draws a comparison between an unjust action out of choice and an akratic unjust action. According to Aristotle's doctrine of akrasia simply speaking, both an intemperate action and an akratic action are accompanied with excessive appetitive desires, but in one case the affective state is entrenched in the agent's state of character, whereas in the other case it is episodic.²⁵ Given Aristotle's acknowledgement that there are akratic actions about gains (1148b12–13), it might be expected that the same line of reasoning should apply to unjust actions and injustice: an unjust action should therefore be one accompanied by a pleonectic affective state, though in some cases it is chosen, in some cases not. Nonetheless, this is not the conclusion that Aristotle draws. In [N], Aristotle's reference to 'spirit and other affective states' seems to suggest that an unjust-deed does not have to be accompanied by a pleonectic affective state at all.²⁶ Though this passage does not mention a just-deed, a parallel conclusion seems recommended: a just-deed does not have to be accompanied with an affective state characteristic of an action performed by a just agent.

Now we should not find this surprising. If definitional priority were attributed to justice/injustice as a state of character, Aristotle should refrain from such an inclusive account of just/unjust action, since the manifestation of a special affective state is part of what a just/unjust person characteristically does. Yet if definitional priority is attributed to just/unjust states of affairs, Aristotle is not committed to mentioning justice/injustice as a state of character in defining just/unjust actions. Instead, Aristotle is allowed to reach an account of just/unjust action simply by adding some specifications to a just/unjust state of affairs. A just/unjust action, in this approach, is an action that produces a just/unjust state of affairs *plus* something, and Aristotle suggests that only voluntariness is added on this level (1136b23–29). Further specifications of how an action is performed, however, does not belong to the definition of just/unjust action. By contrast, when Aristotle

²⁵In the case of akrasia simply speaking, Aristotle takes its sphere as the same with intemperance (1146b19–20), i.e. the pleasures of touch and taste (1118a26). An intemperate action is one that is accompanied with an excessive appetitive desire and out of choice; by contrast, an akratic activity simply speaking is one that is caused by an episodic excessive appetitive desire (1145b12–13), but not out of choice (1146b20–24). This seems to be what motivates Williams' challenge to particular justice ("Justice as a Virtue", 192–3).

²⁶See Sherman ("Problem", 236–9) and Pearson ("Acting Unjustly", 213–7 and 221–5).

refers to an unjust-deed accompanied by a pleonectic affective state, in *EN* V he normally uses ‘gain-more’ (*pleonektein*, 1130a16–17, and 1136b34–1137a1) or ‘profit’ (*kerdainein*, 1130a24, and 1130a28). But such actions only constitute a *subtype* of unjust actions.

However, two passages in *EN* V. 9 appear to pose serious challenges to this reading:

[O1] Similarly, knowing what are just and unjust (*ta dikaiā kai ta adikā*), they think, requires no [great] wisdom, because it is not difficult to understand the matters that laws speak of – but these are not what are just (*ta dikaiā*), unless coincidentally (*kata sumbebēkos*). [O2] But it takes greater work to know how what are just and unjust should be done and how they should be distributed, than to know what are healthy.

(1137a9–14)

[P] But acting cowardly and committing-injustice (*adikein*) is not producing such outcomes (*tauta poiein*), unless coincidentally (*kata sumbebēkos*), but producing such outcomes by possessing a certain character.

(1137a21–23)

Recently, Fernandez (“The Doing of Justice”, 381–92) has drawn our attention to the occurrences of ‘coincidentally’, which, as he observes, refer to ‘in a derivative sense’. To be clear, in this context Aristotle does not have in mind involuntary actions (as in [I]). Instead, new points emerge even with involuntariness set aside. On Fernandez’s interpretation, Aristotle claims that relative to just/unjust actions that spring from a just/unjust state of character, independently specified just/unjust states of affairs and just/unjust-deeds are only just/unjust in a derivative or qualified sense. If Fernandez’s reading is the only possible one, nevertheless, the reconstruction of this paper will run into serious difficulty. However, this challenge does not seem insurmountable. Starting with [O], we may take ‘coincidentally’ to modify the sense in which the letter of the law represents ‘what are just’. Yet the proposal presented in this paper gives a good sense of why the letter of the law does not stand for ‘what are just’ unqualifiedly: because ‘what are just’, as just states of affairs, have an independent specification that laws are supposed to track. Accordingly, Aristotle’s thoughts in [O] can be reconstructed as follows: After rehearsing the objection in [O1] that it is not a great achievement to know what are just (if it is easy to understand what laws say), Aristotle immediately warns that laws do not simply *define* ‘what are just’.²⁷ Therefore, knowing what a just state of affairs amounts to, without blindly relying on the wording of laws, already presupposes training. Yet even if the objector’s point is granted, Aristotle further contends in [O2] that it still takes great work to know how to act in relation to what is just. Read this way, however, [O] does not require us to qualify the sense in

²⁷Except for (constitutional) laws that select the determining ground of distribution.

which an independently specified just state of affairs is ‘just’. Therefore, [O] sits happily with my reconstruction.

Yet, it is more difficult to defuse the challenge of [P]. To begin with, Aristotle’s language in this passage is not perspicuous. As the context shows, by ‘committing-injustice’ (*adikein*) Aristotle certainly means an unjust action that springs from an unjust state of character, and he had better add the adverb (*adikōs*) to make this point transparent. This is an instance of textual inconsistency that I do acknowledge. Yet on Fernandez’s reading (“The Doing of Justice”, 387–90), this passage points to a priority relation between concepts: only an unjust-deed out of choice and accompanied with a pleonectic affective state is unjust unqualifiedly, whereas voluntarily producing unjust outcomes (or, an unjust-deed) is unjust only in a derivative sense. However, Broadie has alluded to an alternative reading (*Nicomachean Ethics*, 354): Aristotle might mean that an unjust-deed springing from an unjust character primarily consists in acting “in-a-certain-frame-of-mind,” and consequentially in producing certain outcomes. On this alternative, however, Aristotle only makes a point about the distinguishing feature of a just/unjust agent: when we focus exclusively on the marks that belong to a just/unjust agent, the character trait responsible for her frame of mind is more characteristic of *her* than the external behaviour resulting from it. This, moreover, is precisely the point Aristotle needs in order to refute the mistaken view that a just agent is no less capable of committing-injustice (1137a17–19): indeed, for the most distinguishing feature of *her* (namely, the feature of possessing an unchanging frame of mind) has blocked this possibility. Yet read in this way, [P] does not thematize the definitional priority question, and [P] does not have to be a challenge to the proposal of this paper.

If [O] and [P] are not insurmountable obstacles, I shall complete the reconstruction by mentioning that Aristotle could come up with a formula picking out justice/injustice as a state of character by adding something to an account of just/unjust action: justice is a special state of character by which an agent does a just-deed *out of choice, plus* displaying a special affective state, *inter alia*; injustice is a state of character by which an agent commits-injustice *out of choice, plus* displaying a pleonectic affective state, *inter alia*. For reasons of space, I cannot explain in greater detail how these character traits are specified. Yet suffice it for my purpose to note that Aristotle’s account of justice/injustice as a state of character does not have to bear such an analytical weight that its articulation dictates how other concepts in the realm of particular justice are defined.

6. Conclusion

In this paper, I have articulated the definitional structure of Aristotle’s particular justice based upon the notion of a just/unjust state of affairs. Such

a definitional structure is both compatible with Aristotle's agent-centred ethics and internally coherent. Admittedly, the account of justice in Aristotle's virtue ethics framework reconstructed in this paper bears a striking resemblance to the Rawlsian paradigm of justice. Yet theorists sympathetic to virtue ethics should not be frustrated, since many main features of an agent-centred ethics are left intact. Properly appreciating Aristotle's own theory not only helps us see "what is unique and distinctive of his own project" (Hirji, "What is Aristotelian?", 692), but also shows how a common ground can be re-established for discussions from different perspectives.

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