# **Justice as a Virtue**

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1. History

1.1 Ancient

Philosophical discussion of justice begins with Plato, who treats the topic in a variety of dialogues, most substantially in *Republic*. There Plato offers the first sustained discussion of the nature of justice (*dikaiosune*) and its relation to happiness, as a departure from three alternatives receiving varying degrees of attention. First, there is a traditionalist conception of justice (speaking the truth and paying your debts). Second, Plato has Socrates rebut the Sophist conception of justice which built on a distinction between nature (*phusis*) and convention (*nomos*) As Plato has this conception articulated by Thrasymachus in Book I, justice is simply the “advantage of the stronger,” not tracking anything like the sort of value attributed to it by traditionalists. Finally, Plato has Socrates confront a conventionalist conception of justice that anticipates modern contractarian views, in which justice — forbearing preying on others in exchange for not being preyed on by them — is a “second-best alternative,” not as good as being able to prey at will upon others, but better than being the prey of others. These last two challenges give rise to the central question of the book: to whose advantage is justice? Would we really be better off being unjust if we could get away with it? Plato’s negative answer to that question is the project of the balance of the work.

Plato’s method involves the provocative idea that justice in the city (*polis*) is the same thing as justice in the individual, just “writ large.” There are good reasons to worry about that assumption (Williams 1973; Keyt 2006). But in Plato’s sociology of the city, there are three classes engaged in a kind of division of labor. There is a guardian class which rules, a class of “auxiliaries” that provide the force behind the ruling, and the class of merchants that produce to satisfy the needs and desires of the city. Similarly, the psyche of the individual has three parts: a reasoning part to rule, a “spirited” part to support the rule of reason, and an appetitive part. Plato finds justice in the city to consist in each part “having and doing its own,” and since the smaller is just like the larger, justice in the individual consists in each part of the psyche doing its own work. (This grounds the idea, later enshrined by Justinian, that justice is “giving every man his due;” Justinian I.i). Further, Plato argues, justice is a master virtue in a sense, because in both the city and the psyche, if each part is doing its own job, both city and psyche will also have wisdom, courage, and moderation or self-discipline. This conception of justice sustains the contrast with the conventionalist view advocated by the Sophists. On the other hand, at least initially it leaves it an open question whether the just individual refrains from such socially proscribed actions as lying, killing, and stealing. Plato eventually seeks to show that someone with a healthy, harmonious soul wouldn’t lie, kill, or steal, but it is not clear that argument succeeds, nor, if it does, that that is the right understanding of why we ought not to lie, kill, or steal (Sachs 1963; LeBar 2013, ch. XII).

Plato gives a somewhat different treatment of justice in *Crito*, in which Socrates’ eponymous friend attempts to persuade Socrates to accept his (Crito’s) offer to bribe a way out of the death sentence Socrates is waiting to have executed. Here Plato’s arguments first associate the just life with the good life, thus the life Socrates has most reason to live. And justice, he then argues, requires not only not inflicting wrong or injury on others, even in response to wrongs from them, but fulfilling one’s agreements, and — in particular — abiding by one’s (tacit or explicit) agreement to abide by the laws of the city unless one can persuade it to change them. Of course, justice cannot require one to abide by laws that require one to act unjustly, as Socrates’ own case (as characterized in *Apology*) shows (Kraut 1984).

It is worth noting (as Johnston 2011 observes) that even if Plato’s is the first *philosophical* discussion of justice, a concern with what an individual is due as a matter of justice is a driving issue in Homer’s *Iliad*, though there is no counterpart concern there with justice as a property of a society or tribe. So even Plato’s philosophical concerns are building on well-established questions about what justice requires of us in our treatment of one another.

Aristotle does not see the virtue of justice in quite the comprehensive sense Plato does; he treats it as a virtue of character (in the entirety of one of the ten books of the *Nicomachean Ethics*, also common to the *Eudemian Ethics*), and as a virtue of constitutions and political arrangements (in *Politics*). The question naturally arises as to the relation between these forms of justice. Aristotle seems to think they are closely related, without being synonymous applications of the same concept. As the latter is a conception of political justice, we will focus here on the former. Justice as a personal virtue follows Aristotle’s model for virtues of character, in which the virtue lies as an intermediate or mean between vices of excess and defect (*Nicomachean Ethics* V). While he grants that there is a “general” sense of justice in which justice is coincident with complete virtue, there is a “particular” sense in which it is concerned with not overreaching (*pleonexia*). It is not clear, however, exactly how Aristotle understands this arrangement, or the nature of the vices of excess and defect which this “particular” justice is to counteract. One very plausible reading has it that justice is opposed to a desire for maldistribution of “goods of fortune” such as money, fame, or honor (Williams 1980; Curzer 1995). On another it is opposed to an insufficient attention to others’ rights (Foot 1988, p. 9). On still another it focuses on the goods of others, or common goods (O’Connor 1988; Miller 1995).

These issues remain open in part because Aristotle seems most interested in establishing a conception of the formal *structure* of “particular” justice, which seems to reflect a conception of desert. He distinguishes between justice in distribution and justice in rectification. The former, he claims, adheres to a kind of proportionality, in which what each deserves is proportional to the relationship between the contributions. If A contributes twice as much as B (of whatever the metric of merit is relevant in some particular case), then A’s return ought also to be twice B’s. This conception of distributive justice obviously lends itself to “goods of fortune” — and to some goods, like wealth, more obviously than others — but it need not in principle be confined to such goods, although the examples Aristotle provides suggest such applications. Similarly, justice in rectification involves a sort of “arithmetical proportion.” If C defrauds D by amount X, then justice requires depriving C of X and restoring X to D, as a matter of re-establishing a kind of equality between them. These structural devices are elegant and attractive, but they leave open a number of questions (LeBar, forthcoming). First, as indicated, to what are we to suppose they apply? Second, in what way do they figure into the nature of the person who is just in the particular sense? (That is, how are they related to justice as a virtue?) Does a model of particular justice as a virtue fit the general model of virtue as a mean, and if so, what sort of mean is it? Aristotle seems torn between a conception of justice as a virtue in his distinctive understanding of what a virtue is — with a requirement that one have all the virtues to have any (*Nicomachean Ethics*VI.13), and rooted in the doctrine of the mean — and justice as having the form of a formal normative structure, to which the virtue threatens to become subsidiary. All this is to leave aside questions of the relation between this “particular” sense of justice and political justice, and the role of the virtue of justice in the individual as it contributes to justice in the polis.

Epicurus’ conception of the role of justice was more central to his eudaimonism perhaps than its counterpart in Plato and Aristotle, but that reflects in part his distinctive understanding of *eudaimonia*, or happiness. For Epicurus this consisted in *ataraxia* — tranquility, or freedom from disturbance. Given that the good life is the life without disturbance, justice plays a key instrumental role. One might, Epicurus thinks, withdraw entirely from human society to avoid disturbance, but the alternative is to live socially under terms which secure the avoidance of disturbance. This is the structure of the ideal Epicurean community, in which each forbears aggression (Armstrong 1997, Thrasher 2013). Justice is a matter of keeping agreements generally, and in particular the agreement not to harm or transgress social norms.

In this way Epicurus offers a conception of the virtue of justice that harmonizes both its personal and its political dimensions. The personal virtue consists in the motivation to abide by a contract not to aggress or harm others. The political virtue inheres in a polity in which such norms regulate the conduct of its citizens, and these two dimensions of justice as a virtue reinforce each other.

The other great ethical tradition of antiquity (Stoicism) had remarkably little to say about justice (Annas 1993, p. 311), so we pass on to the medieval and modern periods.

<https://plato.stanford.edu/entries/justice-virtue/#Anc>

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