

Phil. 609 Handout 08. BOOK V JUSTICE: a special virtue, involves more logos; it takes a whole book
[other virtues rectify our passions; justice is more public and “mathematical”]

1. for Aristotle, justice is primarily a virtue of an individual agent, not of an institution or a city; a just man is objective enough to want a proper arrangement of transferrable goods. (He does not favor himself or his own)

2. Aristotle approaches justice by using the unjust as a foil; we can distinguish two kinds of *injustice*:

- the lawless (disobeys the established laws; an “unjust” man)
- the grasping and unequal (wants more for himself [πλεονεκτης], & has no sense of equality [ανισος])

the two forms of *justice* corresponding to each of these are:

- the law-abiding: justice as virtue entire, but “towards another”: GENERAL JUSTICE (Ch. 1)
- not wanting more: justice as part of virtue, not equal to virtue as a whole: PARTICULAR JUSTICE
 - regarding distribution (not just money but honor and authority also)
 - regarding correction (there has been a violation of order, hence a need to restore)
 - regarding voluntary exchanges (fraud)
 - regarding involuntary exchanges (theft)
 - clandestine (burglary, pickpocket)
 - violent (mugging, assault)

3. the unjust is the unequal, justice is the equal, in two ways:

- DISTRIBUTION: –equality of proportion (you have four terms; the person is considered)
CORRECTION: –equality of subtraction & addition (the person is not considered)

4. RECIPROCITY (το αντιπεπονθος, αντιπεμνω) is introduced as different from both distributive and corrective justice. It is hard to work out equalities among different kinds of persons and things; *money* exercises an important equalizing power; money is based on demand for the good in question and allows the demand to manifest itself; the concept of money is thus developed in the context of justice; humanly speaking, money comes between human needs and justice; emphasis on money itself fosters unnecessary wants;

5. More important than money as an equalizer is *the just man*: he avoids the basic problem of preferring one's own; justice avoids the too much and the too little; note how justice is more “mathematical” than the other virtues; it is more purely “rational,” less involved in any immediate emotion;

6. the law introduces justice and reason without passion

7. the difference between doing an unjust act and acting unjustly; Ch 6, ¶ 1; chapters. 8-9;
Chapter 8 gives good examples of many of the notions defined in III 1-5. Note the treatment of fear on p. 94.

p. 94: various ways we are “contaminated” by a bad thing that we “do”:

- it happens through bad luck we couldn't have known (*we* didn't do it, yet we did)
- it occurs through our mistake, our “fault” we should have known but didn't
- it is done by us as an episodic act of injustice we did it [by pathos?] but didn't choose it as such
- it is done *by* us according to character, chosen we are unjust agents and we act this way

p. 96: incontinence; p. 97: it's hard to be really bad or good; p. 98: it's hard to be bad.

8. equity, Chapter 10; equity, epicheia; it makes up and adjusts for the universality of law;

9. the just by convention and the just by nature, Chapter 7; another handout for this.

A general remark: particular justice deals with goods that are:

- a. transferrable [in contrast, for example, with mathematical ability or good looks, which aren't transferrable]
- b. capable of being possessed as more or less