

# Chapter 8

## The challenge to Justice

### 8.1 Readings and Homework

#### 8.1.1 Readings:

Plato, *Republic*, I and II (stop at construction of ideal city 368a)

#### 8.1.2 Homework

Give a short answer (three or four sentences) to the following questions on the basis of the readings:

1. What are the definitions of justice that Cephalus and Polemarchus give? Why aren't they satisfactory according to Socrates?
2. Why does Thrasimachus think that the tyrant is the happiest of all men? What does Socrates answer to him?
3. Glaucon gives a long speech about the origin and the nature of justice? What are his main points?
4. Adeimantus adds to Glaucon's speech: what are his main points?

### 8.2 The *Republic* introduction

#### 8.2.1 Characters

SOCRATES: Athenian citizen, stone-mason, semi-professional twit.

GLAUCON: rich young man, brother of Plato

ADEIMANTOS rich young man, brother of Plato

THRASYMACHUS: (“shemer”) a Sophist, from Chalcedon, who demands payment for knowledge and truth

POLEMARCHOS: (“leader in battle”) son of Cephalos, brother of Lysias the Orator; killed in 403 B.C. by the 30 Tyrants (among whom were Plato’s cousin Kritias and his uncle Charmides)

CEPHALUS (of Syracuse.): (“head”) Father of Polemarchos and of Lysias the Orator. A rich metic and weapons industrialist.

Others: Charmantides, Euthydemos, Kleitophon, Lysias, Nikeratos

### 8.2.2 Outline by books

The *Republic* is a major work of Plato. It contains his ethical and political philosophy, as well as his major doctrine about how knowledge is possible, that is the theory of the forms.

For a outline on line, see:

<http://www.csun.edu/~hcfl1004/plat-republic-out.html>

- Book I, and the beginning of Book II, set the problem which will be the one with which Socrates is concerned until the end of the book:

*Is it always better to be just than unjust?*

- Book II to IV take a long detour. The strategy is to find what justice as a virtue of a city is, in order to define justice as a virtue of the individual human soul. Thus the construction of the ideal city and the exposition of political doctrines.
- At the end of Book IV, it seems that we have reach a good definition of justice for the individual soul, as the proper functioning of each principles of action in the soul (appetitive, spirited and rational).

However the new challenge is now to prove that such organisation, of the city and the soul, where the rational principle governs the appetitive principle with the help of the spirited principle, is more than a dream and is in fact possible.

- The end of Book V to VII answer the new challenge in investigating how knowledge is possible, what are its objects, and how it can rule.

### 8.3. THE INCONSISTENCIES OF TRADITIONAL NOTIONS OF JUSTICE, REPUBLIC I101

- Finally, on the basis of what justice is, and that a just soul and city are in fact possible, Socrates can come back, in Book VIII and IX, to his main point: to prove that it is always better to be just than unjust.
- In Book X, Socrates offer a new myth, in agreement with his doctrines, to replace the misleading or at least ambiguous fables of the traditional poets.

## 8.3 The inconsistencies of traditional notions of justice, *Republic I*

Socrates had gone to to the harbor (Piraeus) to see a new festival and was returning to Athens when Polemarchus persuaded him to stop to see Polemarchus' father, an old and revered business man named Cephalus.

### 8.3.1 Reading Book I: Traditional definitions of justice refuted

**Def 1: to speak the truth and and paying debts 331d (Hesiodic justice)**

- Socrates' brief exchange with the elderly, wealthy and seemingly decent Cephalus
- Counter example: to give back weapons to a friend when he is out of mind
- Cephalus retires (to see the sacrifice)

**Def 2: to give each what is owed to him 331e**

- Socrates and Polemarchus, who "inherits" his father's argument
- Argument from authority: quotes the poet Simonides
- Elenchus of Socrates, whatever the shifts of Polemarchus
  - same counter example

- **Def 2a: to be good to your friends, bad to enemies 332a** – Homeric virtue
- Elenchus: Socrates shows that this definition (and its refinements) implies that:
  - justice is only useful for useless things
  - justice is a craft of stealing that benefits friends and harm enemies
  - friends and enemies: subjective and unstable notion
  - then justice can include to benefit bad people and harm good ones
- **Def 2b: to be good to friends who are good, and bad to enemies who are bad 335a**
- Elenchus:
  - P1: to do harm to horses, dogs and humans makes these horses, dogs and humans worse in, respectively, “horsian”, “doggan” and human virtue
  - P2: justice is a human virtue
  - CC: those who are just make people unjust through justice
  - Corollary: **it is never just to harm anyone** (Question: what do you think of this?)

### 8.3.2 An interpretation of the beginning of the Dialogue

From Rachel Barney, “Calicles and Thrasimachus”, SEP

Plato here uses “generational change to dramatize moral conflict and instability, and perhaps a decline of traditional values” – description of a society in moral disorder

- Fifth-century Greece features a debate over justice, mainly because of the complexities and potential inconsistencies contained in the traditional Greek moral thought.
- **Two notions of justice are conflicting:**

### 8.3. THE INCONSISTENCIES OF TRADITIONAL NOTIONS OF JUSTICE, REPUBLIC II03

1. **A traditional ideal of justice: Hesiod, *Works and Days* (700 B.C.E.):**

This is a canonical text for traditional ancient Greek moral thought in which one can distinguish *two aspects* of justice (even if Hesiod does not give any strict definition of justice) from the examples:

- *nomos*, or law/convention (both written laws and socially enforced norms) – to be just is inseparable from to obey the laws;
- *sophrosyne*: self-restraint, contrasted with *pleonexia*, or greed – to be just is inseparable from to be content with what one has/is entitled to have.

Moreover, the laws, and therefore justice, find their origin in a divine enforcement (Zeus or Prometheus). The problem arises of the reliability of the enforcement of the divine law on earth. Is it the case that the badguys are punished and the good guys rewarded in our world?

2. **Justice for all practical purposes: Homer, *Iliad* and *Odyssey***

Homer focuses on the notion of *aretê*: excellence, virtue – set of skills and aptitude which make the noble man. This implies a much more practical notion of justice.

- justice is part of *aretê* – it is one of the virtues that together constitute *aretê*<sup>1</sup>
- justice is the virtue governing social relationships, citizenship and leadership
- then justice is part of the set of skills that make a man “able to manage public affairs and in so doing to benefit his friends and harm his enemies and to be careful that no harm comes to himself” (Meno, beginning of *Meno*, 71e)

The question then arises: how to accommodate this with Hesiod’s ideal of justice? For example, can a judge never harm his friends and himself and never break the law?

Socrates, in his elenchus, points out the **inconsistency** of the two traditional accounts of justice, the Hesiodic justice, including law abiding and the restraint of *pleonexia*, and the Homeric justice, or *aretê*. The main point is

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<sup>1</sup>*Aretê* is one of these ancient words that are impossible to translate. A paradigm of it is the ideal of a handsome, strong, clever and just young man.

that **skills for social and political success indeed can include greed and lawlessness.**

### 8.3.3 Discussion

It is never just to harm anyone

Socrates points out that the Homeric notion of justice contradicts not only the traditional views on justice but also what he takes to be the very notion of justice (*dikê*).

- Contrast to above statement with the law of retaliation

Note on the law of retaliation: today, we tend to assimilate the law of retaliation with vengeance. This is misleading. Granted, the idea is that justice involves punishment. That said, it also involve that *the punishment fit the offense*, that is to say: the punishment should not be arbitrary. This was new, and progressive.

Now: does justice necessarily involve punishment? In what sense? And why?

- What rule can be behind Socrates' statement? – golden rule
- Another model of moral: think of Christian forgiveness (see also Buddhism)

An eye for an eye and a tooth for a tooth and the whole world would soon be blind and toothless

Note that to forgive is very different than to forget. To forgive is to fully acknowledge the wrong and give a true gift: forgiveness. It is much harder than one might think – think about the way we deal with post-war situations: Europe of course, but also South Africa or South America for example.

## 8.4 Thrasymachus' Definition: the advantage of the stronger

Thrasymachus's roar, and denunciation of Socrates' pretention to ignorance (Note that he does not understand the point of Socrates irony) 336c

### 8.4.1 Def 3: justice is the advantage of the stronger 338c, Argument

- There are different kinds of political regimes
- Whatever the regime, the stronger in a city is the ruler
- Rulers rule to their advantage
- Rulers call “just” to obey their laws and “unjust” to disobey them
- Therefore: the “just” is but the advantage of the ruler

And the different forms of government make laws democratical, aristocratical, tyrannical, with a view to their several interests; and these laws, which are made by them for their own interests, are the justice which they deliver to their subjects, and him who transgresses them they punish as a breaker of the law, and unjust. And that is what I mean when I say that in all states there is the same principle of justice, which is the interest of the government; and as the government must be supposed to have power, the only reasonable conclusion is, that everywhere there is one principle of justice, which is the interest of the stronger.(338e)

### 8.4.2 First Elenchus: Contradiction in Thrasymachus's beliefs

Socrates notes that Thrasymachus and himself agree on the idea that the just is the advantageous: What they do not agree on, is *on what the advantageous consists of*.

- Three contradictory theses:
  - (1) to do what is to the advantage of the ruler is just
  - (2) to do whatever the ruler prescribes is just
  - (3) rulers are sometimes mistaken and rule against their advantage
- Discussion between Polemarchus and Cleitophon: (1) should be reformulated as
  - (1') to do whatever the ruler thinks is to his advantage is just

### 8.4.3 Thrasymachus's move toward amorality

Thrasymachus surprisingly refuses the refinement of (1) into (1'): rejects (3)!

- Ruling is a kind a **craft** (*technê*)
- no craftsman, in so far as he is a craftsman, ever errs.
- **a ruler, *qua* ruler, never errs**

But to be perfectly accurate, since you are such a lover of accuracy, we should say that the ruler, in so far as he is the ruler, is unerring, and, being unerring, always commands that which is for his own interest; and the subject is required to execute his commands; and therefore, as I said at first and now repeat, justice is the interest of the stronger. 340e

This is a turning point: Thrasymachus has admitted that ruling, and hence the practice of justice, is a **craft**. Socrates's elenchus is going to be mostly based on this idea: is it the case that crafts are practiced to the advantage of the craftsmen? If Socrates can prove that this is not the case, then he wins the battle, for then ruling is not practised to the advantage of the ruler.

### 8.4.4 Second Elenchus: Practicing an art is not to the advantage of the practitioner of its object – 1

Argument based on the *structure* of what is a "craft":

- ruling is a kind of craft
- a craft, *qua* craft, seeks the advantage of its object (bodies for medicine, horses for horse-breeding),
- that is, the advantage of the weaker.

Therefore:

there is no one in any rule who, in so far as he is a ruler, considers or enjoins what is for his own interest, but always what is for the interest of his subject or suitable to his art; to that he looks, and that alone he considers in everything which he says and does. (342e)



### 8.4.5 Objection and lengthy speech

- shepherds and cowherds raise sheep and cattle for their own good, not for the animals's good; - the effect of justice is to the disadvantage of the just, at the level of private contracts, public affairs, or ruling matters.
- on the contrary, the complete unjust man is the happiest – the figure of the tyrant:

the most complete injustice, the one that makes the the doer of injustice happiest and the sufferers of it, who are unwilling to do injustice, most wretched. This is tyranny [...]. (344a)

The tyrant steals the money of the citizens, whom he reduces to slaves, and for this, “he is termed happy and blessed”

- CAREFUL! ASSUMPTIONS:
  - (1) wealth and power are the good that constitute man's advantage
  - (2) more wealth and power for one implies less wealth and power for others : the advantages of an art are *zero-sum* properties
  - (3) to be called “happy and blessed” is sufficient to *be* “happy and blessed”.
- Socrates points out to the assumption (1) about the definition of the good.

He proposes a shift in the topic of discussion: he asks that Thrasymachus stay and discuss “how life may be passed by each one of us to the greatest advantage”.

Note the superlative: greatest advantage.

Thus, Socrates notes again that Thrasymachus and he disagree on what constitutes the greatest advantage. Wealth and power might be of some advantage, but Socrates does not believe them to be constitutive of man's advantage (and therefore happiness).

### 8.4.6 Third Elenchus: Practicing an art is not to the advantage of the practitioner of its object – 2

That said, there is more to be said about the previous topic and the structural argument: to whose advantage is a craft?

- Following the structural argument against the idea that practicing an art to the advantage of the practitioner: the extrinsic waging
  - there are different arts
  - each with a strictly specific function (a good)
  - each of them may have goods which come along
  - but these goods are extrinsic, e.g: navigation is not the art of medicine, even if the sailors's health might be improved on a sea trip.
  - these extrinsic goods come from "an additional use" of another art.
  - art of paiement is a distinct art;
  - Paiement, an advantage that the artist receives from practicing his art, is an extrinsic good;
  - Application to ruling: paiement is an extrinsic advantage that the ruler takes out from ruling for himself, but it is not specific to the art of ruling. The intrinsic good of ruling is the good the ruler provides to the ruled.
  - It is in fact the only advantage, and this is why people don't want to govern without being paid or penalty for refusing.
- **Digression with Glaucon: Socrates on the penalty for the people not interested in power** – the philosopher-king is punished if he does not rule: he is ruled by someone worse than himself.

Now the worst part of the punishment is that he who refuses to rule is liable to be ruled by one who is worse than himself. And the fear of this, as I conceive, induces the good to take office, not because they would, but because they cannot help –not under the idea that they are going to have any benefit or enjoyment themselves, but as a necessity, and because they are not able to commit the task of ruling to any one who is better than themselves, or indeed as good. For

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there is reason to think that if a city were composed entirely of good men, then to avoid office would be as much an object of contention as to obtain office is at present; then we should have plain proof that the true ruler is not meant by nature to regard his own interest, but that of his subjects; and every one who knew this would choose rather to receive a benefit from another than to have the trouble of conferring one. (347 c-e)

#### 8.4.7 Fourth Elenchus: which is vice or virtue, among justice and injustice? – against assumption (2)

- Advantages of the dialogues vs. confronting speeches:

but if we proceed in our enquiry as we lately did, by making admissions to one another, we shall unite the offices of judge and advocate in our own persons.

- Injustice: virtue or stupidity?

Thrasymachus does not push to the end his argument: he calls justice, not a vice, but only a "sublime simplicity". He does not propose an alternative moral norm. Rather, only presents an anthropology and sociology of traditional justice. Callicles, on the contrary, will present such a norm in the *Gorgias*: natural justice (= the right of the stronger).

- Fourth Elenchus: structural argument about art and knowledge in general:
  - among true artist, there is no competition to "have more" in the art
  - same for knowledge in general
  - knowledge is wise, and wise is good
  - then the wise and good does not want to have more wisdom and goodness than other wise and good men
  - this is structurally the opposite of the unjust man, who always wants more: he wants to possess more than the just men, and also than other unjust men.

- Thus justice is wisdom and knowledge, while injustice is vice and ignorance

- The point here is:

- to refute Thrasymachus claim that the unjust man is wise and clever,  
 - but most of all, to refute one of the three assumptions in Thrasymachus's reasoning: that the advantages of an art are zero-sum.

According to Socrates, this is not the case. **It is not because a musician plays beautifully a piece, that another cannot do just the same. The same holds for justice.**

In short, the argument goes like this:

Question: Are wealth and power the advantages obtained by ruling?

- the advantages of a craft are not zero-sum
- wealth and power are zero-sum
- hence, wealth and power are not the advantages of the craft of ruling

#### 8.4.8 Fifth Elenchus: which is powerful or not, among the just and unjust? – against assumption (1)

Thrasymachus does not want to play anymore. It is doubtful that Thrasymachus really agree on any of the following argument with Socrates. The issue of the power and strength of justice and injustice remains to be figure out.

- Effect of injustice at the level of the group of individuals:
  - No group of men can consider carrying out a common action if they are unjust to one another
  - Generalization: Injustice creates division, while justice creates harmony
- Same effect of injustice at the level of the individual soul

And is not injustice equally fatal when existing in a single person; in the first place rendering him incapable of action because he is not at unity with himself, and in the second place making him an enemy to himself and the just?

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- Thus the perfectly unjust is perfectly unable to complete any action. He is the least powerful. Note that the point here is to refute the second assumption: that wealth and power over the other are the goods that constitutes a man's advantage. According to Socrates, internal harmony and the ability to act properly are the real goods that constitutes a man's advantages.

#### 8.4.9 Last Elenchus: which is the better and happier life, among the just and the unjust?

This the last argument, during which Thrasymachus only nods without commitment

- Sixth Elenchus:
  - A1. specific end of each thing
  - A2. specific excellence of each thing
  - A3. end achieved thanks to corresponding excellence
  - B1. end of the soul is "to superintend and command and deliberate"
  - B2. another end is life
  - CC1. then defective soul cannot rule properly
  - CC2. excellence of the soul is : justice
  - CC3. therefore only a just soul lives well
  - C1. to live well is to be blessed and happy
  - CC4. therefore the just is blessed and happy
  - D1. but to be happy is an advantage
  - CC5. then justice is to the advantage of the just
- The main question remains unanswered: we have shown that:
  - justice is virtue
  - justice is powerful
  - justice is profitableBut we still don't know what justice is!

### 8.4.10 Comments

- Thrasymachus and Rationality

Thrasymachus is a master of speech. He is skilled as far as discussion is concerned. That said, he sees this rationality just as a *tool*. He is most interested in money and power. This is typical both of the figure of the sophist in Plato's dialogue and of what constitutes true injustice in the rest of the *Republic*.

- Thrasymachus and Conventionalism

We would say today: moral values as social constructions

- Remember Hesiod: to obey the laws of the community is just – whatever the laws are. This runs deep in the Greek Thought.

- Remember also Socrates decision about exile vs. swallowing the poison.

- The sophists took this traditional notion, and turned it to mere convention.

Thrasymachus can be seen as giving a cynical reading of the traditional account:

- Laws are not divinely, but humanly, too humanly enforced. Thus, they just reflect the interest of the ruling party.

- Language of justice: Thrasymachus, contrary to Socrates, does not try so much to define what justice is than to analyze the use of the term “justice” in the society.

- The effect of justice: in the same way, he analyzes the effect of just behavior in our societies.

- Just as Socrates, Thrasymachus plays on the inconsistencies between *aretê* and the restraint of *pleonexia*

- What Socrates refutes, and what he does not refute.

Interestingly enough, Socrates never refutes:

- that the just man is ill treated in the society,

- that the existing governments govern to the advantage of the rulers.

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Rather, Socrates focuses on deeper theses and assumption of Thrasymachus position:

- the use of rationality;
- what constitutes men's advantage.

- Discussion:

- Compare the respective views of Socrates and Thrasymachus on sheep or cow herding. **In general, do you think that the ruler is best compared to the physician (Socrates) or to the shepherds and cowherds (Thrasymachus)?**
- How does the analogy between the group of unjust people and the unjust individual, as far as completing an action is concerned, work? Does it seem a sound argument to you? Under what assumptions?

## 8.5 Origin, Nature, Value and Criteria of justice: what are the options?

What are our options regarding the nature of justice? We have to distinguish between three different questions:

- Where is the *origin* of justice?
- What is the *nature* of justice?
- What is the *value* of justice? That is to say, how do we justify the idea that justice ought to be done?
- What are the *criteria* for justice? That is to say, what makes a given action just or unjust.

Needless to say, your answers to the last two questions depend on your answer to the first two.

We have here three options:

1. Injustice is natural. Justice is coming from conventions only;
2. Justice is natural: coming from rationalization of our best interest;

3. Justice is natural: coming from our sentiments;
4. Justice is natural: coming from our reason.

See Michael Slote, “Justice as a virtue”, SEP

### 8.5.1 Glaucon’s challenge to justice

We are now to set the stage for the entire book.

- Glaucon gives first the outline of his speech:
  1. He distinguishes between *three kinds of good*:
    - profitable in themselves – joy;
    - profitable in themselves and for their consequences – being healthy;
    - profitable for their consequences and not in themselves – medical treatment;
  2. He announces his thesis (358a): *Justice is of the third kind*
  3. Outline (358b-c):
    - A. What (people say) justice is and what its origins are
    - B. No one is just willingly
    - C. The life of the unjust person is much better than a just one
- What is justice: its origin
  1. Injustice is natural:
    - it brings advantages
    - on the contrary, being just brings sufferings
  2. Justice is thus artificial:
    - justice is an intermediate good: in between the “best”, which would be to commit injustice without being caught, and the worse, which would be to suffer injustice without being able to take revenge.
- No one is just willingly



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1. Argument: People who are just are such:
  - either because they are weak (not strong enough to be unjust),
  - or because they are forced by the law.
2. Illustration of the thesis: Gyges' Ring.

The point of the story is: anyone who were given the power to be unjust without being caught, would do it.

Thus: "one is never just willingly but only when compelled to be".

- Comparison between unjust and just lives.

Remember that we do not want to show that justice is good for its consequences, but for its own sake. Hence, we have to "strip" everything from justice to see how it is good or not. Thus, *the challenge is to prove that the extremely just life is better than the extremely unjust life*:

- The extremely unjust life: an unjust man receiving rewards and honors.
- The extremely just life: a man just believed to be unjust.

**This is the agenda for the rest of the book is now:**

*To prove that justice, whatever the consequences (from infamy to death), is a good by itself*, that is, to prove Socrates' thesis that justice is of the first kind of goods.

- Adimantes: to prove this, we have to investigate the nature of justice itself
- Socrates:
  - Justice in the city is a paradigm (model) for justice in the individual soul (Paradigm)
  - Study case: from the state of nature to the ideal city

### 8.5.2 Conventionalism

This is the view presented by Glaucon: injustice is natural. No one is ever just unless he or she is compelled to be by artificial convention. Anybody who is given the power to break the rules without being caught will do it.

- What is the *origin* of justice? – artificial  
 Assumption made about the nature of men? Men are naturally “bad people”, seeking their advantages over the others.  
 See: Hobbes – contrast with Rousseau
- What is the *nature* of justice?  
 Convention
- What is the *value* of justice?
  - Nothing but conventional. No foundation of the Law. Other values could prevail.
  - This can lead to *Relativism*: if there is no foundation, then no justification, and *all the laws are “equally” just*, just by being laws.
- What are the *criteria* of justice?
  - Conformity to the Laws.
  - Justice is done by external pressure: first education then Law and punishment. No internal recognition of the law as just is required to be just.  
 See Hobbes and the right to kill the executor.
  - No question about the motives: we know that even when people are just, they do not mean it, but are serving their own interest (it is a lesser evil).
- **Problems with mere conventionalism and relativism:**  
 The arguments that are usually given in favor of conventionalism do not stand under closer scrutiny.

### 1. Historical and sociological contingency:

Laws, which define what is just, are stemming from historical and social circumstances (contingent), therefore they are relative.

Is this argument valid? No.

If it was a valid argument, you could make exactly the same argument about laws of physics: they are also a product of history and

society. Now, would you say that all the scientific laws are equally true, depending on the preferences of the various societies?

The problem is that *the contingent ways in which things came to be believed does not imply that the content of the belief being itself contingent*. For instance, the historical ways in which we came to believe that the earth is round does not imply that it is a matter of convention: there is no fact of the matter concerning the roundness of the earth!

**2. Differences imply nothing is absolute:**

There are differences between systems of justice, hence none is universal.

Is this argument valid? No.

This is a simple fallacy, deducing an universal statement for an existential one. This never works.

Now, if you need more to be convinced:

- (a) There are actually *important agreement* between systems of justice – incest is a case in point, but there much more;
- (b) Much disagreement is superficial – example: eating meat and eating your grand mother. In these cases, *we do not have different values but really different beliefs implying different ways of applying the same values to our existence*.

**3. Relativism does not account for agreement** between systems of values:

A minimal requirement for a good theory of ethical values is that it gives an account of the appearances. Typically, a theory is supposed to explain similarities in appearances with similar causes (Compare with physics or biology).

- (a) Well, Relativism simply does not account for the overall agreement between our notions of justice and moral values.  
When the Europeans traveled the world, they successively discovered:
  - Wise men in Asia
  - Wise men in Africa
  - Wise men in America

The similarities between the way of life of some “wise men” in Asia and their ideal of life stroke the Stoics very much during Alexander’s travels. But the historical and social circumstances were completely different from one continent to another... *So, how do you account of these similarities, unless through a common cause, a true foundation for moral values within human nature?*

- (b) From the wise men to yourself: have you never ever done something just in your life, not because you were compelled to, neither because of the expected consequences, but just you thought it was the right thing to do?

Well, again, relativism simply does not account for this. So, we might as well look at other options, in order to account for a *our natural tendency to justice*.

### 8.5.3 Utilitarianism

- What is the *origin* of justice?

We naturally look for our self interest. As rational being though, we come to understand that our best interest lies in peace, and that peace requires that laws be made and obeyed. Justice is thus the result of our rational understanding of our best interest.

- What is the *nature* of justice?

Justice is essentially a matter of calculation: what is the best overall interest of the community.

- What is the *value* of justice?

The value of justice comes from what it offers to us: justice is advantageous when one think of it.

- What are the *criteria* of justice?

Only the consequences are important: whatever the motives, the important part is that a just action brings some good upon your community.

- **Problems with Utilitarianism**

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1. Can we always compute? Isn't there some situations in which we cannot decide which action is the best according to the best consequences? In which cases, most often, we do what we think is "the right thing to do".
2. How do we know how to compute? Example: What should the single mother do with 1 dollar?
3. What about unexpected consequences??
4. What about the motives? Are we just when we do not steal just because of the consequences?

### 8.5.4 Sentimentalism

- What is the *origin* of justice?

While not immediately innate, justice is built upon from some other virtues which are natural.

- What is the *nature* of justice?

- Benevolence, the care for relatives and beloved, the sym-pathy or com-passion (= "to suffer along with" – according to your preferences to Greek or Latin roots) are such natural virtues

- Justice, keeping promises and respecting contracts are built on this by generalization: from your relatives to your community, from your community to anyone you consider is suffering just like you are.

- Example: you do not want your mother to be killed... Probably you will be able to conceive that others do not want their mother to be killed either.

- The notion of "care" could be universalized, so that we formulate the Golden Rule as a moral value.

- What is the *value* of justice?

In this case, that justice is not immediately innate does not imply it has no special value, quite the contrary: you are a better person than before when you are compassionate not only to your family but also to any human being.

That said, there is always the tendency to prefer your relatives over other men: justice remains secondary for most of us.

- What are the *criteria* of justice?

What matters is virtue, which consists of:

- sustained good habits
- the internalized will to do the right things
- motives, not consequences are thus essential to just actions

- **Problems with Sentimentalism**

- an empiricist view – reasonable
- gives account of the appearances? pretty well
- Problems are:

1. Motives and not consequences of your actions: “Hell is paved with good intentions”!!
2. Fragile justice: your care for your mother is probably always stronger than your care for any other mother in the world. So, it is not clear that the “universalization” is fully consistent (actual research programs)
3. What is missing is what some might call the “sense of duty”, which may be stronger than any sentiment of compassion.

### 8.5.5 Rationalism

Kant

- What is the *origin* of justice?

Justice is coming from your reason. It is part of your hardware. This is the sense of duty that you may choose to follow or not.

- What is the *nature* of justice?

- As rational beings, we have the faculty to legislate universally
- It is what you know is right
- No way to prove: it shows by itself to you : here is the sense of duty (the guy on your right shoulder)!!!

## 8.5. ORIGIN, NATURE, VALUE AND CRITERIA OF JUSTICE: WHAT ARE THE OPTIONS?121

- What is the *value* of justice?

*Only the use of the pure Reason gives us the possibility to be free.* The phenomenal world, experience, is under the reign of causality: in the natural world we are determined by the laws of nature. In the realm of reason, we can be truly free.

- What are the *criteria* of justice?

- I must act such that the rule of my action can be universalized. Meaning, this could be a rule of action for every situations and for every person

- Motives, never consequences make your action just

- **Problems with Rationalism**

Problem: It is never right to lie. It is never right to kill.

