

In what sense is justice a mean for Aristotle? Is this a convincing application of the text's 'Doctrine of the Mean'?

For Aristotle, justice is a mean in that it is intermediate between two extremes, and is therefore a suitable object for virtue to aim at. The different kinds of justice he identifies are associated with their own kind of extremes, but each is intermediate in some way. However, Aristotle's presentation of justice in Book V is rather unsatisfying as an application of the *Nicomachean Ethics*'s "Doctrine of the Mean", as he himself acknowledges. The account of justice fails to convincingly locate the virtue of being just between two corresponding vices, and is also unsuccessful at distinguishing between justice and other virtues. Aristotle's treatment of justice would be more convincing freed from the straitjacket of his Doctrine of the Mean, and as a result, Book V is a helpful illustration of the fundamental flaws in that framework. In this essay, I first consider why Aristotle is interested in demonstrating that justice is a mean at all, and explain what he understands a mean to be. Then, I outline his typology of justice and account of how justice is a mean, before critically appraising the convincingness of this approach. Finally, I conclude that Aristotle's application of the Doctrine of the Mean to justice is unconvincing, though understandable given his broader worldview, and exposes some of the shortcomings of the doctrine as a whole.

Aristotle's main project in the *Nicomachean Ethics* is to investigate the nature of the highest good for humans and explain how this highest good can be achieved. Books I, II, and III.1-5 set out a conceptual framework about linking together function (*ergon*), virtue (*arete*), and flourishing (*eudaimonia*), before the remainder of the work details specific virtues and practical considerations around how to attain them. The Doctrine of the Mean is introduced in II.2, and is of central importance to Aristotle's subsequent discussion of virtue:

Commented [u1]: The idea of being intermediate between two extremes is clearly an important aspect of the mean, as we have seen when we were looking at in previous books earlier this term. Is the mean an 'object' that virtue aims at seems to me more open whether this formulation is the most apt (this goes back to some of the questions we discussed earlier this term, where we concluded that the mean is best described as a particular kind of response, both in terms of feeling and agency). Perhaps the two of us can think of a slightly more precise and accurate formulation that could be relied on in opening an essay such as this one in the tutorial.

Commented [RS2R1]: •Psychologically, virtue is a stable disposition, to feel & act in certain ways that are intermediate between extremes of feeling & acting
•It's better to say that virtue is a stable disposition, that is a mean and aims at the intermediate

Commented [u3]: Good! Especially curious at this point to hear more about the second point of criticism you raise here.

Commented [u4]: Great, this is a really good way of taking the tutorial essay question further and to present an original take on the matter.

Commented [u5]: Also an very important and interesting question.

Commented [u6]: I know it's not intended this way, but this formulation sounds slightly dismissive; perhaps just "though understandably connected to his other theoretical commitments" might be a better way to go.

Commented [u7]: This is probably just me being pedantic but I am sure one could argue the NE's educational purpose might in fact be the most important aim, i.e., teaching its reader how to become good—surely the investigation is Aristotle's way to go about pursuing this aim, however. This is not really a point of criticism of you putting it this way, a reminder that there are different levels to taking seriously that Aristotle deems the NE to be primarily practical-educational in its overall purpose.

Commented [u8]: You are doing very well here with situating the discussion of justice within the overall context of the NE, especially the earlier books (this is definitely part of giving a good and successful answer to any of the questions in the exam as well).

Virtue then, is a state that decides, consisting in a mean, the mean relative to us, which is defined by reference to reason... It is a mean between two vices, one of excess and one of deficiency. (NE II.6, 1107a15-16)

It is clear that Aristotle conceives of virtue as fundamentally about the mean (*meson*), and that this view – which as Hursthouse (2006, p99) notes, was held in the context of a general principle in contemporary Greek philosophy that the *meson* was the best state across various disciplines and crafts – motivates his emphasis of the Doctrine of the Mean. In addition to demonstrating why Aristotle is interested in the mean, the definition above also helps us to pick out two of its crucial features. For each character trait, the mean:

- (1) is the virtuous state located between two vicious tendencies of excess and deficiency along that same dimension of character, and
- (2) generates a particular situation-specific response in terms of actions and feelings that are intermediate between the extremes which would be generated by its virtue's corresponding vices.

Young (2006, p184) refers to these features of the mean as the (1) location and (2) intermediacy theses, and I shall refer back to this decomposition in the evaluation which follows.

Before that, however, we must explore Aristotle's account of justice. He presents a nuanced typology, first distinguishing general justice from special justice, and further specifying the distributive and the corrective as subcategories of special justice (*NE* V.2, 1130b16-19 & 1130b30-b6). Each of these species of justice is claimed to be connected to the mean, but in a slightly different way to the others. Aristotle identifies general justice with "the exercise of the whole of virtue... in relation to each other"

Commented [u9]: Good, this is a helpful contextual point in particular, although it neglects the various arguments that Aristotle also adduces explicitly for the claim that virtue is concerned with the mean. Surely, you would not have to recap those arguments in detail for the purposes of this essay, but I am sure you could find a good way of integrating them/mentioning them briefly.

Commented [u10]: I think this is a good definition of the mean for Aristotle comes down to, well done. Perhaps there are a few minor points we could briefly think about to refine in the tutorial, but overall I think this is a helpful accurate definition. Ideally, you might supplement your descriptions with some textual reference as well to allow the reader to go back to the text and look at particular passages that you draw on in formulating this definition.

Looking also immediately at the next sentence, you should make clear here whether this is your definition or Young's.

(NE V.2, 1130b21-22), and quickly sets it aside, because, as a state which encompasses all interpersonal virtue, it is a different sort of object to the virtues of character (like bravery and temperance) he is running through at this point in the *Nicomachean Ethics*.

- Superficially, there are similarities between how Aristotle talks about justice and the other virtues in Books III and IV.
 - For general justice, Aristotle may think it's just evident that it's a mean, because it simply constitutes lots of means (the individual virtues of character). In any case, we will (like Aristotle) set it aside for the remainder of this essay.
 - For specific justice, he makes two sets of arguments (organised in Natali)
 - Corrective justice seeks the mean between profit and loss – the original state before the transaction is to be restored, and any deviations from that are the suboptimal extremes.
 - Distributive justice seeks a mean between the distributor taking too much and giving too much, in equal shares to the worth and desert of each individual
 - There is a strong connection to motivation and voluntariness, like with the other constituents of virtue. Aristotle notes that acts of injustice can be done by individuals who are not unjust, whether because of ignorance, misfortune, or the principle being spirit & passion rather than rational thought.
- However, on closer inspection the explanation is not very convincing at all
 - Aristotle himself concedes (somewhat grudgingly) that justice is a different kind of mean to the other character traits. It is interesting that he is so keen to have it be classified as a mean at all, and this lends weight to Hursthouse and Young's explanation that his preoccupation should be understood in the context of broader metaphysical views at the time.
 - Initially Aristotle appears to contrast doing injustice with suffering injustice as the extremes around the mean, but later clarifies that it is not a vice to suffer injustice. This means that justice seems to fail condition (1), in that there is only one corresponding vice, not two. (e.g. Young 2006, p184)
 - There is a dilemma for Aristotle around the scope of special justice. Either it overlaps with the other virtues and his theory of habituation appears to be contradicted, or there is no space left for it as a distinctive virtue.

Commented [u11]: Good, this seems like an interesting observation and you show that you are attuned to the place that the discussion of justice takes within the wider discussion of virtues of character of the previous book.

Why do you think Aristotle does not discuss general justice much further, given its centrality, and given the fact that it is a rather interesting and grand claim to say that it is equivalent to or encompasses virtuousness as such?

Commented [u12]: :)

Commented [u13]: Can you say more about that connection and why it matters, overall and for the discussion at this point?

Commented [u14]: Good. Can you perhaps elaborate on other reasons why sticking with the idea of the mean as a theoretical tool matters to Aristotle? Above, after introducing the definition of virtue as a mean, you mention that we can glance from this passage insights into why the doctrine of the mean matters to Aristotle—perhaps this is a good place to make some of this more explicit.

Commented [u15]: Okay—perhaps at this point it would be nice for the dialectic of the argument if one brought forward a point in defense of the Aristotelian position (if something reasonable is conceivable). Is there a way for Aristotle to avoid this problem? Perhaps the criteria listed above cannot always be applied fully and rigidly—compare, for instance, the discussion of other virtues of character, and the idea that sometimes not all aspects that are present in the most paradigmatic and ideal cases of the doctrine of the mean can be found or pointed out clearly. Is there anything to gain by softening the range of applicability of the specific criteria listed above?

- As Williams (p192) observes, it is entirely possible for somebody to commit an act of injustice without having any motivation regarding the promotion of injustice itself. But this is a problem, because (following his discussion of habituation earlier) Aristotle has the view that it is actions with a certain goal that lead to the development of character traits (*hexeis*) – so how can it be that these putative acts of injustice are really such, if done without injustice in mind? To take his example of adultery done for profit, surely the relevant motivation is greed as opposed to a desire to seek injustice for its own sake.
 - Maybe he does mean to restrict (in)justice to those occasions where actions are taken specifically with justice in mind. But then there does not really seem to be any space for justice as a distinctive virtue, at least in the sense it is ordinarily thought of. Williams (p197) illustrates this well – there are many people who do not actively seek out injustice but nonetheless have a disposition which reliably generates injustice – for instance, because of indifference or cowardice.
- The implication that equity is a higher form of justice also fits poorly with earlier discussion of virtue and the mean. Aristotle emphasises the mean is “relative to us” and dependent on practical judgement in the specific situation. So the notion that a rigid, rule-following approach to justice is still virtuous (albeit less excellent than being equitable) appears inconsistent with his other views.
- The weaknesses of the account helps to bring out deeper flaws in the Doctrine of the Mean
 - It is especially clear in the discussion about distributive justice how Aristotle is smuggling in evaluative content when pinning down the mean. He talks about “too much” and “too little” with respect to what is deserved – but obviously this trivialises his claim that the mean is what is best, since he is simply defining it relative to two evaluatively suboptimal outcomes!
 - The mean’s lack of practical guidance also comes through clearly here. [Winthrop](#) (1978) notes that, for all the mathematical analogies about geometric and arithmetic ratios [which, incidentally, are rather inconsistent with Aristotle’s exhortations in Book I that the political science is by its nature imprecise, and in Book II emphasis on the mean “relative to us”], Aristotle does not provide any

Commented [u16]: Is this the point that you see related the charge that his theory of habituation might be contradicted? If so, you might want to make this more explicit.

Commented [u17]: Good—let alone certain structural conditions that human agents partake in in diverse, complex and often intransparent ways.

Commented [u18]: I am not sure I am following fully here; the idea that a more context-sensitive application of laws (equity) is a higher form of justice does fit well with idea that the mean is “relative to us”, but the more rigid rule following approach to justice does not?

Commented [u19]: Yes, this relates to a previous point yours and our corresponding discussion.

Commented [u20]: Good! This is an interesting question that we can discuss in the tutorial, i.e., whether the discussion of justice radically departs from the self-assumed method NE.

details on how to determine what the just distribution is (nor does he account for the role of punishment in corrective justice).

- Conclusion

- It is certainly the case that justice fails to meet the location criterion (1) to be a mean – Aristotle is explicit that injustice does not have a dual vice. Arguably it does meet condition (2), in that it generates an intermediate response to situations, though the kind of intermediacy varies between the species of justice.
- This shows (a) the ad-hoc-ness of Aristotle's doctrine, and (b) how it smuggles in evaluative content in the other cases but is really quite trivial.
- As Hursthouse and Young (1988) describe, it is quite understandable why Aristotle would arrive at this view of the mean, and try to contort his conception of justice to fit it. But the account is more interesting and insightful when viewed apart from this.

Commented [u21]: It is an interesting question, however, what the idea of the intermediate condition is attached to in the case of justice and in the case of other virtues, which seems rather asymmetric (see my final comment below).

References

- Hursthouse, Rosalind. 2006. 'The Central Doctrine of the Mean,' in Kraut (ed.) Blackwell Guide to Aristotle's Nicomachean Ethics, Blackwell.
- Natali, Carlo. 2015. 'The Search for Definitions of Justice in Nicomachean Ethics 5,' in Henry & Nielsen (eds.), Bridging the Gap Between Aristotle's Science and Ethics, Cambridge University Press, 148-168.
- Williams, Bernard. 1980. 'Justice as a Virtue,' in Rorty (ed.), Essays on Aristotle's Ethics, University of California Press, 189-200.
- Young, Charles M. 1988. 'Aristotle on Justice,' in The Southern Journal of Philosophy, Vol. XXVII, Supplement.
- Young, Christopher. 2006. 'Aristotle's Justice', in Kraut (ed.) The Blackwell Guide to the Nicomachean Ethics.

Rohan,

This is an exceptionally well-structured essay that displays the virtues necessary both for a good tutorial essay and for what I believe makes a good answer in the exam. I think that the introduction and contextualisation of the discussion of justice within the wider Aristotelian work is particularly well done. Moreover, I think you take the essay question as a prompt to develop the discussion in interesting ways (e.g., claiming that the justice discussion actually reveals weaknesses of the doctrine of the mean and saying that the discourse on justice would be more successful and interesting without trying to make it conform to that theoretical device), but I would have liked to see that part in more extended form. You make good points about how the doctrine of the mean applies or might fail to apply to the discussion of justice; one point you did not mention, to my surprise, is that the intermediate state with regard to the other character virtues is always attached to, at least partly, human beings' internal emotional responses that need to be negotiated (just think of courage, for

example), whereas in the case of justice, the mean seems to apply to something external first and foremost, not to human beings' emotional dispositions (which, as we saw earlier in the Ethics, is what virtue of character is importantly concerned with). Two small further points of improvement: Make sure that, when you introduce new terms or aspects of Aristotle's theory, they are sufficiently explained *given the particular aims that you have in bringing them up*. This means you do not need to give a whole recap of Aristotle's theory of habituation, but you should briefly mention what it is and why it matters here. Second, make sure always to clearly indicate which aspects of your critical discussion are originally yours and which ones are adapted from existing secondary scholarship (such as, for instance, the two-part definition of the mean you introduce above).

Well done, I look forward to our discussion in class!