

# The Justice: A Moral Virtue

Shantaraj Debbarma

Asst. Professor of Philosophy, Adwaita Malla Barman Smriti Mahavidyalaya, Amarpur, Tripura.

## ABSTRACT

Justice is a moral virtue. We know that virtue is a principle or a value of human conduct which leads us in the realm of our end. Justice is a kind of moral virtue which helps us to achieve our end. It is a complete virtue that embraces personal and public life. Virtues are the means of our end i.e. happiness, and through justice we can achieve our ends, that is the reason of saying that justice is a moral virtue. Now justice is possible through just action and this just action is an outcome of trained mind or habits. Whether just action present or not justice is always present as to be just thing to do. So justice is an activity, and an effort and a moral sense is required to promote the justice. Justice has a purpose and the purpose is to distribute equal share or in other words to establish equality is the prime purpose of justice. Furthermore justice is also called a mean, because justice is an act which is intermediate of the two extremes. Moreover equality and justice is the two sides of the same coin. By reciprocity we can get only proportional equality, however reciprocity is a kind of thread that bind the people together. Justice is essential for synthesize our personal and social life. It uplifts the social life as well as it is necessary for attaining the prime objective of life. Justice not only conserves the happiness but it also creates the happiness in our personal and social life. This paper focuses on why and how justice is related in our happiness. It is a conceptual study of justice with reference to Aristotle.

**Keywords:** Justice, Moral, Virtue, Happiness, Law, Mean.

## INTRODUCTION

Aristotle (384-322 BC) one of the great philosopher of ancient Greek, whose writing has been appreciated before, even at present it is not neglected. He influences

many enlightened thinkers, his moral philosophy is still most influential works at present era. The word *Justice* is derived from the Latin *jus*, meaning right or law. Aristotle's justice is what is lawful and fair, law commands us about what is right and wrong and gives the rightful direction. Here it is discusses that what do Aristotle mean the justice and injustice, why justice is called a complete virtue, why it is called that justice is a mean of two extremes. The kinds of justice, why the law is more important in establishment of justice is also discusses. He pointed out that if we want just society the rule of law is the most essential one. Justice would not be possible if the power is in one man's hand instead of law. Justice can be achieve by the just action, but these two are not the same, why these two are different, and for doing just action whether habit or mental preparation is required or not it has also been discusses. Further it has been also discusses here that why justice is teleological, what is the purpose of justice and can justice give us the happiness, the ultimate end of our life.

### **Just is anything what is Lawful and Fair:**

Justice implies just action; it is a kind of moral activity. When people speak of justice they mean the activity of behaviors, characters that are approved by the law. And injustice means the performance of unjust act, the state of behavior which is unfair and against the approved law. The law breaker and covetous cheat are regarded as unjust. <sup>[1]</sup>

Now we can say that unjust action is an action which breaks the law and the action which is unfair. And the just action is an action in accordance with law and fair action i.e. the action that does not harm and

take advantage of another. So we can say that lawless person is the unjust person and law abiding person is a just person. Furthermore just action is activities which brings happiness or conserve happiness in a society. Aristotle said, just action is 'anything that tends to produce or conserve the happiness of a political association.' [2]

The well drafted law, does not only teaches how to be a just person but it also commands us to be a courageous man, temperate man e.g. a man do not commit adultery or rape and a gentle man e.g. a man do not assault or defame anyone. So the presence of law in justice is unavoidable, because it is the main key to determine what a justice is and it also gives decree to do something good as well as commands us not to do something wrong like other virtues do. [3]

#### **Why Justice is called a Complete Virtue?**

It is often said that justice is a complete virtue, because it is not confined in oneself, it includes other also. Aristotle said it is complete because 'its possessor can exercise it in relation to another person, and not only by himself.' There are many virtues but justice is the only one which is concerned others good. Others virtues are limited in an individual's good, but justice embraces good of all, individual and social. And for this it is said that justice is one of the greatest virtues, 'more wonderful than either the morning star or evening star.' [4] It secures the advantage of another person, whether he is a partner or a colleague. And this is the reason to called justice as complete virtue, not part but whole of it. Justice is a state that is related to someone's good. There is no difference between virtue and justice, they are same the only thing is that the virtue is a certain kind of moral state and the virtue which is considered in relation to somebody else is justice. [5]

#### **Why Justice is a Mean?**

Justice can be divided into general justice and particular justice. The scope of general justice is too wide as the law and virtues. And the particular justice is very much concerned with fairness and equality.

That is why sometimes it is called that another name of justice is equality. Where there is inequality between two, there must be some intermediate. And that mean is equality, and since justice implies equality so justice is also a mean and it is relative also, a middle of two extremes. Justice is actually distribution, the distribution of equal share. When the distribution is not equal then the question of injustice is arise, quarrels and complains are also begins. Moreover justice is proportional distribution, and when this proportion is violates injustice is occurred. One gets the share too large and the other too small. Thus equality is a mean between greater and less, and the purpose of justice is to make equal. Justice is a mean of loss and gain. It consists in having an equal amount before and after event. [6] This is the reason to call a judge as mediator, because when any disputes arise they try to secure the mean. It is thought that if the mean is secure, the just will also be secured. Since justice is nothing but a mean or a sort of mean. [7] To do justice means making equal to two unequal things. So just behavior is the intermediate state of two extreme behaviors, it is a mean and it aims at a mean, it is a virtue that a just man can act by his own choice. And injustice is excess of what is generally beneficial and deficiency of what is harmful. [8] We have already known that justice is what is lawful and fairness and injustice is what is unfair and unlawful. But here it is noteworthy that unfairness and unlawful is different in some extent. All the unfair is unlawful, but every unlawful is not unfair. The scope of unfair is greater than the scope of unlawful. However the only general thing that can be said about justice, because justice is a kind of moral virtue and Aristotle tells us that there is no fixity of what is mean. The agents themselves must in each case consider what is appropriate to the circumstance. [10] That is why it is a challenge that to know what is justice (a mean)?

#### **Distributive and Rectificatory Justice:**

Particular justice can be divided into distributive and rectificatory justice.

Distributive justice means the distribution of whatever else should be in such a way that a man's share to be equal to another's. Equal distribution is the main key of distributive justice. What is just is what is equal is the chief theme of distributive justice. Just is what is proportional and unjust is the violation of proportional. Rectificatory justice comes into two kind legal law and criminal law. The awards of compensation and the imposition of punishment are the some example of rectificatory justice. <sup>[10]</sup> It is an attempt to do equality by awarding compensation or by imposing punishment. Equality is the road to go to the justice. Now the question arises that what is the criterion of distribution, it is said that in the democratic view it is free birth, in oligarchic it is wealth or good family, and in aristocratic that it is the excellence. <sup>[11]</sup>

#### **Difference between Natural and Conventional Justice:**

Now we have known that just action is what is in accordance with law. Law can be divided into two: natural and legal. So the justice which is based on law can be also divided into two i.e. justice which is based on natural law and justice which is based on legal or civil law. The validity of natural law is everywhere, our decision does not make any difference, it is not depended on acceptance or rejection of the people e.g. the fire burns everywhere. On the other hand legal or conventional law is changeable and not same in everywhere, because the forms of governments are different. It is man-made and not natural; it is established by the convention, custom and expediency of the society. The conventional justice is like a unit of measure. And may be compared to standard measures, since the measure use in wine and the measure use in rice is not the same. <sup>[12]</sup>

#### **Summer Does Not Come In One Day:**

Doing unjust action does not mean that a person is unjust. It may be possible that he is done this unjust action out of passion or greed. So doing unjust action does not necessarily imply that that person is unjust. A person does unjust in a

particular action, and for this particular action we cannot called unjust to him wholly. That is why Aristotle said 'although his conduct is unjust, he is not unjust man.' Actually Aristotle wanted to say that we cannot determine anything by a single instance. An act of stealing does not make a man a theft. <sup>[13]</sup> All the wrong actions are not unjust, because sometimes peoples did wrong unconsciously and unknowingly i.e. mistakenly. The unjust action is the action when a man does a wrong on purpose. <sup>[14]</sup> Thus a man who is done a wrong action with wrong intention for gaining some profit, we may call that person an unjust and wicked person.

#### **Society Should Be Ruled By The Law:**

Justice has many aspects as political justice, social justice, and domestic justice <sup>[15]</sup> and so on. Aristotle said, equality, satisfactions of need, freedom is the basic things that must be present between the members for political justice. And justice reside where the rule of law is established. Justice is found in those relations who are control and guided by the law. Where law is naturally accepted and all the members: ruling and ruled are equal. <sup>[16]</sup> Furthermore we should build a society where only law will rule not a man, because if a man rules the society or the political organization there will be possibilities to take the advantage of power for his personal interest. That is why it is required to choose a man who are just or a man who abides the law, because the rulers are the upholder of justice. It is agreed that the just man are the man who did good for other in exchange of rewards i.e. honor, dignity etc, and we know that doing justice means doing the good for others. <sup>[17]</sup> Justice is doing someone else's good.

#### **What is Injustice?**

To know about injustice is necessary to understand the justice. Injustice is something which related to gain. A person does wrong but he gains nothing by doing his wrong actions. We cannot say that he is doing injustice, because there is no advantage from his misconduct, It is simply

a wrong doing. But when one takes more than his share, this action is definitely called injustice according to Aristotle. So injustice is anything which is contrary to the law and the licentious, adultery actions which are done for gaining something. 'if a man commits adultery for gain, making money by it, and another pays out money and is penalized for gratifying his desire, the second would be regarded as licentious ... the former would be regarded as unjust..' [18]

Any wrong action e.g. adultery, licentious, bodily assault to anger etc. where the offender gets profited from his offence it is imposed as injustice. Any profit motivated action gives rise to the injustice, because profit motive invites some particular form of depravity, adultery and intemperance. [19]

Thus injustice can be divided into two: universal and particular. Universal injustice is anything which is contrary to the law and particular injustice is the wrong actions that are done for gaining money, honor and security or any one which is related to these.

#### **Unjust Things and Unjust Actions Are Not Same:**

It is not the work, but time, space and person together or by single determine that what is just or unjust. There is a difference between just and just action and an unjust action and what is unjust. That means when you did unjust thing, it becomes unjust action but before doing your unjust action the unjust thing is already present as an unjust thing to do. [20] Aristotle remarks 'a thing is unjust by nature or ordinance.' Moreover we cannot say any action if this action is not done voluntarily. When a person acts voluntarily then only we can say that this particular action is just or unjust. Otherwise we are unable to say whether it is just or unjust action except incidentally, because people sometimes do just or unjust accidentally i.e. unknowingly. And what is voluntary act? Aristotle said any action which an agent can perform knowingly and he is fully aware of the instrument he is using as well as an effect of the action. Our voluntary actions are our choice action, we deliberately choose this

action. And those actions are not result of deliberation is not chosen. [21]

#### **Just or Unjust Acts are the Result of Trained Mind:**

People think that to be an unjust person is easy and simple, but it is difficult as to be a just person. You cannot perform unjust act whenever you want, though it seem easy, e.g. to strike the man next to you, to take somebody's money forcefully etc. but it is not, for performing these kinds of unjust action your mind must be trained, Since it is an outcome of certain state of character. And character development is not take place in a single day. Again it is also thought by the people that knowing just is so simple, they think that anything which prescribed by the law is just. But it is accidental that prescribed law is a just act. How an action becomes a just action and how should we distribute in order to be just, to determine these are very difficult task. Moreover doing just action is a kind of moral action and we know that performing moral action is not so simple, for this habits, trained mind and direction of reason is required. It is said in Plato's Republic that a just person can act unjust action too, even sometimes in the better way than just act. The reason of saying this is that people believe that 'justice consists in keeping certain rules of conduct.' [22] And when a man breaks these rules of conduct injustice is occurred.

The act of justice can be exercise when two people both possesses some levels of good. Some sort of human probity is necessary in both parties for performing just action. Otherwise you cannot act just action although you want to do. Here come the question of equality, if there is equality between the parties; it is easy to conduct just action. That is why establishment of equality or equity is the kind of justice. Sometimes equity and justice is coinciding. But it is a kind of justice but not superior or better than absolute justice. Justice and the equity are neither absolutely identical nor generically different. It is said they are species of the same genus. [23]



### **Justice and Reciprocity:**

Some people believe that justice means reciprocity; it is the reciprocity which is an abstract notion of justice. To maintaining reciprocity means doing justice. The Pythagorean said the 'reciprocation to another' is justice. And some people think that retribution action is a just action. The amount of grief a person gives to others, if he receives that much amount of grief in return that would be the justice rightly done. In case of punishment they prefer the retribution theory of punishment. But there is difficulty that reciprocity is not applicable in everywhere. To bring equality by the method of reciprocity is impossible in some cases; it can be only in accordance with proportion. However we must remember that proportional reciprocity is the thread which binds the people together. Generally when someone does favor, we also favor him and when someone misbehave with us we also are not treat him well. [24]

The needs and the need of exchange force peoples to stay together. If there was no need people would live alone. The needs and demands bring the different professionals on a same platform. And it is the need which inspired us to exchange and for the convenience of exchange people invented the money. That is why it has been call that money is a kind of conventional substitute for need. However the main thing is need of exchange bring peoples together and without the equality there would never have been exchange, and without commensurability equality is impossible. That is the reason of invention of money that makes everything commensurable. [25]

### **Justice is Teleological:**

Justice is about honor and happiness. Any kind of arguments related to justice is about the purpose or objectives of the institutions and society. Aristotle's justice is teleological justice, and we can achieve or distributes this justice by an activity. Inactively or silently we cannot get anything, even justice also because it is a moral virtue, and we know that for Aristotle virtue is a result of habit. Furthermore habits

formed by an activity, hence virtue can be achieve only through activity. "We become just by doing just acts, temperate by doing temperate acts and brave by brave acts." [26]

There may be the many ways to do the same thing and also there are many different faces of justice. The thing is we have to be clear idea as well as we need to determine the essential nature and the purpose of justice. Aristotle believes that justice is not the thing which is not debatable. It is teleological and honorific. Justice is a kind of virtuous practice that brings the honor and good life. Another important thing of Aristotle's distributive justice is it discriminates in accordance with merit and according to the relevant excellence, in case of the distribution of flutes, Aristotle will say that the flutes should be distributed to those who are the best in playing flutes, because that's what flutes are for, to be played well. So for doing justice means to give a person what he is deserve for. He claims that in order to determine the just distribute flutes, good or anything else we have to inquire into the purpose of the things which is being distribute. [27]

### **CONCLUSION**

The following points have come out through the above discussion.

- ✚ Justice is a matter of fit and matter of mean between two extremes. It brings good and honor in our life. It is one of the key things which help us in our pursuing perfect life. In the case of distribution, justice is giving to those who are the best in that particulars thing, giving the right thing to the right person.
- ✚ Unjust action is injustice. For doing just or unjust action trained mind or habit is necessary. You cannot do just or unjust if you want to, because it is an outcome of certain state of character. Sometimes it is happened that a man does just or unjust without effort and reason but it is only an accidental and coincidental.
- ✚ Voluntary and choice action is the determinant of just or unjust action. If

any action is not choice and voluntary, it cannot be called just or unjust action.

- ✚ Injustice is a kind of injury which is voluntarily done i.e. the action which is without the right reasoning, against the law and profit oriented action.
- ✚ Just action and justice is not same. By just action we can achieve justice. Before doing just action, justice is already there to be just thing to do.
- ✚ A Just action is what is lawful and fair. Moreover it brings and conserves the happiness in a society.
- ✚ Justice is a complete virtue, because it is related to an individual and society. Justice embraces the good of both individual and the society. Justice is the only one which is called complete virtue among the many virtues.
- ✚ Justice means distribution of equal share, neither many nor less. That is why it is called a mean. To distribute a person as much as he or she deserves. And the purpose of justice is to make equal, equality is the road to justice.
- ✚ A person can do the just or unjust thing mistakenly or accidentally, that is why seeing only one instance (one just or unjust action), and saying he/she is just or unjust person is not wise thing.
- ✚ Justice is for fulfillment of some Purpose. It is a kind of virtue and for doing justice trained mind is required i.e. only by habit we can do justice. This is why justice is an activity that can be done through just action. Silently or inactively we cannot done justice.
- ✚ To bring equality is one of the objectives of the justice; by reciprocity we can establish the equality in some cases but not all the cases. We get only proportional equality by the reciprocity. And this reciprocity binds the people together.

Finally, Aristotle's justice is a moral complete virtue. Justice is for fulfilling some purpose both individual and society. As we know that for Aristotle the end of life is happiness, so he thinks that justice is one

of the means of achieving happiness. Only in just society we can think about the happiness in our life. And it is the reason of his saying that justice tends to produce or conserve the happiness in our personal and social life.

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#### FOOTNOTES

1. Aristotle, *The Eudemian Ethics*, trans. by Anthony Kenny, Oxford Classics, p. 54
2. See Aristotle, *Nicomachean Ethics*, translated by J.A.K Thomson, Penguin Classics, p.114
3. Aristotle, *The Eudemian Ethics*, trans. by Anthony Kenny, Oxford Classics, p. 54
4. Aristotle, *The Eudemian Ethics*, trans. by Anthony Kenny, Oxford Classics, p. 54
5. Aristotle, *Nicomachean Ethics*, translated by J.A.K Thomson, Penguin Classics, p.115
6. Aristotle, *The Eudemian Ethics*, trans. by Anthony Kenny, Oxford Classics, p. 60
7. Aristotle, *Nicomachean Ethics*, translated by J.A.K Thomson, Penguin Classics, p.122
8. Aristotle, *Nicomachean Ethics*, translated by J.A.K Thomson, Penguin Classics, p.128
9. Michael J. Sandel, *Justice: What's the Right thing to do*, Penguin Books, p.198
10. Aristotle, *The Eudemian Ethics*, trans. by Anthony Kenny, Oxford Classics, p. 164
11. Aristotle, *Nicomachean Ethics*, translated by J.A.K Thomson, Penguin Classics, p.119
12. Aristotle, *Nicomachean Ethics*, translated by J.A.K Thomson, Penguin Classics, p.131 & Aristotle, *The Eudemian Ethics*, trans. by Anthony Kenny, Oxford Classics, p. 65
13. Aristotle, *Nicomachean Ethics*, translated by J.A.K Thomson, Penguin Classics, p.128
14. Aristotle, *Nicomachean Ethics*, translated by J.A.K Thomson, Penguin Classics, p.134
15. Justice in household. Mainly between husband and wife, parents and child as mentioned in Aristotle's *Nicomachean Ethics*, translated by J.A.K Thomson.
16. Aristotle, *Nicomachean Ethics*, translated by J.A.K Thomson, Penguin Classics, p.130

17. Aristotle, *Nicomachean Ethics*, translated by J.A.K Thomson, Penguin Classics, p.129
18. Aristotle, *Nicomachean Ethics*, translated by J.A.K Thomson, Penguin Classics, p.116
19. Aristotle, *The Eudemian Ethics*, trans. by Anthony Kenny, Oxford Classics, p. 56
20. Aristotle, *The Eudemian Ethics*, trans. by Anthony Kenny, Oxford Classics, p. 65
21. Aristotle, *Nicomachean Ethics*, translated by J.A.K Thomson, Penguin Classics, p.133
22. Aristotle, *Nicomachean Ethics*, translated by J.A.K Thomson, Penguin Classics, p.139
23. Aristotle, *Nicomachean Ethics*, translated by J.A.K Thomson, Penguin Classics, p.140
24. Aristotle, *The Eudemian Ethics*, trans. by Anthony Kenny, Oxford Classics, p. 61
25. Aristotle, *The Eudemian Ethics*, trans. by Anthony Kenny, Oxford Classics, p. 62
26. Aristotle, *Nicomachean Ethics*, translated by David Ross. Quotation taken from the book Michael J. Sandel, *Justice: What's the Right thing to do*, Penguin Books, p.197
27. Michael J. Sandel, *Justice: What's the Right thing to do*, Penguin Books, p.188
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