

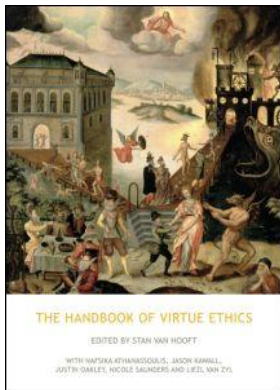
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## **The Handbook of Virtue Ethics**

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### **The virtue of justice revisited**

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**The virtue of justice revisited**

Mark LeBar

Some of the earliest Western ideas about the virtues of character gave justice a prominent position, but if moral philosophy has made any progress at all in the past two centuries, we might think it worthwhile to reconsider what that virtue involves. Kant seems (even to most non-Kantians) to have crystallized something important to our relations with others in formulating a proscription against treating others merely as means. And twentieth-century moral and political theory put the justice of social institutions in the spotlight in an unprecedented way. Here I explore the significance of these developments for what it is to be a just person (the nature of “individual justice”) as it was originally understood, within the eudaimonist virtue-ethical theories of the ancient Greeks. By any standard, ancient thinking about individual justice seems to have been incomplete in important ways; perhaps, in virtue of these advances in moral theory, we are in position to enrich our thinking about it.

My plan for this exploration begins with a brief (and manifestly incomplete) survey of ancient thinking about justice as a virtue. My aim in this survey is critical: I seek to bring out places where augmentation or supplementation of ancient theorizing about the virtue of justice might be of most use to us. Then I turn to consider how Kantian and post-Kantian ethical thought might help with that augmentation. I will claim that there is promise here of a significantly enriched conception of the virtue of justice, wholly consistent with the eudaimonism of the ancients. I conclude by taking up the most prominent of theories of justice as a virtue of social institutions – that of John Rawls – and argue that here progress may be more problematic. We may yet not be in sight of a conception of justice as a virtue of individuals that can be congruent with institutional justice.

**INDIVIDUAL JUSTICE IN ANCIENT ETHICAL THEORY**

Plato is the obvious place for us to begin, but it is difficult to determine how helpful he may be in thinking about individual justice. Several of his works are relevant here. The first is

*Gorgias*, in which the virtue of justice appears as a correlative of the virtue of *sophrosyne* (self-control), as doing “what is appropriate with respect to human beings” (*Gorgias* 507b). But Plato gives us no further explanation of what exactly is appropriate with respect to human beings. We can be assured that the self-controlled person is just (and otherwise virtuous), but beyond that we learn little.

The second work – *Republic* – of course has plenty to say about justice (*dikaiosyne*); in fact, it is the focal concept in the dialogue. Here we have abundant discussion of not only what the virtue of justice requires (each part of the soul doing its own work [*Republic* 441e]), but an explicit model for thinking about the relation between justice in the individual and justice in the polis. That model is in fact an identity relation: a person is just in precisely the same way that a polis is just (*Republic* 435b). The difficulty here is that the model is incoherent: the relations cannot be identical on pain of one or the other (or both) conceptions of justice being unintelligible. We cannot plausibly take the just individual to be comprised of just parts, in the way that the just polis is, nor can we understand the parts of the just polis along the lines of the organic structure we see in the individual. The model breaks down as soon as we try to apply it carefully.<sup>1</sup> Moreover, Plato’s explication of the soul or psyche of the just person is missing crucial elements. Such a person, Socrates argues, is courageous, self-disciplined and wise. He wouldn’t steal money, he’d have nothing to do with temple-robbing, theft or betrayal, would not break oaths, commit adultery, neglect his parents or fail to worship the gods (*Republic* 442e–443a). While that is all well and good, Plato gives us no unified account of why such unjust actions might not emanate from a soul in which each part is doing its own work. Why do the demands of justice take the shape they do? Plato’s explanation is less than useful:

[Justice’s] sphere is a person’s inner activity; it is really a matter of oneself and the parts of oneself. ... Once [the just person] has set his own house in order, which is what he really should be concerned with; ... once he has bound all the factors together and made himself a perfect unity instead of a plurality, self-disciplined and internally attuned: then and only then does he act ... In the course of this activity, it is conduct which preserves and promotes this inner condition of his that he regards as just and describes as fine ...; however, it is any conduct which disperses this condition that he regards as unjust. (Plato 1993: 443c–e)<sup>2</sup>

Although Plato does not say so in so many words, this passage suggests that the reason the just person does not perform any of the proscribed actions is that doing so would upset this internal unity and harmony. Perhaps; but we might wonder, why these? and Plato is silent on this point.

Other dialogues contribute to an understanding of how Plato thinks of justice as a virtue without ever completing the picture. Consider Plato’s account of Socrates’ very different responses to (a) the unjust order that he arrest Leon of Salamis (*Apology* 32c) and (b) the unjust order that he accept execution (*Crito* 51b). Socrates refuses the first and accepts the second. Why? The arguments of *Crito* are less than transparent. Perhaps it is because he has an obligation to preserve the Laws of Athens (*Crito* 50a), although not at the cost of acting unjustly (*Crito* 49b). Perhaps it is because reciprocity requires that he repay the good things he has received from Athens with obedience when it does not require unjust action from him (*Crito* 51d). Perhaps it is because he has tacitly agreed to obey

by choosing to remain in Athens when he could have left (*Crito* 51e). Perhaps it is some amalgam of these. Any of these might help with understanding justice as a character trait of a virtuous Socrates, but we do not get a unified theory, nor do we get an account of the way that Socrates' justice might carry through his relations with other individuals, rather than with his polis. So there is much work left undone by the time Plato leaves the subject.<sup>3</sup>

Aristotle does better in several respects. First, we have a sustained discussion of what we might call transactional justice (*Nicomachean Ethics* V). This includes justice in distribution (awarding shares proportional to contribution), rectification (correcting unjust gains and losses by restoring in equal amounts), and "reciprocity" in exchange. The last of these is of little use, depending as it does on the discredited notion that there are "natural" rates of exchange between goods. But nothing about the other two is unsuitable to inform a modern conception of justice as a virtue of character. The just person, when he or she is in position to make the kinds of judgements that call for distributive or rectificatory justice, might well judge in accordance with the principles Aristotle sets out.

Moreover, Aristotle's *Politics* fleshes out important elements of just relations between citizens in the polis. While the just citizen need not, Aristotle says, have all the virtues of the virtuous person (*Politics* III 4.1276b35), the virtuous person will be qualified to both rule and obey as subject (*Politics* III 4.1277b16–21), so that the just constitution is one in which those with this virtue share in turn in political authority (*Politics* III 6.1279a10, III 16.1287a15), in such a way that the aim of the polis as realizing a good life is achieved (*Politics* III 9.1280b38).<sup>4</sup>

All this is well and good. But it is notoriously short of what we might think justice as a virtue of individuals should come to. Are there not ways in which we can treat each other unjustly in ways that do not involve unjust distributions, or corrections, or claims to political authority? For example, must we analyse what is wrong in defaulting on our agreements with others solely in terms of the effects of the resulting distributions? For another, all of Aristotle's focus (in particular but not limited to the justice of citizens) is on justice within the polis: a community of people committed to a shared conception of living well. There is no mention of how the just person will comport himself or herself with those outside the polis, nor any obvious basis (given the work done by Aristotle's idea that political life is living together for a shared end) for extending his insights to cover such cases, which become more important by the day as the world grows smaller. These are important lacunae to be reckoned with.

In one important way, the Stoics recognize just that problem and deal with it by recognizing the moral significance of all who have a share in reason, and the virtuous person's recognition of the significance of this point in thought and action. "The mere fact of their common humanity requires that one man should feel another man to be akin to him", Cicero writes (*De Finibus* III.63).<sup>5</sup> But there is little exploration of what is distinctive about justice between individuals in the extant Stoic works, and the problem is aggravated by the fact that this "cosmopolitan" dimension of Stoic thought seems to dissipate entirely the idea that there is something important in political justice, as the bounds of the polis seem not to be relevant for thinking about morality generally or justice in particular (Cf. Annas 1993: ch. 13.3).

More on point perhaps is the Epicurean school, which sees human social life as grounded in justice, which in turn is grounded in a "contract" not to harm in return for not being harmed (Epicurus 1987: 31). This removes one key source of fear, which is what

the Epicurean agent, pursuing “freedom from disturbance” (*ataraxia*), seeks most to avoid. Political justice, on this view, consists in the establishment of and obedience to laws which sustain this contract.<sup>6</sup> But even if this is so, abiding by this contract seems considerably short of what we think characterizes the just person. To get more, we will need to leave antiquity and move to modernity.

### MODERN CONTRIBUTIONS TO THINKING ABOUT JUSTICE AS A VIRTUE

Three important developments in thinking about justice in the modern era have a claim on incorporation into our thinking about justice as a virtue, especially if we want to build on the foundation left to us by the ancients.

The first is the Kantian idea that there is something deeply wrong with treating others merely as means to our own ends (*Groundwork* Ak 429). While this is connected in Kant’s own view to a theory of morality that a virtue-ethical theory need not accept, it is difficult to doubt the plausibility of this idea as an important element of moral life, and moreover one that is plausibly part of justice as an individual virtue. That is, it seems not merely wrong but unjust to treat other people as though they were merely tools of our wills. Of course, the ways that we treat others unjustly are diverse. Some (for example, denying people things they are entitled to or deserve) may not look like they are a matter of treating others as mere means, and indeed there may be special features of such forms of injustice that deserve our attention. However, I take it that part of Kant’s point is that at bottom the wrong we do others in injustice of all forms comes to a failure to recognize their standing as deserving our respect, expressed in a variety of ways.

Of course, on Kant’s view this requirement has two elements, and only one is plausibly part of a full theory of justice as a virtue. Treating others as ends-in-themselves requires, Kant thinks, at least sometimes taking up their ends as one’s own (*Groundwork* Ak 430). This is not plausibly an exercise of a virtue of justice, though it is of course very likely a component of some other virtuous disposition. (If we accept some version of the unity of the virtues – as we ought if we seek a theory of the virtues that exhibits them as elements of unified practical agency<sup>7</sup> – we need not worry about these elements of virtue being in conflict.)

But the “negative” component of this requirement plays an important role in Kant’s own thinking about justice. While the full relation between Kant’s moral theory and his political theory (where he locates his discussions of justice, or right) is contentious, Kant characterizes right relations between individuals as manifesting the appropriate respect for others capable of rational willing. His account of “private right” rests on the “universal principle of right” which is that: “Any action is *right* if it can coexist with everyone’s freedom in accordance with a universal law, or if on its maxim the freedom of choice of each can coexist with everyone’s freedom in accordance with a universal law” (*Metaphysics of Morals* [MM] Ak 230). The “freedom” Kant is referring to here is “independence from being constrained by another’s choice”; Kant calls our right to this freedom the “right to innate equality”, the “only original right belonging to every man by virtue of his humanity” (MM Ak 237).

Thus the person who acts justly is one who recognizes a constraint on the ways he is justified in treating others in virtue of their status as “ends in themselves”, and in virtue

of that recognition refrains from imposing his will on them in any way that is incapable of reciprocation.<sup>8</sup> This is a second development in ethical thought that we should take on board in thinking about justice as a virtue. Kant thinks that this constraint has important implications for ownership of property in the (shared) external world, and constitutes one important reason to join with others in political society, to regularize a system of laws binding all equally (MM Ak 253, 306). This grounds Kant's theory of "public right", but we need not follow him into its details. At present we can simply observe that Kant has provided a framework in which we can more richly understand (a) a plausible form of relations of just conduct between individuals and (b) a way of thinking of those relations as contributing to an understanding of the justice of political institutions. The first is certainly something an account of justice as a virtue of individuals can take on board; the second we will return to when we consider political justice.

The third of the developments we should attend to builds on Kant's thought. Recent work in ethics (especially contractualist ethics) has advanced the idea that when we say we owe others the sort of respect Kant suggests, we are saying not only that there is something we must do – some form of regard in thought and action we must undertake – but also that others have a kind of moral standing to demand from us, as a matter of right, that we do so. Stephen Darwall, who traces this line of thought to Fichte, says that we must recognize that others stand in "second-personal" relations with us, and that these relations yield reasons of a special sort – reasons to act in ways that others can hold us accountable for (2006). Elsewhere I have argued that Darwall's idea that we should occupy a "second-person standpoint" with regard to others – seeing them in this reason-giving and accountability-supporting way – is quite congruent with the idea that there is a virtue involved (LeBar 2009, 2013b). It requires knowledge of others as they are and a recognition of what their nature requires, a disposition to choose to act accordingly and for the sake of doing so, and doing so as a result of a "firm and unchangeable character" (NE II 4.1105a32–3). And as others have recognized in the nature of virtue, it is a disposition to see reasons where without the virtue none would be seen (Hursthouse 1987: 243).

Moreover, eudaimonist virtue-ethical theories have good reason to take on board the idea that it is part of virtue to see others as affording us these sorts of reasons, in light of what doing so does for the aim of living well as a human being. But here I want to make the more general claim that this idea, together with the other two, may be useful in fleshing out the features of a virtue of justice along ancient lines.

This usefulness takes two forms. First, these modern ideas explain several claims the ancients make about justice as an individual virtue. Consider, for example, the cosmopolitan scope of Stoic claims about justice. The Kantian emphasis on personality as a locus of end-giving reasons, and the second-personal nature of our relations with others across national and ethnic borders, provide theoretical support for that Stoic emphasis. Similarly, Aristotle's accounts of "particular" justice (justice in distribution and rectification) fit comfortably with these features of modern thought. Aristotle remarks that justice involves a form of "equality" between persons and the things they distribute among themselves, and that "if they are not equal ... this is the origin of quarrels and complaints" (NE V 3.1131a23, Ross/Urmson translation [Aristotle 1984b]). Arguably, modern thought has identified the primary source of such quarrels: disproportionate distributions display a tendency to treat others as mere means, or to deny them the standing as moral equals which justice requires. Failures to be "cosmopolitan" in the Stoic sense amount to failures



to see (some) others as having the moral standing to provide second-personal reasons. Similarly, failures of Aristotelian “particular” justice arise from some form of inequality of that basic moral standing.

Less satisfyingly, Kant’s idea provides a framework within which the Epicurean focus on contract can be situated, although the instrumental way in which the Epicurean sees such reasons is in tension with much modern thinking about justice.

Second, the modern ideas fill in the lacunae which ancient accounts of justice leave open. They allow us to extend the ancient insights into justice beyond the narrow range of cases which the ancients address. The virtue of justice so enhanced involves a comprehensive way of seeing and treating others, not just in distributions of “stuff”, or keeping of contracts, but in a whole range of other ways which are structured by the standing we give and receive from others.<sup>9</sup> Thinking about things this way helps us get a grip on why just treatment of others allows some forms of conduct and disallows others in ways the ancients stopped short of providing.

This leaves us, however, with a challenge we have inherited from the ancients: we think justice is not just a virtue of individuals, but of social and legal institutions and practices. The ancients struggled to understand the relation between these forms of justice. Have the advances in moral philosophy equipped us to do any better? That story is complicated, and we turn to it now.

### JUSTICE AS A VIRTUE OF INDIVIDUALS AND POLITICAL INSTITUTIONS

The idea that justice is or can be a property of institutions is not a modern idea; Plato defends that very idea in *Republic*. Aristotle ties the idea of “general justice” together with making and obeying law in ways that are possible only within a political context (*NE V 2*), and argues for a conception of “unqualifiedly just” political regimes as those which “look to the common advantage” (*Politics III 6*). Moreover, Aristotle’s concern about the relation between the person with “the virtue of the citizen” (*politon*) and general virtue (*Politics III 4*) foreshadows the concern we must face in a different way. We too face a challenge in understanding how general virtue, and in particular the individual virtue of justice, carries forward into political society. This challenge is sharpened somewhat if we accept the idea that the virtue of justice requires liberal political institutions – institutions that respect the freedom of individuals to forge and live by their own conceptions of the good, as Rawls framed that idea (1971: §2). This conception of the aim of political institutions contrasts sharply with the Aristotelian idea that they exist for the sake of forging virtuous citizens (*NE V 2.1130b22*).<sup>10</sup>

Let us then accept that justice may be a property both of individual character (the virtue of justice as we have been conceiving it) and of liberal political institutions, in the way that Rawls has made familiar. What we want to know is how just individuals and just liberal political institutions might be related. We will begin by distinguishing two ways of thinking about this relation.

The first way (let us call this the compositional conception) takes the individual virtue as logically prior, and sees the justice of political institutions as composed of the just relations of individuals. On this conception we begin with the relations the virtuous person seeks to maintain with others (let us say, following the Kantian idea, that she treats them

as ends in themselves, sees them as having second-personal standing, and so on), and we ask what kinds of institutions and public rules will allow for and maintain those relations.<sup>11</sup> The crucial point here is that the reasons that flow from the (individual) virtue of justice are prior to the institutions which preserve and maintain them, though those institutions may be involved in specifying or determining the specific forms those reasons take. More on that in a moment.

The contrast is with the second way (let us call this the structural conception), which gives logical priority to the justice of the structure of institutions, practices, and so forth that constitute the state (the political body that is the primary bearer of the attribute of social, institutional or political justice). The crucial idea here is that we have some idea of what a just society (or constitution, or legal/political system) should look like – what its structure must be in order to be just. The duties of the just individual then are derived from this structure, in virtue of the obligations and reasons they have as members of that society. A natural model for this conception is Rawls's account of justice as fairness, and we can use it as a point of departure in spelling out the challenge.

That challenge is to understand why a person who has or aspires to the virtue of justice as the ancients thought of it might balk at the demands of institutional justice as they are established by a view like Rawls's, on which obligations of justice devolve from the justice of institutions that constitute the basic structure of society. On the ancient view, the virtue of justice (like all virtues) is oriented towards and focused by a conception of eudaimonia (living well). Living well is, on the ancient view, what each of us lives for; it is what gives life its meaning and point. Might the virtuous agent be required to lay aside that grounding conception of living well and the virtue that makes it possible to enter the "original position" to consider principles of justice? There are two reasons to think not. One has to do with the extent of the reasons of justice that ensue, and the other with the authority behind those reasons.

By "extent" here I have in mind an observation first made (so far as I know) by Robert Nozick (1974: 200–205), that the structural features of Rawls's conception of distributive justice seem in conflict with "micro" principles of justice – principles that hold between individuals as individuals. Nozick's examples focus on various kinds of desert and the ways that (he maintains) the history of actions and interactions contributes to our understandings of what justice requires in our treatment of each other. To the extent that the just person takes (say) Aristotle's principles of distributive justice to govern his dealings with others, and to the extent that the requirements of distributive justice for the larger society conflict with these micro principles, there will be a conflict in the demands of justice for the virtuous person.

Another example, drawing on the modern focus on second-personal standing, comes from thinking about the reason the virtuous person has to respect the agreements (contracts, promises) of others. Part of what seeing others from the second-personal perspective involves is seeing them as authoritative over themselves and their lives in the ways that we respect by accepting their promises, contracts and agreements (Darwall 2006: 200ff.). Not to do so is a way of treating them not as adults in the full-fledged moral sense, but in some way as minors or juveniles. But the principles of justice that Rawls, for example, thinks we should endorse do not include such respect. Indeed, our regard for the contracts and agreements of others would be subordinated to the principles of institutional justice, including the second principle (the principle of fair equality of opportunity and the



Difference Principle). Thus, here too there is at least the risk that the just agent would be required to relinquish the authority of reasons proper to virtue for those propagated for a just state. Even if these issues do not arise, however, there is a second issue, of the authority of reasons, which does arise. What I mean here is that the just agent, at least in so far as the individual virtue of justice incorporates the second-personal regard for others we have been speaking of, sees the authority of reasons for justice as rooted in other persons themselves. The reason why we owe others fair distributions in the manner of Aristotle's conception of "particular justice" is that that is what they deserve as persons. Not only are they ends in themselves, but we owe to them our regard and treatment of them in ways respectful of that status. But this view is a poor fit with institutional justice, which grounds our reasons for treating others justly in a different way.

To get an idea of the contrast here, consider Locke's account of the requirements of the law of nature. Locke says that that law maintains that "being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions". So far, so good; nothing there for the person with the virtue of individual justice to complain about. But then Locke explains: "for men being all the workmanship of one omnipotent, and infinitely wise maker; all the servants of one sovereign master, sent into the world by his order, and about his business; they are his property, whose workmanship they are, made to last during his, not one another's pleasure" ([1690] 2008: §6).

The explanation for why we must not harm one another is not that we owe it to them; instead, it is that we are one and all God's property. Thus, in the first instance we owe it to God rather than each other not to harm each other. From a perspective of a virtue of justice that takes second-personal standing seriously, this is the wrong kind of reason not to harm others. At the very least, it omits the right kind of reason, which is that others are the kind of creature with the standing to demand that we not harm them, and to hold us accountable to them for not doing so.

Just so, now, with the requirements of institutional justice interpreted along these second, structural, lines. Here the story is that our reasons for treating one another justly arise from the demands of (structural) institutional justice. As just individuals we undertake the commitments to others, and have the reasons to treat others, that justice requires because of our obligation to establish and sustain a just order. Not, once again, because others have that standing in and of themselves, though this point requires care. Rawls, for example, maintains that individuals are "self-authenticating sources of valid claims" (1993: 32). In the first instance, he says, this means they can make claims "on their institutions", but he indicates also that their claims "founded on duties and obligations based on their conception of the good and the moral doctrine they affirm in their own life" also count as self-authenticating. However, this is so only for doctrines that are "compatible with the public conception of justice" (*ibid.*: 33). In other words, the ultimate authority for such claims is after all the demands of justice at the institutional level, not the second-personal nature of others and our respect for them. So this conception of justice may be capable of providing only the wrong kinds of reasons for our just treatment of others. But there are at least two objections to this line of thought that we ought to consider before deciding whether we have a problem here.

The first objection stems from the idea that any plausible notion of justice as a virtue that treats law as in some sense reason-giving must accord to the law reasons that constrain (if they do not pre-empt) others of the virtuous person's reasons. For example: suppose

we agree that in so far as I am just, I do not take your things. Now, there are apple trees that grow between your home and mine. If I take these apples, does that count as taking “your things”, and thus as something that, as a virtuous person, I do not do? Or does it not, so that the apples represent a way of feeding myself congruent with my being just? The answer to that question, it seems, comes from law. So law, which is after all the product of the legal institutions we must render just, may be in a position in any event to give me reasons to avoid doing things that otherwise I would have no reason not to do. Is the problem no more severe than that?

Unfortunately, the problem may not be escaped so easily. To see why not, notice first a distinction between the ways that a political or legal system might have the authority to give its citizens or subjects such reasons.<sup>12</sup> It might (as the objection supposes) have the authority to create reasons and obligations of justice *ex nihilo*, as it were. But this need not be the case. It might also get its authority through determining or specifying reasons and obligations that are antecedent to the establishment of its authority. This is the picture offered by the “compositional” conception of the justice of legal and political institutions. The obligations it imposes are in effect the results of specifying or determining antecedent indeterminate obligations. This conception is compatible with the idea that the person with the virtue of individual justice has the reasons she does because she is virtuous, and the reasons of virtue retain their authority for her. But some of these remain indeterminate until they are specified and determined by a legal or political order – property rights, for example.<sup>13</sup> Thus, the viability of this line of objection is undermined by this alternative (compositional) way of understanding the authority legal institutions have to provide reasons for the just individual. The compositional conception does so without inducing the conflict between reasons of individual justice and reasons of institutional justice, either in extent or in authority. So our potential tension with the structural conception of institutional justice survives this objection.

The second objection arises from the liberal perspective on political and legal justice as it is propounded by Rawls. Why is not the tension I am highlighting just special pleading of the sort that anyone could offer? Each person has a favoured conception of the good (and concomitant ideas about what justice requires), and each might be thought to resent a demand to lay such commitments aside and pretend, for purposes of settling upon principles of justice, that one does not know what the good really is. Just because those conceptions conflict, however, this cannot be the end of the matter. For purposes of living with others on fair terms of cooperation, one must accept these constraints; not to do so is simply unreasonable.<sup>14</sup> So what special grounds for complaint does the individual virtue of justice give us?

Again, the leverage we need to set this objection aside is provided by the availability of compositional conceptions of institutional justice. The idea is this: it is not unreasonable to seek legal and political institutions that satisfy a compositional, rather than structural, conception of institutional justice. Rawls characterizes “reasonable persons” as those who “desire for its own sake a social world in which they, as free and equal, can cooperate with others on terms all can accept” (1993: 50). The person of individual virtue who sees others in the ways we have characterized (including as having second-personal standing to make and respond to claims) need not seek to impose her conception of justice (individual or institutional) on others in any way that is not reciprocal. She simply expects that the reasons she has for acting justly (that is, as directed by the individual

virtue of justice) not be suppressed or undermined by the institutional demands of the institutional framework in which she lives. This is at least a risk if institutional justice is understood structurally, since the demands of justice there are normatively prior to those of individual justice, in a way that does not hold on compositional conceptions. Just as she does not claim authority to set moral demands on others, she is free to abide by the guidance of virtue, including the individual virtue of justice. This is especially important if, as on the ancient conceptions of virtue, virtue is necessary for happiness. Because the virtuous person seeks to be just and act justly both for the sake of justice itself and for the sake of happiness (*NE* I 7.1097b2), the commitments which the structural conception may mandate that she set aside are by nature such as not to allow her rationally to do so. The potential tension lives on.

Of course, this is both cursory and preliminary. Since there are varieties of conceptions of the virtue of individual justice and its demands, and of institutional justice (of both compositional and structural varieties), it would be premature to conclude that this tension is unavoidable. What I have argued here is that it is potentially an issue in thinking about the virtue of justice.

### SUMMING UP

There is no reason to think that the virtue of justice is any less important now than it ever has been for understanding virtue in the social rational animals that we are. Thinking about justice as an individual virtue requires facing both new opportunities and new challenges as a result of modern work in thinking about the dynamics of our social lives. Insights into the standing we can and must accord each other if we are to live well both individually and in concert with others must, I believe, be incorporated into our understanding of the very virtue of justice the ancient Greeks took to be so important. At the same time, modern thinking about the justice of our institutional (political and legal) arrangements compels us to think hard about the relation between micro and macro ways of being just. The lines of argument we have explored suggest that there may be theoretical pressure running in two directions. First, some conceptions of political justice may constrain the possibilities for individual justice in ways that have yet to be thought through. But, on the other hand, those very constraints might offer motivation for seeking conceptions of political justice (even liberal political justice) that do not impose constraints of that sort. I do not pretend to have settled any of those important issues here. Instead, I see these trains of thought as the outlines of new research projects in our thinking about justice as a virtue of individuals.

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### NOTES

1. This is obviously a quick dispatching of a complex discussion, but careful arguments that make this point quite forcefully include B. Williams (1973b) and J. Barnes (2012).

2. Translating *dikaiosyne* and its cognates as “justice” and its cognates, rather than as “morality” and its cognates.
3. Though in some sense the “criteria for justice and injustice” are the subject of the Laws (*Laws* IV 714b), there is little explicit discussion of justice as a virtue there.
4. All this abstracts away, of course, from the deeply wrong-headed and repugnant things Aristotle claims about the status of women and non-citizens in the polis, as well as what would constitute just relations with and among them.
5. This is his version of the Stoic doctrine of “social *oikeiōsis*”; cf. Annas (1993: ch. 12.2).
6. Cf. Armstrong 1997; for a view that individual and institutional justice do not fit so well together, see Annas (1993: ch. 13.2).
7. For an argument of this sort for the unity of the virtues, see, for example, Russell (2009).
8. A very similar requirement is part of Locke’s conception of the law of nature; cf. *Second Treatise*, §§4, 6.
9. This range of ways is prominent in Strawson (1968: 74–6) and Scanlon (1998: ch. 4.4, 4.5).
10. On this point, see Nussbaum (2011a) and LeBar (2013a).
11. This is roughly the procedure I take Kant to be following in his Doctrine of Private Right, in the *Metaphysics of Morals*.
12. I borrow this distinction from van der Vossen (n.d.).
13. I believe this is the most fruitful way to read Kant’s understanding of the relation between “private right” and “public right” in the *Metaphysics of Morals*, for example.
14. Rawls introduces the contrast between reasonable and unreasonable doctrines (and persons who affirm them) in Lecture II of Rawls (1993).