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THE ONTOLOGICAL RELATION OF VALUE, VIRTUE AND JUSTICE

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I

The story from Aristotle's *Ηθικά Νικομάχεια* is more or less well known: *Ευδαιμονία* (or Happiness) is the paramount principle and value because all our actions have, as their main purpose, to attain it (1102a1-4). It is also the *ὑψιστον αγαθόν* (or the highest good), since all strive for what they consider good (see *Πολιτικά*, 1251a3-4). But the *ευδαίμων* must act having as a guide the perfect virtue (*τέλειαν αρετήν*) and he must have enough external goods to afford a life of *θεωρία* (contemplation) which is the life of the wise or *σοφός* (cf. 1101a13-23 and 1103a5-10 and 1178b25-32). But virtue is the excellence in acts and function (1106a14-20). In moral virtue, which has generosity or liberality (*ελευθεριότητα*) and temperance (*σωφροσύνην*) as its two main kinds (see 1103a5-8), we should attain in particular the mean (*μεσότης*) between two evils; having too little and having too much in all our actions, emotions and behavior (1109a20-25). Generosity can not be attained without having this mean in economic resources and giving away some of this money to worthy causes and always having the good in one's mind (1119b22-27, and 1120a1-25). In order to afford to be generous one has to give only to those in need and to worthy causes, having in one's mind his own support as well. But the tendency of the truly generous person is to give more than what he can keep for himself (1120a30-1120b24). The actions that define the generous have to do with resources, and specifically taking resources from where one should and giving to the places or people one should (1120b25-1121a4). The generous is very flexible in financial disputes, since he accepts being treated unjustly due to his disregard for riches (1121a5-7). Justice on the other hand is defined as the pre-disposition that makes all people live justly, to apply and desire the just

(1129a1-9). Aristotle goes on to equate the just to the lawful, and the unjust to the unlawful (1129a30-39). And since what is lawful is for the good of a given society, the just is defined as whatever creates and guarantees the happiness of the political society and its members (*δίκαια λέγομεν τα ποιητικά και φυλακτικά ευδαιμονίας και των μορίων αυτής τη πολιτική κοινωνία*, 1129β17-20). He also defines justice as the perfect virtue, but not in the sense of an absolute and general moral virtue, only in the sense of a relation to a third party, the difference being one of the mode of existence (making thus a distinction between the family and personal nature of morality and the social context of justice) (1129b26-27 and 1130a10-14). The two forms of justice are related; you can not have a happy society if its members are not just in their dealings between them. That is why Aristotle considers (following here the tradition of the Ancient Greeks) justice to be the most important of virtues, since, as he claims: to be virtuous to one's family and friends is easy and is done by many, however, to be just to strangers is more difficult. And that is why he claims that justice is all virtue and injustice all vice (*η δικαιοσύνη ου μέρος αρετής αλλ' όλη η αρετή εστί, ουδ' η εναντία αδικία μέρος κακίας αλλ' όλη κακία*) (1129b30-1130a14). He goes on to define the kinds of justice: distributive justice (*το εν ταις διανομαίς*, 1130b31) and corrective justice (*διορθωτικόν*, 1131 a1), and defines the just as the mean and equality between things (or parts) and persons (*δίκαιον μέσον τε και ίσον είναι προς τι και τισίν*, 1131a17). Following this, he elaborates more on this mean and equal criterion of justice. However, for our purposes this exposition is more than enough; the life of *ευδαιμονία*, which is the most supreme value in life (since all actions have it as their purpose), has as a necessary characteristic the perfect virtue, and which further has as a part, generosity. In addition, all virtues are encapsulated by justice and this is unattainable once one can not achieve the mean and equal in things and persons.

Now I would like to examine the following question: Can anyone find this mean if he does not have the virtue of generosity (i.e., to be ready to sacrifice one's property in any dispute over it)? This I wish to claim is the connection I see in Aristotelian theory between Value, Virtue and Justice: Virtue without the paramount value is purposeless, justice without the virtue of generosity can never be attained. Justice becomes in this way the embodiment of the virtue of generosity, making generosity the first of all virtues and a component of the supreme value itself. In this equation we can thus substitute Justice with Generosity and have: Supreme Value \Leftrightarrow Virtue \Leftrightarrow Generosity. This dialectical relation that I see proves the ontological relation of the

above concepts, the one can not exist without the other. This is clearly also what Aristotle has in mind when, after an elaborated theory of justice, he ends with «*το τε γαρ επιεικές δικαίου τινός ον βέλτιον εστι δίκαιον, και ουχ ως άλλο τι γένος ον βέλτιον εστί του δικαίου*» (1137b10-11) that is, he equates justice with mercy or equity and in addition claims that of the two, mercy or equity should be preferred. However, we still have one thing missing here: Why we should be just and virtuous? Plato's answer to this question is the famous dictum of Socrates *ουδείς εκών κακός* (cf. *Πρωταγόρας*, 330c3 ff). Aristotle's answer is found in the correctness of our judgments on what is to be done in relation to the practical syllogism of the action concerned. I have elaborated on Aristotle's theory of weakness of will and how he solved the problem elsewhere.¹ At this point however, it will be good to see a very important and related problem; whether we can be certain if our value of *ευδαιμονία*, virtue and justice really exists in the world as an indisputable fact or not. This is a serious problem. If this evaluation is not a fact of the world, unarguable and indisputable, then justice can never be attained, since its social aspect will never be satisfied: How are we to talk with someone about justice if his own concept is different from ours (both different in its content and its form, i.e., he may consider justice to be what I consider injustice and he may also think that there can be no agreement on the notion of justice itself). Let us consider an example. Suppose we have two societies that argue about an injustice that the one society has performed on the other. It is my claim here that if the two societies do not agree on the notion of justice they shall use and on what the paramount value on which this notion shall be based (their theory of value), which unavoidably shall also include the model for proper and improper behavior (theory of virtue), then they shall never agree in the dispute. They shall most probably resort to war or other forms of violence to find a solution to their dispute.

II

First, let us start with the most notable medieval thinker and commentator on Aristotle, Thomas Aquinas. Aquinas makes a systematic distinction between the truths of philosophy or science and the truths of theology. I call this systematic because as he claims this distinction is a "formal" and not a "material" one (*Summa Theologiae* Ia, I, I, ad 2). This means that they may both coincide in their findings,

but they may also differ, since the truths of philosophy and science are susceptible to error and the truths of theology are not. This distinction is of paramount importance for the development of the study of the three concepts I am investigating in this paper. It led many contemporary philosophers to see a distinction between what is the case and what should be the case, i.e. to make a distinction between ontology and moral philosophy/ethics, known as "the is-ought dichotomy".

III

Richard Swinburne, in his article with the title "Three types of thesis about fact and value"² makes the claim that we have three theses in mind when we speak in favor of "the is-ought dichotomy". The first is concerned with how we do use language, the second with how we ought to use language, and the third that there is a fact/value dichotomy in the world. With the first we can only claim that there are some people who do use language to show that there is such a dichotomy, and there are also some others who use language to show that there is no such dichotomy. With the second we claim that no facts about how language is used can help us decide on whether this dichotomy exists or not. Evaluative principles have to be brought into account to prove the thesis of dichotomy. And these evaluative principles have to be fairly obvious, otherwise they would be rejected by the opponent. One such principle, according to Swinburne, is that "Distinctions in language ought to correspond to distinctions in the world of practical importance". With this principle in mind, if one could prove that the dichotomy is a matter of practical importance, then he would also prove the second thesis. Thus, if one can prove the third thesis, then he can prove the second one as well. But what exactly does the third thesis claim? Only that values are not as objective as the objects of the material world, their colour etc. They belong to the spectacles through which each individual looks at the world. In this way, the value-words can only function legitimately as devices for getting things done in the world, not for describing the world. The opposite view, i.e. that there is a synthesis of facts and values, claims that values are objective. The properties of an object are not only its colour, shape etc. but also the purposes for which it could be used. These purposes lead us to use them according to them and that is where the synthesis of value and facts exists. In Aristotelian terms: A

thing is what it is, not only in virtue of its efficient and material causes (i.e. by whom and of what it is made of), but also of its formal and final causes (according to which form and for what purpose it is made). Fact and value are thus united and *to describe an object involves to evaluate it* as good or bad, actions as just or unjust, persons as virtuous or vicious. Swinburne admits next that the issue of the dichotomy at this level of his analysis has to have resource to a relevant metaphysical system that can afford such a dichotomy. He examines a materialistic and a theistic metaphysical system. In the materialistic he finds that modern scientific explanation is against the purposive accounts of facts and events. Science, with its reliance on prediction and accounts in terms of causes, according to Swinburne, will eventually prove that all human behavior is determined *in toto* by upbringing and environment. Thus, in the materialistic scheme, objects can have only sensible and physico-chemical properties. However, in the theistic scheme he finds there is room for a synthesis of fact with value. In the theistic scheme, everything is valued according to its reference and its propensity to God's plan for the world. The world itself is valuable because it is made by God. Only in such a scheme can we talk about the union of fact and value, and we can accept not only unanimity in moral matters, but also a basic communication when it comes to ethical principles such as justice. And because the third thesis can be supported rationally by the theists, that is why, for the theists, there is no problem in the disregard of the discussion about how we talk about morality and ethics. However, for the non-theists the situation is quite different; they can never go beyond the first thesis, and all they can do is affirm that for some such a dichotomy exists and for some others it does not. In this way, if we follow Swinburne here, the non-theists can never be certain that their interlocutor speaks about the concepts under investigation in the same way that they understand them (i.e. as supporting a fact-value dichotomy). After we have dealt with the issue of whether people who do not believe in God can rationally talk about justice and the other concepts under investigation, we can proceed with another question. Did Aquinas actually turn himself against the Aristotelian theory of the synthesis of facts and values? Let us first begin with the thesis of Aquinas in the philosophy of mind and ethics, which claims that there are two essences: *esse intentionale* and *esse reale*.³ The first resides in the one who conceives the object and the other in the object itself. In this

way the object of love resides in the lover, and the object of the desire in the desirer. Many believed that this forces upon one the conclusion that facts are the *esse reale* which can never be united with the *esse intentionale*, which can be associated with values.

IV

Even though the famous G.E. Moore has written euphemisms about the work of Franz Brentano (a Jesuit priest and teacher of philosophy and psychology, the father of the movement called Phenomenology), it is clear that very few people have read or commented on the ethical aspect of the work of the father of phenomenology. Brentano, utilizing Aquinas' and the Scholastics' notion of intentional existence, believes that the essence of a knowledgeable soul is to refer, i.e. our experience is always *of* something other than itself, and that we are acquainted with ourselves only and always in the existence of this reference to something other than us. Brentano's exact formulation of this thesis is as follows: " Every mental phenomenon is characterized by what the Scholastics of the Middle Ages called the intentional (or mental) inexistence of the object ...reference to a content, direction toward an object..."⁴ The concept of the good, according to Brentano, is risen in us from the impression of a psychological content we have through our consciousness. Psychological impressions can have three forms; they can either be images and representations, they can be judgements or they can be emotions.⁵ The last two forms can be right or wrong and good or bad. Thus, both judgments and emotions, both the world of science and the world of ethics have their source in human consciousness. The judgments of right and wrong are divided into self-evident (such as the logical principle of non-contradiction) and non-self-evident (such as empirical laws etc.). The emotions of good and bad, however, are always self-evident, and even though they can be divided into fundamental and derivative they all have this in common; they are self-evident.⁶ In this way we can see how Aquinas' notion of intentional existence can be compatible to the theistic claims about the union of facts and values; the good and the bad according to Brentano are there in the world with facts and objects, and in this way there can be a synthesis of facts and values in the world.

V

One more account which throws some light on this issue is the account of G.E.M. Anscombe, especially in the work entitled *Intention*.⁷ In this work, which claims to work in both the tradition of Aristotle and the tradition of Aquinas, it is claimed that good and evil are in the things, while truth and falsehood are in the mind "one wants a *good kettle*, but has a *true idea* of a kettle."⁸ Thus, in this work of an eminent Thomist scholar, we see the wholehearted acceptance of the unity of facts and values.

VI

Another aspect of the same issue is touched upon by Alasdair MacIntyre in his *After Virtue*.⁹ In this book and in his chapter 7 with the title "Tact* Explanation and Expertise"¹⁰ we see him making the claim that it was the empiricist concept of experience of the seventeenth and eighteenth centuries, which forced upon us a radical distinction between *what seems to one to be the fact* and *what is the fact*. This distinction led philosophers to make a similar distinction between "facts" which can be tested and used in the measurement of results of experiments and experience, and "values" which have no role to play in the mechanistic metaphysics which dominate most of the post-seventeenth century philosophy. It is under the prism of this mechanistic metaphysics, according to MacIntyre that we should regard how the facts were isolated from their part in the ends of human action and became "value-free". The distinction between "is" and "ought" could not have been imagined before the seventeenth century. What MacIntyre sees in the conflict between the opposite sides in the "is-ought" dichotomy is the conflict of the newly emerged mechanistic attitude towards man and the old tradition of Aristotelianism. In this way it is anachronistic to claim that Aquinas could have an attitude towards Moral Ontology which came into existence at a much later date.

Conclusion

What we tried to do in this presentation is to chart the ontological relation of the three most important concepts of value, virtue and justice. We found that in Aristotle the three are intimately, ontologically and dialectically related. Without the one we can not have the other two. We also investigated the related issue of the unity of facts and

values. We saw that this issue is related to the above analysis because without a common language, use and meaning related to these concepts, there can be no justice, especially in its social context. We also saw that this unity can exist only in a theistic metaphysics and that it appeared much later than the medieval time, and is a product of the post-seventeenth century industrial mechanistic attitude towards man and the world. I hope that this was profitable for any future discussions on justice and what all justice disputes should take into account as presuppositions for any rational and peaceful negotiations, especially between parties coming from quite different cultural backgrounds.

Notes

1. "Aristotle's Akrasia and J.-P.Sartre's Bad Faith", D.N. Koutras, ed., *The Aristotelian Ethics and its Influence*, Society for Aristotelian Studies "The Lyceum", Athens, 1996, pp.24-32.
2. In *Philosophical Quarterly*, Vol.11, 1961, pp.301-307.
3. See Herbert Spiegelberg, ""Intention" and "Intentionality" in the Scholastics, Brentano and Husserl" in *The Philosophy of Brentano*, ed. By L.McAlister, London: Duckworth, 1976, p. 108-127.
4. See Franz Brentano, *Psychology from an Empirical Standpoint*, ed. by O.Krauz and L.McAlister, transl. by A. Rancurello, D.B.Terrell and L.McAlister, London: Routledge and Kegan Paul, 1973 (originally published as *Psychologie vom empirischen Standpunkt* in 1874), pp. 88-89.
5. Ibid, pp. 194-200.
6. See ibid, pp. 287-289, and the English edition of F.Brentano's *The Origin of Right and Wrong*, transl. by Cecil Hague, Westminster 1902, p. 122ff. Also Gabriel Franks, "Was G.E.Moore mistaken about Brentano?", *The New Scholasticism*, Vol.43, 1969, pp.252-68.
7. G.E. M. Anscombe, *Intention*, Oxford: OUP.1957.
8. Ibid, p.75.
9. Alasdair Macintyre, *After Virtue*, 2nd ed., London: Duckworth, 1985. 10. Ibid, pp.79-87.