



# Plato's Challenge

*What is justice—and why should I want it?*

# The International Criminal Court

- ✦ A Disagreement about Justice:
  - ✦ [Instituted] to guarantee lasting respect for and the enforcement of international justice.—Rome Statute (Founding Document, 2002)
  - ✦ [A]n illegal and immoral institution, invented as reprisal for disobedient representatives of a disobedient people. . .as once there were concentration camps for superfluous peoples. . .An instrument for victor's justice. . .Nato's victor's justice.—Slobodan Milosevic
  - ✦ Waiting for perfect international justice would probably mean getting no justice at all. And that, of course, is precisely what Milosevic wants. When he complains about victor's justice, one should not be lulled into thinking he yearns for a more pure kind of justice. He wants no justice at all.—Judith Shklar

# Two Classical Views

- ✦ The Sophistic View: If  $S$  believes that  $x$  is just, then  $x$  is just (for  $S$ ).
- ✦ If  $S$  believes that it is true that  $x$  is just, then it is true that  $x$  is just (for  $S$ ).
  - ✦ There is no perceiver-independent fact of the matter about justice.
- ✦ The Calliclean View: Natural Justice (*phusis v. nomos*) deems that to the victor go the spoils.
- ✦ Might makes right.
  - ✦ Nature's justice is plainly on view in the state of nature. . . .
  - ✦ . . .and in the state of war, which is our glimpse into the state of nature.

# Concerning the Sophistic View

- ✦ What's interesting to me is that this isn't all that new. This was the project of the Sophists in Athens, and this is what Socrates and Plato thought was so completely evil. The Sophists had this idea: Forget this idea of what's true or not—what you want to do is rhetoric; you want to be able to persuade the audience and have the audience think you're smart and cool. And Socrates and Plato, basically their whole idea is, “Bullshit. There is such a thing as truth, and it's not all just how to say what you say so that you get a good job or get laid, or whatever it is people think they want.” —David Foster Wallace

# Is Justice a good thing?

- ◆ Three ways from something to be good (*Republic* ii, 357b-d)
  - (i) Intrinsic Goods (e.g. harmless pleasures)
  - (ii) Intrinsic and Instrumental Goods (e.g. health and knowledge)
  - (iii) Instrumental Goods (e.g. exercising and going to the dentist)

# Is Justice a good thing—*for me*?

- ✦ Glaucon and Adeimantus' Challenge:
  - ✦ Most people think that justice is a type-(iii) good.
  - ✦ Moreover, they are *right* to think this way.
- ✦ Yet if Justice is a type-(iii) good, then I have no reason to *be* just—even if I have reason to *seem* just on occasion.

# Glaucon's Request

- ✦ Define Justice—where this presumably involves offering a non-Sophistic, essence-specifying account.
- ✦ Show that Justice is a type-(ii) good.
- ✦ Do so by showing that being just is always preferable to being unjust, regardless of how things may seem.

# The Origin and Essence of Justice

- ✦ They say that to do injustice is naturally good and to suffer injustice bad, but that the badness of suffering it so far exceeds the goodness of doing it that those who have done and suffered injustice and tasted both, but who lack the power to do it and avoid suffering it, decide that it is profitable to come to an agreement with each other neither to do injustice nor to suffer it. As a result, they begin to make laws and covenants, and what the law commands they call lawful and just. This is the origin and essence of justice: it is between what is best, doing wrong without paying the penalty, and what is worst, being wronged without the power to exact revenge. So, as something mid-way between these extremes, justice is accepted not as something good, but is honoured rather because of a powerlessness to do wrong. . . That, Socrates, is the nature of justice and such are the circumstance in which it arose (*Republic* ii, 258e-359b).



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# Justice as a Social Contract

- (1) If Justice arises as a social contract, then people have a reason to *seem* to be just, but no reason to *be* just.
- (2) Justice does arise as a social contract.
- (3) So, people have a reason to seem to be just, but no reason to be just.
- (4) If no-one has a reason to be just, as opposed to merely seeming to be just, then the essence of justice requires that it be a type-(iii) good.
- (5) So, the essence of justice requires that it be a type-(iii) good.

# On Behalf of (2)

- ✦ Best is to treat others unjustly with impunity.
- ✦ It would be 'madness' for the alpha-dominant to agree to any such contact.
- ✦ Worst is to suffer injustice without opportunity inflicting it.
- ✦ In between—where most of us abide—is the experience of treating others unjustly while also suffering injustice in turn.
- ✦ We judge that the experience of being treated unjustly so far outweighs the harsh disadvantages of being treated unjustly that we also judge it better to accept a contract to remove ourselves from the state of nature. This contract, however, provides us no more than a motive to *seem* to be just.

# A Thought Experiment

- ✦ Consider the case of Gyges.
- ✦ He allows us to decouple two sorts of motives which otherwise always occur in intertwined:
  - ✦ a motive to avoid injustice because it is injustice;
  - ✦ a motive to avoid injustice because we might be punished if detected perpetrating it.

# The Purport of Gyges' Ring

- (1) If acting unjustly could be separated from its normal consequences, then no one would willingly choose to be just. ('We'll catch the just person red-handed travelling the same road as the unjust.'—*Republic* ii, 359c)
  - (2) If (1), then Justice is a type-(iii) good.
  - (3) So, Justice is a type-(iii) good.
  - (4) If Justice is a type-(iii) good, then no one has any reason to be just, beyond what may be required to seem to be just.
  - (5) So, no one has any reason to *be* just, beyond what may be required to seem to be just.
- ✿• This, then, is a a great proof that no-one is just willingly' (*Republic* ii, 360c)

# Ask Yourself

- ◆ Suppose you one day found yourself wearing Gyges' ring: would you continue to wear it or take it off?
- ◆ If you would wear it, how would you use it?

# Plato's Challenge

- ◆ What reason remains for us to prefer justice to the greatest injustice? . . . By what route will anyone with any resources of mind or wealth or body or birth set any value on justice, rather than simply guffawing when he hears someone praising it? —Plato (*Republic* ii, 366b-c)