

On 'Dikaion' (Justice or What is right)

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What I intend to do in this talk, is to clarify the notion of 'dikaion' (Justice or What is right) in Ancient Greek Philosophy, particularly in Plato. But my concern is not so much to explore the past Greek Thought or to interpret some of Plato's texts as to reflect on the problem underlying the usage of this term 'dikaion' in Plato and in the subsequent history of the European thought.

I

First a preliminary remark. It is not always easy to render precisely a rudimentary Greek word in modern languages and the difficulty is even more aggravated when the term concerned is an evaluative one, namely, one which includes a value judgement or an estimation. For such words are so deeply embedded under the surface of ordinary life and involved in various customs and usages fundamental to the constituents of each nation's culture that it is in most cases very difficult for us to determine their precise meaning. I mean, the difficulty is great since they are evaluative words in the original Greek as well as in our modern renderings. But I think it is indispensable for us to grasp their accurate sense in order to free our ethical thinking from needless obscurities. Such words are in Greek: *kalon*, *dikaion*, *agathon*, *hosion*, *epieikes*, *spoudaion* and so on. We could prolong this catalogue of evaluative words which express the ancient Greek consciousness of value. But I take the first three to be the most fundamental ones in the philosophical reflection of Plato and Aristotle and call the values expressed by them cardinal values. As a matter of fact, Plato was the first critic of evaluative words which were current in his days. And the triad of these words appears everywhere in his writings and plays always an important part in his thinking. We must further add that each word belonging to the triad does not function by itself isolated from others but does its duty in company with the other two. I think this fact is embedded in the very nature of our grasp of Value. We cannot grasp Value by a single word. We need plural words in order to designate plural aspects of evaluation which we perform in our encounter with ourselves and with the world. For the plurality of aspects of evaluation seems to be essential to our grasp of Value. Those three values which we called the cardinal values are the most essential ones since they run through all our deeds and designate the most fundamental aspects of evaluation in our human life. So we can say that these values are transcendental in as much as they permeate all our deeds and make any particular act of evaluation possible. But the above mentioned difficulty seems to become enormous for us non-Europeans, whether Japanese or anyone belonging to a non-European nation. For

our languages are entirely different from the European languages in their stock as well as in their cultural basis and development. We have our own system of evaluative words and it is no easy task to find an appropriate European word which corresponds exactly to each of our evaluative words, and vice versa. But on the other hand, one might say, just as non-Europeans we possess a vantage point which enables us to survey the history of any European idea from its beginning in ancient Greece, not encumbered with the subsequent accrument of senses from Judeo-Christianity and from the Modern World. Contrary to any European people we Japanese somehow retain, I suppose, the ancient original view of the world (*Weltanschauung*) common to the Greek one.

Today I'll pick up the word 'dikaion' from the triad and reflect on some problems surrounding it.

In the modern treatment of ethics there is one chapter on Justice. It investigates man's social obligation, i.e., the obligation man has towards other persons as a member of a society. Though justice was sometimes considered with special regard to one's property, it should not be confined to this narrow range. It embraces also one's various actions in so far as one is a member of a society and it determines one's various rights and duties. In most cases this obligation is considered a legal one or at least one which can be considered to be a legal one (namely, one which may be provided with legal constraint). The topic is, then, 'legality' (*Legalität*), strictly distinguished from 'morality' (*Moralität*). On the other hand there is a general consideration on 'What is right to do' and 'What we ought to do'. It investigates our duty (i.e., obligation) in general towards ourselves and towards other persons and it intends to determine some general rules (principles) for all our actions. This is the investigation of morality in the strict sense.

Now, are these two obligations really two distinct kinds of obligation? If we think that the legal obligations are our unique social obligations, clearly these two kinds of obligation are different; one is legal and the other is moral. But should the notion of justice be confined within the narrow limits of legality? Would justice be meaningless for us if there would be no legal affairs in our world? I myself do not believe that. (But if anyone insists on refusing to see any extra-legal sense in the notion of justice, there would be no common ground for us.)

Then, also in 'what is right to do' and 'what ought to do' we find something which morally constrains us to act in some way. That which constrains us is some principle of right action acknowledged by ourselves in that action. We call it usually moral law. The moral law prescribes to us the right way or the just way of action in each circumstance. Is this command of the moral law not the same as the claim of justice? I admit that the notion of justice means an obligation towards other persons. But is there any obligation towards ourselves which is not at the same time an obligation towards other persons? And adversely, is there any obligation towards other persons which is not at the same time an obligation

towards ourselves in as much as it is our *moral* obligation? I do not think so. Take for example the benevolence which is usually thought to be an obligation towards other persons but is one of our virtues; the duty of self-improvement commands us to acquire this virtue. Thus it is an obligation towards ourselves. And this very duty of self-improvement has to be at the same time a duty towards other persons, in so far as we are members of a society and it is an ought for the society that its members are as good as possible.... I think one can not fundamentally distinguish between obligations towards ourselves and towards others. If I made use of this distinction here, I followed simply the way of speaking which is common in modern handbooks of ethics which I myself, however, regard as a dubious amalgam of Greek ethical thought with Christian and modern ethics. I myself hold that there exists the one law of justice which prescribes to us the right and just way of human acting as such. (This justice is not the same as the legal justice but it also determines the way how to establish positive laws.) But in saying so, namely, in uttering the very last sentence I feel myself extremely uneasy whether I said something precise and understandable to any ordinary European. For not being a member of an English speaking people I cannot measure the exact force of such words as 'right', 'just' and 'justice'. Maybe it appears already as an abuse of words to relate 'right' in its ordinary usage to 'justice', or 'just' to 'justice', or 'right' to 'just' in their connotations. But this very difficulty of terminology confounds us extraordinarily. And I wonder whether there does not possibly exist some confusion in European languages or in the history of the European languages about the terminology of this value. My suspicion gains hold if we take the fact into account that for the ancient Greeks there existed but the only word 'dikaion' for those two kinds of obligation, i.e. in the modern vocabulary, 'what is right to do' and 'justice'. At least Plato and Aristotle, who were the first selfconscious critics of the evaluative words, used this word in such a way and located it in the kernel of their systematic grasp of morality. 'Dikaion' or 'dikaiosyne' became for them the word for morality itself. There may be someone who regards this differentiation as a progress. He may think that the Greeks were primitive in so far as they could not discriminate the legal duty from the moral one by using the same word 'dikaion' to denote the two different obligations. But I am not so confident of the superiority of the modern world on this point. Surely, segregation of the legal domain from the moral one itself should be taken for a gain. For by this distinction we have been saved from the erroneous undertaking to force someone by legal constraint to act morally. But it seems to me there is also something lost. What is lost is the terminological uniformity of the moral constraint which pervades all our actions towards ourselves and towards other persons and which is nothing other than the morality itself. And this is not a small loss.

II

The unhappy process of this degradation began with Aristotle. He rightly called '*dikaiosyne*' '*hole arete*' (the whole virtue) in the beginning of Book V of his *Nichomachean Ethics* (1130 a 8-9) but he left this item (i.e., '*dikaiosyne*' as '*hole arete*') almost entirely untouched and investigated in the rest of the book only '*dikaiosyne*' as a part of virtue, namely, '*dikaiosyne*' as equity (in distributions of honor, money etc.). The latter corresponds to the chapter on justice in our handbook of ethics. On the other hand, for Aristotle the general rule of moral action was 'to act according to the right rule' (kata ton orthon logon prattein; *Ethica Nic.* 1103 b 31-32). The criterion of the moral action was the rightness of action with regard to the ultimate end which the prudent man chooses. So the scheme of modern ethics in this matter has been anticipated by Aristotle long before. Modern ethics only followed Aristotle and conformed itself to his scheme. But what attracts our attention is not the history of thought itself but the problem underlying the history of thought. Now we will try to throw some light on this problem.

III

The inquiry might be better preceded by a comment on the Japanese expression about this issue. For I am now thinking in Japanese and do not actually know whether we can render exactly the same thought into English. The Japanese word for the Greek '*dikaion*' is '*tadashii*' as adjective and '*tadashisa*' as abstract noun. ...'-sa' is a suffix which transforms an adjective into its cognate abstract noun. I suppose 'right'-rightness' is its English counterpart and '*dikaion*'-'*dikaioites*' its Greek one. (We can attest this form '*dikaioites*' only in two passages in Plato, "*Protagoras*" 331 b 4, "*Gorgias*" 508 a 2. In other places we have another form '*dikaiosyne*'.) We find another pair 'righteous'-righteousness' in English which corresponds to Greek '*dikaion*'-'*dikaioites*' or '*dikaiosyne*' of which we cannot find any equivalent in Japanese. Thus, we have only the pair '*tadashii*'-'*tadashisa*' both for 'right'-rightness' and for 'righteous'-righteousness'. What I have tried to make clear in the preceding part was the fact that we do not usually find this pair of words 'right'-rightness' or 'righteous'-righteousness' as the equivalent words to Greek '*dikaion*'-'*dikaioites*' or '*dikaiosyne*' in any standard handbook of ethics, but we find another word 'justice' for Greek '*dikaioites*' or '*dikaiosyne*' in the place of 'rightness' or 'righteousness' and that, thus, we easily lose sight of that unique bond of '*dikaion*' which rules over all our deeds towards ourselves and towards others. On the contrary we retain in the Japanese language this unifying bond of morality as a linkage of words '*tadashii*'-'*tadashisa*' corresponding to the Greek pair '*dikaion*'-'*dikaioites*' or '*dikaiosyne*'. (One may add also that we put a Chinese letter 正 or 義 to both members of this pair—The Chinese

letter functions as adjective and as noun at the same time—we pronounce them 'sei' or 'gi' respectively imitating the corresponding Chinese sounds of these letters. We also use 'seigi 正義' often, compound of these two, as an equivalent word to Greek 'dikaiotes' or 'dikaiosyne'.)

Now if we here conversely take into consideration the Greek equivalent to our 'tadashii'-'tadashisa', the issue becomes somehow more complex. We have here also another Greek pair 'orthon'-'orthotes' exactly corresponding to our 'tadashii'-'tadashisa'. One may fairly say the same thing also about the English pair 'right'-'rightness'. And just at this point we see the radix of the difficulty of the problem and from there, I suppose, came forth some confusion or at least the fusion in the terminology of the moral law.

I'll explain this, first, using the Japanese word for 'dikaion' in the following way. We will denote the Japanese word for the Greek 'dikaion' and 'orthon' ('tadashii' in the adjective form by 'T^{adj}', the same word in its adverbial form ('tadashiku') by 'T^{adv}', and further the same in its abstract noun form ('tadashisa') by 'Tⁿ' for the sake of convenience. Then we can say:

- 1) He is a T^{adj} man.
- 2) He uses a fire extinguisher T^{adv}.

Here we can easily recognize that we have two different meanings of the same word T. This difference in the meaning is not a matter of the grammatical form of adjective and adverb. For we can readily transform T^{adv} in (2) into an adjective form as:

- 2°) It is the T^{adj} use of a fire extinguisher.

Let us distinguish these two meanings of T by denoting the first meaning in the sentence (1) by T (1) and the second meaning in the sentence (2) by T(2). If we seek equivalent Greek words for these two meanings, we find 'dikaion' for T (1) on one hand and 'orthon' for T (2) on the other. And, I think, it is extraordinarily significant for moral thinking that the Greeks possessed two distinct words for T(1) and T (2) totally different in their roots. Our case becomes difficult and perplexing when we consider the following sentence.

- 3) He act T^{adv}.

At first sight it is not clear whether this T^{adv} is used in the meaning of T(1) or in the meaning of T(2). And even if we examined its meaning minutely, the word itself in its context would have no force of allowing anyone to discriminate its meaning. We must determine its meaning by ourselves on each occasion. If we transform this T^{adv} in the sentence (3) into T^{adj} and say:

- 3°) It is a T^{adj} action.

then we can understand this T^{adj} either in the meaning T(1) in so far as we can assume this action is of a T^{adj} man in the sentence (1) or in the meaning T(2) in so far as we regard this action as following some rational rule. The latter meaning can also be exemplified by the sentence:

- (4) It is the T^{adj} answer.

This rational rule may be thus a non-moral one in this case as well as in the case of sentence (2). As you know such type of rational reasoning is a commonplace of our ethics, about which our ethical thinking concerns itself primarily. So we must take caution against any possible confusion which may creep into the ethical thinking and blur the original distinction clearly held by the Greeks between '*dikaion*' and '*orthon*'. What I have said thus far with the help of the Japanese word could also, I presume, in some degree be said through the English word 'right'. Replace T^{adj} by 'right' and T^{adv} by 'rightly' in the above sentence (1), (2), (2°), (3), (3°), (4). So if you pardon some possible awkwardness in my English expression, you have approximately the same in English as in Japanese except in the case of the sentence (1). In the last case we should say instead "He is a righteous man (or a just man or a man of justice)." So we, both Europeans and Japanese, have this common modern tendency of rational reasoning in the ethical thinking. The rationalizing factor is the wide use of 'right' and 'rightness' in it which regulates all of our actions according to the rule of reasonableness mostly with regard to our ends. But this tendency began, as I have suggested in the preceding section, with Aristotle. And I see the radix of the problem just at this place. So I'll say something more on this point.

IV

Usually we regard ethics as a philosophical discipline on action which constitutes one of the two main parts of philosophy. (We call it Practical Philosophy or Moral Philosophy or Philosophy of Action.) And in modern times it was often considered to be one which investigates the principles of decision (determination of the will) in as much as the decision (determination of the will) is the essential factor of the human action (a conspicuous example: Kant). Now the notion of will in the European thought is one of the most perplexing things for me and one not easy to comprehend thoroughly. So I would like to pick up here one aspect of the will, *liberum arbitrium*, which at least seems to me to enable us to get a clear notion of it, which is indispensable to a consideration of action and which actually played an important part in the philosophical reflection on action (an example: Locke). *Liberal arbitrium* is our ability to choose a particular action which is preferable for us within the range of foreseeable possible actions. It is essential for *liberum arbitrium* that we can imagine several, at least two possible particular actions in the near future both of which we can think as performable by us and it is further essential that in most cases after deliberating for a while about which one should be done, we come to a decision 'this is the right thing to do' and choose this particular action. Thus preceding deliberation and decision are the two constituent factors involved in *liberum arbitrium* and *liberum arbitrium* has its proper place in reference to our scope of foreseeable possible actions in the near future. I do not deny that *liberum arbitrium* has an important significance for our human

life. But clearly it is not a sole power which determines ourselves nor are all of our actions determined by it. We act in innumerable ways in our ordinary life without any explicit decision of *liberum arbitrium*. For example I woke up at 7, put on clothes, took a glance of the sight from the window, took breakfast and so on without any particular decision of each action. I do not know whether any European is more self-conscious about all these things. (I do not believe that.) Nevertheless I can not deny I am who I am and I am such an I as how I am through all those actions, and this is not the least thing of my self about which the ethical thinking should concern itself. The tendency of placing *liberum arbitrium* into the foreground of the ethical thinking narrows down our scope in ethics too much, it seems to me. It sets our ethical reasoning on the rational planning of our life, arranging all things to do in a teleological order, namely, in connection of means to an end, this end in most cases being a particular end chosen in a foreseeable near future. It amounts to make our life a sort of technology and the most salient criterion in choosing an act to be done is *utility*. If we think about human action solely within this scope of thinking, is it not a natural outcome that the rightness of an action is understood as *orthotes* and not as *dikaïotes* or *dikaïosyne* and that *dikaïosyne* (justice) becomes only one factor among others which should be taken into consideration in our reflection on what is right to do? *Orthotes* predominates and *dikaïosyne* becomes lost.

But as has been said *liberum arbitrium* is not the sole factor nor the major part of the factors which determine our ordinary actions. Then, what is the main thing which determines our actions? It is myself, my actual being, how I actually am, I would say. It is not my being as substance as far as I belong to the mankind but it is my actual being as *poios tis* (such one), if I say according to Aristotle, in its actual state. And my actual being in its actual state is in its turn determined by various factors two main ones of which would be *konomi* (affection, bent, love, liking are its English equivalents) and *negai* (wish, will, desire would be its nearest corresponding English words). Please, excuse me for once more using Japanese words. For I am now thinking once more in Japanese and I am not sure whether the English equivalents express exactly the same thing as what I think in Japanese. I am actually thinking much of the Greek equivalents, *philo*—and *boulesis*, in their Platonic and Aristotelian use. These two things, *konomi* and *negai*, of my attitudes are in the closest connection with my *omoi* (belief not in the religious sense but in the ordinary sense is its English equivalent) and determine, I think, my various actions widely. In these attitudes and actions consists my actual being in a great measure, but not principally in decisions on particular occasions. I admit with Aristotle that my *negai* (wish) and my *negaigoto* (object of my wish) are not necessarily in my power. We can wish what we can not expect to be attainable by us. But in opposition to Aristotle I cannot but think that what we wish is of the utmost importance for our ethical reflection. It actually determines how I am in the innermost part of myself. And this in its turn determines my *konomi*

(affection), namely, various outward appearances of this innermost self. *Dikaion* or *dikaiosyne* seems to me to be the very rule of this my actual being. It prescribes to us what I wish and what I should like and thus determines my innermost being.

V

Lastly I'll offer a survey of the most important evaluative Greek words with their Latin, modern European and Japanese equivalents and give some comments on them. At the same time I am expecting earnestly the teaching and correction and if possible any bibliographical instruction from all the participants.

Gr.	<i>kalon</i>	<i>agathon</i>	<i>dikaion</i>	<i>orthon</i>	<i>alethes</i>
Lat.	bonum (honestum)	bonum	justum	rectum	verum
Eng.	(fine) (noble)	good	just —justice	right	true
Germ.	(edel) (schön)	gut	recht gerecht	recht richtig	wahr
Fr.	beau (beauté) (bien)	bon bien	juste justice (droit)	juste (droit)	vrai
Jap.	yoi (utsukushii)	yoi	tadashii	tadashii	honto (makoto)
	Bi (美)	Zen (善)	Sei (正)	Sei (正)	Shin (真)

1) It is to be noted that both the assimilation of *kalon* to *agathon* which easily leads to a loss of the original meaning of *kalon* and that of *dikaion* to *orthon* which leads similarly to a loss of the original meaning of *dikaion* are prominent tendencies in modern languages. (One can further add that there may be also a similar assimilation of *alethes* to *orthon*.) When a fusion of two words takes place, it is also notable that it is the more original meaning which tends to be lost. From these fusions there have been brought about, I suppose, many confusions in the meanings of this terminology of values and in the domain of ethical thinking. It seems to me that not so much attention has been paid to this phenomenon until now with the exception of the case of *alethes* and *orthon* (Heidegger).

2) It is not to be denied that already among the ancient Greeks there was some fusion or confusion in the terminology of values. We can clearly attest the fusion of meaning at least in the adverbial forms of *kalon*, *dikaion* and *orthon*, namely, *kalōs*, *dikaiōs* and *orthōs* where we can not distinguish their meanings at all, even in the conversations of Plato's dramatical persons. Plato was the first self-conscious and the profoundest critic of these values. Here I'll suggest the simplest skeleton of his axiological thinking on these values.

i) *kalon* is the intrinsic value, the value which is valuable in itself, which is the object of love.

ii) *agathon* is the relational value, the value of something which is valuable for someone or for some end. Hence it often or mostly takes the meaning of 'useful'

(ōphelimon, sympheron) and becomes pluralized according to the plurality of various phases of our life. So *agathon* appears as *agatha*. Therefore it is extremely difficult for us human beings to distinguish *agathon* from *agatha* and grasp *agathon* in itself.

iii) *dikaion* is the corrective value, which corrects our propensity to other things (*hetera*) and to things alien to us (*allotria*), restores us to our own (*oikeion*) original state and establishes us in our veritable self (*aletheia*).

According to the characteristics of these cardinal values we can observe the following interesting facts. Form the masculine, singular, nominative case of these words, denote by them the person which is characterized by these words and compare them with the original value itself.

kalos—*kalon*

agathos—*agathon*

dikaios—*dikaion*

We can fairly say that the meaning of the value concerned in the two columns are conspicuously different in the case of *Kalon*, ambiguous in the case of *agathon* and exactly the same in the case of the *dikaion*. *kalon* is the farthest value for us as human beings, the value in itself, and *dikaion* is the nearest value to us human beings, it is the human value in the sense that it indicates the true place of Value to us and converts us to it.

From these considerations I would like to propose to give another Japanese word from the ancient Japanese vocabulary as rendering of the Greek *dikaion*, *naoshi*. Then a *naoki hito* would be the more appropriate Japanese expression for *diakaaios*.

Table of Arts and Experiences (Gorgias 464 b-466 a)

—One of the most important testimonies in Plato for the above interpretation of *Dikaion*—

Art (<i>techne</i>)		Experience (<i>empeiria</i>) (Shadow of Art [<i>eidolon technes</i>] or Flattery [<i>kolakeia</i>])	
Politics (<i>politike</i>)			
Soul (<i>psyche</i>)	A	Legislation (<i>nomothetike</i>)	A' Sophistic (<i>sophistike</i>)
	B	Justice (<i>dikaio-syne</i>)	B' Rhetoric (<i>rheto-rike</i>)
[No common name corresponding to Politics]			
Body (<i>soma</i>)	C	Gymnastic (<i>gymnastike</i>)	C' Cosmetics (<i>kommotike</i>)
	D	Medicine (<i>iatrike</i>)	D' Cookery (<i>opsopoiike</i>)
A : B = C : D = C' : D' = A' : B' (464 b 7-9, c 6-8)			
A : A' = B : B' = C : C' = D : D' (465 c 1-3)			

Note: We must determine the function of each art and pseudo-art according to its proportional relations to the others, some terms of which are already known to us because of their familiarity to our ordinary life, e.g. Gymnastic and Medicine. 'Justice', being the art of the administration of justice, aims at *dikaion* in the realm of the soul, and 'legislation', being the art of law-giving, aims at *kalon* in the realm of the soul (cf. *kallos* aimed at by Gymnastic, 465 b 5-6; cf. also 520 bc).

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