

ARISTOTLE'S MORAL ABSOLUTES: A PRELIMINARY LOOK

A Thesis

by

VICTOR SAENZ ZAVALA

Submitted to the Office of Graduate Studies of
Texas A&M University
in partial fulfillment of the requirements for the degree of

MASTER OF ARTS

May 2011

Major Subject: Philosophy

Aristotle's Moral Absolutes: A Preliminary Look

Copyright 2011 Victor Saenz Zavala

ARISTOTLE'S MORAL ABSOLUTES: A PRELIMINARY LOOK

A Thesis

by

VICTOR SAENZ ZAVALA

Submitted to the Office of Graduate Studies of
Texas A&M University
in partial fulfillment of the requirements for the degree of

MASTER OF ARTS

Approved by:

Chair of Committee,	Robin Smith
Committee Members,	Hugh McCann
	Craig Kallendorf
Head of Department,	Daniel Conway

May 2011

Major Subject: Philosophy

ABSTRACT

Aristotle's Moral Absolutes: A Preliminary Look. (May 2011)

Victor Saenz Zavala, B.A., University of Notre Dame

Chair of Advisory Committee: Dr. Robin Smith

In the *Nicomachean Ethics* Aristotle introduces his Doctrine of the Mean, where he argues that virtue is the mean between two extremes, the mean between excess and deficiency. However, Aristotle mentions actions whose wrongness does not seem to be explained in terms of excess and deficiency; rather, it seems that these actions are always wrong, regardless of whether they are excessive, deficient, or neither. Among such actions Aristotle mentions *moicheia*, *androphonia*, and *klopê* (usually translated “adultery,” “theft,” and “murder”). Thus, with such actions the main questions become, first, what, according to Aristotle, explains the wrongness of these actions, and second, what makes it the case that they are *always* wrong.

With these questions in mind, I will take *moicheia* as a test case to come up with an account that can answer these questions. In order to build this account, I make use of an objection leveled by Rosalind Hursthouse against the Doctrine of the Mean and of Howard Curzer's response to this objection. Though I claim Curzer's account fails, I make use of Curzer's work in another context in order to respond to Hursthouse's objection. Ultimately, I will claim that the wrongness of actions like *moicheia* can be

satisfactorily explained as failures of the virtue of justice in which the agent goes beyond what properly belongs to her, beyond her proper share.

However, in order for this account to succeed, I must get clearer about what resources Aristotle might have to specify what properly belongs to an agent, or what makes for one's "proper share." This can be done by looking deeper at Aristotle's theory of justice. Making use of the work of Richard Kraut, I claim that the concept of proper share involves Aristotle's ideas of *nomoi* (laws), and the common good. Ultimately though, what will allow us to make sense of prohibitions against acts like *moicheia* being absolute will be Aristotle's claim that certain laws are based on *phusis* ("nature"). In the last analysis, it is Aristotle's concept of *phusis* as it relates to human beings that will be central to his account of absolute moral prohibitions.

Para Papá y Mamá.

ACKNOWLEDGEMENTS

I would like to express great thanks to Dr. Robin Smith, my committee chair, for taking time to meet with me essentially every week of the Fall and Spring semesters prior to the completion of this thesis. Those familiar with the many demands of contemporary academia will realize that I was truly privileged to be able to intrude upon so much of Dr. Smith's time. Only as this project progressed did I begin to realize what help it was to be able not only to meet with him regularly, but also to get his insightful comments on ideas and version upon written version of the different parts of this work.

I would also like to thank the other members of my committee, Drs. Craig Kallendorf and Hugh McCann, for their help and comments. Special thanks goes to Dr. McCann, who, despite the time constraints involved with the upcoming publication of his new book, generously and happily agreed to help with this project.

I would, moreover, like to extend my gratitude to all the faculty and graduate students at the Texas A&M Department of Philosophy for helping to make this a fruitful learning experience. In particular, I would like to thank Dr. Linda Radzik, for encouraging and helping me at several stages of this project, despite her not being part of my committee.

Finally, I would like to extend the warmest thanks to my parents, without whose love and support, truly, none of this would be possible.

TABLE OF CONTENTS

	Page
ABSTRACT	iii
DEDICATION	v
ACKNOWLEDGEMENTS	vi
TABLE OF CONTENTS	vii
1. INTRODUCTION—REVIEW OF THE LITERATURE.....	1
1.1 Present Status of the Question.....	4
1.2 <i>EN II.6</i>	5
1.3 Extreme Motivational States View	10
1.4 Definition of the Word View.....	21
1.5 The Next Step.....	28
2. THE PROBLEM OF <i>MOICHEIA</i>	31
2.1 The Doctrine of the Mean— <i>Moicheia</i>	32
2.1.1 Hursthouse.....	34
2.1.2 Curzer’s Reply.....	35
2.1.3 Curzer’s Failed Attempt	37
2.2 Justice	40
2.2.1 General Justice—Intrinsically Relational.....	40
2.2.2 General Justice—Proper Possession	43
2.2.3 General Justice and <i>Moicheia</i>	45
2.3 Explanatory Linchpins	47
2.3.1 Explanatory Linchpins in the Doctrine of the Mean	47
2.3.2 Curzer’s Explanatory Linchpin	48
2.3.3 My Explanatory Linchpin	50
3. PROPER SHARE—JUSTICE AND NATURE	57
3.1 General Justice Again.....	57
3.2 General Justice and <i>Moicheia</i> Again.....	65
3.3 Always Wrong? Political Justice: Natural vs. Legal Justice	70
3.4 Natural Justice and <i>Moicheia</i>	73

	Page
3.5 The Ideal City.....	74
3.6 Aristotle, <i>Phusis</i> , Virtue, and the 21 st Century.....	78
4. CONCLUSIONS.....	82
REFERENCES.....	86
VITA	89

1. INTRODUCTION—REVIEW OF THE LITERATURE

Sei troppo bella, Tosca, e troppo amante.
Cedo. - A misero prezzo tu, a me una vita, io, a
te chieggo un istante!¹

So says the villain Scarpia to a beautiful and beautifully distraught Tosca in one of the pivotal scenes of Giacomo Puccini's operatic work, *Tosca* (85). The scene is set in the year 1800 in Italy, which finds itself caught between the rule of Napoleonic France, supporters of Republican Rome, on the one hand and the Kingdom of Naples on the other. Scarpia is the chief of the royalist police of Naples and Tosca has just found out that he holds hostage Mario—her lover and supporter of Rome. Scarpia has just offered Tosca a chance to free Mario and flee battle-torn Italy with him, never to see Scarpia again. “Il prezzo!...” Tosca asks; she forebodes what is being asked of her: she must either sleep with Scarpia or let Mario face death (82).² What is the virtuous thing for our heroine to do?

In his *Nicomachean Ethics* (*EN*) Aristotle introduces his famous doctrine of the mean, where he states that virtuous—as opposed to vicious—action is a mean between two extremes:

By virtue I mean virtue of character; for this is about feelings and actions, and these admit of excess, deficiency, and an intermediate condition. We can be afraid, for instance, or be confident, or have appetites, or get angry, or feel pity, and in general have pleasure or pain, both too much and too little, and in both

This thesis follows *The MLA Style Manual*.

¹ The translation accompanying the original Italian in this edition reads:

“Tosca you are too beautiful and too loving.
I give in. I can't resist you. You win Mario's
Freedom for a moment of your embraces!”

² “What's your price?...”

ways not well. But having these feelings at the right times, about the right things, towards the right people, and in the right way, is the intermediate and best condition, and this is proper to virtue. Similarly, actions also admit of excess, deficiency, and an intermediate condition. (1106b19ff)³

For example, the virtue of courage will involve feelings of fear and confidence in battle (1115a20-37). To have too much confidence is one extreme, which Aristotle denotes as “rashness,” while having too much fear is cowardice; the virtuous mean consists in having the appropriate, or mean feelings of fear and confidence. Moreover, the virtue of temperance concerns the pleasures of food and drink. To eat too much or too little is vicious, but to eat just the right amount is the virtuous mean. Naturally, there is much more that can and ought to be said about the doctrine of the mean, and it is the subject of much scholarly literature, but that will not be my focus here.⁴

What I do take to be my focus here is what Aristotle goes on to say after discussing the nature of the mean, viz. his claim that “not every action or feeling admits of a mean.” In other words, with certain emotions and actions—“joy in misfortune (*epichairekakia/schadenfreude*), shamelessness (*anaischunthia*), spite (*phthonos*), and adultery (*moicheia*), theft (*klopê*), murder (*androphonia*)...”—it is not a matter of too much or too little of anything.⁵ Rather, “in doing these things we can never be correct, but must invariably be in error. We cannot do them well or not well...on the contrary, it

³ Unless otherwise stated, the translations are Irwin’s.

⁴ There is a relatively recent set of articles discussing the doctrine of the mean in Bosley, R., Shiner, R.A., and Sisson, J.D.; however, I do not believe it has anything especially germane for my purposes. I intentionally limit my exposition of the doctrine of the mean at this point, only saying as much as I need to say. I will explain more specific aspects, as the discussion requires, in Section 2.

⁵ In this particular passage, with the list of actions and emotions, I take Taylor’s translation, which I believe captures some of the nuances better. His rendering “joy in misfortune” as, a translation from the Greek *epichairekakia*, is especially accurate. As he himself notes, since English does not have a single word for that, the German *schadenfreude* seems particularly appropriate, albeit, too obscure for a general translation; cf. Taylor 120.

is true without qualification that to do any of them is to be in error” (1107a10-25). In other words, Aristotle seems to be suggesting that certain actions and emotions are absolutely prohibited, or that there are certain absolute moral prohibitions. Further, this does not seem to be an isolated passage. Elsewhere Aristotle makes claims such as: “since it is activities that control life, as we said, no blessed person could ever become miserable, since he will never do hateful and base actions”(1100b35). Likewise he says in another context: “but presumably there are some things we cannot be compelled to do. Rather than do them we should suffer the most terrible consequences and accept death...”(1110a26-28).⁶ Hence, it seems pretty clear that Aristotle considers something like what is being asked of Tosca—*moicheia*—to be such that we ought never to do it, and that it is not a matter of “committing adultery...with the right woman [or in Tosca’s case, “the right man”] at the right time, in the right way;” adultery is simply always wrong (1107a16-17).⁷

We might agree or disagree with Aristotle’s claim—because thus far, that is all it is, a claim, not an argument. However, we are entitled to ask: in virtue of what is this

⁶ Emphasis mine. One should also take into account passages in his discussion of temperance where Aristotle considers things that are “hateful” or, alternatively, “odious” (*miseta*), and the intemperate man can go wrong insofar as he enjoys these things that are wrong to enjoy. Though not as obvious as the passages just cited, his discussion very much suggests that they are *always* wrong to enjoy, cf. 1119a25.

⁷ Opera aficionados might quibble that Mario is Tosca’s lover and not yet her husband, and that hence, despite how terrible what Scarpia is requesting might be, it cannot be adultery. However, regarding *moicheia*, Dover states that what is often rendered “adultery” was not limited to intercourse with a married woman (or man) who was not your spouse. Rather “it was *moikheia*, ‘adultery’ to seduce the wife, widowed mother, unmarried daughter, sister, or niece of a citizen,” (209). Thus the Greek “*moicheia*” is not so much akin to “adultery” as it is similar to “fornication.” We should also ask whether Aristotle would consider a man’s adulterous act in the same way that he would consider a woman’s adulterous act. Ultimately, I would say “no,” as will become clear in Section 3. However, we can set aside those considerations for the moment to make a point.

claim purportedly true? What is meant to explain Aristotle's confident assertion that certain things are always wrong, regardless of the circumstances?

1.1 Present Status of the Question

For those familiar with work in ethics in the 20th century, one piece that might immediately come to mind when thinking about questions of virtue and moral absolutes is Elizabeth Anscombe's seminal and highly controversial 1958 article, "Modern Moral Philosophy." In it Anscombe laments that work in ethics being done in her day leaves essentially no conceptual room for absolute moral prohibitions. One of her conclusions in this piece is that we currently do not have the requisite philosophical resources to address this problem and that the work of Aristotle—although ultimately insufficient—might point us in the right direction. In retrospect, Anscombe's "Modern Moral Philosophy" was in many ways a call to arms to certain kinds of ethicists, inspiring a resurgence of virtue ethics, historical evaluations of ethics, and even some of the work being done on the nature of intentionality. However, despite these achievements, it is quite surprising that something "Modern Moral Philosophy" did *not* engender was a systematic and historical look at Aristotle's own resources in addressing the question of moral absolutes.

As I mentioned above, there is an extensive literature on the doctrine of the mean, moreover, the last century and the beginning of this one have seen several tremendously insightful commentaries addressing the *Nicomachean Ethics*.⁸

⁸ Two particularly noteworthy discussions, though a little dated are in Joachim and Hardie. Some contemporary ones are in Broadie, Gottlieb, and in Taylor's translation of books II-IV of the *Nicomachean Ethics*.

Nonetheless, not only is it the case that, as just mentioned, none of the literature gives an extended discussion of the existence of moral absolutes in Aristotle, but even when discussing these passages in passing, the explanations that are offered are either, on my reading, just false, or they only scratch the surface of the problem. In a moment I will address some of the current literature and what I take to be unsatisfactory about it.

Before that though, I should say that there are a couple of articles that deal with the question of whether actions like adultery, theft, and murder are exceptions to the doctrine of the mean.⁹ Though these discussions are very useful, neither of these addresses in great detail in virtue of what these cases are different from other cases where the doctrine of the mean would apply.¹⁰ Hence the question is one that I take it is in need of further exploration. I will return to the articles just cited in an extended discussion in Section 2. Before I begin to address the literature, there are some preliminary remarks I should make.

1.2 EN II.6

In order to be able to elucidate what is ultimately unsatisfactory about how the current scholarly sources address this problem, I will offer a brief commentary about what the most explicit of the passages I have cited—that found in the end of II.6—says about the status of these moral absolutes, and what question I believe this information

⁹ Specifically, I have in mind Hursthouse's "A False Doctrine of the Mean" and Curzer's "A Defense of Aristotle's Doctrine of the Mean."

¹⁰ Surely, we would say that these cases are different because, of the different parameters for virtuous action and emotion that Aristotle discusses—occasion, objects, aims, and the like—something like adultery constitutes a case of interaction with the wrong "object," namely an unmarried woman or man. However, this still does not answer the question of in virtue of what is an unmarried partner *always* considered a wrong "object."

invites us to ask. After saying that things such as adultery, theft, and murder are always wrong, that they do not admit of a mean, Aristotle goes on to say:

[To think these admit of a mean], therefore, is like thinking that unjust or cowardly or intemperate action also admits of a mean, an excess and a deficiency. If it did, there would be a mean of excess, a mean of deficiency, an excess of excess and a deficiency of deficiency. On the contrary, just as there is no excess or deficiency of temperance or of bravery (since the intermediate is a sort of extreme), so also there is no mean of these vicious actions either, but whatever way one does them, he is in error. For in general there is no mean of excess or of deficiency, and no excess or deficiency of a mean. (1107a19-25)

At this point, what Aristotle is saying seems fairly uncontroversial: to say that actions like *moicheia* admit of a mean is somehow similar to two obviously wrong cases, and that hence, actions like *moicheia* do not admit of a mean.

The first obviously wrong case concerns the claim that generally vicious actions—such as intemperate actions—admit of a mean. Let us take the virtue of temperance with regard to food and drink and its associated vices. One extreme—deficiency—could be not eating on enough occasions, while another extreme—the excess—could be to eat on too many occasions; the virtuous mean could involve eating in just the right number of occasions, not too often, not too seldom. It is clear that eating on too many occasions (excess) and eating on too few occasions (deficiency) do not admit of a mean because they themselves are already in extreme positions along the continuum. By definition, to be one of these extremes is to be beyond the mean, and hence, Aristotle is saying that we cannot speak of a mean for something that is already, by definition, beyond the mean. Indeed, this might be the force of Aristotle's statement a little earlier, "For the names of some automatically include baseness"(1107a10).

The second obviously wrong case involves the claim that generally virtuous actions themselves admit of an excess, and deficiency. Aristotle says that virtuous actions—intermediate or mean actions—are “a sort of extreme.” In other words, though it might seem like a trite statement to make, Aristotle is pointing to the fact that virtuous actions are, by definition, in the mean. You cannot have too much or too little of temperance, courage, justice, or whatever other virtue, since at the moment in which there was too much of anything, at the moment in which one ceased to act or feel “at the right times, about the right things, toward the right people, for the right end, and in the right way,” it would cease to be a virtuous mean (1106b21-23). Hence, you cannot have excesses or deficiencies of virtues.

If we wonder about what these two obviously wrong cases have in common, it seems to be a matter of definitions: part of what it is to be a virtue is to be in the mean—and hence that it is impossible for virtues to admit of excess and deficiency—and part of what it means to be a vice is to be excessive—and hence that it is impossible for it to admit of a mean. Thus, since things like *moicheia* are, according to Aristotle, cases of vice, then it seems that it cannot admit of a mean because it is always in some sense extreme.

This much is what Aristotle tells us in the passage of II.6: emotions such as *pthonos*, *anaischunthia*, and *epichairekakia*, and acts like *moicheia*, *klopê*, and *androphonia* are in some sense extreme and thus always wrong. Yet, this piece of information invites us to ask the question: what is it about these emotions and actions that makes them in some sense extreme and always so? In the first obviously wrong

case I cited above, Aristotle compares these actions to unjust, cowardly, and intemperate actions. With these vices, at a first glance, there seems to be an obvious answer to why these actions are in some sense extreme.¹¹ Returning to the examples of intemperance with respect to food, we can say that what makes them in some sense extreme is that the person in question is eating on *too many* occasions or on *too few* occasions. We might similarly say that a coward has *too much fear*. Yet, we can ask if, in looking at the relevant actions (*moicheia* and its ilk) and emotions (*phthonos* and the like) we find as ready an answer as to why they are, in some sense, extreme. My claim is that we do not. It is this question that will be central to the whole of my discussion: in what sense are the relevant actions and emotions extreme?

Moreover, it is important to note a feature, present in the example of intemperance with food just cited—and apparently present in most, if not all other cases of virtue and vice we could consider—but which seems, *prima facie*, to be absent from the emotions of *phthonos*, *anaischunthia*, and *epichairekakia* and the actions of *moicheia*, *klopê*, and *androphonia*. This feature is that such cases of intemperance, and almost all other cases of virtue and vice, are context sensitive. What it means to eat on too many or too few occasions will vary tremendously depending on the person involved, the situation, and the like. Though a woman of petite build might eat what appears to be a small portion, this small portion might be just the right amount to satisfy her biological needs. On the other hand, Milo the wrestler might need four times as

¹¹ Albeit, given the special status Aristotle gives to justice, what makes cases of injustice in some sense extreme can sometimes get a little dicey. This will become especially relevant in my discussions in Sections 2 and 3.

much for a regular, temperate portion. This is Aristotle's meaning in saying that the mean is "relative to us" (1106b1ff.). Indeed, this context sensitive feature is part of what attracts many to contemporary virtue-theory. We always need to consider what is at stake for the particular people and particular situations involved. That this context-sensitive feature is present in cases such as over-eating, or fear and confidence in battle seems reasonably obvious, as just illustrated. However, this feature seems to be missing from the emotions and actions in question. On a first look, it seems that there are no occasions on which it would be correct to feel the emotions in question, that it would never be correct to rejoice at another's misfortune, or be shameless, or feel spite.¹² Likewise, assuming we have definitions in place for what it means to commit the relevant acts—whatever these definitions might be—there does not seem to be much room for contextualizing.¹³ Rather, "it is true without qualification that to do any of them is to be in error."¹⁴

Before I proceed, let me note my division of labor. During the entirety of this discussion, my focus will be on the relevant actions, *not* on the emotions. Moreover, my discussion of actions will focus almost exclusively on the case of *moicheia*. In using *moicheia* as a test case and getting fairly clear about how we should address it, I aim then to have some relevant things to say about *androphonia* and *klopê*, albeit my

¹² This is how Irwin and Stewart read Aristotle's treatment of these emotions, *pace* Urmson; cf. Irwin, *Ethics* 198, Stewart 120, and Urmson 163.

¹³ I will get into the business of definitions, as far as the discussion requires, in Sections 2 and 3.

¹⁴ In addition to the contrast between the "mean relative to us" and moral absolutes, we also have the contrast between the fact that Aristotle takes ethics to be an inexact science on the one hand, and his seemingly unapologetic affirmation of such moral absolutes. As Aristotle puts it, "we shall be satisfied to indicate the truth roughly and in outline; since our subject and our premises are things that hold good usually [but not universally]," and that "we shall be satisfied to draw conclusions of the same sort" (1094b20-24ff). However, Terrence Irwin argues that we should not conclude from the inexact nature of ethics that Aristotle cannot draw general principles ("Ethics as Inexact Science").

comments about the two latter actions will be more general. There are two main reasons why I will not treat the emotions extensively here. The first is that though Aristotle elsewhere names two of the emotions as extremes to a particular virtue—*epichairekakia* and *phthonos* are the extremes of the virtue of *nemesis* or “proper indignation,” and *anaischunthia* is an extreme of the quasi-virtue of *aidôs* (shame)—there are interpretative problems that need to be settled regarding these particular emotions in order to give the discussion of just why they are always wrong the precision and sophistication it requires.¹⁵ Second, whatever we make of these interpretative problems, Aristotle explicitly claims that the emotions fall in the extremes of some virtue. Though we might ultimately think Aristotle is misguided in his thinking, at least it seems he claims to be offering an account of why these emotions are always wrong: they are allegedly extremes of a virtue, or kind of virtue he discusses elsewhere. In contrast, with the relevant actions, and with the case of *moicheia* in particular, I claim that the explanation is not as easily found. Nevertheless, the relevant text’s talk of the being, as I called it, “in some sense extreme,” tempts to two views that are discussed in the literature and which, as I will explain below, I believe are ultimately problematic.

1.3 Extreme Motivational States View

In his recent commentary and translation of books II-IV of the *Nicomachean Ethics*, C.C.W. Taylor admits that the actions and emotions Aristotle considers are, as I

¹⁵ Cf. 1108a35-36 and 1108a31-5. The interpretative problems seem to be mainly two. First as mentioned, *aidôs* is not a virtue proper, but only a quasi-virtue; it is a character trait that is good in young people, given their natural tendencies, but not in more mature people. Second, the two extremes of *nemesis* do not quite fit into Aristotle’s general scheme of the mean. Hence, questions arise as to how differing interpretations would affect the claim that such emotions are always wrong. On both these points, cf. Urmson 163-169; on *phthonos* cf. Mills; on *nemesis* cf. Burger.

mentioned above, in some sense extreme kinds of actions and emotions and that they therefore do not admit of a mean. Regarding the emotions Aristotle considers—*schadenfreude*, spite, and shamelessness—Taylor rightly points to how they are extreme kinds of feeling that Aristotle discusses elsewhere. The first two—*schadenfreude* and spite—are the extremes of the virtue of *nemesis* or “proper indignation,” which Aristotle addresses in 1108a35-36. The last—shamelessness—is an extreme of the quasi-virtue of shame (1108a31-5). So far so good; Aristotle himself tells us that such emotions are in a sense extreme and why this is so. However, it is when Taylor begins to discuss the relevant actions that I take issue with his commentary.

Regarding *moicheia*, *androphonia*, and *klopê*, Taylor essentially says three things in his interpretation of Aristotle. First, he says that Aristotle considers these actions to be always prompted by one single, extreme (i.e., vicious), motivational state at a time. In other words, the motivational state that prompts the actions in question is never in the mean and it is only one and no more than one such motivational state at a given particular time that prompts the action; Aristotle does not consider mixed motives. Hence, *moicheia*, in this view, can be prompted by extreme desires for sexual pleasure, *androphonia* by extreme anger, and *klopê* by extreme desire for acquisitiveness. Second, he says that though the motivational state that prompts the action is always extreme, it need not be the same extreme motivational state every time. It need not be the case that *moicheia* is always prompted by excessive sexual desire; it could be prompted by excessive desire for gain, or greed, as Taylor notes Aristotle himself points out (1130a24-28). Hence, in this interpretation of Aristotle, actions like *moicheia*,

androphonia, and *klopê* are always prompted by *some* extreme motivational state, whatever that might be.¹⁶ Taylor considers an aspect of the first of these two points—Aristotle’s failure to consider mixed motives—to be false and ultimately pointing to deeper problems in the doctrine of the mean (110-111). Third and finally, Taylor wants to say that it would be more reasonable to consider that things like *moicheia*, *klopê*, and *androphonia* spring from a motivation that is *per se* bad, e.g. malevolence, and that unfortunately this is *not* what Aristotle does (xix, 113, 121).

At a glance, Taylor seems to be right in his first point, in his criticism of Aristotle’s failure to consider mixed motivations. As he says, “a random murder committed by a psychopath may express a whole complex of attitudes, some excessive (excessive delight in power, e.g.) and some deficient (insufficient concern for others). Here again the key notion seems to be that of inappropriate, not excessive or deficient, response to the demands of the situation.” As he puts it earlier in finishing up a previous discussion, “While inappropriately trained sensitivity will issue in responses some of which may be characterized as variously excessive or deficient, those characterizations now appear rather as superficial than basic” (112). In other words, Taylor’s complaint is not so much that descriptions of certain kinds of vicious behavior are not possible under the doctrine of the mean; rather, his complaint is that at one point the description seems a little forced, and that it seems to be more a description of symptoms than it is a

¹⁶ For this reason Taylor states: “*Moicheia*...theft, and murder are presumably thought of in a similar way, as actions prompted by excessive feelings, respectively excess of sexual desire, of acquisitiveness, and of anger...Aristotle has not, then, considered whether there might be exceptions to the doctrine of the mean, i.e. types of motivation which are *per se* good or bad, irrespective of considerations of the degree to which they are felt, and types of action which are good or bad, but which are not prompted by respectively mean and extreme motivational states” (112-113).

description of the underlying disease. Hence, another method of describing vicious behavior might be more natural and might better help us describe what the ultimate problem behind vicious actions might be.¹⁷ This point is well taken; it does not tag Aristotle as ultimately incoherent, but only as not sophisticated enough.

However, I do take issue with Taylor's second and third points, and this for related reasons. Let us recall that his second point is that actions like *moicheia*, *androphonia*, and *klopê* are always prompted by extreme motivational states. In my brief commentary on II.6 above, I mentioned how Aristotle's text compares *moicheia* and its ilk with two obviously wrong cases, and that the conclusion we should draw from this is that *moicheia* and actions like it are in some sense extreme. Taylor wants to take this "in some sense" to mean that they are always prompted by extreme motivational states. Though this might seem like a plausible interpretation given what is in the text, I claim it leads to conclusions that are un-Aristotelian at best and undesirable at worst. For one, must it be the case that *every* instance of what we would reasonably call "adultery," "theft," or "murder," be prompted by an extreme guiding emotion, a motivational state that is vicious in some sense? Let us return to the case of Tosca, being asked by Scarpia to engage in *moicheia*. Scarpia has control over the fate of Mario, and if she does not sleep with Scarpia, he will murder Mario. If she does, Scarpia will let her and Mario escape Italy in safety, never to see the war-torn country or the royalist police chief again—or so he promises. All she has to do is engage in *moicheia*.

¹⁷ Thus Taylor claims that "It thus appears that the explanatory power of the evaluative mean and its associated triadic model of virtues and their pairs of opposed vices is threatened by a rival model, that of appropriately trained sensitivity," (111). A further discussion of the issues surrounding this point would take me far from the task at hand, so I will not pursue it here.

Surely she must feel distressed and conflicted. Let us assume that the guiding emotion here is compassion and love for Mario, despite the repugnance she might feel towards Scarpia. In this case, it seems that her act of *moicheia* is *not* wrong, by Taylor's interpretation of Aristotle, since it does not seem obvious that this guiding emotion is a vicious one. Naturally, anyone of consequentialist inclinations would not take issue with this.¹⁸ By no means do I mean to argue against or settle that debate here. What I do want to point out is that a reading of Aristotle that would make him out to be such seems inaccurate, for it flies in the face of the very texts that are in question: "in doing these things we can never be correct, but must invariably be in error. We cannot do them well or not well...on the contrary, it is true without qualification that to do any of them is to be in error." Further, one could also point to the text in book III where Aristotle discusses throwing cargo off of a ship in order to save the lives of the people in the ship:

However, the same sort [of unwelcome choice] is found in throwing cargo overboard in storms. For no one willingly throws cargo overboard, without qualification, but anyone with any sense throws it overboard to save himself and others. (1110a9-12)

Aristotle here concedes that throwing away cargo is not something one would usually do, but that when it is a matter of saving people's lives, "anyone with any sense" would do it. Would it not be true that the case of *moicheia* just mentioned, in which engaging in the act would save someone's life, would be the kind of thing that, according to

¹⁸ I am here identifying "consequentialist" with a general view that the ends justify the means. This is usually used in utilitarian calculation—if an action is said to bring about the greatest good for the greatest majority, it ought to be performed. For the consequentialist, it is at least arguable, if not obvious, that Tosca's sleeping with Scarpia, though a terrible thing, would bring about the greatest good for the greatest majority, since Tosca and Mario would be able to live in peace outside of Italy thereafter (if Scarpia, of course, kept his promise). I am here assuming that Tosca's sleeping with Scarpia would, indeed, bring about the this greatest good by utilitarian standards and that, therefore, the act of *moicheia* ought to be performed.

Aristotle, “anyone with any sense” would do? This does not seem to be the case, and the reason is simply that throwing cargo off of a ship is not the kind of thing Aristotle ever tags as being unqualifiedly wrong. As we have seen, there are things—adultery, theft, and murder—that Aristotle considers to be unqualifiedly wrong. Given that throwing cargo off of a ship is not in this category, though it might be the thing we would not usually do, Aristotle is happy to grant that there are circumstances where this would be the kind of thing we ought to do. In contrast, little after this passage, Aristotle goes on to speak about murdering one’s mother.¹⁹ About such an act he has this to say: “but presumably there are some things we cannot be compelled to do. Rather than do them we should suffer the most terrible consequences and accept death...” (1110a26-28). This contrast does not seem unintentional. First he considers certain actions that, though usually wrong, we could reasonable consider engaging in under certain circumstances. Then he considers actions which are not only usually wrong, but rather *always* wrong, regardless of the circumstances, the kind of thing which, as Aristotle has pointed out already, “we can never be correct” in doing, the kind of thing we would “invariably be in error” to perform (1107a15). In brief, my problem with Taylor’s reading of Aristotle is that, insofar as the wrongness of such actions rests upon the guiding emotion, it seems to make him a consequentialist, and, perhaps most importantly, that such consequentialism seem utterly contrary to Aristotle’s text. Hence, in whatever way we say that actions like *moicheia*, *klopê*, and *androphonia* are extreme—and notice that I have not proffered an

¹⁹ I grant that, in this particular case, Aristotle does not use the word *androphonia*, but rather the verb *mêtroktonein* or matricide. Yet, the important point here is that Aristotle seems to be noting another thing that is always wrong, whether we want to call it a special case of *androphonia* (as etymologically unnatural as that might be) or as different entirely.

answer just yet—a way that allows Aristotle to say that the ends justify the means does not seem Aristotelian; given all this textual evidence, it seems that a desideratum for a genuinely Aristotelian moral theory is that it not be consequentialist.²⁰

Taylor might respond that we can avoid such consequentialism in the case of Tosca if we can argue that there is indeed something vicious about the guiding emotion we denoted as “compassion and love for Mario.” We might do this by describing her emotion under the name, “desire-to-protect-my-lover-overrides-intuition-that-*moicheia*-is-always-wrong.” Would Aristotle say that such a guiding emotion is vicious? Perhaps he would say that if Tosca were a virtuous person, despite the pressure the Scarpia is attempting to exert, she would not be moved by it. Perhaps Aristotle would affirm that, if she were virtuous, Tosca would react in a way similar to the way a courageous soldier would react to particular kinds of threats in battle: she ought not to be moved and she ought to stand firm. Let us assume that this would be the proper way to react, and that, hence, the emotion “desire-to-protect-my-lover-overrides-intuition-that-*moicheia*-is-always-wrong” is a vicious emotion. There are two problems with this reading. First—though this might seem like a minor point—the description of the emotion seems quite unnatural (granted, this already was a complaint of Taylor’s against Aristotle) and not only this, but Aristotle also does not explicitly say that such cases are vicious. Second and most importantly, it seems that if we run into cases where there is no obvious extreme, vicious guiding emotion prompting the action—as excessive sexual desire,

²⁰ I should say two things about Taylor’s reading. First, it does not seem obvious from his text that he considers that such a reading would make Aristotle a consequentialist; however, I do think that this is the conclusion we should come to if the view is pushed to its logical extreme. Second, as I mentioned above, Taylor himself thinks Aristotle’s view on this point is ultimately problematic and mistaken, though not for the reasons I cite here.

greed, or the like might be vicious guiding emotions prompting instances of *moicheia*—we can simply substitute “desire-to-pursue-end-x-overrides-intuition-that-*moicheia*-is-always-wrong” as a description of the guiding emotion. Though the description includes “intuition-that-*moicheia* (or *androphonia*, or *klopê*)-is-always-wrong,” this description is not addressing the question of just *why* acts like *moicheia*, *androphonia*, and *klopê* are always wrong. If we are attempting to avoid consequentialism, and we want to say that what makes those actions always wrong is that they are always prompted by some extreme emotion—where, let us recall, “extreme” denotes “vicious,” not simply “under duress”—though this explanation might work for most cases, it seems to run into trouble when attempting to address not-so-obvious cases such as that of our heroine. If the extreme emotion is meant to be doing the explaining, it seems that when we get to those cases, we are already taking it as a given that the relevant action or emotion is always wrong and that only *after* that we are trying to find some way to be able to say that the guiding emotion was a vicious one, albeit, not an obvious one. In other words, if we want to say that an emotion of the kind “desire-to-pursue-end-x-overrides-intuition-that-*moicheia*-is-always-wrong,” is the vicious guiding emotion, where “desire-to-pursue-end-x” is not an obviously vicious guiding emotion as greed, lust, anger, or the like, then it seems that such a guiding emotion is presupposing the wrongness of *moicheia*, not explaining it; it seems, in fact, that it is *moicheia* that is explaining why the emotion would be vicious, not the other way around. I do not deny that there might always be something vicious about the emotion that guides actions like *moicheia*, *androphonia*, and *klopê*, but my point is that there will be cases—if not all cases—where the

viciousness of the emotion will be explained by the act engaged in, and not that the emotion itself will explain the wrongness of the act. Thus, Taylor's reading either simply does not address why such actions are always wrong, as just explained, or it commits Aristotle to consequentialism.

My issue with Taylor's third point is similar. If we say that what Aristotle should have done but did not do is say that actions such as those being considered arise from catch-all motivations such as "malevolence," then all we need to do is find cases where an action that Aristotle seems patently to describe as being always wrong is not prompted by malevolence, but by some other emotion. Again, we can consider our damsel in distress—could we candidly call her motivation to save Mario malevolent? Likewise, if we choose to say that the guiding emotion is the "desire-that-overrides-the-intuition-that-*moicheia*-is-always-wrong," then we run into the question of just *why* *moicheia* and its ilk are always wrong. If we can probe Aristotle for an answer to the question of in what way these actions are in some sense extreme, and get an answer that allows him to retain what seem pretty clearly to be absolute moral prohibitions—whatever we might think of them—it seems that would be ideal. Taylor fails sustain both of these and for these reasons, I take it that his exposition of the passage is insufficient and that more ought to be said.

However, though Taylor's original view would either make Aristotle a consequentialist or not at all explain but rather presuppose the wrongness of *moicheia*, there is yet another similar view that he could take. This view would not be, strictly speaking, consequentialist, but it would be so remarkably close to it that I will call it

“quasi-consequentialist.” Let us recall that one of the major objections against a consequentialist reading of Aristotle is that it flies in the face of certain key texts: “hence in doing these things we can never be correct, but must invariably be in error...” The quasi-consequentialist view is an attempt to get around this objection. This view would say that actions like *moicheia* are wrong, and always so, because they are always prompted by extreme motivational states. However, if an action *looks* like *moicheia*, but it is not prompted by extreme motivational states, though it might have features of what to any ordinary observer would be a case of *moicheia*, despite these features, it would not be *moicheia*. Thus, if Tosca were to sleep with Scarpia, and someone were to successfully argue that her guiding emotion is not vicious, though to all third-party observers it might look like a case of *moicheia*, it would, in fact, not be *moicheia*. We could call her encounter with Scarpia, *quasi-moicheia*, if we like. In this view, what is the difference between *moicheia* and *quasi-moicheia*? Really, under this quasi-consequentialist view, the only difference between the two is the guiding emotion, and nothing else. Likewise, the difference between the consequentialist and quasi-consequentialist view is that the former would affirm that the action engaged in by Tosca actually *is moicheia*—a *moicheia* that is *not* absolutely prohibited but justifiable—while the latter would deny that it is *moicheia*—since this act *is* absolutely prohibited—and affirm that it is its close counterpart, *quasi-moicheia*. Thus, if one tried to make the same objection against the quasi-consequentialist that was made against the consequentialist—that his view goes against Aristotle’s text—the quasi-consequentialist would reply that it does not. Aristotle’s text says we can never go right in performing acts of *moicheia*, and

the quasi-consequentialist would agree. However, the quasi-consequentialist would deny that Tosca is engaging in *moicheia*; she is engaging in *quasi-moicheia*.

Of course, this would require a substantial re-interpretation of the relevant objection-text: “hence in doing these things we can never be correct, but must invariably be in error. We cannot do them well or not well...on the contrary, it is true without qualification that to do any of them is to be in error.” In this text, the “these things,” the “them” and “any of them” denote the relevant actions and emotions that are always wrong, in this case, *moicheia*. Under this revised view, Aristotle would be here talking about *moicheia* and not about its close counterpart, *quasi-moicheia*. Hence, Aristotle’s absolute prohibition would remain in place, says the quasi-consequentialist. However, there are clear problems.

Arguably, the distinction between *moicheia* and *quasi-moicheia*, is so fine that it amounts to saying that one can perform an action that for all intents and purposes is evil if one does not have an base intention in performing it; it just becomes a matter of nomenclature. Really, this does not seem far from reducing to consequentialism: my guiding emotion is not vicious insofar as it seeks to produce the greatest good for the greatest majority, and hence I will engage in an action that seems, for all intents and purposes wrong. If this view reduces to consequentialism, then the quasi-consequentialist is faced with the same textual problems that beset the consequentialist. However, even if we grant the quasi-consequentialist that a non-vicious guiding emotion is enough to mark a substantial difference between *moicheia* and *quasi-moicheia*, such a view still has to contend with textual problems. Nothing in the text itself—or, as far as I

am aware, in the whole Aristotelian corpus—suggests that an act which, to most people would appear as a clear case of *moicheia*, is, in fact, *not moicheia*, and hence not wrong simply because it is not guided by an extreme emotion. Given that this seems like the less obvious way to read the text, and that nothing seems to suggest such a reading, the burden of proof for this interpretation is not on the one wishing to deny it; rather the onus is on those, if any, wishing to affirm it. In this case, the *lectio difficilior* is not the way to go.

1.4 Definition of the Word View

The second prominent view I will discuss here is what I will call the “definition of the word” view. This view states that things like *moicheia*, and other such actions are wrong because it is built into the very definition of the words that they are always wrong. This account basically amounts to saying, “*moicheia* is wrongful sexual activity, and wrongful sexual activity is always wrong,” and “*theft* is the wrongful taking of another’s property, and wrongful taking of another’s property is always wrong,” and “murder wrongful killing, and wrongful killing is always wrong.”

For example, W.F.R Hardie commenting on this passage in his *Aristotle’s Ethical Theory*, particularly where Aristotle states that the “names” of the relevant actions and emotions “automatically include baseness,” states: “he is making a *purely logical point* which arises from the fact that certain words are used to name not ranges of action or passion but determinations within a range with the implication, as part of the meaning of the word, that they are excessive or defective, and therefore wrong” (137). He goes on to say:

Thus envy is never right and proper because ‘envy’ conveys that it is wrong and improper. Again it does not make sense to ask when murder is right because to call killing ‘murder’ is to say that it is wrong...Aristotle says that some words name combinations of elements with the implication that badness is included...In our vocabulary for referring to actions and passions there are words which name misformations; and, in such cases, there is no sense in asking what the right formation of the object named. (137)

I think Hardie is correct in two points of his reading. First, he is correct in saying that it is part of the meaning of words like *moicheia*, *klopê*, and *androphonia* that they are wrong and always wrong. This is not much different from saying that it is part of the meaning of “cowardice” or “intemperance” that they are wrong. Likewise, I think he is correct in saying that, according to Aristotle, it does not make sense to ask in what occasions it would be correct to perform such actions, just as it seems that it would not make sense to ask in what occasions it would be good to display any other vice.

However, I do find fault with Hardie’s view in that he does not tell us what it is about *moicheia* and the other actions and emotions that make them always wrong. We can give an account about how something like cowardice is excessive fear, and that it is this excess in fear that makes it wrong. Yet, it is not immediately clear what account should be given for the wrongness of *moicheia*, and as I mentioned in discussing Taylor’s view, speaking of excessive emotions prompting the action will not do. Ultimately, if Hardie’s claim is that “this, and no more than this,”—i.e., that it is built into the definition of the word that things like *moicheia* are always wrong, and that it is not correct to ask when it would be OK to perform such actions—“is what Aristotle means,” then I find fault in his not probing Aristotle for *more* than this (137). I do not think his explanation is so much wrong as it is incomplete.

J.O. Urmson also, in his oft-cited article, “Aristotle’s Doctrine of the Mean,” presents a view that seems similar to both Taylor’s and Urmson’s. With Taylor he seems to share the view that it is extreme motivational states that make actions like *moicheia* always wrong. When talking about what he takes to be the particulars of the doctrine of the mean, Urmson claims Aristotle holds to the view that: “there is no emotion that one should never exhibit. The grounds for attributing this view to him is that he considers certain emotions and actions that are alleged to be always wrong and claims that this is because they are in fact cases of excessive emotion, of which it would be proper to exhibit a proper amount (*NE* 1107a9-26)” (163). Let us note that though Aristotle does say pretty straightforwardly, as I have noted earlier, that the relevant *pathê* or emotions are cases of extreme emotions, given that he discusses the triads elsewhere, whatever we make of them. What Aristotle does *not* say is that the *actions* are “always wrong” “because they are in fact cases of excessive emotion.” This, again, is to return to Taylor’s view, which either makes Aristotle a consequentialist or simply does not tell us anything informative about what makes such actions always wrong. Later on, Urmson states that Aristotle:

duly notes that certain actions such as murder, adultery, and theft, and certain emotions such as spite, shamelessness, and envy are *ex vi terminorum* bad (*NE* 1107a9ff.), which might seem to contradict this [where “this” means Urmson’s view that Aristotle considers that “there is no emotion one should never exhibit”]. But he goes on to claim that all these are simply names for excesses and deficiencies. Envy is necessarily bad since it is the name for an excess of an emotion which one may have to a proper extent. (166)

There is an equivocation here in the phrase “all these are simply names for excesses and deficiencies.” It is reasonably clear in what way the emotions connote excesses or

deficiencies: we can feel too much or too little of some basic emotion. But, again, it is not at all clear in what sense the actions are excessive or deficient. If we want to say that it is *just* excessive emotion of some kind that makes a case like that of *moicheia* always wrong, then we run into the problems I have already noted. Urmson goes on to say that “Theft would normally be an excessive desire for goods, adultery is excessive sexual activity, and murder may exhibit excessive anger” (166). Again, it might be true that such things are “normally” the case—but what about when they are *not* so? Do they thereby cease to be wrong? The same problems persist.

In saying that things like *moicheia* are *ex vi terminorum* bad, Urmson is claiming something like Hardie’s “definition of the word” view: that it is just part of the meaning of the words that they are always wrong. However, unlike Hardie, Urmson does purport to present an explanation for what it is that makes the relevant cases of action and emotion always wrong. Like Taylor, he wants to say that it is excessive emotions that prompt the action. Yet, Urmson wants to say that it falls out of the meaning of the terms that things like *moicheia* are always wrong.

Likewise Paula Gottlieb’s *The Virtue of Aristotle’s Ethics*—perhaps the most recent discussion making mention of the topic—has a view that is similar to the “definition of the word” view of Hardie and Urmson. She states regarding *androphonia*: “The term “murder” is only given to killing in the wrong situations, at the wrong time, and so on. There is no mean, excess, and deficiency of murder. To think that there is, is to think that an unjust, cowardly, or intemperate action also admits of a mean, excess, or deficiency” (25). I have no complaints on saying that much, since the passages do not

say that killing is always wrong, but that *androphonia*, literally “man-slaying,” often translated as “murder,” is always wrong. Presumably, a courageous soldier who kills an enemy troop is not, by Aristotle’s lights, committing *androphonia*. Yet, however we define *androphonia*—whatever makes for the “wrong situations,” “wrong time,” and the like—remains an open question. In brief, Gottlieb, like Hardie, is not claiming to address the same question I attempt to address: what is it that makes actions like *moicheia*, *androphonia*, and *klopê* in some sense extreme and hence always wrong?²¹

Though neither Hardie, Urmson, nor Gottlieb put their accounts in so many words, let us consider a stronger version of the “definition of the word” view. This second version not only states that it is part of the meaning of words like *moicheia* and the like that they are always wrong. Rather, this view has the added thesis that there is *no more* we can say about why such a thing is always wrong other than saying that it falls out of the definition of the word. In other words, in this view, a definition of *moicheia* might be tautological—in a sense, uninformative—and there is nothing more we can say to explain the wrongness of such an act. If we ask *why* they are always wrong, then we are simply asking the wrong kind of question; we have not understood the meaning of the word. In this view, asking *why* such actions are always wrong is akin

²¹ Likewise, David Bostock seems to adopt a “definition of the word” view: “Murder is by definition wrongful killing. Similarly, adultery may be taken as a special case of having sex, and theft perhaps as a special case of taking something for one’s own...” (43). Francis Sparshott also adopts a version of this view: “The first kind of action that is ruled out is the kind that is wrong by definition. It is never right to commit adultery, because the word *adultery* means sexual intercourse of a kind that is defined as forbidden” (108). Again, I do not take these readings to be wrong; I only point out that they do not answer the question of *why* such actions are wrong. That being said, Sparshot does take a step in what I take to be the right direction when he says, “adultery is made wrong by considerations of ‘justice’...and the term ‘adultery’ is chosen to indicate that these conditions are violated.” However, how exactly does justice illuminate the picture of *moicheia*? That is what I hope to address in detail.

to asking why a square has four sides. If we are asking the question we have not understood the meaning of the word. Cases of *moicheia* are just those instances of sexual activity which are wrong, *androphonia* are those instances of killing that are wrong, *klopê* are those instances of taking another's possessions which are wrong, and so on. In other words, what makes these cases extreme cases is not so much that the emotion that prompts them is excessive. Rather, they are excessive—at opposite ends of the continuum—because it just falls out of the definitions of the terms that these actions and emotions are always wrong.

However, it is my claim that we ought to be able to say something informative about the meaning of the term that makes it always wrong. For example, we might define a square as a four-sided figure with equal sides and all right angles. If someone asks *why* a square has four sides, or why it has four equal sides or right angles, we should rightly reply that the person has not understood what a square *is*. Those very properties she is inquiring about are simply part of the definition of what it means to be a square. Let us contrast this with the vice of cowardice. We could feasibly define cowardice as a reaction with respect to fear and confidence in battle that is always wrong, and this would be true as far as it goes. Yet if we ask what makes it the case that such a reaction is always wrong, this is not analogous to asking why a square has four sides. We cannot say anything much more informative about why a square has four sides other than that is just what a square is. In contrast we can say something informative about why cowardice is always wrong: it is a species of too much fear, falls on one extreme of a continuum, and has courage as its mean, among other things. I

claim that the cases of *moicheia* and the other relevant actions and emotions have much more in common with the example of cowardice than they do with the example of the square. Again, it is not clear that this second version of the “definition of the word” view is just what Hardie, Urmson, and Gottlieb have in mind. However, I think it is a view one could be tempted to adopt, but one which, as I argue here, is mistaken.

Richard Kraut, for example, is interested in denying this second version of the “definition of the word” view. In his encyclopedia entry on Aristotle’s *Nicomachean Ethics* he states regarding the relevant actions and emotions that, “Although [Aristotle] says that the names of these emotions and actions convey their wrongness, he should not be taken to mean that their wrongness derives from linguistic usage...He is not making a tautological claim that wrongful sexual activity is wrong...” (5.2). The overall view I will argue for is more along the lines of what Kraut is stating here, viz., that Aristotle, if prodded into offering an explanation of why the relevant actions and emotions are always wrong, would have something more informative to say other than a merely tautological claim. Kraut states that Aristotle is not simply saying that “wrongful sexual activity is always wrong” but rather, “the more specific and contentious point that marriages ought to be governed by a rule of strict fidelity.” Likewise, he says of theft and murder, “that the current system of laws regarding these matters ought to be strictly enforced” (5.2). This might be Aristotle’s doctrine. Yet, we are still entitled to ask: why should this be the case? Though Kraut himself does not explicitly address the question of absolute moral prohibitions, as I develop my view I will be making use of Kraut’s work in a different context, which I claim points us in the right direction.

1.5 The Next Step

Despite the copious amounts written on the doctrine of the mean, it does not seem that these passages get discussed in much detail, and further, it seems that when they do get discussed, the interpretation runs into the issues I have noted here;²² in sum, the main issues concern the two sets of views, the “extreme motivational state” view and the “definition of the word” view. In connection to Taylor, I discussed three versions of the “extreme motivational state” view. The first of these states that: (1a) “these things are always wrong because they are prompted by extreme motivational states,” where “extreme motivational state” connotes something necessarily vicious. In this view, actions like *moicheia*, *klopê*, and *androphonia* are wrong because they are prompted by some extreme motivational state, or a set of emotions that constitutes some kind of vice. Here it seems that, since the guiding emotion guiding Tosca’s action is not vicious, her act of *moicheia* is not wrong. The problem with this first view is that it allows us to take Aristotle to be a consequentialist, which goes blatantly against what Aristotle himself says.

The second extreme motivational states view—an attempt from keeping Aristotle from being a consequentialist—states that: (1b) “these things are always wrong because they are *always* prompted by extreme motivational states.” In other words, Tosca’s desire to engage in *moicheia* in order to save her beloved Mario is here tagged as a

²² For example, Sarah Broadie does not seem to address the question of what makes actions like *moicheia* always wrong; she only cites the relevant passage in a different context (121). Likewise, of all the articles in the collection on the doctrine of the mean edited by Bosley and Shiner, only two of them mention the passage in question and neither of them make any major interpretative claims, cf. Welton and Polansky; and Tiles. Stewart’s famous commentary, when addressing this passage, only talks about the emotions and *not* the actions (210). Even Joachim goes from commenting on 1107a7-8 to commenting on 1107a28-1108b10, completely bypassing 1107a9-27, the passage I am here discussing, (92-94).

vicious desire, insofar as it is a desire to engage in something that is absolutely prohibited, or “desire-to-protect-my-beloved-overcomes-the-intuition-that-*moicheia*-is-always-wrong.” As I mentioned, the main problem with this view is that it does not address the question of just *why* acts like those of *moicheia* are absolutely prohibited.

The third “extreme motivational state” view, which I called quasi-consequentialist, states that: (1c) “these things are wrong *only* when they are prompted by an extreme motivational state; when they are not so prompted, though they might appear like the relevant kind of action, they are simply *not* that kind of action; though it might look like *moicheia*, *androphonia*, or *klopê*, it is not a case of one such action.” The main problem with this view is that it is far too close to consequentialism, and that the distinction between *moicheia* and *quasi-moicheia* seems to be hardly a distinction. Likewise, though this view attempts to re-interpret the text where Aristotle says that such acts are always wrong, the re-interpretation seems far too strained.

The second set of mistaken views I discussed were the “definition of the word” view, in both a weaker and a stronger version. The weaker version—which seems to be that of Hardie, Urmson, and Gottlieb, among others—states that: (2a) “it falls out of the definition of words like *moicheia* that they are always wrong.” The main problem with this view is that it is incomplete, since it does not tell us just *why* these actions are always wrong. The stronger version of the “definition of the word” view states that (2b) “not only does it fall out of the definitions of the words that the relevant actions are always wrong, but further, to ask *why* those actions are always wrong is to be asking the wrong kind of question and to have misunderstood the definition.” However, I pointed

to how we ought to be able to say something more informative about what makes such actions always wrong, just as we are able to say that cowardice is always wrong and why this is so.

As an alternative to these first two sets of views, my goal in the remaining parts of this work are to present a third view: (3) “these actions are in some sense extreme, though they need not be prompted by some extreme motivational state.” My main reason for defending this account as Aristotle’s is that I believe there are most resources in his own text to defend it and I claim that the explanation is more satisfactory than any offered thus far. My account will have the following advantages over the other two sets of views. Over view (1a), it will have the advantage of not making Aristotle a consequentialist. It will fare better than view (1b) in that it will be able to address the question of just *why* acts of *moicheia* are always wrong, issues of guiding emotion aside. Over view (1c), it will have the advantage that it will accommodate for what seems to be the more intuitive reading of the text.²³ Further, over views (2a) and (2b) it will offer positive explanation of what it is that makes actions like *moicheia* always wrong. With the aim of beginning to build this third view, I will now turn to discuss the case of *moicheia* in greater detail.

²³ Given that quasi-consequentialism is such a counter-intuitive reading of the text, I will not discuss it further below. The wrongness imputed to *moicheia*, will not, on my view, be dependent upon the guiding emotion. Since it was the absence or presence of a vicious guiding emotion that made the difference between *quasi-moicheia* and *moicheia*, my reading will avoid quasi-consequentialism as well. The reason I discussed it is because it would be the next natural step in trying avert the text-objection and save a view like the consequentialist one Taylor ascribes to Aristotle.

2. THE PROBLEM OF *MOICHEIA*

In order to begin to develop the view I pointed to in the previous section, I will be making use of an objection that Rosalind Hursthouse levels against the doctrine of the mean in her “A False Doctrine of the Mean.” I will argue that Hursthouse’s objection remains in place despite Howard Curzer’s attempted rebuttal to it in “A Defense of Aristotle’s Doctrine of the Mean.” Given that Hursthouse’s objection involves cases like *moicheia*, it think it will be illustrative about the kind of account that we need in order to say in what way *moicheia* is “in some sense extreme.” In order for my account to succeed though—and part of what it means for the account to “succeed” will be its ability to respond to Hursthouse’s objection—I claim that the picture of the doctrine of the mean presented in books II and III needs to be complemented by the account of justice found in book V, specifically the account of general justice. In the second part of this section I will present this account, following Curzer’s work in a different context—his “Aristotle’s Account of the Virtue of Justice.” In so doing I will lay out certain claims about general justice which, though Curzer is not as explicit as he could be, I believe are imbedded in his account, viz. that general justice involves the concept of a “proper share.” In the third part, I will argue that general justice gives us a satisfactory explanation of why acts of *moicheia* are wrong, and an Aristotelian explanation at that. Yet the question will remain as to why they are *always* wrong; answering this question would involve getting clearer about the concept “proper share,” which I will do in the third section.

2.1 *The Doctrine of the Mean*—*Moicheia*

I will begin by arguing that the absolute prohibition of *moicheia* cannot be explained in terms of a version of the doctrine of the mean. If I am to make such an argument, it is necessary to get clear about what is meant by this doctrine, which, following certain contemporary interpreters, involves four main claims.²⁴ First, each virtue is concerned with either emotions (*pathê*) and/or actions (*praxis*) in connection to some particular aspect of life. Courage concerns emotions of fear and confidence in battle; temperance concerns both actions and emotions involved in the proper control over the appetites for food, drink, and sexual activity.²⁵ Second, action and emotion involve several parameters, and virtuous action and emotion involve getting all the parameters right. In other words, one must feel and act “at the right times, with reference to the right objects, towards the right people, with the right aim, and in the

²⁴ I will here be following a form of what is called the “quantitative interpretation” of the doctrine of the mean, cf. Urmsen; Polansky and Welton. The version I present here is essentially Curzer’s, though he puts it in different terms and I do not mention certain aspects of it that might be controversial and which are not relevant for this discussion, cf. 130-131.

²⁵ Let us note the distinction between action (*praxis*) and emotion (*pathê*). According to Aristotle, can simply exhibiting an emotion constitute a virtuous or vicious act? Regarding the emotions and virtue, Aristotle says two things that are here relevant. First, he seems to state that there is a basic set of emotions that are understood to be in some sense neutral as far as virtue or vice. These include emotions such as fear, confidence, desire for food and the sexual appetites, anger, and the like. In themselves, he says, such emotions are not something we ought to be praised or blamed for. Given this fact the emotions in themselves are not virtues (1105b30ff). Second, he says repeatedly that virtues concern both *actions* and *emotions* (1106b16ff *et al.*). Though the neutral set of emotions are not in themselves virtues or vices, the different ways in which we feel these emotions *can* make for virtue or vice. Hence Aristotle says that feeling emotions “at the right times, with reference to the right objects, towards the right people...etc.,” makes for virtuous emotion (110620ff), and to fail to feel these emotions in the appropriate way is to go wrong. Thus, to desire to eat more cheesecake than I ought to is to go wrong, and to feel pained at not being able to eat such cheesecake is also to go wrong. Whether a person would be morally culpable for a single instance of going wrong such those just described is a separate question. What seems clear is that if I exhibit such emotions, even once, I do indeed go wrong, insofar as I am not exhibiting virtuous emotion. Despite how stringent this doctrine might be, it does seem to be Aristotle’s.

right way” (1106b21-22).²⁶ Third—and this point will be the locus of discussion—one goes wrong²⁷ if one is either excessive or deficient with respect to the parameters in question. “Excessive” and “deficient” are meant to connote “too much/often” and “too little/seldom.” Under a certain view of the doctrine of the mean, excess and deficiency—which are meant to explain *all* instances of vice—are defined as follows:

E&D: S goes wrong under E&D if and only if S exhibits either too much or too little of an action or emotion with respect to a specific parameter x, and only that parameter x.

If the intemperate person is excessive in the parameter of occasion, then excess will mean that she eats or desires to eat on “too many occasions.” Likewise, if the intemperate person is deficient in the parameter of occasion, it will mean that she eats or desires to eat on “too few occasions.” If the intemperate person is excessive with respect to the parameter of “object”, then she eats or desires to eat too many objects, and the like. Fourth and finally, since E&D is meant to explain all instances of vice, the virtuous mean involves *not* being excessive or deficient but rather getting all the parameters of action and emotion right. Hence, virtue is the mean between two extremes; further, it is

²⁶ This translation is Barnes; I use it because it accords with Curzer’s terminology. Aristotle seems to take “object” to be similar to the “direct object” of a sentence: “Joe hit the ball,” “Paul likes Mary,” or “Bill fears disgrace,” where the action or emotion is transitive and the thing interacted with might be not just an inanimate object, but also a person, or even a concept. I stress this because the use of “object” in this sense should not be confused with “goal,” “objective,” “purpose,” or “intention,” as in, “It was his object to study engineering,” or “It was his object to serve others.” This sense of “object” is covered by the condition “right motive.”

²⁷ Let us note the distinction between an act that is vicious act and an act that comes from a vicious disposition. If I eat too much cheesecake *once*, I have committed an intemperate act, though I need not have a vicious disposition. In contrast, I can acquire the *vice* of intemperance—i.e., the habit or disposition to commit intemperate acts—by repeatedly engaging in such acts. Thus, when I say that one can “go wrong,” I take that to mean either committing an act that is vicious—which need not come from a vicious disposition—or committing an act that springs from a vicious disposition. Really, this is the opposite pair of Aristotle’s distinction between committing an act that is virtuous (but not from a virtuous habit) as opposed to committing an act *as* the virtuous person does it (i.e., from a virtuous habit), cf. *EN* II.4.

a mean in a quantitative way—not eating on too many or too few occasions, too many or too few objects, not desiring to a very elevated or tenuous degree etc.

2.1.1 Hursthouse

Hursthouse argues that if E&D is all there is to the doctrine of the mean, then such a doctrine is false. She argues that there are cases of vice that cannot be explained by E&D. Though she gives several examples, her discussion of temperance and *moicheia*—the latter being a vicious behavior associated with intemperance—is especially relevant.

In order to run her objection, Hursthouse first points out what makes for intemperance. In Aristotle’s doctrine a person commits an intemperate act if and only if he fulfills either of two conditions: (a) he engages in pleasures that lead to unhealthiness, such as eating beyond the right amount, or on the wrong occasions, or enjoying it too much, or (b) he engages in pleasures which are “odious” (*miseta*), or contrary to what is noble (*kalos*) (1119a21-27).²⁸ Thus, a person may be intemperate if he fulfills either (a), (b), or both. The relevant example concerns adultery, which Aristotle considers an instantiation of intemperance with respect to sex. Since Aristotle considers desiring the object of adulterous sexual activity to be contrary to what is *kalos*, the adulterous man must needs fail (b).²⁹ In order to run her objection, Hursthouse reasonably assumes that Aristotle took excessive sexual activity to lead to unhealthiness; thus the man who

²⁸ Odious objects should not be confused with “unnatural” objects, which Aristotle says are the concern of the brutish and the mad, but not of the intemperate proper. Such unnatural objects include things such as fetuses, raw meat, human flesh, charcoal, and earth, cf. *EN* VII.3.

²⁹ Put differently, the pleasure in question is odious because the woman in question is such that it is odious to desire her given who she is, such as a woman to whom he is not married. As Hursthouse puts it, she is “an object which the temperate man would not pursue in similar circumstances because the pleasure would be dishonorable” (“A False Doctrine,” 66).

engages in sexual activity too much, too often, and the like, fails (a). With these distinctions in mind, Hursthouse posits two adulterous men. The first adulterous man fails both (a) and (b): he not only engages in sexual activity to excess, but this sexual activity concerns women it is odious to desire. Insofar as he fails (a), at least *part* of the vice of the first adulterous man is describable in terms E&D: he might engage in sexual activity too much, too often, with too many women, and enjoy it excessively. In contrast, the second adulterous man also fails (b) but does not fail (a); he does *not* engage in sexual activity too much, too often, with too many women, or the like. Yet he would still be intemperate insofar as he failed (b), or desired a woman it was *misetos* to desire. He would go wrong by committing adultery with just *one* woman—it need not be many—*once*—it need not be many times. Further, he need not even desire her *excessively*; as Hursthouse points out, his sexual drive might be “moderate, or even unnaturally low” (66). Thus, Hursthouse claims, the second adulterer is not even in part describable by E&D. He simply engages with the wrong objects.³⁰

2.1.2 Curzer’s Reply

Though Hursthouse has argued against the view that all instances of going wrong are describable in terms of the doctrine of the mean, Curzer claims that Hursthouse is mistaken. He asserts that she has not considered the doctrine of the mean in all its

³⁰ Let us also notice here that the first man’s failure of (b) is, as with the second man, *not* describable in terms of E&D either. Though he just so happens to desire the women in question too much, engage in intercourse too often, with too many women, his failure of (b) is not defined in terms of all of these conditions. Rather, what makes for his failure of (b) is that the women he interacts with are such that it is contrary to what is *kalos* for the adulterer to desire them. To illustrate this, let us assume that this first man engaged in intercourse too often (wrong occasion), with too much desire (wrong degree), but that these two conditions were fulfilled with his wife—someone it is not *misetos* for him to desire. In this case, he would *still* fail (a), though not fail (b). Yet, if this same man commits adultery with just *one* woman, *once*, and he *barely* desires her, he would still fail (b), given that the woman in question would be one it would be *misetos* for him to desire.

fullness; in addition to E&D, Curzer claims that there is a corollary to Aristotle's view, which I will call:

E&D₂: S goes wrong under E&D₂ if and only if S exhibits either too much or too little with respect to some parameter y in connection to parameter x.

For example, S might have an overwhelming desire to eat carbohydrates; hence the parameter of degree (parameter y) is excessive in connection to the parameter of object (parameter x), i.e., certain specific objects, or carbohydrates. Likewise, S might absolutely abhor eating protein-filled food, and hence S is deficient in the parameter of degree (parameter y) in connection with the parameter of object (parameter x), i.e., carbohydrates. While Hursthouse might have successfully argued against E&D, she failed to consider E&D₂, claims Curzer.³¹

Concerning the second adulterer, who had medial sexual desires but engaged in intercourse with a woman it was *mistetos* for him to desire, Curzer grants that it is not the case that the second adulterer goes wrong under E&D. The adulterer does not go wrong with respect to the parameter of object (parameter x) by being excessive or deficient with respect to that very same parameter. The second adulterer does not indulge in too many or too few instances of adultery, or with too many or too few women. Rather, Curzer says, it is the case that the second adulterer goes wrong under E&D₂, insofar as he is excessive with respect to the parameter of degree (parameter y) in connection to the parameter of object (parameter x). In other words, he desires the

³¹ I say "might" given that Curzer claims that Hursthouse's arguments do not even provide counterexamples against what I call E&D—let alone E&D₂. His arguments are largely based upon purported textual evidence in Aristotle that seems to raise difficulties for Hursthouse's position. It seems to me that his textual arguments against Hursthouse on this point are controversial at best—though I will not develop this point here. Thus, when I say that Curzer concedes that one of Hursthouse's counterexamples is not describable in terms of E&D—he only grants this momentarily.

woman in question—even if it is just one woman, once—too much, and thus he is describable in a quantitative way. Curzer thus claims the doctrine of the mean is vindicated, since the case Hursthouse considers can be described in quantitative terms of “too much/often” and “too little/seldom.”

2.1.3 Curzer’s Failed Attempt

It is not clear to me that Curzer’s reply works. Let us return to the second adulterer and consider a statement in order to make this point. Both Curzer and Hursthouse would agree that:

any time a person desires to engage or engages in intercourse with a person it is *misetos* to desire, that person goes wrong.

Regarding this statement, we must notice that if both Curzer and Hursthouse were asked *why* such people would always go wrong, they would have two separate answers. Hursthouse would say that the people in question are simply interacting with the wrong objects, viz. women it is *misetos* to desire. Thus, the people in question always go wrong, regardless of degrees, regardless of how often or how seldom they desire, regardless of how often or seldom they engage in intercourse, etc. Curzer, in contrast, would say that the person in question always goes wrong because his desire for the relevant woman is excessive—he desires her too much. Given that Curzer and Hursthouse each give a separate answer, we might ask in virtue of what either of them is correct. Let us explore this question by looking at Curzer’s argument more carefully.

Curzer claims that the second adulterer is describable in quantitative terms. As mentioned above, for Curzer *any* time the man in question desires a woman it is *misetos* to desire, he desires her excessively. In other words, Curzer wants to claim that this

“excessive desire” is excessive regardless of how much or little the adulterer happens to desire her; even just a little is too much. It does not matter how often or seldom the adulterer engages in intercourse, if he does so but *once* he goes wrong. Given that what Curzer would call, following E&D₂, “desiring an object too much” and “desiring excessively on a particular occasion,” is desire that is always excessive, regardless of how much or how little it is, we might begin to wonder how meaningful this description is.

In this context, it would be useful to consider the cases of virtue and vice that are covered by E&D and E&D₂. In E&D there is an action or emotion neutrally described—such as desiring or eating food—which, depending upon the connection this action or emotion has with any of the parameters (object, occasion, motive etc.), it may be felt or done either excessively, or deficiently, or to the right degree. S is excessive in her desire for food with respect to the parameter of occasion if she desires to eat too often. On the other hand, S might be deficient insofar as she does not desire to eat on enough occasions. Thus we could find the happy medium if S desires to eat just on the right number of occasions—not too often, not too seldom. In addition to E&D, E&D₂ is meant to cover other cases of virtue and vice that are not covered by the former. As mentioned above, under E&D₂ we might say that a man is excessive or deficient with respect to a certain parameter y in connection to parameter x. A person might have a desire to eat only carbohydrates, to the exclusion of just about anything else, such that this diet brings negative consequences to his health. In this case, the person is excessive in the parameter of degree (parameter x) in connection to the parameter of object (parameter

y): the person desires a particular object—carbohydrates—too much. We might similarly describe the case of a man who will not eat protein. Such a man would be deficient in his degree of desire for protein-filled foods. Here too there is a happy medium. There is a healthy degree of desire for carbohydrates—somewhere between too much and not enough desire—just as there is a right degree of desire for protein—also somewhere between too much and too little.

In contrast with these cases, though Curzer might couch the case of the second adulterer in terms of desiring the object in question too much, his talk of “too much,” seems artificial. Unlike the other two cases just mentioned, for Aristotle there is no right degree that a man might desire a woman it is *misetos* to desire. With the former cases, right degree *is* somewhere between too much and too little. In contrast, there simply is no right degree when it comes to *moicheia*. Though Curzer might call it a quantitative “excess,” it is only an excess in an otiose sense. Curzer’s “excess” is not excessive in the same way that desiring to eat on too many occasions or desiring to eat carbohydrates too much are both excesses. This “excess” does not admit of a happy medium, given that even the smallest amount possible is too much.

Thus it seems that for Aristotle certain actions and emotions are just plain *wrong*, given their objects. Further—as opposed to *any* instance of vice that does not involve plain wrong objects—those things that are just plain wrong are *not* wrong due to any talk of too much or too little, as described by E&D or E&D₂, due to any talk of excess or deficiency. In fact excess and deficiency play no role at all.

2.2 Justice

Though I have argued thus far that the doctrine of the mean does not explain absolute moral prohibitions like *moicheia*, it is my claim that part of the answer lies in Aristotle's account of justice in Book V of the *EN*. Aristotle distinguishes between general justice (*holê dikaiosunê*) and particular justice (*kata meros dikaiosunê*). In what follows, I will argue that though Curzer's argument fails against Hursthouse, a Curzer-inspired account of general justice—drawing from his “Aristotle's Account of the Virtue of Justice”—will help explain the wrongness of actions like *moicheia*. Thus I must first get clear about what is meant by “general justice.”

2.2.1 General Justice—Intrinsically Relational

Having said this about the doctrine of the mean, let us note two key notions of general justice and its corresponding vice, general injustice: (a) general (in)justice is intrinsically relational, viz., it necessarily concerns the exercise of virtue or vice with respect to another, and (b) what I will call “proper possession.”

Regarding the “intrinsically relational” nature of general justice and injustice, Aristotle says that it consists “in relation to another” (1130b21-22).³² Curzer takes these passages to mean that general justice and injustice consist of all those aspects of the other virtues or vices that are related to other people: exercising patience towards another, deserting a comrade in battle, and the like. Given that general justice and injustice consist of *aspects* of other virtues and vices, Curzer considers that they ought not to be called virtuous or vicious in the same way that, say, courage or intemperance

³² On this connection, Curzer also cites 1129b25-1130a2, 1130a32-b2.

are called virtuous or vicious; rather, general justice and injustice are what he calls a second-order virtue and a second-order vice. If a soldier deserts a friend in the heat of battle, it appears that he is being a coward in addition to displaying general injustice. Likewise, if I give the right amount of money to my friend in need, it seems that I am displaying liberality in addition to general justice. Thus, if my enacting the virtue courage, temperance, liberality, or the like affect other people, I am performing an act of the particular virtue in question, in addition to performing an act of the second-order virtue of general justice. To point out the contrast between general justice and injustice on the one hand and the other virtues on the other hand, something else must be said about the virtues.

Let us recall that each virtue is concerned with a specific sphere of life—e.g. temperance concerns the pleasures of food, drink, and sexual activity. Regarding the spheres of each of the virtues, Curzer holds that each of the virtues has a specific sphere, a sphere that does not overlap with the spheres of any of the other virtues. He calls this Aristotle's doctrine of "disjoint spheres" (208-209). In support of the doctrine of disjoint spheres, Curzer points out passages where Aristotle deliberately limits the spheres of particular virtues, so as to keep the sphere of one virtue from seeping into the sphere of another virtue. This limitation of the spheres of particular virtues, Curzer asserts, is done with the aim of including specific types of action in the account of the virtue in question while omitting other types of related virtues or vices. The idea is that there are specific spheres or aspects of life which we might be tempted ascribe to more than one virtue; in Curzer's reading, Aristotle affirms that each virtue has a specific sphere, and that none

of the spheres of any given virtue overlaps with the spheres of other virtues. For example, the virtue of courage is concerned with proper feelings of fear and confidence (*EN* III.6). There are things we should fear and things before which we should feel confident. Aristotle considers the case of a man who fears disgrace—something that he believes we ought to fear (1115a10-15). Since this is a case of proper feelings of fear, we might want to call the man who fears disgrace courageous. Further, since Aristotle considers that the man who fears what is shameful is modest (*EN* IV.9), and given that he considers disgrace to be shameful, we might be tempted to call this man both courageous *and* modest, and that, hence, the spheres of courage and modesty overlap. However, Aristotle wants to deny this overlap by qualifying courage to be concerned not just with feelings of fear and confidence, but such feelings in battle. The point is this: though there might be actions whose spheres we want to attribute to more than one virtue—as we might want to say that a man’s fear of disgrace belongs both to courage and modesty—according to Curzer, Aristotle denies this claim.³³

Having outlined the doctrine of disjoint spheres, we may now highlight what makes general justice different from the other virtues. Given its relational character, the doctrine of disjoint spheres does not apply to general justice. Though Aristotle denies that the man who fears disgrace is both courageous *and* modest, in Curzer’s reading, if a person, deserts his comrade in battle due to feelings of fear, this person is both cowardly *and* generally unjust. If a liberal person gives money to another, she is performing an

³³ Granted, Aristotle considers modesty a quasi-virtue, but modesty still has its own sphere, and one that Aristotle deliberately wants to keep from overlapping with other virtues. On this point Curzer also points to: 1115a17-24, 1117b31-18a1 and 1122a3-7.

act that is both liberal *and* generally just. However, if we define general justice thus, the question arises: have we so defined general justice that it is exhausted by the definitions of the other virtues? What is supposed to be added by the account of general justice? Curzer does attempt to answer this question, but the question is important for my purposes, for it raises the second key idea of general justice.

2.2.2 *General Justice—Proper Possession*

As I have said, general justice concerns virtue exercised in relation to another. If we want to ask what it means to exercise virtue towards another, Curzer's account is not terribly explicit. Yet, if it is in our interest to say something more substantial about what it means to exercise virtue towards another—and I claim doing so would help to explain *moicheia*—more should be said. I suggest what follows, which I believe is imbedded in Curzer's account although he is not as explicit as he could.

What I take it is crucial is found in Aristotle's concept of *pleonexia*, which is often translated as "greed." Aristotle uses this word when talking about particular (not general) justice, and Curzer takes it to refer to that emotion whereby we desire to get more than what is rightly assigned to us, more than what properly belongs to us, more than our proper share, and to do so *for no other reason* than that it is more than our proper share. Just as cowardly actions might spring from excessive fear, or intemperate actions might spring from excessive desire for food, actions that are *pleonectic* spring from desires to get what exceeds, what is more than our share, and to do so *because* it is more than our share, and for no other reason.³⁴ In fact, the very word "*pleonektês*," (one

³⁴ We might think of the compunctious Augustine of Hippo, bemoaning in his *Confessiones* the fact that he

who exemplifies *pleonexia*) can be translated as “to have or claim to have *more than one’s due*, to get or have too much, to be greedy” (Liddell and Scott 645) Though Curzer has more to say about particular justice and *pleonexia*, I omit a detailed account since what is critical for my discussion of *moicheia* is simply that the concept of getting more than one’s due has Aristotelian roots. Moreover, I claim that this idea of getting more than our proper share is not exclusive to particular justice, but is also found in general justice. Albeit, given that general justice is a second-order virtue, actions that are generally unjust need not spring from a vicious desire to get more than is our share; it need not be that we are moved by desires to get more than our share for no other reason than because it exceeds our share. Rather, we might be moved for other reasons. Thus, actions that are generally unjust might spring from any other dispositions—given that it is a second order virtue—but what makes them generally unjust is that when we do perform such actions, we get or attempt to get more than our proper share. Hence, if we wanted to make more explicit what is meant by exercising virtue in relation to another as far as general justice goes, we should say that we are exercising virtue so that we are either getting/attempting to get our proper share, or giving/attempting to give another their proper share.

Thus, if we ask what general justice adds to the accounts of the other virtues, we ought to respond that it adds the idea of a “proper share,” or “proper possession.” Though I speak of general justice “adding” the concept of “proper possession” to the other accounts of the virtues, we should not think of this as if it were something actually

stole a pear for *no other reason* than that it was the wrong thing to do (*Confessions*).

different than the exercise of a virtue in relation to another. Rather it is a “part” of the action itself though we can only conceive of it as different by abstraction. With this in mind, we can think of virtuous or vicious actions that do not affect others in a direct way; these exercises of virtue or vice would not be matters of general justice or injustice. In these cases, the concept of “proper possession” would not be present. Yet, in cases of virtue or vice that do affect others in a direct way, the question of what is one’s or another’s proper share does arise, and hence the concept of “proper possession” is present. The upshot of this concept is that it can give us a more complete picture of the doctrine of the mean than the one presented in books II and III, one that can help us explain *moicheia*.

2.2.3 General Justice and Moicheia

Despite that, as I argued above, neither E&D nor E&D₂ give us a satisfactory explanation of the wrongness of *moicheia*, I want to posit a third principle that should make things more clear. We could formulate the following principle for general justice:

E&D_{GJ}: S goes wrong if S either expresses a relevant emotion for or engages in a proper action with some object which is more (or less) than her proper share; the emotion in question, or the emotion that prompts the action in question can be the emotion belonging to any of the spheres of the virtues.³⁵

³⁵I say *relevant* emotion and *proper* action for a reason. While a piece of cheesecake that is not mine is certainly some object which is more than my proper share, engaging in it with just *any* action or *any* emotion will not do for an act of general injustice. If I were to feel fear at the piece of cake, this fear might be an indication of non-virtuous emotion, but not one that is *prima facie* particularly related to general injustice. On the other hand, if I have an overwhelming desire to eat it, then I am exhibiting an emotion that corresponds to an act of general injustice—that desire would be relevant emotion. Moreover, not any action will do: if I were to speak to or sing at the cake (as bizarre as that might sound), this would not be an action of general injustice. Contrastingly, if I take or eat the cake, then I am exhibiting the proper action in relation to the object.

If we consider a man who leaves the heat of battle due to cowardice, the coward is going wrong under E&D_{GJ} insofar as he is exhibiting the second order vice of general justice, or really, a particular instance of the first-order vice of cowardice. It is here important to emphasize Curzer's claim that general justice is a second-order virtue. What the claim amounts to is that you cannot have an instantiation of the second order virtue or vice of general justice or injustice without some other first order virtue or vice being present there already. You cannot have an act that is generally unjust without the act being cowardly, miserly, *pleonectic*, or something else. Thus, it seems that acts of general justice or injustice are just another area of the application of first-order virtues. In short, general justice is yet another area in which one can go right or wrong with respect to first-order virtues, and one that was not considered in either E&D or E&D₂.

With this view of general justice in mind, going wrong in terms of doctrine of the mean as it applies to all first-order virtues could be described by at least one, or some combination of the three principles I have described so far: E&D, E&D₂, and E&D_{GJ}. We can now turn to the case of our adulterer. Though he does not go wrong with respect to either E&D, or E&D₂, he *does* go wrong with respect to E&D_{GJ}. The adulterer is prompted by sexual desires for an object that is more than his proper share, i.e., the woman that it is *misetos* for him to desire.³⁶ It is true that the case of the adulterer might not be a case of feeling an emotion too violently, given that, as Hursthouse rightly states, the man in question might have a medial sexual drive. Yet, insofar as he goes wrong

³⁶ To be sure, there is something potentially worrying about portraying the sexual partner as "share." However, we know that Aristotle speaks of people as property in other contexts—e.g. slavery. While there might be a moral worry with the view, it does seem like a feasible interpretation of Aristotle.

under E&D_{GJ}, insofar as he desires and interacts with some object that is more than his proper share, his going wrong seems to be a special case of too many objects.

2.3 Explanatory Linchpins

Though this solution seems to work, I should not claim victory just yet. Recall that the objection I leveled against Curzer. Though his account said that *moicheia* involved desiring the object too much, this “too much” did not admit of degrees. Rather, *any* degree of desire for a woman it is *misetos* to desire is too much. Likewise, one could object that talk of “too much” in “*more* than your proper share,” is otiose when applied to an unlawful woman. Is it not true that *any* woman it is *misetos* to desire is more than one’s proper share, regardless of how many women are involved or how intensely one desires her? Am I not guilty of making the same move I accused Curzer of making? I claim not.

2.3.1 Explanatory Linchpins in the Doctrine of the Mean

In applying the doctrine of the mean to explain the rightness or wrongness of an action, in theory, we can consider different quantitative combinations of the different parameters of object, occasion, degree, motive, etc. Presumably, depending on how we arrange these parameters, placing more of one or less of another, we will get an action that is virtuous or vicious. For example I might while hungry eat a piece of cheesecake (object), once (occasion), with medial desires (degree). So far, nothing in that combination of parameters strikes us as obviously vicious. In contrast, if I eat four pieces of cheesecake (*multiple* objects), when I was full after the first, then the action begins to look vicious. In cases of vice like this one, we may ask what parameter is

doing the explanatory work, i.e., to what parameter we can impute the viciousness of the action. In the case just considered, the parameter of “object”—too many objects, too many pieces of cheesecake—is doing the explanatory work; the action is wrong at the very least because there were too many pieces of cheesecake involved. The point is that, in Aristotle’s view, if an action is vicious, we should (i.) be able to point to one or more parameters to explain *why* the action is wrong. Additionally, if the action is wrong, (ii.) there ought to be something excessive or deficient in the parameter in question; there ought to be too much or too little of something. Finally, (iii.) the “too much” and the “too little” of the parameter we pointed to should fall along a continuum so that the “too much” and the “too little” are toward opposite ends of the continuum and correspond to vices, while the “right amount” is somewhere between the “too much” and “too little” and corresponds to a virtue. We can say that the relevant parameter is playing the role of the “explanatory linchpin” of the wrongness of the action, insofar as it is something about the quantity of that parameter that makes the action vicious, i.e. there is too much or too little of the parameter along the continuum with the virtuous mean as the reference point between too much and too little.

2.3.2 Curzer’s Explanatory Linchpin

I do not claim that my reply to this objection as applied to my account is fully satisfactory at this point; in order for it to be fully satisfactory, some more ideas will need to be developed, which I will do in Section 3. However, what I will say here is a good first step to what a proper response would look like. As I mentioned above, Curzer’s view is not quantitative in a meaningful way given that any degree of desire is

too much. In my view, though any number of unlawful women—be they one or ten—are *more* than the adulterous man’s proper share, and though there is nothing that is both quantitative and explanatory about talk of one or more women (given that the number of women does not make a difference to the action being wrong), there *is* something truly quantitative in talk of “more than one’s proper share.”

Let us recall that what is meant to be doing the explanatory work in Curzer’s account is the degree of desire in connection with a certain object, i.e., unlawful women. Ideally, in the same way that in the case of over-eating, we can point to the parameter of object and say that this parameter explains the viciousness of the action, in Curzer’s account, we ought to be able to point to the parameter of degree in connection with unlawful women to explain the viciousness of the action. If Curzer’s account were successful in this regard, then we should be able to say that if we changed the amount of degree in connection with unlawful women, we should be able to arrive at a virtuous action, just as, if we had just changed the parameter of object in the case of cheesecake (if I had eaten less pieces) we should be able to arrive at a virtuous action. Yet this does not work for Curzer’s account:

Def. d. for unlawful w.	medial desire for unlawful w.	excess desire for unlawful women
<i>Deficiency</i>	<i>Mean</i>	<i>Excess</i>

Clearly, in Aristotle’s view, there is no such thing as a medial, or virtuous desire for unlawful women. We should recognize though, that there is a case analogous to Curzer’s where we can successfully speak of changing the amount of degree in connection to a particular object so that we get actions that are virtuous or vicious. Let us recall the case of the man who desires to eat too many carbohydrates. In his case, the

explanatory work is done by the parameter of degree in connection with certain objects, i.e., carbohydrates. Hence, we should be able to leave all other parameters as is, while moving the parameter of degree across a continuum:

Not enough desire to eat carbs.	Right desire to eat carbs.	Too much desire to eat carbs.
<i>Deficiency</i>	<i>Mean</i>	<i>Excess</i>

Though can speak of a medial desire for carbohydrates, or a right degree of desire in connection to a certain object, it is not possible that an account like this work for Curzer's reading of *moicheia*.

2.3.3 My Explanatory Linchpin

In contrast, what is meant to be doing the explanatory work in my account is the concept of "my share." Thus, if my account is to be successful, I should be able to say that if we changed the measurement of my share across a continuum, we should arrive at virtuous or vicious action. Changing the measurement in Curzer's account is fairly clear: more of a degree, i.e., feeling more intensely, or less of a degree, feeling less intensely. Similarly, with the concept of "my share" we can speak of getting more than my share, just my share, or less than my share. Hence:

Less than my share	Just my share	more than my share
<i>Deficiency</i>	<i>Mean</i>	<i>Excess</i>

Thus, a man might desire or engage in the relevant action with what is just his share, or what pertains to him, e.g., his wife; more than his share, or more than what pertains to him, e.g. the wife of another; or less than his share, i.e., not taking account of his own wife. Likewise, with respect to money, I might desire or engage in the relevant action with my share, i.e., the money I own; more than my share, i.e., the very money that

belongs to another; or less than my share, i.e., not even desire the money that rightfully belongs to me. We must notice that, unlike with other cases of the doctrine of the mean, the objects involved in the accounts of justice are not just distinguished by being measurable or quantifiable objects *simpliciter*, but rather they are distinguished by being objects in reference to what belongs properly to the agent. Hence, anything more will not simply be more of some object, but rather, it will be more than *ought to belong to me*. If I use my own money to buy a storage house full of cheesecake, *prima facie* there seems to be nothing inherently unjust about that, regardless of how much cheesecake I buy (though possibly something imprudent). Yet, if I take even just *one* piece that does not properly belong to me, or more than my share, I am committing an injustice. Thus, the explanatory linchpin in my account is not simply objects or goods, but objects or goods with a possessive: “my goods” are medial, “more than my goods,” or beyond what belongs to me is excessive, and “less than my goods,” or less than what belongs to me is deficient.

I will, therefore, grant that saying that the adulterous man desires “more than his proper share” is *always* “more” regardless of how many women are involved, and it is likewise true to say that even one woman it is *misetos* to desire is one woman too many. Further, it is true that the adulterous man desires “more than his proper share,” regardless of how intensely or tenuously he desires the unlawful woman. But this is not a problem for my account. This is because the explanatory linchpin in my account is different than in Curzer’s. In Curzer’s account, the degree of feeling involved in connection to unlawful women is meant to explain the wrongness of the action. In my

account, the wrongness of the action was never meant to be explained just by the number of women involved, or the degree with which they were desired. Rather, the explanatory work for my account is done by whatever constitutes the agent's proper share. Anything more than the proper share is excessive, and anything less than the proper share is deficient, where "more" and "less" are couched in terms of what the agent is entitled to or what properly belongs to the agent.

We must notice that in this criterion of proper share, the talk of "more" and "less," of "too much" and "too little," is meaningful; it is not as if the fact that something might be outside an agent's proper share is all that can be said about the wrongness of an action. Rather, there are gradations of "more" and "less." To illustrate these gradations, we should consider that in virtues other than justice the parameter of object is filled by any object without reference to possessives. Eating too much cheesecake is always an intemperate act, regardless of to whom the cheesecake belongs to. In contrast, with actions that are generally (and particularly) unjust, the object is an object with a possessive: my cheesecake, your cheesecake, President Obama's cheesecake, and the like. Anything that goes beyond "my cheesecake" is excessive—given that it is more than my proper share—and it can be more or less excessive. Though both stealing a fellow graduate student's cheesecake, and stealing President Obama's cheesecake would be cases of general injustice, intuitively, the latter seems a greater general injustice. The reason seems to be that the agent to whom the possessive "my" attaches holds an important office. Moreover, we might imagine that a billionaire decides to purchase the whole of the U.S.'s corn supply and then proceeds to burn it. This case seems like a

much greater act of general injustice than my taking another's cheesecake. The reason seems to be that the possessive "my" attaches not only to *one* person, but to multiple people. Thus, not only is general justice quantitative insofar as it means not falling outside of one's proper share, but, as with the other virtues, there are true degrees to which one can be excessive.³⁷

Further, these gradations, this talk of "more," "less," and "just the proper amount" of someone's proper share *can* be traced across a continuum so that "more" and "less" are vicious while "the proper amount" is virtuous, whereas in Curzer's account "excessive," "deficient," and "medial" desire for an unlawful woman cannot be traced across a continuum so that "excessive" and "deficient" are both vicious and "medial" is virtuous; in his account, both the medial and the excessive desires are vicious, and it is at least debatable whether the deficient desire is vicious as well. Thus, the key contrast between Curzer's account and mine is this: in both his account and mine (A) you can trace points across a continuum, but in his account (B) the points across that continuum do not correspond to a vicious deficiency, a virtuous mean, and a vicious excess; in contrast, in my account (B') the points across that continuum do correspond to a vicious deficiency, a virtuous mean, and a vicious excess.³⁸

³⁷ Curzer might say that his account of "too much desire" involves gradations as well: engaging in intercourse with a woman it is *misetos* to desire, done out of a ravaging lust is surely worse than doing so with desire only to a lesser degree. Again though, as Hursthouse argues, the act would be wrong even if there were no sexual appetite at all, and hence Curzer's explanation does not work. In contrast, in my account, all other things being equal, an action would not be wrong if the agent did not go outside of his proper share.

³⁸ If I claim that certain things are wrong because they constitute more or less than the agent's proper share, it seems that I am introducing a whole new set of criteria for the rightness and wrongness of actions that is somehow independent of the criteria Aristotle gives us in his doctrine of the mean. As Curzer claims when speaking only of general justice, these criteria come into play only in what we might call "other-regarding actions." Admittedly, there is some explaining to do about the relationship of "proper

With these features of my account in mind, we can return to the question I posed in the previous section, at the end of my brief commentary on the passage in II.6: in what sense are actions like *moicheia* excessive? I believe features (A) and (B') pointed to here give us an answer. As I have argued, acts of *moicheia*, in this view, involve engaging with objects that are more than the agent's proper share. Acts of *moicheia*, are, indeed, by definition at one end of the continuum, corresponding to vice, and it is *qua* failures of justice that such acts are at one extreme. It is in this light that we can understand Aristotle's statement that to think that actions like *moicheia* admit of a mean "is like thinking that unjust or cowardly or intemperate action admits of a mean, an excess, and a deficiency" (1107a19-20). Given this explanation, it is especially appropriate that Aristotle notes that thinking that actions like *moicheia* admit of a mean is like saying that "*unjust*...action admits of a mean."

If we return to the views I discussed in the previous section, we may make the following observations. Against both of the "definition of the word" views, (2a) and (2b), which, let us recall, were limited to saying that acts like *moicheia* are always wrong but did not say anything about *why* they are wrong, my view can say that such acts are always wrong because they are failures in the virtue of justice, as above described. Moreover, let us recall the second "extreme motivational state" view, (1b), which stated that *moicheia* is wrong because it is always guided by some extreme motivational state. Let us recall that I objected that, in this first view, the vicious guiding emotion ended up presupposing the wrongness of *moicheia*, not explaining it. My view has the advantage

share" in other regarding actions and the doctrine of the mean as conceived in books II and II. I leave that for a later date.

of not requiring such talk of a vicious guiding emotion in order to explain the wrongness of *moicheia*. Further, let us recall the first “extreme motivational state” view, (1a), which stated that the presence of some extreme motivational state explained the wrongness of *moicheia*; the problem with this view is that it made Aristotle out to be a consequentialist, insofar as acts of *moicheia* not guided by extreme motivational states would not be wrong. Surely, it must be true that my view will not run into exactly the same kinds of troubles, since it does not rest on talk of a vicious guiding emotion. However, am I in the position to say that my talk of justice will not end up making Aristotle a consequentialist? Will this account allow me not only to explain why acts of *moicheia* are wrong—because they are failures of justice—but also to explain why they are *always* wrong, regardless of the circumstances?

This raises two apparent and related issues with my explanation so far. The first is just that, viz. given that a desideratum for Aristotelian moral theory, given textual evidence, is that it avoid consequentialism, my introduction of the concept of “proper share” should not allow for such a view; this notion should allow us to say that acts of *moicheia* are not only wrong, but always wrong, and I have yet to explicitly address how this claim holds for talk of “proper share.” The second related problem is that my purported explanation depends entirely upon whatever we decide is someone’s “proper share.” I claim, however, that we can get a fuller picture of “proper share” by looking at Aristotle’s account of justice, not only in Book V of the *EN*, but also in the *Politics*. Moreover, we must look at Aristotle’s discussion concerning whether certain laws—which, as I will explain, are intimately tied to what makes for someone’s proper share—

are just by nature or by convention (1134b19ff). Such a more robust picture of what is meant by “proper share” would help us to avoid consequentialism, I claim, and that is why this second problem is importantly related to the first problem. With all this in mind, I will now turn to this more robust picture of “proper share.”

3. PROPER SHARE—JUSTICE AND NATURE

So far I have argued that the absolute moral prohibition of *moicheia* cannot be explained by the doctrine of the mean as traditionally conceived, but that talk of justice, particularly talk of a “proper share” can begin to give us an explanation of in virtue of what Aristotle is allowed to say that *moicheia* is always wrong. However, I pointed out that my argument thus far is missing any kind of robust sense of what Aristotle might have meant by a “proper share.” In this final section I aim to take a close look at concepts in Aristotle’s *EN V* and the *Politics* that allow us to fill out this concept of “proper share.” I will then apply that more robust concept to the case of *moicheia* and how it allows us to address the problem of consequentialism not only to explain why such acts are wrong, but always so. Finally, I will evaluate Aristotle’s overall view.

3.1 General Justice Again

In the previous section, I made use of Curzer’s interpretation of general justice to make sense of the prohibition of *moicheia*. Here, following Richard Kraut’s *Aristotle: Political Philosophy*, I want to expand upon this understanding of general justice. Kraut’s understanding is not, I claim at odds with Curzer’s insofar as it says something inherently contrary to his reading. Rather, Kraut seems to be saying just what Curzer is saying about general justice, plus several other things. Specifically, it seems that Kraut and Curzer agree with the claim that general justice consists in:

(a) those aspects of all the virtues that relate to others,

but, following Kraut, the following four features also hold for general justice, viz.:

(b) it includes, in a qualified way, the *nomoi* of a given community;

- (c) it includes, but is not limited to the products of *nomothetikê* or legislative science;
- (d) it aims at the common good of the political community; and
- (e) it is “the intellectual and emotional skill that a citizen needs in order to do one’s part in bringing it about that one’s community possesses [a] stable system of rules and laws,” (106) which, I take it must include (d), at least some (c) or resembling (c) and are by definition (b), and (a).

I will explain each of these in turn. However, before I can explain each of these, there is a preliminary point I should address concerning Kraut’s reading of particular justice’s relationship to general justice. Aristotle tells us that the unjust person is in some sense lawless and in another sense unequal; he equates general justice with lawfulness and particular justice with equality. Further, lawfulness, says Aristotle, is the whole of justice, while equality is only part of the whole (1130b10-14). Kraut takes this to mean that all just acts—including acts of particular justice—are in some way lawful, but only some just acts are in some way equal, or matters of particular justice; all just acts are matters of general justice, only some just acts are matters of particular justice.

With this in mind, we can begin to address the other four features of general justice. Let us begin by addressing (b), or the claim that general justice includes, in a qualified way, the *nomoi* of a given community. General justice, we are told, is what is “lawful” or *nomimos*. In order to get clear about what is meant by this *nomimos*, Kraut begins by getting clear about what is meant by *nomos*; he points out three important features. The first of these is that the existence of a *nomos* is entirely contingent upon a community’s belief in and practice of that *nomos*. According to Kraut, “there can be no such things as *nomoi* in which no one believes; for a *nomos* to exist is for it to be recognized and observed by a group of people” (105). As Kraut points out, if no existing

community believed slavery to be wrong, we cannot say that a prohibition of slavery was a *nomos* in this sense of the word. Kraut quotes Ostwald to the effect that *nomos* is “what the people as a whole regard as a valid and binding norm” (105; Ostwald 54). Second, *nomos* in this sense is made up not merely by the written laws of a community, but also of the norms and customs accepted by a community. There might not be a written law in a community that requires that people show respect to their elders, however, if a given community believes in and practices this norm, it is part of the *nomoi* of the community. Thirdly, *nomoi* are to be contrasted with mere “decrees” or *psêphismata*. Decrees, are *ad hoc* legal actions, meant only to address a specific occasion and not meant to set a precedent or apply to similar cases in the future. Tyrants, Aristotle tells us, tend to enact *psêphismata* as opposed to *nomoi*, given that they are concerned for their own ends and not about providing a stable legal framework for the community. In contrast, *nomoi* apply not only *ad hoc*, but to other similar cases as well, they are meant to form an ordered, cohesive whole (1137b13-32).

Notice that I mentioned in (b) that general justice includes the *nomoi* in the community in a qualified way. The reason for this is that Aristotle is no stranger to the fact that the *nomoi* of certain communities are many times less than ideal. However, insofar as they are *nomoi* and not mere *psêphismata*, insofar as they form some kind of ordered, cohesive whole—albeit, not a perfect one—there is justice to be found in them. It is in this way that Kraut reads Aristotle’s statement that “whatever is lawful is in some

way just” (1129b13-14). Hence, this stable framework of *nomoi* is part of general justice.³⁹

However, in Kraut’s reading, two kinds of things may be qualified as “lawful.” The first is what has just been discussed, viz. *nomoi*, which includes written laws and the customs of a people. The second is anything that is arrived at by the science of legislation, or *nomothetikê*, which is our second additional feature of general justice, (c). As Kraut points out, Aristotle considers *nomothetikê* to be the main branch of political science and to be equivalent with practical wisdom (1141b23-25). Thus, the products of *nomothetikê* should be ideal laws, made with considerations of virtue and human flourishing in mind. Hence, we should notice that, in contrast with *nomoi*, the products of *nomothetikê*, need not actually be believed in or practiced by any particular city. Conceivably, the science of legislation might state that an ideal city would have laws against violent assault, though no actual city might have laws against such assault. Thus general justice should have either the products of *nomothetikê*, or something that at least looks close to the products of *nomothetikê*, since the *nomoi* of a given community may be more or less ideal. Of course, whatever positive content we end up giving to the products of *nomothetikê*, we can imagine a community with a system of laws that is as far away from those products as we could possibly conceive of it, and we might be tempted to say that there is little to nothing of justice in such a community. However, in Kraut’s reading, the relevant point is that insofar as this is a system of laws, insofar as

³⁹ Would Aristotle say that *any nomos* whatsoever, regardless of how unreasonable it might seem, is in some way just? Certainly, as mentioned above, he says that even imperfect or less-than-ideal laws are in some way just, but does that mean that *every nomos* is in some way just. It does not seem he thinks this, since he believes that there are some things that we should never be forced to do, regardless of the circumstances, cf. 1110a26-7.

these are true *nomoi* and not mere *psêphismata*, there really is something of justice in that system, it really is “in some way just,” albeit a very attenuated way. Even if the content of many, most, and perhaps even all of the laws was tremendously alien to the products of *nomothetikê*, it would have a similarity to the products of legislative science insofar as these laws formed some kind of cohesive system.⁴⁰

The third additional feature of general justice is that (d) it aims towards the common good. There seem to be two main ideas tied to this idea of the common good. The first is the idea of membership to the relevant political community. Different types of constitutions may frame membership to the political community more narrowly or more broadly. In Aristotle’s time, it is likely that for many Greek communities only free Greek males were members of that community, with women and slaves excluded from the community. The second idea is that of a shared conception of what it is for the members of that community to flourish *qua* individuals and *qua* individuals working together. Of course, it is an open and perhaps controversial question what a notion of the common good ought to look like. Yet, what is relevant here is that, in Aristotle’s view, the members of the community—however narrowly or broadly a political community is defined—had a shared notion of what it is for the individual and the community to flourish, and that the laws of that community are meant to aim at the good of *all* members of that political community. Hence, the idea of laws that greatly benefit certain members of the political community while leaving much to be desired for other

⁴⁰ Naturally, it seems that at some point you get vagueness problems—just how unjust can individual laws be before the cohesive system ceases to be truly a system and hence ceases to be “in some way?” It is not clear, but the answer to this question should not affect my overall argument.

members of the same community—as might happen in many cases of utilitarian calculations—are less than ideal. For this reason, Aristotle says, “in one way what we call just is whatever produces and maintains happiness and its parts for a political community” (1129b17-19).

Finally, the fourth additional feature of general justice is (e) the virtues required to help promote a stable system of laws and norms in a community. How does Kraut reach this conclusion? Given the above discussion of *nomoi*, *nomothetikê*, and the common good, we might be tempted to two false views about general justice.

The first of these is that general justice consists in simply following the rules of a given community. Since one who is particularly just is also generally just, there will be cases of general justice—and what seem to be the most important cases—where doing the right thing will not be a matter of following rules. For example, Aristotle further divides particular justice into distributive, corrective, and reciprocal justice. Distributive justice concerns the allocation of power to specific members of a community. Hence, a just person who is involved in distributive justice will inevitably have to ask, “how is power best distributed?” Likewise, a just person who is involved in corrective justice will have to ask himself what the best form of punishment for a criminal might be. In this second case, there might be rules in place, but it might not be obvious which rules apply or how far they apply, and hence general justice, or justice as lawfulness, might involve making judgments about the rules themselves, not merely applying them. These two cases are thus instances of general justice which do not involve simple rule following. Hence, general justice cannot be defined as simple rule following.

Moreover, we might be tempted to say that, if we ask what Aristotle means by general justice, we have only to look at the existing laws of a community. A legislator who makes a law regarding the distribution of wealth is enacting the virtue of particular justice. Since all acts that are particularly just are also generally just, then it follows that the legislator is also being generally just. However, if we say that general justice, which is lawfulness, is defined by simply looking at a community's existing laws, then we have arrived at a case of general justice that cannot be defined by looking at the existing laws. Rather, it is a case in which the legislator is *creating* a law. Moreover, Aristotle recognizes that communities in fact do enact unjust laws. Finally, Aristotle's discussion of equity—or cases where someone must avoid applying a law to the letter and mechanically, because doing so would go against the legislator's original wishes—show that general justice cannot be a matter of merely looking at the rules of a community. Thus, it would be wrong-headed to say that general justice, defined as lawfulness, is simply a matter of looking at existing laws.

Since it is clear that general justice cannot be accurately described by either of the two views proposed above, we can begin to see where (e) falls into the discussion. Let us recall that Aristotle mentions that one who is generally just possesses every other ethical virtue as well (1129b25-1130a10). Further, he tells us that general justice always concerns a relation to another. From these two features, and from his discussion of the qualities of *nomos* mentioned above, Kraut concludes that general justice is, “the intellectual and emotional skill one needs in order to do one's part in bringing it about that one's community possesses this stable system of rules and laws” (106). Further,

Kraut states that the lawful person is one who “serves his community by means of its legal system and its pattern of norms” (108). Hence, in addition to saying that general justice includes but is not limited to (b) a stable system of *nomoi*, which (c) must at least approximate the ideal products of *nomothetikê*, and must (d) aim at the common good, we must also say that general justice involves a truly positive aspect, viz. being an active participant in bringing about, persevering, and promoting such a stable system of laws, as close as possible to the products of *nomothetikê*, which aim at the common good.

These four additional features of general justice, moreover, allow us to get a fuller picture of the feature that Kraut and Curzer share in common, or (a) that general justice involves all those aspects of all the virtues that involve other-relating actions. Thus, if one’s temperance or courage affects others, these become acts of general justice in addition to being acts of courage or temperance. Likewise, if one’s intemperance or cowardice affect others, these become acts of general injustice in addition to acts of intemperance or cowardice. With this feature in mind, we might ask the same question that I asked in the last section: what makes general justice different than simply the set of all the virtues that concern others? I had responded that general justice involved the concept of “proper share,” and given these extra features, we are now in a position to begin expanding upon the concept of “proper share,” and thus say more about what explains the wrongness of an action like *moicheia*.

3.2 *General Justice and Moicheia Again*

When one is cowardly or intemperate in relation to others, one is not simply being cowardly or intemperate; rather, one is in some way going against the (b) *nomoi* of the community, and indeed against (c) laws and customs that might resemble or even be the products of *nomothetikê*; one is undermining (d) the common good of the political community. Ultimately, one is doing anything *but* (e) contributing to the promotion of a stable system of rules and laws in a community.⁴¹ If going beyond our proper share militates against (b)-(e), then we can begin to think about what it means to have a proper share.

In other words, it seems that three key features of a proper share are that: (b') it is determined by the cohesive and stable system of *nomoi* of a given community; (c') in a worst-case scenario, this proper share is derived from the products of *nomothetikê* insofar as it is derived from a stable system of *nomoi* and not from mere *psêphismata*, and, chances are, what makes for one's proper share is derived from laws and customs that have a close affinity with the products of *nomothetikê*; (d') the preservation of this proper share aims at the common good of all the members of a community.

If an adulterer commits an act of *moicheia*, it would be true that he is excessive insofar as he is going beyond his proper share. Yet, this is not all that we can say.

Indeed, this view of proper share allows us to address two issues. First, it allows us to

⁴¹ Indeed, though Kraut does not take it this far, we might ask if *all* acts of vice—not only those that explicitly involve other people—are not contrary to the common good of a political community, albeit in a different way. If, I, in the isolation of my own home, take more cheesecake than I ought to, if I practice intemperance, am I not making myself into the kind of person that is more likely to be intemperate with relation to others, and hence the kind of person that is likely to undermine the common good of the political community? It would seem so.

grasp more about the effects of *moicheia* in the political community. This is seen in that our general point just made above, that going beyond our proper share militates against (b)-(c) applies equally to the case of *moicheia*. First, insofar as he is going beyond his proper share, we can say that he is going against the (a) *nomoi* of his particular community—he is going against that stable system of laws and customs that keeps the community together, working in harmony. Moreover, we can say that he is acting against (b) at least part of the products of *nomothetikê*. Thirdly, we can say that the adulterer, in performing an act of *moicheia*, is going against (c) the common good of the political community. Finally, the adulterer is not (e) promoting a stable system of laws and norms in the community. Thus, this more robust view of what makes for some person's proper share allows us to say more about the communal ramifications of an act of *moicheia*.

Second, we can now say, concerning the adulterer, in virtue of what a given woman is or is not his proper share. To this we would respond that it is a combination of (b'), (c') and (d') that makes it the case that a given woman is or is not a given man's proper share. It is the *nomoi* of the particular community, which bear at least some minimal resemblance to the products of legislative science, and ultimately a certain notion of what makes for the common good of all the members of a political community that defines what his proper share is. It is a cohesive—albeit imperfect—set of laws, together with a certain vision of the common advantage of each of the members of a political community that dictates that a man have one wife, and to commit an act of

moicheia is to militate against that cohesive system of laws and that common advantage.⁴²

Though this gets us a more robust picture of what makes for someone's proper share and what it means to go beyond that share, a limitation arises: this view of one's proper share is limited to communities whose *nomoi* and vision of the common good require that a man have only one wife. Is it not possible that other communities have *nomoi* and conceptions of the common good that allow for a man to have more than one wife? Surely, we could imagine political communities, ruled by stable *nomoi* aiming at the common good that allow for, say, two, three, or more wives.⁴³ This brings out a particular feature of Aristotle's explanation thus far: the absolute prohibition against *moicheia* need not require monogamous marriage. Rather, in Aristotle's terms, this prohibition is perfectly intelligible in the context of polygamous marriage. However, what need be in place is that there is some kind of norm or law ruling the marriage relationship between man and woman. Put differently, the limitation is that the absolute prohibition against *moicheia* seems to hold only for communities that have such prohibitions. This seems particularly problematic if we return to our consequentialist problem. If Tosca, being accosted by Scarpia, were to find herself in such a community, it seems it would not necessarily be wrong for her to engage in *moicheia*, given that the

⁴² Of course, this system of *nomoi* together with a certain vision of the common good need not specify that a specific woman is to be the woman of a specific man: it need not be a matter of the common good and the *nomoi* that Odysseus be married to Penelope. However, it would be a matter of the common good and the *nomoi* that Odysseus be married to *one* woman. In general, it seems that monogamy was the norm in ancient Greece and Rome, although not necessarily the norm elsewhere in the Ancient World. Also, though men were confined to just one wife, divorce was a commonplace occurrence, and sexual relations between a married man and his slave women were not unlawful, cf. Scheidel.

⁴³ Indeed, one could argue that such was the case historically with many traditional Islamic societies. Moreover, though not typical of Greek practice, there is the polygamy of the tyrants of classical Sicily.

nomoi of this community do not have such a prohibition. However, one might respond that though we might conceive of communities that both have a stable framework of *nomoi* and do not have any written *laws* governing the nature of marriages, it seems hard to even conceive of what it would look like for a community to not even have unwritten customs or norms of any kind governing relationships between men and women. What would it be like to have a community where it were not the case, in any robust way, that this woman is somehow especially linked to me and I to her, or that these set of women are somehow especially linked to that man, and they to him? Even Plato's famous dissolution of the traditional family has some kind of norm concerning how men and women ought to relate to each other.⁴⁴ It is not as if such a community would be a logical impossibility—as with Kant's example of the absolute prohibition against lies and perfect duties towards others in the *Groundwork*. Rather, it seems that—as with imperfect duties against others—we cannot imagine wanting to live in such a community. However, though it seems thoroughly counterintuitive that there could be no such political community, we are still entitled to ask Aristotle: in virtue of what could there be no such political community? Let us put the question even more strongly: let us momentarily grant that there *could* be a society with stable and cohesive *nomoi* that had absolutely no laws or customs governing the nature of intimate relationships. Let us notice for a moment here what that would do to Aristotle's claim about absolute moral prohibitions.

⁴⁴ I do speak only of "men and women" here since they are the most obvious case. However, even for homosexual relationships—whatever one's position on them—the question remains: could we imagine a truly functioning society with no norms whatsoever governing such intimate relationships?

If it were even theoretically possible that such a community exist or could exist, then this absolute moral prohibition ceases to be an *absolute* moral prohibition. Rather, it now becomes a conditional moral prohibition: “If a community has *nomoi* that prescribe against *moicheia*, then it is absolutely prohibited.” However, as we are well aware, the second part of the conditional only obtains as a consequence of the first if the first part actually obtains. Hence, if we allow at least for the theoretical possibility of such a community, what are we to make of Aristotle’s claim in *EN* II.6 that actions like *moicheia* “automatically include baseness,” and that “in doing these things we can never be correct, but must invariably be in error?” It seems that we are forced to contextualize them to say, “always wrong in communities that consider them to be wrong.”⁴⁵

However, the text of II.6, and other similar texts I discussed in Section 1 do not even hint at such conditional—dare I say relativistic—interpretations. Thus, it seems that if we want to commit Aristotle to something other than a conditional interpretation—and an interpretation that dovetails with a consequentialist reading—we ought to say more; I claim that Aristotle does have the resources to say more. These resources are found in his discussion of the distinction between natural and legal justice, which Kraut also discusses in the same work already cited. These distinctions will allow us, depending on what we make of the possibility of the existence of such a community, to answer these two questions: first, in virtue of what is Aristotle entitled to say that there is no such

⁴⁵ We should notice that this “conditional prohibition” is not exactly the same problem as that of consequentialism. The former says that acts like *moicheia* may be justified for the sake of a greater end, the latter says that acts of *moicheia* are only prohibited under certain conditions, viz. under communities that consider them to be such. However, they both deny that the prohibition of *moicheia* is absolute. Thus, being able to affirm that the prohibition of *moicheia* is absolute would preclude both conditional prohibitions and consequentialism with respect to such prohibited acts.

community, or, second, assuming it is logically possible for such a community to exist, how can Aristotle keep to a prohibition that is not merely conditional but rather absolute?

3.3 Always Wrong? Political Justice: Natural vs. Legal Justice

So far, we have been discussing *moicheia* under the rubric of general versus particular justice. I want put that discussion on hold for a moment and turn to another part of Aristotle's theory of justice, viz. political justice.⁴⁶ In *EN* V.7, Aristotle states that political justice can be divided into either natural (*phusikos*) or legal (*nomikos*) justice (1134b18-19). According to Aristotle, political justice is the kind of justice that holds between full and equal members of a *polis* (1134a26-28). Thus, in a typical Greek *polis*, the laws that govern the relationship between two adult male citizens would fall under the purview of political justice. In contrast, in the same such *polis*, whatever justice might exist which governs the relationship between, say, husband and wife, or a citizen and his slave, are not matters of political justice. Rather, they are matters of some other kind of justice; whatever it is, what is relevant is that it is not a matter of political justice. Political justice, or that justice that holds between equal, full-fledged members of a *polis*, then can be divided into either natural or legal justice.

The natural, which Aristotle takes to apply to this kind of justice, is that which "is unchangeable and equally valid everywhere" (1134b25). Given initial introduction to

⁴⁶ Where does political justice fit in the distinction between general and particular justice? Is it a sub-set of particular justice, or is it a subset of general justice that is not a sub-set of particular justice or something in between? Terrence Irwin points out: "this discussion of political justice does not seem to be closely connected with either of the previous two sections. The lack of connection makes rearrangement of the ms. text attractive" (*Ethics* 233). I do not attempt to settle the question here, and the result should have no bearing on my argument.

the concept of natural justice, we can begin to see how it might help give Aristotle a way out of a conditional reading. In contrast, legal justice is that which “originally makes no difference [whether it is done] one way or another, but makes a difference whenever people have laid down a rule” (1134b20-1). Kraut notes three qualities of legal justice: (i.) it is recognized by a particular community, or it is a *nomos* in the way noted above; (ii.) the purpose of the particular law could be equally served by another law which, though different, is similar enough, e.g. the price of wine or ransom of a prisoner may be x , and a matter of legal justice, but it very well might have been $x+1$ and still serve the purpose, and for all intents and purposes, it is indifferent whether it had been established to be x or $x+1$, though once established, it does make a difference whether we pay x or $x+1$; (iii.) if we look at different communities, we will find variations of what is legally just, e.g. the price for wine or for the ransom of prisoners might be different in different communities, but all of these might be considered just, and even equally so.

Given that what is legally just is a *nomos*, it must be the case that the law in question must actually be believed in or practiced by an existing community in order for it to exist. In contrast, what is a matter of natural justice need not be believed in or practiced by any existing community. Rather, regardless of whether anyone believes it or not, a naturally just law always holds. Let us recall that Aristotle states that the “natural” in “natural justice” means that which, in some way, “is unchangeable and equally valid everywhere.” By this claim Aristotle does not mean that those things that are naturally just are practiced in any and every existing or possibly existing political community—for this would, at a glance, seem clearly false. Rather, what Aristotle

means is that laws that are naturally just are so regardless of whether people believe in them, practice them or not. Hence, for example, some might argue that a law against slavery is naturally just: regardless of what people might think of it and regardless of whether people actually practice it, we take the law to hold always, everywhere, and to be just.

So Aristotle asserts that matters of natural justice are true, presumably unchangeable, and are so regardless of what people might think of them. These are, to be sure, quite bold claims about the quality of certain kinds of laws. However, whatever we might think of them, these claims tell us nothing about the positive content of these laws; these qualities tell us nothing about which actual laws are naturally just. Does Aristotle say anything by way of positive content? The key passage in Aristotle's discussion here is his claim that "only one system is by nature the best everywhere" (1135a5). In Kraut's reading, the "system" Aristotle is thinking about is his view of the ideal city, which he discusses in books VII and VIII of the *Politics*. Of course, that is not to say that only those things that are found in the ideal *polis* are naturally just. Rather, there might be laws in existing constitutions that are naturally just, though not all laws governing relations between full citizens of a given *polis* might be naturally just.⁴⁷

⁴⁷ The question, of course, arises which is similar to a feature of legal justice: is only *one* token law naturally just, or is a certain set or type of laws naturally just? Is merely having some kind of law against assault—whatever the specific law might look like—naturally just, or is one and only one token law against assault naturally just, with the any other law against assault, however similar (though not exactly similar) no longer naturally just, but only close to being naturally just? This deserves some thought. Though I will not pursue this here, it seems that Aristotle would say that types of law are naturally just, not necessarily specific token laws. This would be similar to calling both wine prices x and $x+1$ legally just.

3.4 *Natural Justice and Moicheia*

With this idea of natural justice in mind, we can begin to think about what Aristotle would say about actions like *moicheia* in response to questions about the logical possibility of communities with no laws governing intimate relationships and conditional prohibitions, which I posed above. Since a straightforward reading of the text says that acts like *moicheia* are not only wrong, but rather always wrong, if we wanted to commit him to a non-conditional version of this thesis—one which holds true, regardless of the logical possibility of a political community such as we described above—then it seems that he would want to say that the prohibition of *moicheia* is a matter of natural justice. Let us spell out what that would look like.

Let us recall that Aristotle considers matters of natural justice—which are part of legal justice—to hold only between full members of a political community. By Aristotle's own standards, women are not full members of a political community. This seems problematic, since it seems that by Aristotle's definition, natural justice cannot govern the relationship between a man and a woman. However, the proper move—and one that is certainly morally questionable, but not an unreasonable interpretation of Aristotle—is to explain the moral wrongness of *moicheia* not in terms of the laws governing the relationship between a man and a woman, but rather in terms of the relationship holding between a man and the woman of *another man*. Hence, natural justice would apply insofar as one full-fledged member of a political community—one man—is infringing upon the proper share (i.e., the woman) of another full member of the same political community—another man. If a man commits *moicheia* with another's

wife, natural justice would see this more as an offence against the woman's husband, and that insofar as the woman is, in a sense, subservient or even belonging to the man. Again, this reading is morally problematic, to be sure, but not at all un-Aristotelian.

Thus, if we wanted to answer questions posed above, we would say that, for Aristotle, the absolute prohibition against *moicheia* is a matter of natural justice, and that, like a law against slavery, it is one that has force always and everywhere, regardless of whether people practice it or not. Yet, at the pain of being tedious, let us ask once more, in virtue of what is something a matter of natural justice? Though *EN* V.7 has no explicit answer to this question, as I mentioned before, it does make a connection between what is naturally just and the constitution that is naturally the best, or the ideal city of *Politics* VII and VIII. A brief look at the *Politics* will allow us to say more about what it is that makes something like a prohibition against *moicheia* a matter of natural justice.

3.5 *The Ideal City*

There is an extensive literature offering scathing critiques of Aristotle's ideal city—and understandably so. In this community, slave labor takes care of material necessities of the ruling class, which allows this select intelligentsia to alternate between being active participants in the political life of the *polis* and pursuing a life of leisure. All males receive exactly the same education as mandated by the government. Moreover, women, whom Aristotle wrongly considers to be naturally inferior to men, are excluded from the life of the community. To put it succinctly:

As it stands, the so-called ideal *polis* is not a political community at all, since it is not self-sufficient for life, much less for the good life (1252b27-30). Rather, it is

an exploiting elite, a community of free-riders whose ability to pursue the good life is made possible by the willingness of others to forgo that pursuit. Even leaving aside the question of slavery, the ‘ideal’ *polis* is thus characterized by systematic injustice. (Taylor, “Politics” 250)⁴⁸

Though I will not discuss Aristotle’s ideal city in detail, there is one point which is essential to helping us answer our question about *moicheia*, and this is that Aristotle takes his ideal political community to be a product of nature; it arises out of Aristotle’s political naturalism.

Of course, all are familiar with the oft-quoted phrase, “man is by nature a political animal” (1253a2-3).⁴⁹ Though there is much interpretative work that has been done on the meaning of this phrase, I want to focus on the word “nature.” As some read it, this “nature” is the same “nature” or *phusis*—the metaphysical concept—that is found in *Physics* II and in different parts of the *Metaphysics*. However, as Julia Annas points out, Aristotle’s use of *phusis* throughout his works is ambiguous (734-735). *Phusis* can either mean what she denotes as “mere nature” on the one hand, or “full-fledged nature” on the other hand. Mere nature is raw material, or in the case of human beings, those qualities which are given at the outset and which can be developed for good or for ill. In this sense, “mere nature,” is what Aristotle takes it we are meant to nurture and habituate in order to become virtuous human beings. In contrast, “full-fledged” nature is not raw material, but rather a goal or end, a *telos*; this *telos*, moreover, has a normative quality to it. In a discussion of the role of *phusis* in the *Politics*, she quotes Aristotle who says that

⁴⁸ Julia Annas uses this same, quite-suitable, quote to make the same point (738). Of course, I am here emphasizing the less-than-flattering features of Aristotle’s ideal community. Despite the obvious, blatantly indefensible aspects of the Aristotelian ideal, for a good discussion of the positive insights Aristotle’s community offers, cf. Ch. 6 of Kraut’s *Aristotle: Political Philosophy*.

⁴⁹ The translation of the *Politics* is Benjamin Jowett’s.

“what we say the nature of each thing is, is what it is when its coming-to-be is completed” (1252b32-33).⁵⁰ As she puts it, this full-fledged nature “establish[es] a norm, by virtue of being the appropriate end-point of a thing’s development” (735). In other words, just as we ought to be able to give an account of what a healthy, well-functioning geranium is supposed to be, so we ought to be able to give an account of what a healthy, well-functioning human being is supposed to be. With this idea of full-fledged nature in mind, we are entitled to ask: what does this concept of *phusis* tell us about the laws that are to be in place in Aristotle’s ideal *polis*, or about laws that are naturally just? Just as political communities arise out of the *phusis* of human beings, it is in and through their participation in the political communities that human beings are able to achieve their *telos*. As Aristotle himself tells us:

...the individual, when isolated, is not self-sufficing...but he who is unable to live in society, or who has no need because he is sufficient for himself, must be either a beast or a god...For man, when perfected is the best of animals, but when separated from law and justice, he is the worst of all...if he have not virtue, he is the most unholy and the most savage of animals...(1253a26ff)

One who is outside of the political community is either sub-human or beyond a human being. Outside of the political community, when separated from its laws, the human being is unable to flourish. However, it is within this political community that the human being does flourish. Thus, it seems that in Aristotle’s view the laws in a political community must presuppose an account of what a human being is supposed to be, of “what it is when its coming-to-be is completed,” and most importantly, it is in part these laws that are meant to serve as a guide in helping the human being go from mere nature

⁵⁰ Translation is Annas’s.

to full-fledged nature; they are a prescription of the kind of action that will lead a citizen to achieve his *telos*. Finally, we should be reminded that, as Kraut points out, Aristotle's ideal *polis* is not some Platonic ideal, but rather is meant to be a truly possible, actually realizable ideal (192-193; 1325b39). Hence, if Aristotle takes it that certain laws, or certain types of laws would lead a human being from mere nature to full-fledged nature, this is because he considers the move from nature to full-fledged nature to be a truly possible one. The absolute prohibition against *moicheia*, then, is meant to contribute to our flourishing *qua* human beings and is one that is not meant to be some super-human ideal, but rather one that is truly realizable.

Let us notice the upshot of these claims about human nature for Aristotle's ethical system. These moral prohibitions are such that, according to Aristotle, they hold not merely under ideal circumstances, not for the most part, not as helpful suggestions, but always, regardless of the circumstances. I had asked at the end of the last section whether my view would have resources that allowed for a view of justice that precluded consequentialism, since talk of explaining the wrongness of *moicheia* in terms of the vicious guiding emotion could not preclude it. It seems that this talk of laws that have "the same force everywhere," and their being a normative, realizable ideal, rooted in human nature are just those resources. It is in this light that we should read the by now familiar: "But presumably there are some things we cannot be compelled to do" (1110a26-28). Under my interpretation, Aristotle holds that certain actions—among them *moicheia*—are so contrary to human nature, that despite whatever philosopher's example we might want to cite, we ought never to do it. We could return to the case of

the Tosca, who is prompted by Scarpia to engage in *moicheia* in order to save the life or her endangered lover Mario. Worse, we might imagine that Tosca is prompted to engage in *moicheia* in order to save the lives of ten, twenty, or more people so endangered. Naturally, at least one kind of utilitarian response is that she ought to do it, since it would increase the greatest happiness of the greatest majority. However, under the interpretation I present here, it seems that Aristotle would say that the Tosca “should accept the most terrible sufferings and death” rather than engage in *moicheia*.

Considerations of Mario aside, in my reading of Aristotle, it seems that Tosca’s engaging in *moicheia* would militate not only against the *nomoi* and common good of her political community, but further, it would militate against her flourishing *qua* human being. Though our intuitions might not go as far as granting such an absolute prohibition against *moicheia*, that seems to be the force of Aristotle’s talk of laws that are just by nature as based on human nature. A consequentialist argument might be made, and such an argument might even be ultimately correct. What is important here though, is that, as I mentioned earlier, there seems to be nothing in Aristotle’s text that suggests such reading; however meritorious a consequentialist reading might be in its own right, it is ultimately un-Aristotelian.

3.6 Aristotle, Phusis, Virtue and the 21st Century

Given that what Aristotle is ultimately using to defend his claim of absolute moral prohibitions is an appeal to human nature, we might have cause for concern. Ought we not to be worried about the other things that he justifies through this appeal to human nature? By appeal to human nature, he defends the institution of slavery. By

appeal to *phusis* he defends the subjugation of women as mere homemakers who are intellectually unfit for political participation. As much or as little as we might want an absolute prohibition of *moicheia*, do we want to follow suit with Aristotle by appealing to *phusis*? Putting the question differently, how are we to evaluate Aristotle's ultimate explanation? Should we feel dissatisfied with Aristotle's ultimate explanation for the striking, almost Kantian claim that certain things are always wrong?

Two things should be said here. First, whatever we ultimately make of Aristotle's appeal to *phusis*, we should not deny the possibility of deriving any moral claims from such a concept just because of the questionable conclusions Aristotle draws from his particular concept. There are two different claims here: first, there is the notion of grounding any kinds of ethical norms on some concept of human nature and second, there is Aristotle's particular concept of human nature and the ethical norms that he draws from it. It should be clear that it is in no way obvious that Aristotle's mistakes about his particular concept of human nature denies the possibility of the first of these claims; it would be wrong to conclude from Aristotle's mistakes that we cannot in any way ground ethical claims on human nature. To make an even stronger claim, it is not obvious that it follows from Aristotle's undesirable conclusions that even his own specific concept of human nature is philosophically bankrupt. It is quite possible that the concept itself is genuinely useful and that Aristotle just drew erroneous inferences from it. The second thing that should be said is whether there is any real promise for the concept of *phusis*—or something like it—in ethical discourse, even if we grant that it does not follow from Aristotle's presumably faulty inferences that the concept

necessarily leads to immoral conclusions. This question takes us far beyond the historical Aristotle and into work of contemporary virtue ethicists of an Aristotelian meta-ethical bent. Though fully addressing such a question would be a matter worthy of a longer discussion, some contemporary ethicists argue that *phusis*—or what is termed Neo-Aristotelian Ethical Naturalism—is a useful concept, that we can right Aristotle’s philosophical wrongs and pick up where he left off. Among these proponents, probably the most prominent are Philippa Foot and Rosalind Hursthouse; to some extent we could speak of Alasdair MacIntyre as holding a similar position as well.⁵¹ Undeniably, there’s quite a bit of philosophical work to be done in this area if we want to appeal to human nature to derive normative claims, and advocates of Neo-Aristotelian Ethical Naturalism are not without their opponents.⁵² Nevertheless, the state of the debate, together with the relative green status of virtue ethics in analytic philosophy, at least suggests that it is potentially fruitful line of philosophical work.

Whatever direction this contemporary project ultimately takes, we have to admit that these claims about human nature bring out a striking feature that seems to hold true for all of Aristotle’s ethical thought. What is at the foundation of his theory of virtue is not simply talk of excess and deficiency, of too much and too little. Rather, it is talk about what it is to be a human being and what is good for us as human beings that is at the root of the talk about virtue. In this sense, one of Hursthouse’s original complaints

⁵¹ See Foot’s *Natural Goodness*, Hursthouse’s *On Virtue Ethics*, and MacIntyre’s *Dependent Rational Animals*.

⁵² For a critique of several aspects of Hursthouse and Foot’s projects, cf. Gowans. For a defense of their projects published that same year, cf. Hirst. Interestingly, little after her *On Virtue Ethics*, Hursthouse conceded that upon reflection, some of her claims about Neo-Aristotelian Ethical Naturalism might not be as uncontroversial as she originally thought, cf. “Virtue Ethics and Human Nature,” footnote 2.

against Aristotle's doctrine of the mean turns out to be unfounded. Close to the end of the article that was at the focus of my discussion in the previous section, Hursthouse states that:

...courage is not a virtue *because* it is a disposition in a mean; and cowardice and fearlessness are not vices because they are excessive or deficient dispositions. This is to get the order of explanation the wrong way around. Courage is a virtue because it is having the right disposition with respect to fear; cowardice and fearlessness are vices because they are both wrong dispositions with respect to fear. (69)

Since she speaks of getting "the order of explanation the wrong way around," then it seems we ought to say that cowardice and fearlessness are excessive and deficient because they are vices, not that they are vices because they are excessive or deficient. Cowardice and fearlessness, further, are excessive and deficient because they are the wrong dispositions with respect to fear, and if we want to ask *why* they are wrong dispositions with respect to fear, we ought to say that it somehow militates against what it means to achieve one's *telos* as a human being given the *phusis* of a human being. Likewise, then, we should say with Hursthouse that *moicheia* is not wrong *because* it is excessive insofar as the adulterous man is going beyond his proper share. Rather, *moicheia* is excessive because it militates against what it means to achieve one's *telos qua* human being. To go beyond what aids one in achieving this *telos* is to be excessive or deficient, and, given that this *telos* is the frame of reference, ultimately the order of explanation rests upon whatever Aristotle takes human nature to be.

4. CONCLUSIONS

Given all that I have said about *moicheia*, it seems that I can now make some general comments about *klopê* and *androphonia*. To take a possession which belongs to another, or even the life that belongs to another is to go beyond your proper share, a share that is intimately linked with the *nomoi* and the common good of a political community and with what it means to be human. Likewise, if we set aside some of the interpretative problems I mentioned regarding *phthonos*, *epichairekakia*, and *anaischunthia*, we could make the following general comments. Presumably, you could say that *phthonos* is a desire whereby you feel ill-will towards the fact that another member of the *polis* has his proper share, and, in short, you are feeling ill-will towards something that contributes to the common good and thus are engaging in an emotion that is always wrong; we would have to say that to feel resentment towards something that by definition contributes to the common good, is always wrong, and this does not seem like an unreasonable assumption. Likewise, you could say that in *epichairekakia* you are rejoicing at the fact that another has lost his proper share or has less than his proper share, and that in so doing you are rejoicing at an event that always goes against the common good and hence is always wrong. Regarding *anaischunthia*, though Aristotle considers shame only a quasi-virtue, he seems to be pretty clear that shamelessness is a vice, and the explanation for why it is always wrong seems fairly straightforward. Aristotle says that shamelessness is “to feel no disgrace or shame at disgraceful actions,” and that, whether something is actually base or not, insofar as the agent even *thinks* that something is base, she ought not to do it: “if some actions are really disgraceful and

other are base [only] in [his] belief, that does not matter, since neither should be done...” (1128b34, 1128b24-25). In other words, shamelessness includes either performing or thinking one is performing some act which is vicious (which could range from easily explicable cases like cowardice to harder cases like *moicheia*), and not being concerned about the fact that the act is vicious or apparently vicious. Hence, shamelessness is a lack of concern with vicious behavior, and hence always wrong. Having made these general comments, I will now proceed to summarize what I take has been achieved in this project.

First, I claim that the interpretation I present here is a feasible and faithful reading of Aristotle. For one, talk of “one’s share” is present in the discussion of *pleonexia* and particular justice. Let us recall that in the discussion of this vice, Aristotle is explicitly concerned with its fitting in the doctrine of the mean—hence his talk of “equality.” Though Aristotle does not say as much explicitly, why should we say that talk of too much or too little with respect to one’s share should be absent from all other regarding actions except those in which *pleonexia* is the guiding emotion? Aristotle does not seem to suggest that this should be the case. Moreover, the concept of a “proper share” is quite robust, since it is tied up with the ideas of *nomoi*, particular justice, and the common good—albeit all of these are concepts that Aristotle could have spelled out in greater detail. Finally, looking at the case of *moicheia*: if prompted by sexual desire, it is not so much that just any degree of desire is excessive with respect to the wrong objects, but rather, at least in an implicit sense, it is a desire to go beyond one’s proper

share, a desire for an excessive allotment of a share, and one that militates against the fulfillment of what it ultimately means to be human.

However, that is not to say that the project anywhere near complete; there are other areas that ought to be explored to more fully address the question I have been concerned with here. First, there is the matter of addressing not only *moicheia* but also the other actions in a way that is not merely general. Further, a more complete view of this project would address in full both the problems of Aristotle's accounts about the emotions and how this fits into the explanation of their being always wrong. Moreover, given that there are many, varied, and conflicting interpretations of the doctrine of the mean, it would be ideal to see if adopting certain of these views is particularly problematic for the explanation I have offered here, and whether the gloss of the doctrine of the mean that is most clearly Aristotle's seems to fit well with my claims. Also, it would be best to see how Aristotle's account of *phronêsis* and practical reasoning, together with his account of the *phronimos* takes into considerations actions that are always wrong. Quite importantly, too, the discussion of consequentialism was focused on responding to a reading that justified actions like *moicheia* based upon vicious guiding emotions, since that is what one of the prominent views in the literature amounted to. Yet, that is not to say that one could not make a stronger, more sophisticated case for a kind of Aristotelian consequentialist or quasi-consequentialist, though *prima facie* this seems unlikely.⁵³ Finally, I think a more extended discussion of

⁵³ The problem with the quasi-consequentialist view is that the difference between *quasi-moicheia* and *moicheia*—viz. the guiding emotion—was hardly a difference at all given the action that is in question and Aristotle's own texts. However, might we not imagine some other quality that would allow us to say that Tosca's sleeping with Scarpia is in some substantial and non-problematic way different than regular

Aristotle's justification for the existence of laws that are just by nature would be especially useful. Ultimately, it is the appeal to things that "have the same force everywhere" that is doing the explanatory work for Aristotle's absolute moral prohibitions; it is this appeal that allows him to say that the relevant actions and emotions are not only wrong, but rather *always* wrong. Thus, if we are really to get to the heart of the matter, we ought to get clear about Aristotle's conception of human nature and the kind of role this plays in his ethical thought.⁵⁴

instances of *moicheia* and hence morally justifiable by Aristotle's terms? Or at least, might we not get a stronger version of this objection, one which Aristotle is ultimately able to refute?

⁵⁴ It seems that some of this work has begun, albeit, more in connection with the doctrines of the *Politics*. Especially interesting is Fred Miller's book discussing whether we can speak of natural rights in Aristotle, cf. Miller; for multiple articles discussing this book, see the June 1996 symposium in *The Review of Metaphysics* on this topic (Dougherty). It would be particularly interesting to see what claims, if any, this work can help us make about absolute moral prohibitions, and what lines of work need to be developed more.

REFERENCES

- Annas, Julia, "Aristotle on Human Nature and Political Virtue," *The Review of Metaphysics* 49 (June 1996): 731-53. Print.
- Anscombe, G.E.M. "Modern Moral Philosophy." *Philosophy* 33.124 (1958): 1-19. Print.
- Barnes, Jonathan ed. *The Complete Works of Aristotle*. By Aristotle. Princeton: Princeton University Press, 1984. Print.
- Bostock, David. *Aristotle's Ethics*. New York: Oxford University Press, 2000. Print.
- Bosley, R., Shiner, R.A., and Sisson, J.D. eds. *Aristotle, Virtue, and the Mean*. Spec. issue of *Apeiron* 25.4 (1995): 1-221. Print.
- Broadie, Sarah. *Ethics with Aristotle*. New York: Oxford University Press, 1991. Print.
- Burger, R. "Ethical Reflection and Righteous Indignation: *Nemesis* in the *Nicomachean Ethics*." *Essays in Greek Philosophy, IV: Aristotle's Ethics*. Eds. Anton and Preus. Albany: SUNY Press, 1991. 127-140. Print.
- Curzer, Howard J. "A Defense of Aristotle's Doctrine of the Mean." *Ancient Philosophy* 16.1 (1996): 129-138. Print.
- . "Aristotle's Account of the Virtue of Justice." *Apeiron*. 28.3 (1995): 207-38. Print.
- Dougherty, Jude ed. *Aristotle's Politics: A Symposium*. Spec. issue of *The Review of Metaphysics* 49.4 (1996): 731-907. Print.
- Dover, K.J. *Greek Popular Morality*. Indianapolis: Hackett Publishing Company, 1994. Print.
- Foot, Philippa, *Natural Goodness*. Oxford: Clarendon, 2001. Print.
- Gottlieb, Paula. *The Virtue of Aristotle's Ethics*. New York: Cambridge University Press, 2009. Print.
- Gowans, C. "Virtue and Nature." *Social Philosophy and Policy*. 25.1 (2008): 28-55. Print.
- Hardie, W.F.R. *Aristotle's Ethical Theory*. Oxford: Clarendon Press, 1980. Print.
- Hirst, D. "Neo-Aristotelian Attempts to Bind Morality to Human Nature," *Emergent Australasian Philosophers*. 1 (2008): 1-16. Web. 7 Feb. 2011.

Hursthouse, Rosalind. "A False Doctrine of the Mean." *Proceedings of the Aristotelian Society*. 81 (1980-1981): 57-72. Print.

---. "Virtue Ethics and Human Nature." *Hume Studies*, 25.1-2 (1999): 67-87. Print.

---. *On Virtue Ethics*. New York: Oxford University Press, 1999. Print.

Irwin, Terrence, trans. *Nicomachean Ethics*. By Aristotle. Indianapolis: Hackett Publishing Company, 1999. Print.

---. "Ethics as Inexact Science: Aristotle's Ambitions for Moral Theory." *Moral Particularism*. Eds. Brad Hooker and Margaret Little. Oxford: Clarendon Press, 2000. pp. 100-29.

Joachim, H.H. *Aristotle, The Nicomachean Ethics*. Oxford: Clarendon Press, 1955. Print.

Kraut, Richard. "Aristotle's Ethics" *The Stanford Encyclopedia of Philosophy (Summer 2010 Edition)*. Web. 14 June 2010.

---. *Aristotle: Political Philosophy*. New York: Oxford University Press, 2002. Print.

Liddell and Scott. *An Intermediate Greek-English Lexicon*. Oxford: Clarendon Press, 1964. Print.

MacIntyre, Alasdair. *Dependent Rational Animals: Why Human Beings Need the Virtues*. Chicago: Open Court, 1999. Print.

Jowett, Benjamin trans. *Politics*. By Aristotle. *The Basic Works of Aristotle*. Ed. Richard McKeon. New York: Random House, 1941. 1127-1324. Print.

Miller, F. D. Jr. *Nature, Justice, and Rights in Aristotle's Politics*. New York: Oxford University Press, 1995. Print.

Mills, M.J. "Phthonos and Its Related Pathê in Plato and Aristotle." *Phronesis*. 30.1 (1985): 1-12. Print.

Ostwald, M. *Nomos and the Beginnings of Athenian Democracy*. Oxford: Clarendon Press, 1969. Print.

Puccini, G. *Tosca*, trans. by Fisher, B.D. Miami: Opera Journeys Publishing, 2005. Print.

Scheidel, Walter. "Monogamy and Polygyny in Greece, Rome, and World History." June (2008). *Social Science Research Network*. Web. 26 Feb. 2011.

Sparshott, Francis. *Taking Life Seriously*. Toronto: University of Toronto Press, 1994. Print.

Stewart, J.A. *Notes on the Nicomachean Ethics of Aristotle*. Bristol: Thoemmes, 1999. Print.

Taylor, C.C.W. "Politics." *The Cambridge Companion to Aristotle's Ethics*. Ed. Jonathan Barnes. New York: Cambridge University Press, 1995. 233-258. Print.

---, trans. and notes. *Nicomachean Ethics, Books II-IV*. By Aristotle. New York: Oxford University Press, 2006. Print.

Tiles, J.E. "The Practical Import of Aristotle's Doctrine of the Mean." *Aristotle, Virtue, and the Mean*. Eds. Bosley, R., Shiner, R.A., and Sisson, J.D. Spec. issue of *Apeiron* 25.4 (1995): 1-14. Print.

Urmson, J.O. "Aristotle's Doctrine of the Mean." *Essays on Aristotle's Ethics*. Ed. Rorty, A.O. Berkeley: University of California Press, 1980. 157-170. Print.

Welton, W. A., Polansky R., "The Viability of Virtue and the Mean." *Aristotle, Virtue, and the Mean*. Eds. R. Bosley, R.A. Shiner, and J.D. Sisson, Spec. issue of *Apeiron* 25.4 (1995): 79-102.

VITA

Name: Victor Saenz Zavala

Address: 14 E. 2nd Street Box 30393, Calexico, CA, 92231-2618

Email Address: victor.saenz@gmail.com

Education: B.A. Philosophy and Classics, The University of Notre Dame, 2009
M.A. Philosophy, Texas A&M University, 2011