WHOSE JUSTICE (Maximus)

1. Attempted prof. thinking = DISASTEROUS TO CULTURE

5. Modern Argument = Weapon
   - Enlightenment: public debate

7. Derived: TRADITION
   - Justification: nx 1st principles
   - Requires nx context
   - Diversity may = resolvable
   - Examples required

12. Metaphysical: Justice = conflict
   TRADITION: Arg. thru history - INTERNAL / EXTERNAL
   Justice = Extension of GR conflict - 7th/6th BC
   Homer: Dike/Justice

14. Natural / Social order = Themis
   - Role

22. Lack of Self

30. Homeric Inheritance: Excellence = Standards / Systematic
   - Role

33. Justice = Merit / Desert
   - Only avail. thru community —> Polis
   = Good — as such / Desert — as such / 10 Indiv.

35. Directed at Effectiveness

38. Justice in itself = Justice in Goods of Effectiveness

12. Conflict Source

5th C Athens:

48. Pericles: Democratic — Homeric
   - Received wisdom —> Experience

57. Rhetoric = 0
   - Hubris

63. Plato: Justice / Practical, reason = 0 problems
   - Gorgias — sophists: Rhetoric = Athenian — Sicilian Defeat

66. Thucydides: power / Rhetoric: Goods of Effectiveness

70. Plato: Justice — absent from social / political world
   - Requires knowledge (both types)
Republic:

bk 2: reality: use for anything vs. use for good (Plato)
- ends inconclusively (no dialectic inadequate)

78 bk vi: Dialectic = enquirer - rationality: truth/false.
- no longer a test of withstanding contraries

* * *

bk vi: movement toward truth [shift in definition]

* * *

bk vi: Dialectic = direct teaching

* * *

Republic = incomplete: need more education: forms
- including Socrates

* = dilemma: no doctrine: Goods of excellence vs. effectiveness

85 "project completion = Aristotle"

4th c Athens: 0 = I/Socrates 'to Plato / Aristotle

Aristotle:

90 "to Plato: defended actual polis
- not utopian
- collection of constitutions - to determine form

91 Plato: revises Republic in laws w/ experience

96 "Ar: deprivation of social group = no capacity for justice"
- polis = required for human nature

98 incompatibility w/ radical indiv.

100 conclusions always upon to revision
- universe = structured:
  - allows theor./sociological linkage

102 provides context for justice

104 citizenship + virtue (professional/natural)

108 civic/indiv. virtue is incompatible
- experience = appropriate w/ virtue + indiv.

112 virtue: own sake 'to negative constraints

114 - experience they habits

* * *

Justice + phronesis (practical): mutually required

116 phronesis & rule - governed

* * *

required of judges: epieikeia = equity

122 justice + friendship
- norms tied to indiv. polis
Deliberation: always necessary
but: act as if deliberate, know why

Practical Syllogism w/ premise
- Practical Syllogism: immediate precedent to action
- Variety of reasoning types
- Concrete form of achievement
- United w/ trained desire (by virtue)

Conclusion: no room for inaction

Justice:
Greek (4th-5th): one same Polis
Modern: between individuals

Stoics: 1st to assert universality
Cicero: eclectic 'o stoic
Law: reason

OT: laws = universal
- Universal application (Stoic limit)
Augustine: Cicero -> Plato -> R

Form of justice
Cicero: justice = due
Love: genuine justice 'o pride

City of God / man
- Will / desire (ψ) = innovation 'o Gk: imparation
- Anterior to reason
- Reason ≠ independent (Gk)

Will = ultimate determinant of action
Humility ¥ pride
- Faith -> will

Gregory VII: applied in church reform / canon law / state
- Humility ¥ tyrants
- Power = responsibility

Secular authority: sin / grace: papacy moderates
Contra Aristotle:
- Universality
- Humility / charity
- Will
- Post-life telos
Aquinas:
1. OPEN WORK: TO REVISION
2. SYSTEMATIC
3. TRADITION
4. SINGLE PURPOSE

168 STUDENT: ALBERTUS
   - Augustine revitalized in Ø
   - AVOIDED INTERA ARISTOTELES

174 INDIVIDUALS = CAPACITY FOR RIGHT ANSWERS
   - MUST = ELICITED THRU DIALECTICAL CONSTRUCTION
   - PRACTICAL / DEMONSTRATIVE

177 EDUCATION / VIRTUE DEVELOPMENT
   - LOGIC → PHYSICS → ETHICS
   - Aristotelian (Aquinas Ed.)

ULTIMATE HUMAN END = START POINT

180 TEACHER / FRIEND
   - MULTIPLE WAYS TO DISCOVER
   - JUST THRU JUST ACTION (PRACTICAL)

POSITIVE IDEA: MORAL EDUCATOR (ARISTOTELES)
INEFFABLE: KNOWING DISOBEDIENCE (¢ARISTOTLE)
   - Grace

184 TA: ARISTOTLE - PRACTICAL REASONING
   - AUGUSTINE - DEFECTIVE WILL

186 CONSCIENCE: MAY BE WRONG

188 AQUINAS + NATURAL LAW/GOOD; PRESUMES GOD (¢ARISTOTLE THEISTS)
   ARISTOTLE: GOODS
   - DELIBERATION
   - ORGANIZATION

WILL / CHOICE

191 EVERY HUMAN RESPONSE FOR CONDUCT (¢ARISTOTLE)

194 MAN'S LIFE + RULES
   - PRACTICAL EXPERIENCE
   - Beyond obedience
   - SUBJECT TO VARIANCE - LIMITATIONS OF RULES

196 PRUDENTIA: REASON + PRACTICE
   - ASPECT
Justice: Theol. Dimension = Basic
  - God = Justice
  - What = Owed = thru Natural & Positive Law
  - Relationship: AR, Acquaint, Cicero
  - Commutative / Distrib. Property: Patricially - Limited
  - Positive: Jurisdiction, No Discrim., Iying, Accusation, Represent.

Justice: Strict
  - Unjust Laws Require Disobedience
    - No Force of Law
    - Tyranny: No Legit. Claim
    - Pope = Over Secular

Law: Wronged / No Restoration

Injustice: Sin ("Augustine: Pride")

Natural Excellence (AR) v. Supernatural (Lutheran Calvinism)

Disagreement on: The Good - 17th C.

Competing Contradictions = Norm
  - Indiv. + Social Roles
    - Indiv. = Fund. Category

- Modern State / Market Econ. = Benefits

Theory Types:
  1. Passions / Interests
  2. Non-Passionate Principles

Property = Fund. Factor
  - Internal - Only Standards
  - Burke:
    - Takes on English Class Attributes (Irish)
    - System = Adaptable
    - Opponents = Crime / Rebellion

Scotts:
  - Indep. Rational Indication (Int'l Protestant Heritage)
  - Belief in Evident Truths
  - Science + Evident Truths
  - State's Institutions: Natural Law/Reason
  - % Blackwell: Reduced to Happiness
    - No Other External Standards
    - Past Societal Practice
DEFERENCE TO PAST PRACTICE (PRECEDENT)

Blairistone = Legal Counterpart to Burke
- Dominant English Social Structures
- Restricted Equity
  - 1/6 Scottish: also precedent, external standards
  - Property: Role
    - 1/6 Scottish: indiv. z prior to prop.
- Public Interest
- Theology: Pursuit of Happiness - 1/6 2
  - 1/6 Scottish:

231
1. Calvinist Augustinian - No Free Will -> Grace
2. Person = Quality + Accountable for Actions

239 HUTCHESON: Moral Ø - Antecedent to Law

253 Scottish Foundation:
- All Men = Same Human Nature
  - Basically = Theological
  - Rational Deductivism
- Justice & Passions/Interests
- Reason: Against Passion / To Motivate

260 HUTCHESON:
- Ø = Theory - Rational / Limited Scripture Role: discover will
  - Sense, Perception, Nature
  - Non-Cartesian Skeptic

162 Morality = Grounded in Nature
- Casuistry Influence

265 1. Law & 3/6 Self-Interest
  - Justice = Antecedent

3. Govt.: Remedy Rights Injuries
  - Right, Utility, General Happiness

267 Reason - Morality: Facts
  - Action - Passion (Shaftesbury)
    - No Moral Sig. Outside of Passions
  - Moral Ø -> ¥ (Shaftesbury)

Shaftesbury: 1st Modern Eth. Ø: Altruism - Self-Interest

267 Break w/ 17th C. Rationalism - Cultural Theology
  - ¥ Introspection, Catalogue
270. "

CRITICAL WAY OF IDEAS - PERCEPTION -> SHARED KNOWLEDGE

MORAL SENSE: ERRONEOUSLY ATTRIBUTED TO ARISTOTELE

272.

IMPROVEMENT VIA EXERCISE /& REASON

PERCEIVE FIRST PRINCIPLES

274.

REASON ERRONEOUSLY /& ARISTOTELEAN

/8 ARISTOTEN: ALL JUDGMENT IS RIGHT REASON: PHENOMENAL

VIRTUES - EDUCATION

277.

ARISTOTLE /& CALVIN: JUSTICE: TRANSFORM PERSONAL

EVIDENT MORAL TRUTHS

278.

HUME: DISCARDED SCOTTISH

CALVINISM

281.

FROM HUTCHESON:

REASON = INERT /& ARISTOTELE

UNIFORM HUMAN NATURE

284.

CICERO: CATALOG OF VIRTUES - /8 HUTCHESON = CICERO & VIRTUE CATALOGUE

291.

IDENTITY: SOCIAL - MORAL: W/O RATIONAL JUSTIFICATION

THEORY OF PASSIONS

295.

PASSIONS -> PROPERTY

JUSTICE = SERVES ENDS OF PROPERTY

HUMAN NATURE: 18TH C. EDITION

ARISTOTLE: JUSTICE REQUIRES SPECIFIC ROLE: SOCIETY: CITIZEN

HUME: SATISFACTION OF PASSIONS: CONSUMER

300.

WILL: EFFECT OF PAIN/PLEASURE -> PASSIONS (W/O REASON)

TRUTH AS OBJECT OF DESIRE

302.

PASSIONS & EMOTION - PRELINGUISTIC / PRECONCEPTUAL

JUDGMENT = BASIS FOR ACTION

REASON:

- THINGS CONCERNED W/PASSION
- ACHIEVEMENT OF THINGS SET BY PASSIONS
- SLAVE OF THE PASSIONS

307.

JUSTICE & PUBLIC INTEREST

JUSTICE: RULES OF PROPERTY & THEIR ENFORCEMENT

UNMODIFIED BY HUMAN NEEDS

/8 ARISTOTLE: AGUINAS: NO EXCEPTIONS

ANTICIPATES BLACKSTONE
308 Prop. Rules: PREVENT SOCIAL INSTABILITY

310 REGARD FOR JUSTICE & NATURAL SENTIMENT
- EXTENDS THRU SYMPATHY / SELF-CONCERN
- GOVERN: NEEDED TO ENSURE 3 LAWS OF NATURE:
  - STABILITY OF POSSESSION OF PROP.
  - NO TRANSFER W/O CONSENT

312 KEEPING OF PROMISES

315 GOVERN LEGITIMACY: LONG POSSESSION / PRESENT POSSESS.

318 O - AS - SENTIMENT + TASTE

320 MAJORITY REASONING = SOUND REASONING
- LIKE ARISTOTLE: PRACTICAL RATIONALITY - INFORMED VIA COMMUNITY
- DIFFERENT CONCEPTIONS OF JUSTICE

324 O CHAMPION OF UN-O (ENGLISH) CULTURE

334 TRADITION: INDEPENDENT, MORAL STANDPOINT = PROBLEMATIC
- UNIVERSALITY = THIN CONCEPT

337 LIBERAL SOCIETY:
- DISADVANTAGED = NO ABILITY TO BARGAIN
- SELF = MOVEMENT IN COMPARE/R ATM. ATTITUDES
- JUSTICE RULES: BARGAIN ABILITY
  - DESERT = INCOMPATIBLE / IRRELAVANT
- ORDERED PREFERENCES / WANTS

339 ULTIMATE DATA = PREFERENCES

LIBERAL INDIVIDUAL: PRINCIPAL REASON:
- ARISTOTLE: INDIV. AS CITIZEN
- AQVAINAS: INDIV. AS ENIGIDE INTO GOOD
- HUME: INDIV. AS PROPERTY HOLDER / NOU
- LIBERAL: INDIV. AS - INDIV

341 ACTION: ENDURING, 1O ARISTOTLE
- CONFLICT = FREQUENT

343 ENDLESS DEBATE
- INST. LEVEL GROUP PRESS.
- RULES: ALWAYS CHANGING
debate vs. focus vs. substance. Conclusions: legal procedure.

Lawyers vs. S & Clergy of liberalism.

Lib. = Theory: Perpet. of Self -> Tradition
  Alternatives in press: Controlled by elite.

Lib. problem: Formulation of ordered press, I Expression
  Divided Self -> Culture of Therapy
  Common good.

Tradition:
  Burke: Wisdom w/o reflection
  Newman: 2 context

Epistem. Crisis: w/o Trad.

Neumann: Explanation. Continuity. Solution
  Neumann: Yhd Trinity
  Aquinas: Original vs. Augustine
  Quantum Mechanics

Understand Q's w/o ax contexts

Modern debates: Between Liberalism

Shallow Indiv.

Universities: Fiction of Objectivity
  Fiction of shared, objective rationalities 16 Conflict or Trad.

Descartes: In O - begin most difficult pair.