

The Mean of Affective Justice in the Defense of Anger

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In a recent post here, Lubasha Heredia convincingly argues that anger has taken a key place in the recognition of legal legitimacy.¹ Anger is a driving force in motivating the elimination of injustice and expressing the violation of social norms. One immediate question that arises, however, concerns the limits of that anger: To what extent should anger be accepted? A dilemma arises when the law must circumscribe the justice and prudence of angry expression. This post draws on classical philosophy to elaborate on Heredia’s argument, holding that this attitude of the law toward anger should be a mean.

For Aristotle, the virtues, of which justice is one, are dispositions that regulate the generation of passions and their influence on choice.² More simply, virtues are good emotional habits. The goodness of these habits, according to Aristotle, comes from following the mean, or average—a good emotion or choice is one that lies between an excess and a deficiency of that characteristic. Unlike Seneca, who Heredia quotes, Aristotle’s “golden mean” recognizes that anger is sometimes reasonable.³

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¹ Lubasha Heredia, *In Defense of Anger: Reason, Morality, and the Law*, INEQUALITY INQUIRY (Spring 2026), <https://lawandinequality.org/2026/02/19/in-defense-of-anger-reason-morality-and-the-law/>.

² See ARISTOTLE, THE NICOMACHEAN ETHICS OF ARISTOTLE II.2 (David Ross, trans., Oxford University Press, 1925).

³ *Id.*

For all its intuitive power, however, the doctrine of the mean has often been criticized as useless or too narrow.⁴ Amia Srinivasan has noted a tension between Aristotle’s virtue theory and valid non-prudential reasons to express anger.⁵ To Srinivasan, to deny imprudent but apt anger would amount to what she calls, “affective injustice.” Ironically, the latter holds that the doctrine proves too much while the former holds that it proves too little. In the spirit of Aristotle’s mean, we should find a middle course between these theoretical excesses and deficiencies.

The first charge of uselessness against Aristotle’s theory is easy to reconstruct and will help to understand the principle. The Aristotelian motto, “Not too much, not too little,” hardly tells us the moral choice when confronted with an impending decision.⁶ If one understands the role of the mean to be a regulation of reason on emotions, however, the principle takes a new light. St. Thomas Aquinas, a philosopher who greatly influenced legal theory, explains that this view of emotions “indicate a kind of inclination that can be contrary to reason in a twofold way.”⁷ In excess, the emotions may lead reason astray in clouding judgment and overpowering the rectitude of reason. In deficiency, a lack of proper emotions may lead reason astray by downplaying this importance and failing to provide motivation.

The law reflects this sentiment. Anger often mitigates a killing because it clouds the judgment of the killer, making it “not the product of a free will”⁸ which is generally deemed to make criminal acts culpable and punishable.⁹ Nevertheless, the doctrine of provocation does not

⁴ See, e.g., BERNARD WILLIAMS, ETHICS AND THE LIMITS OF PHILOSOPHY 36 (2006).

⁵ See Amia Srinivasan, *The Aptness of Anger*, 26 J. POL. PHIL. 123 (2018).

⁶ For one formulation of the motto, see T. Haddow, Studies in the Ethics of Character feat. Virginia Woolf’s *To the Lighthouse* 42 (2024) (Ph.D. dissertation, University of California, Berkeley).

⁷ THOMAS AQUINAS, COMMENTARY ON THE NICOMACHEAN ETHICS II, ch. 7, sec. 335 (C. I. Litzinger trans., Henry Regnery Co. 1964).

⁸ State v. Faulkner, 483 A.2d 759, 761–62 (Md. 1984).

⁹ See People v. Levitt, 156 Cal. App. 3d 500, 516 (1984).

completely excuse a killing because a grave moral wrong has nevertheless occurred.¹⁰ Indeed, courts have recognized in a paradoxical way that even provoked anger responses must be “reasonable” for a successful provocation excuse.¹¹ Whether or not that criterion is consistent, the principle enshrines in the law a view that some feelings of anger are more reasonable than others. The doctrine of the mean in law informs us by highlighting the primacy of reason and the regulation of emotions.

St. Thomas, drawing upon the traditional conception of anger, holds that anger brings about a “desire for revenge”.¹² If this was the end of the story, Srinivasan would be right to criticize Aristotle’s views, especially in Martha Nussbaum’s formulation, at whom she aims her critique, as too restrictive.¹³ Contemporary use of the word “revenge” connotes a consuming desire to inflict harsh suffering at all costs, and, as Srinivasan points out, not all forms of anger cause the desire for indiscriminate suffering.¹⁴ In fact, this view led Nussbaum to hold that there are few, if any, instances of apt anger as Seneca did.¹⁵ Instead, St. Thomas speaks of “revenge” as a part of justice, even calling the desire for vengeance good. Far the modern connotation of cruelty, a vice that St. Thomas condemns, vengeance seems to imply here a rectification of injustice.¹⁶ A clearer definition of anger then is a reaction to injustice that is composed of the desire to rectify that injustice.¹⁷

¹⁰ On a misconception of this issue, see Samuel H. Pillsbury, *Misunderstanding Provocation*, 43 U. MICH. J.L. REFORM 143 (2009).

¹¹ If a person is reasonable, however, how could they be driven to commit a serious crime and moral offense? See Joshua Dressler, *Why Keep the Provocation Defense?: Some Reflections on a Difficult Subject*, 86 MINN. L. REV. 959, 973 n.65 (2002).

¹² THOMAS AQUINAS, *SUMMA THEOLOGICA I-II*, q. 46, a. 2 (Fathers of the English Dominican Province trans., Christian Classics 1981) [hereinafter ST].

¹³ Srinivasan, *supra* note 3, at 7 (citing MARTHA NUSSBAUM, *ANGER AND FORGIVENESS* (2016)).

¹⁴ *Id.* at 8.

¹⁵ *Id.* at 7.

¹⁶ ST II-II, q. 159, a. 1.

¹⁷ See Srinivasan, *supra* note 3, at 129 n.26 (acknowledging this view as a possibility).

From the perspective of Christian philosophy, which has developed our traditional cultural views of anger, the rectification view of anger lends to both a critique of Nussbaum and a bridge to Srinivasan.¹⁸ When Christ told the apostles to turn the other cheek¹⁹, St. Augustine of Hippo saw it as a command to have an “inward disposition” toward “the virtue of patience”.²⁰ This was not an injunction against attempting to correct injustice but an instruction to extend mercy to offenders where needed. As a corollary, we are told to extend this patience to worldly things, for they matter far less than the justice of God: “Beloved, never avenge yourselves, but leave it to the wrath of God; for it is written, ‘Vengeance is mine, I will repay, says the Lord.’”²¹ St. Paul most clearly states the principle: Be angry but do not sin; do not let the sun go down on your anger, and give no opportunity to the devil. Let the thief no longer steal, but rather let him labor, doing honest work with his hands, so that he may be able to give to those in need.

Ephesians 4:26–28 (Revised Standard Version Catholic Edition).

Nussbaum is therefore correct to warn that intemperate anger can corrupt but was nevertheless wrong to generalize that it is inappropriate to express this desire for rectification. Apt anger requires a correct disposition of patience while maintaining a desire to rectify harm. If a person observes the mean of virtue, they will feel some anger at injustice yet be neither insensitive nor wrathful.

Moreover, the doctrine of the mean and Srinivasan’s concerns need not be at odds. Take her example of a friend’s betrayal.²² Loyalty is owed as a matter of justice, so a friend who disregards that loyalty acts unjustly. Anger toward this betrayal is apt. This anger does not desire suffering but instead recognition. Of course, rectification may require the betrayer to atone in ways other than recognition, but recognition of breach of loyalty is a necessary first step. Still, the offended party must not become too angry nor demand too much. If you neglect to bring me gum

¹⁸ I do not offer Scripture as an authority, but as the context in which these Christian philosophers wrote and an illustration of the principle of the mean as applied to a rectification view of anger.

¹⁹ *Cf.* Matthew 5:39.

²⁰ AUGUSTINE, *CONTRA FAUSTUM*, in 4 NICENE AND POST-NICENE FATHERS, FIRST SERIES bk. 22, ch. 79 (Richard Stothert trans., Philip Schaff ed., Christian Literature Publishing Co. 1887).

²¹ Romans 12:19 (Revised Standard Version Catholic Edition).

²² *See* Srinivasan, *supra* note 3, at 7–8.

before an interview as you promised, I may become upset with you and ask for an apology. I may not fly into a fit of rage and demand steep repayment.

Srinivasan nevertheless shifts her meaning by questioning why apt anger needs to be prudent and identifying imprudence with counterproductivity.²³ If apt expressions of anger are “imprudent” simply because of they are counterproductive, as Srinivasan implies, then we have misconceived prudence.²⁴ Consider the position of martyrs. Was it imprudent for them to confess their beliefs in the face of certain death? Socrates held firm in his philosophical views when faced with the same fate and is widely considered to have been a wise and noble man.²⁵ If neither Socrates nor martyrs were imprudent, then a guard against all future harms is not essential to prudence. To be sure, prudence does involve good foresight, but it must involve some further relation to rightly ordered ends.

Fortunately, traditional philosophy takes precisely this posture. Prudence, to St. Thomas, is the virtue by which reason applies itself to practical matters.²⁶ Prudence is not principally about taking care for future consequences but the way one exercises an action. In other words, prudence relates to knowing when and how to pursue desired ends. Expression of the desire for rectification is a good end given one has responded with a temperate anger. The prudential question is simply regarding how to engage in the expression. There can be apt anger with an inapt expression; still, both the emotion and its expression must be formed according to the principle of the mean. The illicit move then is from the prudent actions of the one expressing anger and the vicious response of the one who would punish them. The expression of anger to a tyrannical regime will cause bad

²³ Srinivasan, *supra* note 3 at 127.

²⁴ *Id.* at 10

²⁵ See THE APOLOGY OF PLATO (James Riddell trans., Clarendon Press, 1867).

²⁶ The cardinal virtue of prudence exists between the deficiency and excess of imprudence and craftiness. See ST II-II, q. 53, a. 2; q. 55, a. 3.

consequences, but the expression may nevertheless be appropriate. The excess or deficiency would then not lie in the one expressing anger but in the pride of the listener.

More to Heredia's point, the state should carefully observe the line between apt and inapt expressions of anger.²⁷ A prohibition of expression that themselves would be injustices—for example, battery, theft, or vandalism—is well within a state's police power because one injustice cannot correct another regardless of political effectiveness. Beyond these bounds, however, the state should not quell expressions of anger toward the injustices committed by the state. Opposing oppression does not entail threatening the rights and safety of individuals. As Heredia points out, anger is not inherently disorder.²⁸ In fact, anger may serve to re-order the political community by rectifying the injustice toward which anger is aimed. Although apt expressions may not be as effective as we might desire, they are a cornerstone to a free self-governing society. To diminish a citizen's capacity to express *apt* anger is to solidify affective injustice in the law.

Two more examples can clarify my point. The man presumably killed by tanks in the famous 1989 photo of the Tiananmen Square massacre was expressing his anger through protest. The efforts of the protestors ultimately led to greater government surveillance, and memory of the event has been nearly wiped out of China due to censorship.²⁹ The man's protest was unproductive—but was it imprudent? No. Conversely, Ted Kaczynski sent bombs in expression of his anger toward technological society, killing three and injuring several others. His domestic terrorism twisted the arms of major media corporations into publishing his manifesto and garnered

²⁷ See generally Heredia, *supra* note 1.

²⁸ *Id.*

²⁹ Kyle Almond, The story behind the iconic 'Tank Man' photo, CNN (May 2019), <https://www.cnn.com/interactive/2019/05/world/tiananmen-square-tank-man-cnnphotos/>.

much attention to his beliefs.³⁰ Kaczynski's expression was productive—but was it prudent, or even just? Also, no.

These extreme cases illustrate the separation between prudence and effectiveness in a way that does not pit the aptness and prudence against each other. Apt anger must have prudent expression, and discouraging imprudent expression is far from unjust. The differences between the Tiananmen man and Kaczynski show how injustice arises when apt, prudent expression is punished and ceases to be productive. We justly punish Kaczynski because of his murderous means, no matter how noble the cause; we empathize with the Tiananmen man because of his impactful courage in the face of injustice, no matter how politically effective it might have been.

It belongs to each person to live according to the mean of virtue, speaking the truth where necessary and expressing emotion where prudent. The goal of the law is to uphold a person's ability to do so. If this fundamental right is stripped and people are forced to conceal their apt emotions altogether, affective injustice reigns. The path to eliminate affective injustice is not to disregard prudent speakers—it is to become just listeners.

³⁰ See *The Unabomber*, FED. BUREAU OF INVESTIGATION (last visited March 2, 2026), <https://www.fbi.gov/history/famous-cases/unabomber>.