

QUESTION 58

Justice

Next we have to consider justice. And on this topic there are twelve questions: (1) What is justice? (*iustitia*)? (2) Does justice always have to do with others? (3) Is justice a virtue? (4) Does justice have the will as the subject in which it exists? (5) Is justice a general virtue? (6) To the extent that it is a general virtue, is justice the same in essence as every virtue? (7) Is there any such thing as particular justice? (8) Does particular justice have its own proper subject matter? (9) Does particular justice have to do with the passions or only with operations? (10) Is the mean of justice the mean of the thing itself? (11) Is the act of justice to render to each individual what is his own? (12) Is justice preeminent over the other moral virtues?

Article 1

Is justice appropriately defined by jurists as “the steadfast and perpetual will to give to each individual what is the right for him”?

It seems that justice is inappropriately defined by jurists as “the steadfast and perpetual will to give to each individual what is the right for him” (*constans et perpetua voluntas ius suum unigue tribuens*):

Objection 1: According to the Philosopher in *Ethics* 5, justice is “a *habit* from which flow certain acts of just individuals and by which they do and will just things.” But ‘will’ (*voluntas*) names the *power* [of willing] or even the *act* [of willing]. Therefore, it is inappropriate for justice to be called a will.

Objection 2: Rectitude of the will is not the will; otherwise, if the will were its own rectitude, then no will would be perverse. But according to Anselm in *De Veritate*, “Justice is rectitude.” Therefore, justice is not a will.

Objection 3: Only God’s will is steadfast, since it is immutable. Therefore, if justice is a fixed will (*voluntas perpetua*), then justice will exist only in God.

Objection 4: Everything that is perpetual (*perpetuum*) is steadfast (*constans*). Therefore, it is superfluous to posit both ‘perpetual and ‘steadfast’ in the definition of justice.

Objection 5: It belongs to the ruler to render to each individual what is the right for him. Therefore, if justice is giving to each individual what is the right for him, then it will follow that justice exists only in the ruler.

Objection 6: In *De Moribus Ecclesiae* Augustine says, “Justice is love serving God alone.” Therefore, it does not render to each individual what is the right for him”

I respond: The definition of justice in question is appropriate as long as it is correctly understood.

For since every virtue is a habit that is a principle of good acts, a virtue has to be defined by reference to a good act with respect to the virtue’s proper subject matter. But as will become clear below (aa. 2 and 8), justice is concerned with what has to do with another as its proper subject matter. And so the act of justice is touched upon by reference to its object and proper subject matter when one says, “... to each individual what is the right for him.” For as Isidore says in *Etymologia*, “A man is called just because he safeguards the right (*iustus dicitur quia ius custodit*).”

Now in order for an act to be virtuous with respect to a given subject matter, what is required is that the act be voluntary (*voluntarius*) and that it be stable and firm (*stabilis et firmus*); for in *Ethics* 2 the Philosopher says that for a virtuous act it is required, first, that one act knowingly (*sciens*); second, that he act by choice and for the sake of a fitting end (*eligens et propter debitum finem*); and, third, that he act firmly (*immobilititer*). The first of these is included in the second, since, as *Ethics* 3 explains, what is done through ignorance is involuntary; and so in the definition of justice one first posits the will in order to show that an act of justice has to be voluntary. Then one adds the part about steadfastness and perpetuity in order to designate the act’s firmness.

And so the definition of justice cited above is a complete definition, except that the act [of willing] is posited instead of the habit that is specified by the act; for a habit is a habit with respect to an act.

And if one wanted to reduce this definition to the normative form of a definition, he could put it this way: “Justice is the habit in accord with which someone, by a steadfast and perpetual will, gives to each individual what is the right for him.” And this is nearly the same definition that the Philosopher posits in *Ethics* 5 when he says, “Justice is the habit by which someone is said to operate in accord with the choice of a just individual.”

Reply to objection 1: ‘Will’ here names the *act* [of willing] and not the *power*. However, it is customary among the authors for the habit to be defined by reference to the act. For example, in *Super Ioannem* Augustine says, “Faith (*fides*) is having faith in (*credere*) what you do not see.”

Reply to objection 2: Justice is rectitude (*rectitudo*) not in its essence (*neque essentialiter*), but only in what it causes (*sed causaliter tantum*); for it is a habit according to which one wills and operates in an upright way (*recte*).

Reply to objection 3: There are two ways in which a will can be called perpetual (*perpetua*):

(a) on the part of *the act itself*, which endures perpetually. And in this sense only God’s will is perpetual.

(b) on the part of *the object*, in the sense that one wills to do something perpetually. And this is what is required for the nature of justice. For it is not sufficient for the nature of justice that one will to preserve justice for the time being in some particular transaction (*ad horam in aliquo negotio*), since there is hardly anyone who wills to act unjustly in *all* matters. Rather, what is required is that a man have the will to preserve justice perpetually and in all matters.

Reply to objection 4: Since ‘perpetual’ (*perpetuum*) is not being taken here in the sense of the perpetual duration of the *act* of will, ‘steadfast’ (*constans*) is not added superfluously—with the result that, just as saying ‘perpetual will’ indicates that someone acts with the intention of preserving justice perpetually, so, too, saying ‘steadfast’ indicates that he perseveres in that intention with firmness.

Reply to objection 5: A judge renders what is the right in the manner of one who *commands* and *directs*, since, as *Ethics* 5 says, “The judge is the just in action (*iustum animatum*),” and “The ruler is the guardian of the just (*custos iusti*).” On the other hand, those subject to them render to each individual what is the right for him in the manner of *execution*.

Reply to objection 6: Just as, in keeping with what was explained above (q. 25, a. 1), the love of neighbor is included within the love of God, so, too, a man’s rendering to each individual what is his due is included in his serving God.

Article 2

Does justice always have to do with others?

It seems that justice does not always have to do with others (*iustitia not semper sit ad alterum*):

Objection 1: In Romans 3:22 the Apostle says, “The justice of God is through faith in Jesus Christ.” But faith does not bespeak a relation of one man to another. Therefore, neither does justice.

Objection 2: According to Augustine in *De Moribus Ecclesiae*, because justice serves God, it pertains to justice “to rule over the other things that are subject to man.” But a man’s sentient appetite is subject to him; this is clear from Genesis 4:7, where it says, “The desire for it, viz., sin, will be close by you, and you must master it.” Therefore, it belongs to justice to master one’s own desires. And so there will be justice with respect to oneself.

Objection 3: God’s justice is eternal. But nothing else was co-eternal with God. Therefore, having to do with others is not part of the essence of justice.

Objection 4: Just as operations with respect to others need to be rectified, so do operations with respect to oneself. But operations are rectified by justice—this according to Proverbs 11:5 (“The justice of the blameless man directs his path”). Therefore, justice is not just about matters that have to do with others; instead, it is also about matters that have to do with oneself.

But contrary to this: In *De Officiis* 1 Tully says that the nature of justice is to be “that by which the society of men among themselves is maintained, along with their common life (*est qua societas hominum inter ipsos et vitae communitas continetur*).” But this implies a relation to others. Therefore, justice involves only those things that have to do with others.

I respond: As was explained above (q. 57, a. 1), since the name ‘justice’ implies equality or balance (*aequalitatem importet*), justice by its nature has a relation to others. For nothing is equal to or balanced with itself; rather, it is equal to or balanced with something else. And since, as has been explained, it belongs to justice to rectify human acts, it must be the case that this otherness that justice requires belongs to diverse individuals with powers of acting. For actions belong to supposita and whole individuals and not, properly speaking, to parts and forms, i.e., to powers, since, properly speaking, it is not the hand that strikes, but the man who strikes by means of his hand. Nor, properly speaking, is it heat that gives warmth; rather, it is the fire that gives warmth by means of its heat. Yet such things are nonetheless asserted because of a certain similitude. Therefore, properly speaking, justice requires a diversity of supposita, and so it belongs only to one man with respect to another.

However, because of a certain similitude diverse principles of action within one and the same man are treated like diverse agents, e.g., reason, the irascible part, and the concupiscible part. And so justice is metaphorically said to exist within one and the same man, insofar as reason commands the irascible and concupiscible parts, and insofar as the latter obey reason—and, more generally, insofar as what is appropriate for each part of a man is rendered to it. That is why, in *Ethics* 5, the Philosopher calls this justice “according to a certain metaphor.”

Reply to objection 1: The justice that exists in us through faith is the justice through which a sinner is justified (*per quam iustificatur impius*) and which consists in the parts of the soul being appropriately ordered in the way that was explained above when we were talking about the justification of the sinner (*ST* 1-2, q. 113, a. 1). Now this pertains to justice in the metaphorical sense, which can be found even in someone who is leading a solitary life.

Reply to objection 2: This makes clear the reply to the second objection.

Reply to objection 3: God’s justice is from eternity as regards His act of will and eternal intention (*secundum voluntatem et propositum aeternum*), and this is what His justice mainly consists in—even though His justice is not eternal as regards its effect, since nothing is co-eternal with God.

Reply to objection 4: A man’s actions with respect to himself are sufficiently rectified when the passions are rectified by the other moral virtues. By contrast, his actions with respect to another stand in need of a special sort of rectification, not only in relation to the agent himself, but also in relation to the one toward whom those actions are directed. And so with respect to such actions there is a special virtue, viz., justice.

Article 3

Is justice a virtue?

It seems that justice is not a virtue:

Objection 1: Luke 17:10 says, “When you have done all that is commanded you, say, ‘We are unprofitable servants; we have done what we were obligated to do.’” But it is not unprofitable (*inutile*) to do the work of a virtue; for in *De Officiis* 2 Ambrose says, “We are speaking about profit—not the

estimation of monetary wealth, but the acquisition of piety.” Therefore, to do what one is obligated to do is not a work of virtue. But it *is* the work of justice. Therefore, justice is not a virtue.

Objection 2: What is done out of necessity is not meritorious. But to render to someone what is his own, which belongs to justice, is a matter of necessity. Therefore, it is not meritorious. But we merit by means of acts of virtue. Therefore, justice is not a virtue.

Objection 3: Every virtue has to do with things that can be *done* (*est circa agibilia*). But as is clear from the Philosopher in *Metaphysics* 9, things that are constituted externally are *made* and not *done*. Therefore, since it belongs to justice to make a work that is just in its own right (*facere aliquod opus secundum se iustum*), it seems that justice is not a moral virtue.

But contrary to this: In *Moralia* 2 Gregory says, “The whole structure of a good work arises within the four virtues,” viz., temperance, prudence, fortitude and justice.

I respond: A human virtue is one that renders a human act good and that makes the man himself good. And this indeed belongs to justice.

For a man’s act is rendered good by attaining the rule of reason, according to which human acts are rectified. Hence, since justice rectifies human operations, it is clear that it renders a man’s work good.

Further, as Tully says in *De Officiis* 1, “It is mainly because of justice that men are called good.” Thus, as he says in the same place, “The splendor of virtue shines forth the most in justice.”

Reply to objection 1: When someone does what he is obligated to do, it does not afford monetary profit to the one for whom he does what he is obligated to do; instead, it only keeps the latter from incurring a loss. Yet he does profit himself to the extent that he does with a spontaneous and prompt will what he is obligated to do—which is what it is to act virtuously. Hence, Wisdom 8:7 says that God’s wisdom “teaches temperance and justice, prudence and fortitude (*virtus*), than which nothing is more profitable to men,” viz., to virtuous men.

Reply to objection 2: There are two sorts of necessity:

One is *the necessity of coercion* (*necessitas coactionis*), and because this sort of necessity is incompatible with the will, it removes the possibility of merit (*tollit rationem meriti*).

The other sort is *the necessity of obligation* imposed either by a command or by the necessity of an end (*necessitas ex obligatione praecepti sive ex necessitate finis*), viz., when one cannot attain the end of a virtue unless he does *this very thing*. And this sort of necessity does not exclude the possibility of merit, because someone does voluntarily what is necessary in this sense. However, it does exclude the glory of supererogation—this according to 1 Corinthians 9:16 (“If I preach the gospel, there is no glory for me, since a necessity lies upon me”).

Reply to objection 3: Justice does not consist in exterior things in the sense that it *makes* them; this belongs to an art or a skill. Rather, justice consists in exterior things in the sense that it makes use of them with respect to others (*utitur eis ad alterum*).

Article 4

Does justice have the will as the subject in which it exists?

It seems that justice does not have the will as the subject in which it exists (*iustitia non est in voluntate sicut in subiecto*):

Objection 1: Justice is sometimes called the truth. But truth belongs to the intellect and not to the will. Therefore, justice does not have the will as the subject in which it exists.

Objection 2: Justice concerns things that have to do with another. But to order something toward another belongs to reason. Therefore, justice has reason—and not the will—as the subject in which it exists.

Objection 3: Justice is not an intellectual virtue, since it is not ordered toward cognition. Hence, it follows that it is a moral virtue. But as is clear from the Philosopher in *Ethics* 1, the subject of a moral virtue is rational by participation, i.e., the irascible part [of the soul] and the concupiscible part. Therefore, justice has the irascible and concupiscible parts—and not the will—as its subject.

But contrary to this: Anselm says, “Justice is the rectitude of the will preserved for its own sake (*iustitia est rectitudo voluntatis propter se servata*).”

I respond: The power that is the subject of a virtue is such that the virtue is ordered toward rectifying the act of that power.

Now justice is not ordered toward directing any cognitive act; for we are not called just from the fact that we have cognition of something in the right way. And so the subject of justice is not the intellect or reason, which is a cognitive power.

On the other hand, since we are called just because we do something in the right way, and since the proximate principle of an act is an appetitive power, it must be the case that justice has an appetitive power as its subject.

Now there are two sorts of appetite, viz., (a) the will, which exists in reason, and (b) the sentient appetite, which follows upon sensory apprehension and which, as was established in the First Part (*ST* 1, q. 81, a. 2), is divided into the irascible appetite and the concupiscible appetite. But to render to each individual what is the right for him cannot proceed from the sentient appetite, since sentient apprehension does not extend to being able to consider the proportion between one thing and another (*non extendit ad hoc quod considerare possit proportionem unius ad alterum*); rather, this is proper to reason.

Hence, justice cannot have the irascible appetite or concupiscible appetite as its subject; instead, it exists only in the will. And this is why the Philosopher defines justice by appeal to an act of will, as is clear from what was said above (a. 1).

Reply to objection 1: The reason why the rectitude of reason, which is called truth and which is impressed on the will because of the will’s proximity to reason, retains the name ‘truth’ is that the will is a rational appetite. And this is why justice is sometimes called truth.

Reply to objection 2: The will tends toward its object following upon reason’s apprehension. And so, since reason orders the will toward another, the will is able to will something in relation to another—which pertains to justice.

Reply to objection 3: As *Ethics* 1 explains, it is not just the irascible and concupiscible parts [of the soul] that are rational by participation, but the whole of the appetitive part, since every appetitive power obeys reason. But the will is included under the appetitive part. And so the will can be the subject of a moral virtue.

Article 5

Is justice a general virtue?

It seems that justice is not a general virtue:

Objection 1: As is clear from Wisdom 8:7 (“It teaches temperance and justice, prudence and fortitude”), justice is co-divided off from the other virtues. But a general virtue is not co-divided off from or enumerated with the species contained under that general virtue. Therefore, justice is not a general virtue.

Objection 2: Just as justice is posited as a cardinal virtue, so, too, are temperance and fortitude. But neither temperance nor fortitude is posited as a general virtue. Therefore, neither should justice be in any sense posited as a general virtue.

Objection 3: As has been explained (a. 2), justice always has to do with others. But a sin against

one's neighbor is not a general sin; instead, it is divided off from a sin by which a man sins against himself. Therefore, neither is justice a general virtue.

But contrary to this: In *Ethics* 5 the Philosopher says, "Justice is all the virtues."

I respond: As has been explained (a. 2), justice orders a man in relation to others. There are two ways in which this can happen: (a) in relation to others considered *individually* and (b) in relation to others *in general*, viz., insofar as one who gives service to a community serves all the men who are contained within that community. Thus, justice can exist with its proper nature in relation to both of these.

Now it is clear that everyone who is contained within a community is related to the community as a part to its whole. But a part is something that belongs to the whole, and so the good of each part is ordered toward the good of the whole. Accordingly, then, the good of each virtue, whether it is ordering a man toward himself or ordering him toward other singular persons, can be referred to the common good, toward which justice orders him. Because of this, acts of all the virtues can belong to justice, and in this regard justice is called a general virtue. And since, as was established above (*ST* 1-2, q. 90, a. 2), it pertains to the law to order things toward the common good, this sort of justice, which is general in the way just explained, is called *legal justice*, viz., because through it a man is harmonized with a law that orders the acts of all the virtues toward the common good.

Reply to objection 1: Justice is co-divided off from, i.e., enumerated with, the other virtues not insofar as it is a general virtue, but insofar as it is a special or specific virtue. This will be explained below (a. 7).

Reply to objection 2: Temperance and fortitude exist in the sentient appetite—more specifically, in the concupiscible and irascible appetites. Now powers of this sort are desirous of particular goods, just as the senses have cognition of particulars. By contrast, justice has as its subject an intellective appetite which is capable of the universal good apprehended by the intellect (*qui potest esse universalis boni cuius intellectus est apprehensivus*). And so justice is better able to be a general virtue than is temperance or fortitude.

Reply to objection 3: Things that have to do with oneself can be ordered toward others, especially toward the common good. Hence, insofar as legal justice orders one toward the common good, it can be called a general virtue. And, for the same reason, injustice can be called a general sin (*peccatum commune*); hence, 1 John 3:4 says, "Every sin is an imbalance (*omne peccatum est iniquitas*)."

Article 6

Is justice, insofar as it is a general virtue, the same by its essence as every virtue?

It seems that justice, insofar as it is a general virtue, is the same by its essence as every virtue (*idem per essentiam cum omni virtute*):

Objection 1: In *Ethics* 5 the Philosopher says that virtue and legal justice "are the same in every virtue, and yet their *esse* is not the same." But things that differ only in their *esse*, i.e., only in their concept, do not differ in their essence (*illa quae differunt solum secundum esse, vel secundum rationem, non differunt secundum essentiam*). Therefore, justice is the same by its essence as every virtue.

Objection 2: Every virtue that is not the same by its essence as every virtue is a part of virtue. But as the Philosopher says in the same place, justice of the sort in question is the whole of virtue and not a part of virtue. Therefore, justice of the sort in question is essentially the same as every virtue.

Objection 3: A virtue does not change its species of habit by the fact that it orders its own act toward some higher end. For instance, the habit of temperance remains the same habit in essence even if its act is ordered toward the divine good. But it belongs to legal justice that the acts of all the virtues are

ordered to a higher end, viz., the common good of the multitude, which takes precedence over the good of one single person. Therefore, it seems that legal justice is in its essence every virtue.

Objection 4: Every good that belongs to a part can be ordered toward the good of the whole. Hence, if it is not ordered toward the good of the whole, then it seems to be empty and useless (*videtur esse vanum et frustra*). But what exists in accord with a virtue cannot be like this. Therefore, it seems that no act can belong to a virtue that does not belong to general justice, which orders it toward the common good. And so it seems that general justice is the same in essence as every virtue.

But contrary to this: In *Ethics* 5 the Philosopher says, “Many are able to act virtuously in matters affecting themselves, but are unable to act virtuously in matters relating to others.” And in *Politics* 3 he says, “The virtue of the good man is not the same absolutely speaking as the virtue of the good citizen.” But the virtue of the good citizen is general justice, through which one is ordered toward the common good. Therefore, general justice is not the same thing as ordinary virtue; instead, the one can be had without the other.

I respond: There are two senses in which something is called general:

In one sense, something is called general *by predication* (*per praedicationem*), in the way that *animal* is general with respect to *man* and *horse* and other things of this sort. What is general in this sense must be the same in essence (*oportet quod sit idem essentialiter*) as the things with respect to which it is general, since the genus belongs to the essence of the species and appears in the definition of the species.

In a second sense, something is called general *by its power* (*generale per virtutem*), in the way that a universal cause is general with respect to all its effects, e.g., the sun with respect to all the bodies that are illuminated or changed by its power. What is general in this sense does not have to be the same in essence as the things with respect to which it is general, since the essence of the cause is not the same as the essence of its effect.

Now in accord with what has already said (a. 5), it is in this latter sense that legal justice is said to be a general virtue, viz., insofar as it orders the acts of the other virtues to its own end—which is to move all the other virtues by its command (*movere per imperium omnes alias virtutes*). For just as charity is said to be a general virtue insofar as it orders the acts of all the virtues toward the divine good, so, too, legal justice is said to be a general virtue insofar as it orders the acts of all the virtues toward the common good. Therefore, just as charity, which has the divine good as its proper object, is a specific virtue as far as its essence is concerned, so, too, legal justice is a specific virtue as regards its essence, because it has the common good as its proper object. And so legal justice exists principally and, as it were, architectonically, in the ruler, whereas in the ruler’s subjects it exists secondarily and, as it were, ministerially.

However, *any* virtue, insofar as it is ordered toward the common good by a virtue of the sort in question—i.e., by a virtue that is specific in its essence but general in its power—can itself be called legal justice. And it is in this manner of speaking that legal justice is the same in essence as every virtue and differs only in concept. And this is the manner in which the Philosopher is speaking.

Reply to objection 1 and objection 2: This makes clear the replies to the first and second objections.

Reply to objection 3: This argument, too, is talking about legal justice in the sense that a virtue commanded by legal justice is itself called legal justice.

Reply to objection 4: Every virtue is such that by its proper nature it orders its own act toward the proper end of that virtue. The fact that this act is ordered toward a further end—whether always or sometimes—is something that it does not have from its proper nature. Instead, there must be some other, higher virtue by which it is ordered toward that further end. And so there has to be a higher virtue that orders all the virtues toward the common good. And this is legal justice, and it is different in its essence from every [other] virtue.

Article 7

Is there particular justice over and beyond general justice?

It seems that there is no such thing as particular justice (*iustitia particularis*) over and beyond general justice (*praeter iustitiam generalem*):

Objection 1: Among the virtues there is nothing superfluous, just as there is nothing superfluous in nature. But general justice sufficiently orders a man concerning everything that has to do with others. Therefore, no sort of particular justice is needed.

Objection 2: *One* and *many* do not make for different species of virtue. But as is clear from what was said above (aa. 5-6), legal justice orders one man toward another with respect to what belongs to the multitude. Therefore, there is no other species of justice that orders a man toward others in those matters that pertain to one single person.

Objection 3: The ‘household multitude’ lies between one single person and the multitude of the city. Therefore, if, besides general justice, there is some other sort of particular justice in relation to an individual person, then by parity of reasoning there should be some other sort of ‘household justice’ (*iustitia oeconomica*) that orders a man toward the common good of an individual family. But no one makes this claim. Therefore, neither is there any sort of particular justice over and beyond legal justice.

But contrary to this: In commenting on Matthew 5:6 (“Blessed are they who hunger and thirst for justice”) Chrysostom says, “What He is calling ‘justice’ is either the universal virtue or else the particular virtue that is contrary to avarice.”

I respond: As has been explained (a. 6), legal justice is not in its essence every virtue; rather, it is necessary that, over and beyond legal justice, which orders a man immediately toward the common good, there be other virtues that immediately order a man with respect to particular goods.

Now these particular goods can have to do either (a) with oneself or (b) with another individual person. So just as, over and beyond legal justice, there have to be certain particular virtues, e.g., temperance and fortitude, that order a man within himself, so, too, over and beyond legal justice there has to be some sort of particular justice that orders a man in matters that have to do with another individual person.

Reply to objection 1: Legal justice does, to be sure, sufficiently order a man *immediately* in those matters that have to do with others as regards the common good, but as regards the good of a singular individual person, legal justice orders him *mediately*. And so there has to be some sort of particular justice that *immediately* orders a man toward the good of another individual person.

Reply to objection 2: The common good of the city and the individual good of a single person differ not only with respect to *many* and *few*, but also with respect to a *formal* difference; for the concept of the common good is different from the concept of the good of an individual, in the way that the concept of the whole differs from the concept of a part. This is why, in *Politics* 1, the Philosopher says, “They do not speak correctly who claim that the city and the home and other things of this sort differ only with respect to *many* and *few* and not with respect to their species.

Reply to objection 3: According to the Philosopher in *Politics* 1, a household multitude is distinguished by three relationships, viz., *wife and husband*, *father and child*, and *master and servant*, in which one of the persons is, as it were, something that belongs to the other. And so, as *Ethics* 5 explains, with respect to a person of this sort there is no justice absolutely speaking, but a sort of species of justice, viz., household justice (*iustitia oeconomica*).

Article 8

Does particular justice have its own specific subject matter?

It seems that particular justice does not have its own specific subject matter (*non habeat materiam specialem*):

Objection 1: A Gloss on Genesis 2:14 (“The fourth river is Euphrates”) says, “Euphrates’ means fertile. And it does not say where it flows, since justice belongs to all the parts of the soul.” But this would not be the case if it had a specific subject matter, since every specific subject matter belongs to some special power. Therefore, particular justice does not have a specific subject matter.

Objection 2: In 83 *Quaestiones* Augustine says, “There are four virtues of the soul by which one lives spiritually in this life, viz., prudence, temperance, fortitude, and justice.” And he explains that the fourth is justice, “which is diffused through all of them.” Therefore, particular justice, which is one of the four cardinal virtues, does not have a specific subject matter.

Objection 3: Justice directs a man sufficiently in matters that have to do with others. But a man can be ordered toward others in all the subject matters that belong to this life. Therefore, the subject matter of justice is general and not specific.

But contrary to this: In *Ethics* 5 the Philosopher posits particular justice specifically with respect to matters that pertain to the sharing of life (*ad communicationem vitae*).

I respond: Anything whatever that can be set right by reason is the subject matter of moral virtue, which, as is clear from the Philosopher in *Ethics* 2, is defined by right reason. Now things that can be made right by reason include (a) the interior passions of the soul, (b) exterior actions, and (c) exterior entities that are used by men. Now the relations of one man to another involve exterior actions and the exterior entities by which men are able to have a common life with one another, whereas the rectification of a man within himself has to do with his interior passions.

And so, since justice is ordered toward others, it does not have to do with the *entire* subject matter of moral virtue, but instead has to do only with exterior actions and exterior entities under the specific notion of its object, viz., insofar as one man is mutually related to another through these actions and entities.

Reply to objection 1: Justice belongs in its essence to the one part of the soul that it has as its subject, viz., the will, which by its command moves all the other parts of the soul. And so justice belongs to all the parts of the soul not *directly* but, as it were, by a sort of *overflow* (*quasi per quandam redundantiam*).

Reply to objection 2: As was explained above (*ST* 1-2, q. 61, aa. 3-4), there are two ways in which the cardinal virtues are understood: (a) as *specific virtues* having determinate subject matters, and (b) as signifying certain *general modes* of virtue.

It is in this latter way that Augustine is talking here. For he says that *prudence* is “cognition of things to be desired and things to be avoided,” and that *temperance* is “holding excessive desire back from things that temporarily give delight,” and that *fortitude* is “firmness of mind in the face of things that are temporarily troublesome,” and that *justice* is “that which is diffused throughout the others, love of God and love of neighbor,” —i.e., that which is the general root of our relation to others.

Reply to objection 3: The interior passions, which are a part of the moral subject matter, are not in their own right ordered toward others; this instead belongs to the specific nature of justice. However, the effects of the interior passions, viz., exterior operations, can be ordered toward others. Hence, it does not follow that the subject matter of justice is general.

Article 9

Does justice have to do with the passions?

It seems that justice has to do with the passions:

Objection 1: In *Ethics 2* the Philosopher says, “Moral virtue has to do with pleasures and pains” (*est circa voluptates et tristitias*). But as was established above when we were talking about the passions (*ST 1-2*, q. 23, a. 4 and q. 35, a. 1), pleasure (*voluptas*), i.e., enjoyment (*delectatio*), and pain are passions. Therefore, since justice is a moral virtue, it will have to do with the passions.

Objection 2: Operations with respect to others are made right by justice. But operations of this sort cannot be made right unless the passions are rectified, since disorder in these operations stems from disorder among the passions. For instance, one engages in adultery because of the desire for sexual pleasure, and one engages in theft because of the desire for money. Therefore, justice must have to do with the passions.

Objection 3: Just as particular justice is ordered toward others, so, too, is legal justice. But legal justice has to do with the passions; otherwise, it would not extend to all the virtues, some of which clearly have to do with the passions. Therefore, justice has to do with the passions.

But contrary to this: In *Ethics 5* the Philosopher says that justice has to do with operations.

I respond: The truth about this question is apparent from two things:

First, *from the very subject itself of justice*, i.e., from the will, whose movements or acts are not passions, as was established above (*ST 1-2*, q. 22, a. 3 and q. 59, a. 4); instead, it is only the movements of the sentient appetite that are called passions. And so justice does not have to do with the passions in the way that temperance and fortitude, which belong to the irascible and concupiscible appetites, have to do with the passions.

Second, *on the part of the subject matter*. Justice has to do with things that are ordered toward others. But we are not ordered immediately toward others by the interior passions. And so justice does not have to do with the passions.

Reply to objection 1: Not every moral virtue has to do with pleasures and pains as its subject matter; for instance, fortitude has to do with fear and audacity (*est circa timores et audacias*). On the other hand, every moral virtue is ordered toward pleasure and pain as certain consequent ends; for as the Philosopher says in *Ethics 8*, “Pleasure and pain are the principal end with respect to which we say of each thing that *this* one is bad and *this* one is good.” And this is the sense in which pleasure and pain belong to justice; for as *Ethics 1* says, “There is no just man who does not rejoice in just operations.”

Reply to objection 2: Exterior operations are a sort of middle ground between the exterior things that serve as their subject matter (*materia*) and the interior passions that are their starting points (*principia*). Now sometimes there is a defect in one of these without there being a defect in the other—as, for instance, when someone snatches something that belongs to another individual not because he wants to have it, but because he wants to harm that individual, or, conversely, when someone desires a thing that he nonetheless does not want to steal.

Therefore, the rectification of operations belongs to justice insofar as those operations are terminated in exterior things, whereas their rectification with respect to what arises from the passions belongs to the other moral virtues that have to do with the passions. Hence, *justice* prevents the stealing of what belongs to another insofar as this is contrary to establishing the right balance (*contra aequalitatem constituendam*) among exterior things, whereas *generosity* (*liberalitas*) prevents it insofar as it proceeds from an excessive desire for wealth. However, since exterior operations take their species from the exterior things that are their objects, and not from the interior passions, it follows that, speaking *per se*, exterior operations are more the subject matter of justice than they are of the other moral virtues.

Reply to objection 3: The common good is the end of individual persons who live in a

community, just as the good of the whole is the good of each part. But the good of one individual person is not the good of another individual person.

And so legal justice, which is ordered toward the common good, is more able to extend to the interior passions by which a man is disposed in such-and-such a way within himself, than is particular justice, which is ordered toward the good of another individual person. This is so, even though legal justice principally extends to the other virtues with respect to their exterior operations—viz., to the extent that, as *Ethics 5* points out, “the law commands one to do the acts of a brave individual ... and the acts of a temperate individual ... and the acts of a gentle individual.”

Article 10

Is the mean of justice the mean of the thing itself?

It seems that the mean of justice is not the mean of the thing itself (*non sit medium rei*):

Objection 1: The nature of a genus is preserved in all its species. But in *Ethics 2* virtue is defined as “an elective habit which exists in a mean (*in medietate*) determined by reason with respect to us.” Therefore, in the case of justice there exists a mean of reason and not a mean of the thing itself.

Objection 2: In things that are good simply speaking (*bona simpliciter*) there is no room for *too much* and *too little* (*non est accipere superfluum et diminutum*); as *Ethics 2* says, this is clear in the case of the virtues. But as *Ethics 5* says, justice has to do with things that “are good simply speaking.” Therefore, in the case of justice there is no mean of the thing itself.

Objection 3: The reason why, in the case of the other virtues, one says that there is a mean of reason and not a mean of the thing itself is that the mean is taken in different ways in relation to different persons; for as *Ethics 2* says, what is too much for one person is too little for another person. But this is likewise seen in the case of justice; for someone who strikes the ruler is not punished by the same punishment as someone who strikes a private person. Therefore, it is likewise the case that justice has a mean of reason and not a mean of the thing itself.

But contrary to this: In *Ethics 5* the Philosopher assigns a mean to justice according to an arithmetical ratio that is the mean of the thing itself.

I respond: As was explained above (*ST 1-2*, q. 60, a. 2), the other virtues have to do mainly with the passions, the rectification of which occurs only in relation to *this particular man* whose passions they are, i.e., so that he is as indignant or desirous as he should be, given his different circumstances. And so with virtues of this sort the mean is taken not from the proportion of one thing to another thing, but solely in relation to the virtuous individual himself. Because of this, in the case of these virtues the only mean is *in accord with reason as regards us* (*est medium solum secundum rationem quoad nos*).

By contrast, the subject matter of justice is an exterior operation insofar as it itself, or the thing that it makes use of, has an appropriate proportion to some other person. And so the mean of justice consists in a certain balance or equality of proportion (*consistit in quadam proportionis aequalitate*) on the part of the exterior thing with respect to an exterior person. But as *Metaphysics 10* explains, balance or equality is a certain mean between *more* and *less*. Therefore, justice has a mean belonging to the thing itself.

Reply to objection 1: This mean of the thing is also a mean of reason. And so the definition of a moral virtue is preserved in the case of justice.

Reply to objection 2: There are two senses of *good simply speaking*.

In one sense, what is good simply speaking is something that is good in all respects, in the way that the virtues themselves are good. And there is no such thing as a mean or extremes in the case of things that are good simply speaking in this way.

In the second sense, something is called good simply speaking because it is good without

qualification (*absolute bonum*) when it is considered in its own nature, although it can become bad because of misuse; this is clear in the case of riches and honors. And with respect to such things, there can be too much, or too little, or a mean with respect to men (*in talibus potest accipi superfluum, diminutum, et medium quantum ad homines*), who are able to use things either well or badly. And it is in this sense that justice is said concern things that are good simply speaking.

Reply to objection 3: Injuries inflicted on a ruler have a different proportion than do injuries inflicted on a private person. And so it is necessary to make up for (*adaequare*) the injuries in different ways through punishment. This pertains to a diversity in the thing and not just to a diversity in reason.

Article 11

Is the act of justice to render to each individual what is his own?

It seems not to be case that the act of justice is to render to each individual what is his own (*reddere unicuique quod suum est*):

Objection 1: In *De Trinitate* 14 Augustine attributes “assisting the needy” to justice. But in assisting the needy we do not give them what is theirs; instead, we give them what is ours. Therefore, it is not the case that the act of justice is to give each individual what is his own.

Objection 2: In *De Officiis* 1 Tully says, “Beneficence, which can be called benignity or generosity, belongs to justice.” But it belongs to generosity to give what is one’s own to another and not to give to someone what belongs to him. Therefore, it is not the case that the act of justice is to render to each individual what is his own.

Objection 3: It belongs to justice not only to dispense things in the appropriate way, but also to hold in check injurious actions such as homicide, adultery, and others of this sort. But rendering to someone what is his own seems to be relevant only to dispensing things. Therefore, the act of justice is not adequately made known by claiming that its act is to render to each individual what is his own.

But contrary to this: In *De Officiis* 1 Ambrose says, “It is justice that renders to each individual what is his own and that does not claim what belongs to someone else; it disregards its own profit in order to safeguard communal harmony (*ut communem aequitatem custodiat*).”

I respond: As was explained above (aa. 8 and 10), the subject matter of justice is an exterior operation insofar as it itself, or the things that we make use of through it, is proportioned to another person toward whom we are ordered by justice. But that which is owed to each person in accord with a balance of proportion is said to be “his own.” And so the proper act of justice is nothing other than rendering to each individual what is his own.

Reply to objection 1: Since justice is a cardinal virtue, certain other secondary virtues are joined to it, for instance, mercy, generosity, and others of this sort, as will be explained below (q. 80). And so assisting the needy, which belongs to mercy or piety, and doing good deeds generously, which belongs to generosity, are attributed to justice by tracing them back to it (*per quandam reductionem*) as a principal virtue.

Reply to objection 2: The reply to the second objection is clear from this.

Reply to objection 3: As the Philosopher explains in *Ethics* 5, every excess in matters that pertain to justice is called a ‘profit’ (*lucrum*) by an extended meaning, just as everything that comes up less is called a ‘loss’ (*damnum*). The reason for this is that justice is first an exercise, and it is most commonly exercised in the voluntary exchange of things, as in buying and selling, in which the names ‘profit’ and ‘loss’ are used properly. And from there these names are extended to everything that justice can have to do with. What’s more, the same line of reasoning holds for the phrase ‘to render to each individual what is his own’.

Article 12

Is justice preeminent over all the moral virtues?

It seems that justice is not preeminent over all the moral virtues:

Objection 1: It pertains to justice to render to another what is his own. On the other hand, it belongs to generosity (*liberalitas*) to give from what is one's own, which is more virtuous. Therefore, generosity is a greater virtue than justice.

Objection 2: Nothing is made ornate except by something more becoming than it. But *Ethics* 4 says, "Magnanimity is the ornament of both justice and all the virtues." Therefore, magnanimity (*magnanimitas*) is more noble than justice.

Objection 3: As *Ethics* 2 says, virtue has to do with "what is difficult" and "what is good." But as *Ethics* 3 points out, fortitude has to do with more difficult things than justice does, viz., with the dangers of death. Therefore, fortitude is more noble than justice.

But contrary to this: In *De Officiis* 1 Tully says, "The splendor of virtue shines forth most brightly in justice, from which good men take their name."

I respond: If we are speaking of *legal justice*, then it is clear that justice is the most outstanding of all the moral virtues, insofar as the common good is preeminent over the individual good of a single person. Accordingly, in *Ethics* 5 the Philosopher says, "The brightest of the virtues seems to be justice, and neither Hesperus (*Hesperus*) nor Phosphorous (*Lucifer*) is as admirable."

But even if we are speaking of *particular justice*, justice is preeminent among all the moral virtues, and this for two reasons:

The first reason can be taken from the *subject* of justice, viz., because justice exists in a more noble part of the soul, viz., in the rational appetite or will, whereas the other moral virtues exist in the sentient appetite that the passions, which are the subject matter of the other moral virtues, belong to.

The second reason is taken from the *object* of justice. For the other virtues are praised only with respect to the good of the virtuous individual himself. Justice, by contrast, is praised insofar as a virtuous individual treats someone else well, and so, as *Ethics* 5 points out, justice is in some sense the good of the other. This is why, in *Rhetoric* 1, the Philosopher says, "It must be the case that the greatest virtues are those which are the best for other people, since a virtue is a power that does good. The reason why people honor brave men and just men the most is that fortitude is useful to others in battle, whereas justice is useful to others in both war and peace."

Reply to objection 1: Even though generosity gives from what is one's own, still, it does this insofar as one is considering the good of his own virtue in this. By contrast, justice gives to another what is his own as if it is considering the common good.

Furthermore, justice is observed with respect to everyone, whereas generosity cannot be extended to everyone.

Again, generosity, which gives from what is one's own, is founded upon justice, through which what is his own is preserved for each individual.

Reply to objection 2: Insofar as it supervenes upon justice, magnanimity adds to its goodness, but without justice it would not even have the nature of a virtue.

Reply to objection 3: Fortitude has to do with things that are more difficult, but it does not have to do with better things. For as has been explained, fortitude is useful only in war, whereas justice is useful in both peace and in war.