

QUESTION 80

The Potential Parts of Justice

Next we have to consider the potential parts of justice, i.e., the virtues that are annexed to it. And on this topic there are two things to be considered: First, we have to consider which virtues are annexed to justice (question 80). And, second, we have to look into each of the individual virtues annexed to justice (questions 81-120).

The Only Article

Are the virtues annexed to justice suitably enumerated?

It seems that the virtues annexed to justice are not suitably enumerated:

Objection 1: Tully enumerates six of them, viz., religion (*religio*), piety (*pietas*), gratitude (*gratiam*), vindication (*vindicatio*), respectfulness (*observantia*), and truthfulness (*veritas*). But vindication is itself a species of commutative justice, according to which, as was explained above (q. 61, a. 4), vengeance (*vindicta*) is paid back for injuries inflicted. Therefore, it should not be posited among the virtues annexed to justice.

Objection 2: In *Super Somnium Scipionis* Macrobius posits seven of them, viz., innocence (*innocentia*), friendliness (*amicitia*), concord (*concordia*), piety, religion, affection (*affectus*), and being humane (*humanitas*), several of which Tully overlooks. Therefore, it seems that the virtues adjoined to justice are not adequately enumerated.

Objection 3: Five parts of justice are posited by certain others, viz., *obedience* with respect to a superior (*obedientia respectu superioris*), *discipline* with respect to a subordinate (*disciplina respectu inferioris*), *fairness* with respect to equals (*equitas respectu aequalium*), and faithfulness and truthfulness with respect to everyone (*fides et veritas respectu omnium*). Of these, Tully posits only truthfulness. Therefore, he seems to have inadequately enumerated the virtues annexed to justice.

Objection 4: Andronicus Peripateticus posits nine parts annexed to justice, viz., generosity (*liberalitas*), kindness (*benignitas*), vindication (*vindicativa*), good sense (*eugnomyia*), piety (*eusebia*), gratitude (*eucharistia*), sanctity (*sanctitas*), good exchange (*bona commutatio*), and good lawmaking (*legispositiva*). Of these, again, it is clear that Tully posits only vindication. Therefore, he seems to have given an inadequate enumeration..

Objection 5: In *Ethics 5* Aristotle posits equitableness (*epieikeia*) as adjoined to justice. But it seems that no mention was made of it in the foregoing enumerations. Therefore, the virtues annexed to justice have not been adequately enumerated.

I respond: There are two things that have to be taken into consideration concerning virtues that are adjoined to some principal virtue: first, that these virtues *agree* in some way with the principal virtue; and, second, that these virtues *fall short* in some way of the complete nature of the principal virtue.

Now since, as is clear from what was said above (q. 58, a. 2), justice is ordered toward others, all virtues that are ordered toward others can by reason of this similarity be annexed to justice. But as is likewise clear from what was said above (q. 58, a. 11), the nature of justice consists in repaying to the other what is *owed to him up to equality* or *in full* (*quod ei debetur secundum aequalitatem*).

Therefore, there are two ways in which a virtue that is ordered toward others might fall short of the nature of justice: (a) insofar as it falls short of the character of *being up to equality* or *in full* (*inquantum deficit a ratione aequalis*), and (b) insofar as it falls short of the character of *being something that is owed* [*in justice*] (*inquantum deficit a ratione debiti*).

A. For there are certain virtues that repay to someone else what is *owed* to him, but that cannot repay it *up to equality* or *in full*.

First of all, whatever is repaid by a man to God is *owed*, but it cannot be *equal*, i.e., such that the

man renders to God as much as is owed to Him—this according to Psalm 115:3 (“What shall I return to the Lord for all that He has given me?”). And on this score what is joined to justice is *religion (religio)*, which, as Tully puts it, “brings to bear the care and veneration of, i.e., the worship of, a higher nature that is called divine.”

Second, as is clear from the Philosopher in *Ethics* 8, parents cannot be repaid up to equality or in full for what is owed to them. And on this score what is annexed to justice is *piety (pietas)*, by which, as Tully says, “one renders service and diligent reverence to those joined to him by blood and to those who are devoted to his homeland.”

Third, as is clear from the Philosopher in *Ethics* 4, a man cannot repay the value of virtue up to equality or in full. And on this score what is adjoined to justice is *respectfulness (observantia)*, by which, as Tully says, “men who are outstanding in some form of worthiness are deemed deserving of reverence and honor.”

B. On the other hand, falling short of *being something that is owed in justice* can be thought of in terms of the two sorts of debt, viz., *moral debt* and *legal debt*, in accord with which the Philosopher designates the two types of justice in *Ethics* 8.

A *legal debt or obligation (debitum legal)* is that which one is constrained to fulfill by law, and the justice that is the principal virtue has properly to do with this sort of debt.

By contrast, a *moral debt or obligation (debitum morale)* is what someone owes out of the uprightness of virtue. And since a debt or obligation involves necessity, there are two degrees of this sort of debt or obligation:

(a) For there is a sort of debt or obligation that is necessary in the sense that *without it moral uprightness (honestas morum) cannot be preserved*, and this degree has more of the nature of a debt.

This debt can be looked at *on the side of the one who is in debt*. And on this score what pertains to this debt is that a man present himself to others, in words and in deeds, such as he is. And so what is adjoined to justice is *truthfulness (veritas)*, through which, as Tully puts it, “what has been or will be is told unchanged.”

The debt can also be looked at *on the side of the one to whom the debt is owed*, so that someone repays another on the basis of what the latter has done. Sometimes this has to do with good things that he has done, and on this score what is adjoined to justice is *gratitude (gratia)*, which, as Tully puts it, “involves the desire to repay another, remembering instances of his friendship and service.” On the other hand, sometimes it has to do with bad things that he has done, and on this score what is adjoined to justice is *vindication (vindicatio)*, through which, as Tully puts it, “violence or injury—or anything derogatory (*obscurum*)—is repelled by defending or avenging oneself.”

(b) The other sort of debt is necessary in the sense of *contributing to a greater degree of moral uprightness*, though a degree without which moral uprightness can still be preserved. This is the sort of debt that *generosity (liberalitas)*, *affability* or *friendliness (affabilitas sive amicitia)*, and other things of this sort have to do with. Tully skips over these in the aforementioned enumeration, since they involve very little of the nature of something that is owed.

Reply to objection 1: The vindication which is executed by authority of a public power in conformity with a judicial sentence belongs to commutative justice. However, the vindication which (a) someone executes by his own initiative and yet is not against the law or which (b) someone requests from a judge belongs to a virtue adjoined to justice.

Reply to objection 2: Macrobius seems to have been looking at the two *integral* parts of justice, viz., *turning away from evil*, which *innocence (innocentia)* pertains to, and *doing good*, which the six other virtues pertain to.

Two of those others pertain to *equals*, viz., *friendliness* in exterior interactions (*amicitia in exteriori convictu*) and *interior concord*, whereas two apply to *superiors*, viz., *piety* with respect to one’s parents and *religion* with respect to God. On the other hand, two have to do with *subordinates*, viz., *affection*

(*affectus*), insofar as their goods please one, and *being humane* (*humanitas*), through which their defects are healed. For in *Etymologia* Isidore says, “Someone is called ‘humane’ because he has love and the affection of compassion for a man, and so ‘being humane’ (*humanitas*) is that virtue by which we take care of one another.”

Accordingly, *friendliness* is understood here insofar as it orders exterior intercourse, in the way that the Philosopher talks about it in *Ethics* 6. Friendliness can also be taken insofar as it properly has to do with affection, as is determined by the Philosopher in *Ethics* 8 and 9. And so three things belong to friendliness (*amicitia*), viz., (a) *benevolence*, which is here called *affection*; (b) *concord*, and (c) *beneficence*, which is here called *being humane*. Tully leaves these out because, as was explained above, they involve very little of the nature of a debt.

Reply to objection 3: *Obedience* (*obedientia*) is included under *respectfulness* (*observantia*), which Tully does posit, since both obedience and the reverence of honor are due to excellent persons. On the other hand, *faithfulness* (*fides*), through which pronouncements are made, is included in *truthfulness* (*veritas*) as regards the fulfillment of promises. However, as will become clear below (q. 109), truthfulness contains more within itself.

Now *discipline* is not owed out of a necessary debt, since no one is obligated to his subordinate insofar as he is a subordinate (though someone can be obligated to a superior to provide for subordinates—this according to Matthew 24:25 (“... the faithful and prudent servant, whom his master places over his own family”).) And this is why Tully skips over it. However, it can be included under *being humane*, which is where Macrobius puts it.

Fairness (*equitas*), on the other hand, falls under *equitableness* (*epieikeia*) or under *friendliness* (*amicitia*).

Reply to objection 4: Certain things that belong to *genuine* justice are posited in this enumeration. For instance, *good exchange* (*bona commutatio*), of which he says that it is “a habit that safeguards equality or balance in exchanges,” belongs to *particular justice*. And *good lawmaking* (*legispositiva*), which is, as he himself says, “the knowledge of political exchanges related to the community,” belongs to *legal justice* as regards those things that have to be observed by everyone (*communiter sunt observanda*).

Now as regards things to be done in particular cases that sometimes lie beyond the common laws, he posits *good sense* (*eugnomyosyna*), i.e., *good judgment in exceptional cases* (*bona gnome*), which, as was established in the tract on prudence (q. 51, a. 4), is directive in such matters. And the reason why he says of it that it is a “voluntary justification” is that by means of it one preserves what is just by his own proper judgment and not according to the written law. Now these two virtues are attributed to prudence as that which *directs* them, but to justice as that which *executes* them.

On the other hand, *piety* (*eusebia*) is here said to be *good worship*, and so it is the same thing as *religion*. This is why he says of it that it is “knowledge of the service of God” (and he says this in the sense in which Socrates claimed that all virtues are types of knowledge.) And as will be explained below (q. 81, a. 8), he traces *sanctity* (*sanctitas*) back to the same thing.

Now *gratitude* (*eucharistia*) is the same as *good thanksgiving* (*bona gratia*), which Tully posits, just as he posits *retribution* (*vindicativa*).

Kindness (*benignitas*) seems to be the same as affection (*affectus*), which Macrobius posits. Hence, in *Etymologia* Isidore says, “Kindness is a man prepared to do good on the spur of the moment and a man gentle in speech.” And Andronicus himself says that kindness is “the habit of doing good spontaneously.”

Generosity (*liberalitas*), on the other hand, seems to belong to *being humane*.

Reply to objection 5: Equitableness (*epieikeia*) is adjoined to *legal* justice and not to *particular* justice. And it seems to be the same as what has been called *good sense* (*eugnomyosyna*).