190 Justice

According to the Philosopher, *Ethics,* book 5,[[1]](#endnote-1) justice is double. One which is general virtue and includes other virtues. Another is spiritual which place equality in exchanges. Concerning the first, Jerome says in *Epistola ad Celantiam*.[[2]](#endnote-2) There are two of the commandments in which total justice is enclosed, namely, one of prohibiting and the other of commanding. So that evils may be prohibited, and goods commanded, Psal. [36:27]: “Decline from evil and do good.” Wherefore Chrysostom, *Homilia* 16,[[3]](#endnote-3) if you think daily what the justice of God is, what he hates or what he loves, his justice shows you his ways. For just as your justice, it flees those hating you, it follows those loving you.

Again, just as one does not arrive at the end except by way of the middle, so neither the kingdom of heaven unless by way of justice. Which justice however will be original. First given to man which he would have held if he had not sinned. Now it is made as if a medium through which one transits to heaven, Matt. 5[:20]: “Unless your justice abound more than that of the scribes and Pharisees, you shall not enter into the kingdom of heaven.” And to Tit. 3[:7]: “Being justified by his grace, we may be heirs, according to hope of life everlasting.”

¶ Concerning justice which is a spiritual virtue, Tully says, *De officiis,[[4]](#endnote-4)* to these who buy and sell, and for those involved in carrying on business, justice is necessary, whose importance is so great, that not even those intent on crimes can live without some part of justice.

¶ If the chief pirate does not equally divide the booty, either he will be killed by his companions or abandoned. Therefore, in scriptures [Isai. 11:5] “Justice shall be the girdle” or belt. For just as a belt goes about him whose it is on every part, so requisite justice observes all things. Therefore, it is said of Christ through Isai. 11[:5]: “Justice shall be the girdle of his loins.” Boys who do not use belts drag their clothes in the mud, thus those who do not use justice dirty themselves.

¶ Therefore it is said of Aaron, Eccli. 50[:14], he girdled himself with justice. There are some great one who make themselves girdles of money, such as the merchants who do not give judgment except on account of money, and thus they decline from justice, Matt. 10[:8-9]: “freely have you received, freely give. Do not possess gold, nor silver, nor money in your purses.” But concerning such ones it is said in Isai. 3[:24]: “Instead of a girdle, a cord,” by which, namely he shall be hanged.

¶ Again, justice is compared to a sword because it is accustomed to be splendid and well-polished, but alas, what is lamented today this sword is so rusted with pits that it is horrible to see and very laborious to draw it from the scabbard of the law, there was not a murmur of injury, but now hardly is it treated outside of murmuring.

Again, this sword was accustomed to be sharp on either side, because it was sparing neither the rich nor the poor. Therefore, Solomon commanded it to be brought hither to him, 4 Kings 3[:24-25]: “Bring me a sword,” … and “Divide the living child in two.” Morally the living infant is divided when to each what is hers is justly given. Because the innocent living child is preserved in judging through a just sentence, and in the next through the evidence of the law it was touched by such a sword, we call it precious. About which Valerius refers, book 6, c. 5,[[5]](#endnote-5) that when it was sanctioned that if anyone with a sword would enter the assembly, he would be put to death immediately. And that one who had made this law just at the same time he was returning home from afar off, with his sword belted on, he entered the assembly. By one of the bystanders he was acclaimed to have broken the law. That one rather to preserve the law killed himself on his own sword. I ask you, explain it, how this one would spare another sinner who has not spared himself.

¶ Morally now this sword on the right side is under the rule of the rich in part and because of the insiders, it is so dulled by favor that one might draw it only to cut butter. On the left side for the rule of the poor and outsiders it is so wickedly sharpened that not for the littlest fault is it left undrawn, and it is very able as if to shave hair. Wherefore today the judges are ready to bear the sword openly on the left side totally to penetrate the poor, according to that of Isidore, *De summo bono*, book three,[[6]](#endnote-6) the poor are more severely lacerated by wicked judges than by cruel enemies. But on the right-hand side this judge is not girded because if the rich man is delinquent this one passes. This is noted that when the road is covered with snow the traveler easily errs, and then there is a good remedy to look back to the rising and the setting of the sun so that thus one can imagine the way up to that point. Thus, when conscience is covered over by the favor of friendship, it is good to look at true guilt by eternal glory just as to the rising of the sun, and to the damnation of hell as to its setting.

¶ Again, according to Bernard,[[7]](#endnote-7) justice is to render to each what is his, so that namely one gives to a superior obedience and reverence. Equally counsel and aid, so that thus by counsel his ignorance may be eradicated, by aid his indigence may be helped. Again, to an underling is owed guardianship and discipline.

¶ The example of these is evident in Esther [1:12].

As for the first[[8]](#endnote-8) concerning someone who killed his son, the equestrian Seviri, because he had acted against the command, although happily he had acted inspiringly, lest in the example of contempt of the imperial order it would be more of evil than of good in victory over the enemy killed.[[9]](#endnote-9)

As for the second,[[10]](#endnote-10) the example concerning Codrus king of the Athenians,[[11]](#endnote-11) who by dying loved the republic more than himself.

As for the third,[[12]](#endnote-12) Aurelian the emperor made his son to take up the office of a foot soldier.

And Octavian[[13]](#endnote-13) had his sons, namely, to be trained to running and leaping and such, Eccli. 7[:25], if “you have children” let them be educated.

Also note this that in order that someone may justly correct or judge another, three things are required. First that in reprehending there is justice, in the reprehended one there is fault, in the reprehension moderation. Wherefore in Psal. [140:5]: “The just shall correct me” the sinner. Behold according to “in mercy,” behold the third and then if follows “and shall reprove me.” For reproving which happens when mercy has moderation, Gal. last chapter [6:1]: “If a man be overtaken in any fault, you, who are spiritual, instruct such a one.”

¶ Also note here that in every case of a lawsuit three things ought to be in the contest: a just cause, a just character, and a just order.

¶ Concerning the first, an evil cause is accustomed to have an evil exit, 1 Tim. 6[:12]: “Fight the good fight of faith.”

¶ Concerning the second, in order that nothing happens with rancor, hate, or fraud, this is against those who provoke or excite their neighbors to a trial, just as Goliath did against David, 1 Kings 17[:43-44]. The example of the wolf[[14]](#endnote-14) who imposed on the lamb with his two lower teeth that he would carry his water, Eccli. 11[:9]: “Strive not in a matter which does not concern you.”

¶ Concerning the third, a just order is required because nothing ought to put off justice being done, Eccli. 28[:13]: “A hasty contention kindles a fire.”

¶ The example of the fool who wishing to extinguish a fire applies straw. Aulus Gellius,[[15]](#endnote-15) the philosopher describes justice thus: justice is a beautiful girl standing erect in heaven, blind in either eye, powerless in either hand as if the judge ought to have under this description first that he ought to have a right intention uncorrupted.

¶ Otherwise the girl has lost her virginity. There it is said Lev. 21[:14]: “A widow or one that is divorced, he shall not take.”

Again, she ought to be blind because the judge ought not to have respect to the right eye for the power of riches nor to the favor of a friend, nor respect to the left eye for the powerlessness of the poor nor to the hate of an enemy, James 2[:2]: “For if there shall come into your assembly a man having a golden ring,” etc.

¶ Again, she ought to be powerless in her hands because the judge ought not to be too easy in his right hand nor too severe in his left, but it is to be much lamented today that this girl has been corrupted, Deut. 22[:20]: “Virginity is not found in the damsel.” Because our judges have decided to cast their eyes on the earth. Thus, it is said in Psal. [25:10], and where the hand is powerless there today ought to be the judge, “Their right hand is filled with gifts.” And according to that of Prov. [3:16]: “In her left-hand riches and glory.” And today she stands erect corrupted in place of the girl, Ose. 4[:1-2]: There is no truth, God in the land. Cursing,” etc.

¶ Again, in any kind of judicial tribunal there is a triple distinction of persons, namely, superiors and prefects who by justly discerning govern this matter of the tribunal. And purity of conscience is especially required in the judge who holds the place of God on earth and exercises that office which is not given to the angels who, although they are read to be assessors or executors of divine judgments, however are not judges according to [1] Thes. [4:17] upon the fourth book of the  *Sentences*, Dist. 47.[[16]](#endnote-16) And according to Augustine Causa 33, quest. 5, c. *Haec imago*.[[17]](#endnote-17) Because of the things now said the just will have as a reward happiness without pain, Psal. [67:4]: “Let the just feast and rejoice before God: and be delighted with gladness,” having security without fear. Wis. 3[:1]: “But the souls of the just are in the hand of God.” And in Psal. [111:7]: “The just shall be in everlasting remembrance: he shall not fear the evil hearing,” a society without rancor. Psal. [36:29; 36:11]: “But the just shall inherit the land,” etc. “and shall delight in abundance of peace.” Again dignity without peril, Wis. 5[:16]: “But the just shall live for evermore,” clarity without cloudiness in the soul or in the body, Matt. 13[:43]: “Then shall the just shine as the sun, in the kingdom of their Father.” And Wis. 3[:7]: “The just shall shine, and like sparks among the reeds.”

Again, perpetuity without end, Matt. 25[:46]: “But the just, into life everlasting.”

1. Cf. Aristotle, *Nicomachean Ethics* 5.1 1129b26-1130a1 (Barnes 2:1783): And therefore justice is often thought to be the greatest of virtues, and 'neither evening nor morning star' is so wonderful; and proverbially 'in justice is every virtue comprehended'. And it is complete virtue in its fullest sense, because it is the actual exercise of complete virtue. It is complete because he who possesses it can exercise his virtue not only in himself but towards his neighbour also; for many men can exercise virtue in their own affairs, but not in their relations to their neighbour. [↑](#endnote-ref-1)
2. Jerome, *Epistola* 148.5 (PL 22:1206): Duo autem sunt genera mandatorum, in quibus clauditur tota justitia. Prohibendi unum est, jubendi alterum. Ut enim mala prohibentur, ita praecipiuntur bona. Ibi otium imperatur, hic studium. Ibi coercetur animus, hic incitatur. [↑](#endnote-ref-2)
3. (Pseudo-)Chrysostom, *Opus imperfectum in Matthaeum,* Homilia 16 ex cap. 6 (PG 56:724): Et si quotidie cogitaveris quae sit justitia Dei, et quid odit, quidve amat, ipsa justitia ostendet tibi vias suas. Nam justitia sicut odientes se fugit, sic amantes se sequitur. [↑](#endnote-ref-3)
4. Cicero, *De Officiis* 2.11 (LCL 30:208): Atque iis etiam, qui vendunt emunt, conducunt locant contrahendisque negotiis implicantur, iustitia ad rem gerendam necessaria est, cuius tanta vis est, ut ne illi quidem, qui maleficio et scelere pascuntur, possint sine ulla particula iustitiae vivere. … qui archipirata dicitur, nisi aequabiliter praedam dispertiat, aut interficiatur a sociis aut relinquatur; quin etiam leges latronum esse dicuntur, quibus pareant, quas observent. [↑](#endnote-ref-4)
5. Valerius Maximus, *Facta et Dicta Memorabilia* 6.5.ext.4 (LCL 493:64): Sed aliquanto Charondae Turii praefractior et abscisior iustitia. ad vim et cruorem usque seditiosas contiones civium pacaverat lege cavendo ut, si quis eas cum ferro intrasset, continuo interficeretur. interiecto deinde tempore e longinquo rure gladio cinctus domum repetens, subito indicta contione sic ut erat in eam processit, ab eoque qui proxime constiterat solutae a se legis suae admonitus, ‘idem’ inquit ‘ego illam sanciam’, ac protinus ferro quod habebat destricto incubuit, cumque liceret culpam vel dissimulare vel errore defendere, poenam tamen repraesentare maluit, ne qua fraus iustitiae fieret. [↑](#endnote-ref-5)
6. Isidore, *Sententiae* 3.52.7 (PL 83:724): Gravius lacerantur pauperes a pravis judicibus quam a cruentissimis hostibus. Nullus enim praedo tam cupidus in alienis quam judex iniquus in suis. [↑](#endnote-ref-6)
7. Bernard, *Sermo* 3.4 (PL 183:45): Justitia virtus est, quod suum est unicuique tribuens. Tribue ergo tribus quae sua sunt. Redde superiori, redde inferiori, redde aequali cuique quod debes, [↑](#endnote-ref-7)
8. *Fasciculus morum* 5.15 (pp. 498-499): Unde narrat Augustinus 5 *De civitate Dei*, capitulo 18, de quodam qui filium suum, pro patria tamen qui contra imperium suum pugnaverat, licet vicisset, occidit, ne plus esset mali in exemplo imperii contempti quam boni in gloria hostis occisi.

On this subject Augustine in book 5 of *The City of god*, chapter 18, tells of one who killed his own son who was fighting for his country, even when he had been victorious, because he ad fought against his command; he did not want the evil that came from the example of disobeying a command to outweigh the good of triumphing over the slain enemy. [↑](#endnote-ref-8)
9. Cf. Augustine, *De civitate Dei* 5.18.2 (PL 41:162): Si alius etiam Romanus princeps, cognomine Torquatus, filium, non quia contra patriam, sed etiam pro patria, tamen quia contra imperium suum, id est contra quod imperaverat pater imperator, ab hoste provocatus juvenili ardore pugnaverat, licet vicisset, occidit; ne plus mali esset in exemplo imperii contempti, quam boni in gloria hostis occisi.

Cf. Ranulph Higden, *Polychronicon* 3*.*22 (Rolls 41:3:330): Iste Torquatus secundum Augustinum de Civitate, libro quinto, capitulo octavo-decimo, proprium filium pro patria pugnantem et vincentem occidit, so quod contra jussum patris pugnasset, ne plus malie foret in exemplo imperii contempti quam boni in gloria hostis occisi. [↑](#endnote-ref-9)
10. *Fasciculus morum* 5.15 (pp.498-501): Unde narrat Augustinus *Cde civitate Dei* et similiter Valerius libro 5 de Codro rege Atheniencium, quod cum bellum instaret inter Athenienses et Poleponenses et acceperunt in responsis quod illi essent future victores quorum dux occideretur. Quod audiens Codrus in habitu pauperis transivit at hostes necemque ab eis per iurgium provocavit. Maluit enim mori dum viverent sui quam vivere suis superatis.

Augustine relates in *The City of God*, as does Valerius in book 5, about Codrus, the king of Athens, that when was was about to break out between Athens and the Peloponnesus, the Athenians received the prophecy that that party would be victorious whose leader was going to be killed. When Codrus heard this, he went disguised as a poor man to his enemies and provoked this own death in a brawl. For he would rther die so tht his people might live, than live while his people were defeated. [↑](#endnote-ref-10)
11. Cf. Augustine, *De civitate Dei* 18.19 (PL 41:576): Per idem tempus Codrus, rex Atheniensium, Peloponnensibus ejusdem hostibus civitatis se interficiendum ignotus objecit: et factum est. Hoc modo eum praedicant patriam liberasse. Responsum enim acceperant Peloponnenses tum demum se superaturos, si eorum regem non occidissent. Fefellit ergo eos habitu pauperis apparendo, et in suam necem per jurgium provocando. Unde ait Virgilius: Et jurgia Codri (Ecl. V, v. 11). Et hunc Athenienses tanquam deum sacrificiorum honore coluerunt.

Cf. Lycurgus, *Against Leocrates* 86-87 (LCL 395:77).

Cf. *Gesta Romanorum* 41 (Stace, p. 111). [↑](#endnote-ref-11)
12. *Fasciculus morum* 5.15 (pp. 500-501): Debet enim princeps cum disciplina regere milites, ut ait Valerius libro 2. Ibi ponit exempla quare puniebant filios suos militarem disciplinam non observantes. Aurelius enim filium suum quia preceptum suum non observavit into pedites fungi coegit.

For a prince must rule his coldiers with discipline, as Valerius says in book 2. There he gives examples of how they punished their sons if they would not keep militry discipline. For Aurelius forced his son to serve in the infantry because he had not carried out his command. [↑](#endnote-ref-12)
13. *Fasciculus morum* 5.15 (pp. 500-501): Octavianus eciam filium suum ad gradum militarem constitutum primjo fecit exercitari ad cursum, ad salutum, ad usum natandi, iaciendi missilia et lapides manu et fundo; et filias eciam suas in lanificio instituit, ut si necessitas ingrueret, per artem sustentari possent. Et ideo Eccliesiastici 7 dicitur: “Si filii tibi sint, erudi illos”; et sequitur: “Si filie tibi sint, serva corpus erum.”

Octavian, too, made his son who was set on a military career first train himself in running, jumping, swimming, and throwing projectiles and stones by hand and slingshot; his daughers at the same time he made learn how to spin, so that they might be able to earn their living by this craft if need compelled them. Therefore it is said in Ecclesiasticus 7: “If you have sons, instruct them,” and afterwards: “If you have daughters, have a care of their body.” [↑](#endnote-ref-13)
14. Cf. Perry index # 160: Iacebat humi lupus, male tractatus a canibus et cibi indigus ac appetens. Visam eminus ovem vocat; rogat ut de vicino fonte sibi aquam afferat. “Quid aqua esurienti?” inquit illa; “quaere tibi prius cibum.” “Sufficit,” inquit lupus, “si potum praestes; de cibo mihi providebo.” Illa, verba et finem lupi subodorans, “Capio te, amice lupe,” ait, “si tibi aquam dedero, dedero etiam cibum; de me te cibaturus es. Vale; alio vocor, longe a tuis dentibus et ventre.” https://fablesofaesop.com/the-wolf-and-the-sheep.html [↑](#endnote-ref-14)
15. Aulus Gellius, *Attic Nights* 14.4.2 (LCL 212:36-37): “Forma atque filo virginali, aspectu vehementi et formidabili, luminibus oculorum acribus, neque humilis neque atrocis, sed

reverendae cuiusdam tristitiae dignitate.”

“Of maidenly form and bearing, with a stern and fearsome countenance, a keen glance of the eye, and a dignity and solemnity which was neither mean nor cruel, but awe-inspiring.’’ [↑](#endnote-ref-15)
16. Peter Lombard, *Sententiae* 4.47.4 (PL 192:955): Purgato vero per ignem mundo, et ad judicium veniente Domino, emittetur vox illa magna qua resurgent omnes mortui; et tunc ministerio angelorum ventilabitur area, quia boni congregabuntur ibi de quatuor partibus mundi angelico ministerio; quo et rapientur obviam Christo in aera, 1 Thess. 4, reprobis in terra quam dilexerunt, remanentibus. [↑](#endnote-ref-16)
17. *Decretum,* Causa 33, quest. 5, c. 13: Hec imago Dei est in homine, ut unus factus sit ex quo ceteri oriantur, habens inperium Dei, quasi uicarius eius, quia unius Dei habet imaginem, ideo que mulier non est facta ad Dei imaginem. Sic etenim dicit: “Et fecit Deus hominem; ad imaginem Dei fecit illum”. Hinc etiam Apostolus: “Vir quidem,” ait, “non debet uelare caput, quia imago et gloria Dei est; mulier ideo uelat, quia non est gloria aut imago Dei”. [↑](#endnote-ref-17)