Justice: Moral Virtue in Society

According to the long tradition of Catholic ethics, justice is a cardinal virtue. More specifically, it is the moral virtue that consists in the constant and firm will to give God and neighbor their due (Catechism of the Catholic Church 1807). Verbally, of course, virtue suggests several things: strength, moral excellence, the perfection of an inclination or power of the soul. What inclination or power then does justice strengthen and bring to perfection? At what excellence does it aim? What are its roots?

Justice and History

Justice has been thought to be many things, but the Catholic conception originates in Sacred Scripture (revelation) and in the work of the pre-Christian philosophers reflecting on natural law (reason). Again and again, the Old Testament uses the expression "the just man" to refer to him who is complete in goodness before God and man. The New Testament teaches the completeness of justice in such passages as Luke's reference (17:7-10) to the "unprofitable" servant who is to profess that he has only done his duty (what he owes his master). The first focused philosophical treatment of justice as a virtue dates back to the work of Plato, whose Republic is dedicated to this theme, and who sees justice as due social order. Previously, justice was known almost intuitively by the quasi-legendary "seven sages" of Greece, who knew that it was coeval with mankind and that it was evenhanded (Thales), that it was universally and mutually owed among persons (Solon), and that it was rule by the just, and exclusion of the wicked, that makes a state good (Pittacus). These ancient sayings are found to be worthy of record for posterity by Plutarch, Diogenes Laertius, and Strobaeus. Subsequent to Plato, Aristotle, his greatest disciple and "the mind of the school," taught that justice required those acts which benefit the natural political society, and that it respects the proportionate equality between the excess and defect of giving to each.

In the Summa Theologiae, St. Thomas finds the native compatibility of the revealed and reasoned accounts of justice, teaching explicitly that justice in action is rendering that which is owed to each person.

In the Summa contra Gentiles (Bk. 2.28-9), he adds that God's creation of persons is the genesis of justice because it is the genesis of subjects to whom justice is owed, but that creation is a pure act of free giving, rather than a pre-existing obligation of God to man.

With the radical intellectual and practical revolution of the 16th and 17th centuries, the conscious, deliberate rejection of Aristotle and Catholic Christianity motivated a new doctrine of justice—in short, one that is artificial and in this sense arbitrary. The most salient features of the new conception of justice are that it: 1) is man-made, 2) proceeds from willing rather than discovery, 3) is at root subjective, 4) removes men from the (unenviable) conflictual condition of nature, and 5) serves the ends of the politically powerful. This description of justice generates the modern notions of the equation of knowledge with power, the immanence of human destiny, and the combative character of reality, human and otherwise (see, e.g., Bacon, Hobbes, Locke, Rousseau, Darwin, and Bertrand Russell).

As Giuseppe Mazzini observed in the 19th century, ideas rule the world, and these are the ideas which have won the day and are incarnate in the modern world. We do well to remember that out of Hegel's absolute state emerged a driving and forceful idea which fuelled the Third Reich, that this was further fed by a radical subjectivism of morals (as was Mussolini), and that the Marxism which until only recently governed a third of the world's population was the same Marxism which led Stalin to murder millions of his Ukrainian peasants, Mao to kill in
exceeding from the social whole (e.g., the state) to its membership; and "legal" or "general" justice obliges the individuals in a social whole to serve the building up of the common good of that whole. Commutative justice is determinable by a disinterested third party, who could be, for example, anyone reading a contract; commutative justice is largely a matter of simple numerical equality, as St. Thomas calls it, following the usage of Aristotle—say, a book for a certain number of dollars. The other two forms of justice require a specially-positioned person, namely, one who knows and serves the whole. The equality of justice here is "proportional," again following the usage of St. Thomas after Aristotle. It is determined not merely according to material and established demands, but also according to the exigencies of the common good, which is both material and non-material. Thus, in making recompense for damages, not only financial loss but also suffering incurred, ability to pay, and the other needs of society drawing upon its stock of common good must enter into consideration.

In the modern conception, rights are fabricated by those in power, vary according to the will of society, and are primarily characteristics by which individuals are enabled to make demands on one another. This yields a society of self-centered expectations. By contrast, St. Thomas sees the existence of rights as indeed prior to the obligations of justice, both of which are natural, knowable, and unchanging. Rights precede justice as a bullseye in a target precedes an accurate shot. God created man as one to whom acts of justice are owed. Before his creation, however, man was not rightfully owed the privilege of being created. Thus, creation is that act whereby something becomes due to man from man. In the order of reality, rights are prior to justice. In the order of knowledge, the obligations of justice are known to be owed mutually, and the "right" which demands them is known by inference. Moreover, the rights and obligations of justice imply one another—for John to owe Peter $100 is to say that Peter has the right to his $100 from John.

Conclusion

Finally, one must stress that there is no justice apart from just persons, and that for a person to be just, he must integrate in himself all the cardinal virtues; not only justice but also fortitude, temperance, and especially prudence. Indeed, so important is justice that in the carrying out of any act of virtue there is the fulfillment of a debt that is owed to God, self, or others, and so all good action is suffused by justice, and there can be no moral good apart from justice.

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