

Arg 1: Ad primum sic proceditur. Videtur quod ius non sit obiectum iustitiae. Dicit enim celsus iurisconsultus quod ius est ars boni et aequi. Ars autem non est obiectum iustitiae, sed est per se virtus intellectualis. Ergo ius non est obiectum iustitiae.

Arg 2: Praeterea, lex, sicut Isidorus dicit, in libro *Etymol.*, iuris est species. Lex autem non est obiectum iustitiae, sed magis prudentiae, unde et philosophus legispositivam partem prudentiae ponit. Ergo ius non est obiectum iustitiae.

Arg 3: Praeterea, iustitia principaliter subiicit hominem Deo, dicit enim Augustinus, libro de moribus *Eccles.*, quod iustitia est amor Deo tantum serviens, et ob hoc bene imperans ceteris, quae homini subiecta sunt. Sed ius non pertinet ad divina, sed solum ad humana, dicit enim Isidorus, in libro *Etymol.*, quod fas lex divina est, ius autem lex humana. Ergo ius non est obiectum iustitiae.

Sed contra: est quod Isidorus dicit, in eodem, quod ius dictum est quia est iustum. Sed iustum est obiectum iustitiae, dicit enim philosophus, in *V Ethic.*, quod omnes talem habitum volunt dicere iustitiam a quo operativi iustorum sunt. Ergo ius est obiectum iustitiae.

Respondeo dicendum quod, iustitiae proprium est inter alias virtutes ut ordinet hominem in his quae sunt ad alterum. Importat enim aequalitatem quandam, ut ipsum nomen demonstrat, dicuntur enim vulgariter ea quae adaequantur iustari. Aequalitas autem ad alterum est. Aliae autem virtutes perficiunt hominem solum in his quae ei conveniunt secundum seipsum. Sic igitur illud quod est rectum in operibus aliarum virtutum, ad quod tendit intentio virtutis quasi in proprium obiectum, non accipitur nisi per comparisonem ad agentem. Rectum vero quod est in opere iustitiae, etiam praeter comparisonem ad agentem, constituitur per comparisonem ad alium, illud enim in opere nostro dicitur esse iustum quod respondet secundum aliquam aequalitatem alteri, puta recompensatio mercedis debitae pro servitio impenso. Sic igitur iustum dicitur aliquid, quasi habens rectitudinem iustitiae, ad quod terminatur actio iustitiae, etiam non considerato qualiter ab agente fiat. Sed in aliis virtutibus non determinatur aliquid rectum nisi secundum quod aliquo modo fit ab agente. Et propter hoc specialiter iustitiae prae aliis virtutibus determinatur secundum se obiectum, quod vocatur iustum. Et hoc quidem est ius. Unde manifestum est quod ius est obiectum iustitiae.

Ad 1: Ad primum ergo dicendum quod consuetum est quod nomina a sui prima impositione detorqueantur ad alia significanda, sicut nomen medicinae

Objection 1: We thus proceed to the first argument. It appears that right is not the object of justice. Celsus the jurist says that right is the art of the good and the equitable. Yet art is not the object of justice, but is itself an intellectual virtue. Therefore, right is not the object of justice.

Objection 2: Furthermore, law (as Isidore says in his book *Etymologia*) is a kind of right. Law is therefore not the object of justice, but more related to prudence, so that the Philosopher sets down that legislating is one of the kinds of prudence. Hence right is not the object of justice.

Objection 3: Furthermore, justice principally subjects human beings to God, for it is said by Augustine in *De Moribus Eccl.*, that justice is the love of serving God alone, and hence governs well all the things subject to human beings. But justice pertains not to the divine, but only to human phenomena, for as is said by Isidore in *Etymologia*, sacred duty is divine law, whereas right concerns human law.

On the contrary: Isidore says in the same place that a thing is said to be right because it is just. But the just is the object of justice, as the Philosopher states (*Ethics V*) that everyone agrees that the name of 'justice' belongs to the disposition in accordance with which human beings perform just acts.

I reply that, justice is properly, among other virtues, that which orders the human being in his relations with others. For the name of 'justice' itself denotes a kind of equality, so that we refer to things that are balanced as having been made just. But equality is of one thing ordered to another; whereas the other virtues are perfective of only those things that pertain to a person in relation to himself. Therefore, that which is proper in the operations of the other virtues, and to which the intention behind the virtue inclines, as it were, as its proper object, cannot be comprehended except in relation to the agent. But what is proper in acts of justice, by contrast, apart from its relation to the agent, is ordered by reference to relations to another; for that which is said to be just in our actions relates to some sort of equality in relation to another: for example recompense due in relation to some valuable service. Thus something is said to be just when it has the rectitude of justice, and when it is the end of justice, irrespective of the way in which the act is performed. But in the case of other virtues, nothing is said to be proper except insofar as it is carried out by the agent in a certain way. For this reason, justice is distinguished from other virtues in having its own special object, which is called 'the just'; and this is the same thing as 'right'. Hence it is manifest that right is the object of justice.

Reply to 1: To the first I reply that it is customary that words become distorted from their principal meaning to take on another significance, as the word 'medicine'

impositum est primo ad significandum remedium quod praestatur infirmo ad sanandum, deinde tractum est ad significandum artem qua hoc fit. Ita etiam hoc nomen ius primo impositum est ad significandum ipsam rem iustam; postmodum autem derivatum est ad artem qua cognoscitur quid sit iustum; et ulterius ad significandum locum in quo ius redditur, sicut dicitur aliquis comparere in iure; et ulterius dicitur etiam ius quod redditur ab eo ad cuius officium pertinet iustitiam facere, licet etiam id quod decernit sit iniquum.

Ad 2: Ad secundum dicendum quod sicut eorum quae per artem exterius fiunt quaedam ratio in mente artificis praeexistit, quae dicitur regula artis; ita etiam illius operis iusti quod ratio determinat quaedam ratio praeexistit in mente, quasi quaedam prudentiae regula. Et hoc si in scriptum redigatur, vocatur lex, est enim lex, secundum Isidorum, constitutio scripta. Et ideo lex non est ipsum ius, proprie loquendo, sed aliqualis ratio iuris.

Ad 3: Ad tertium dicendum quod quia iustitia aequalitatem importat, Deo autem non possumus aequalens recompensare, inde est quod iustum, secundum perfectam rationem, non possumus reddere Deo. Et propter hoc non dicitur proprie ius lex divina, sed fas, quia videlicet sufficit Deo ut impleamus quod possumus. Iustitia tamen ad hoc tendit ut homo, quantum potest, Deo recompenset, totaliter animam ei subiiciens.

was first imposed to signify a remedy to heal the infirm, but then to signify the art by which healing is brought about. In the same way, the word 'right' first signified the just thing itself, but thereafter derivatively referred to the art by which one knows what is just; and further to signify the place in which right is dispensed, so that a person is said to appear 'in law' [*de iure*]; and furthermore, 'right' also refers to the verdict of an official responsible for doing justice, even if the judgment is immoral.

Reply to 2: To the second I reply that, in the same way that an artist has in mind a prior idea [*ratio*] of the things he will make through his art, so there pre-exists in the mind an idea of the work of justice determined by reason, which is a kind of rule of prudence. Such a rule is called a 'law' if in written form, for 'law' according to Isidore is a written order. Hence law is not the same thing as right, properly speaking, but is an interpretation of right [*ratio iuris*].

Reply to 3: To the third I reply that justice implies an equality, and because we cannot give to God an equal recompense, we are unable to render to God a repayment that is perfectly just. Hence divine law is not properly spoken of in terms of right, but rather in terms of sacred duty, as God is satisfied if we fulfil it to the extent that we are able. Nevertheless, justice inclines the human being to recompense God as much as possible, by totally subjecting our souls to Him.

