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The Four Cardinal Virtues

PRUDENCE

JUSTICE

FORTITUDE

TEMPERANCE

JOSEF PIEPER

Edition with Notes

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7. *The Limits of Justice*

WE HAVE ALREADY said that it is of the nature of communal life for men constantly to become indebted to each other and then just as constantly to pay one another the debt. We have further said that as a result the balance is in a constant state of shift and needs constantly to be restored to equilibrium. The act of justice is precisely to effect this process of compensations, restitutions, and satisfactions for debts.

It now remains for us to state that the world cannot be kept in order through justice alone. The condition of the historical world is such that the balance cannot always be fully restored through restitution and the paying of debts and dues. The fact that some debts are not or cannot be paid is essential to the world's actual condition. Now there are two aspects to this situation.

Firstly: There are some obligations which, by their very nature, cannot be acquitted in full, much as the one who is thus indebted may be willing to do so. And as justice means to give a person what is due to him, *debitum reddere*, this signifies that there exist relations of indebtedness beyond the scope of the realization of justice. On the other hand, the very relationships which are characterized by this disparity are also the ones fundamental for human existence. And it is naturally the just man, that is, the man who has a firm and constant will to give each man what is his, who will experience that incontrovertible disparity with special acuteness.

It becomes immediately clear that what is meant here is first and foremost man's relation to God. "Whatever man renders to God is due, yet it cannot be equal, as though man rendered to God as much as he owes Him!"[1] This statement is not to be understood as if man were a mere nonentity before God. In a certain sense, Thomas says, something does belong to him, something is "due" to him, which God does give to man. Something belongs to man "by reason of his nature and condition."[2] It is also true that man's nature is created, that is to say, it has not come into existence by reason of anything other than God Himself. "Now the work of divine justice always presupposes the work of mercy; and is founded thereon."[3] This must not be taken to be merely an edifying thought. It is a very precise description of man's condition in the face of God. *Before* any subsequent claim is made by men, indeed even before the mere possibility of such a human claim arises, comes the fact that man has been made a gift by God (of his being) such that his nature cannot ever "make it good," discharge it, "deserve" it, or return it again. Man can never say to God: We are even.

This is the way in which "*religion*," as a human attitude, is connected with justice. Thomas quite naturally speaks of *religio* within the context of his theory of the virtue of justice. The significance of this connection—and incidentally St. Thomas has been taken to task for making it (the charge being that he "subordinates" religion to one of the acquired virtues)—the significance of this connection is that the inner structure of religious acts first becomes intelligible when man, by reason of his relations with God, has recognized in the disparity between himself and God something which simply cannot be obliterated, a disparity consisting in the fact that a *debitum* exists which his nature cannot repay by any human effort, no matter how heroic it may be, a disparity which simply cannot be overcome. Perhaps it might be possible for contemporary man to gain a view of the reality and significance of *sacrifice* in

the cult as a fundamental religious act if he approached it by this rarely traveled path—via the concept of justice, of restitution of something due. From this perspective, it is more easily understood why the offering of sacrifice should be a requirement of justice linked to man's condition as *creatura*. Thomas has actually formulated this point: *Oblatio sacrificii pertinet ad ius naturale*[4]—The obligation of sacrifice is an obligation of natural law. I claim that this doctrine is more easily understood if we set out with the idea of a *debitum* that cannot be repaid, that is, with the notion of an actually existing obligation that nevertheless and by its very nature cannot be wiped out. Here perhaps is the key to the extravagance inherent in religious acts. Helplessness and impotency prompt this extravagance; because it is impossible to do what "properly" ought to be done, an effort beyond the bounds of reason, as it were, tries to compensate for the insufficiency. This explains the excesses of sacrificial offerings such as self-annihilation, killing, burning. Socrates, in the *Gorgias*, says with a most unclassical and indeed an almost unaccountable recklessness (which it would be wrong to interpret simply as an ironical paradox) that a person who has committed injustice must scourge himself, allow himself to be imprisoned, go into exile, accept execution, and yet with all that be the first one to accuse himself, "so that he might be freed from the greatest of evils, from injustice."[5] Here, the old Athenian, who pursued justice with such relentless ardor, speaks from the very same assumption which prompts the doctors of Western Christendom to speak of an *excessus poenitentiae*, an excess proper to the true spirit of penance. In the *Summa Theologica* Thomas formulates the following objection (and it is his answer to this objection which is important to us at this point): The spirit of penance and the spirit of justice are utterly different in that justice clings to the reasonable mean, whereas penance actually consists in an *excessus*. This is his answer to that problem. In certain fundamental relations, for example in man's relation to

God, the equality that properly belongs to the concept of justice, that is, equality between debt and payment, cannot be achieved. Therefore, the one who is in debt strives to pay back whatever is in his power to remit. "Yet this will not be sufficient simply (*simpliciter*). But only according to the acceptance of the higher one, and this is what is meant by ascribing excess to penance," *hoc significatur per excessum, qui attribuitur poenitentiae*.[6] Such *excessus*, then, seems to be a quality of every properly religious act, of sacrifice, adoration, and devotion. It is an attempt to respond to the fact of a relation of indebtedness, an attempt that is the most "adequate" possible under the circumstances, but one that must always remain "inadequate" because it cannot ever achieve a complete *restitutio*. At this point it becomes possible to see why "justice" in the realm of religion can even be perversity, as man boasts of the restitution he makes: "I fast twice in a week. I give tithes of all that I possess" (Luke 18, 12). The true attitude is, rather: "So you also, when you shall have done all these things that are commanded you, say: we are unprofitable servants" (Luke 17, 10).

Thomas speaks of *pietas* as well as of religion. This is a term which cannot be rendered with complete accuracy by our derivation "piety"; and in the discussion which follows it must be remembered that the same applies wherever, for want of a more precise rendering, we have to use the anglicized term. Piety, too, depends on something being due a person which of its very nature cannot be fully repaid. Piety, likewise, is a tendency of the soul which can be fully realized only if man sees himself as the partner in an obligation which can never be truly and fully acquitted, no matter how great the counterservice rendered. "Piety" applies to the parent-child relationship. "It is not possible to make to one's parents an equal return of what one owes to them; and thus piety is annexed to

justice."[7] This link indicates that only the just man, in his persistent effort to effect a balance between debts and payments, truly experiences the impossibility of full restitution and "takes it to heart." Piety presupposes the virtue of justice.

Should we set ourselves the task of re-establishing piety as an integral part of the ideal image of man (for it must be frankly admitted that piety is no longer considered a quality necessary to man's "righteousness," nor its lack as indicative of man's inner disorder), the first step would have to be to restore this assumption: that the relation of children to parents might be experienced by the children as an obligation beyond the scope of full restitution. In a word, familial order would have to be restored—in actual fact and in people's estimation. Of course, "familial order" embraces more than the relation between parents and children; but unless it is restored, we cannot expect that the inner experience of an unrepayable obligation should bear as its fruit the feeling of piety.

In speaking of piety, Thomas does not confine himself to the relation between parent and child; he includes man's relation to his country as well. "Man is debtor chiefly to his parents and his country, after God. Wherefore, just as it belongs to religion to give worship to God, so does it belong to piety to give worship to one's parents and one's country."[8] Here we meet with a considerable difficulty. No matter how wide the scope within which we comprise our obligations to our people —counting as goods the language with its inexhaustible treasure of wisdom; the protection afforded by law and order; the participation in whatever can be thought of as the "common good" of a people—yet it remains supremely difficult to accept the thought that it belongs to the image of full and true humanity "to show reverence to one's country," *cultum exhibere patriae*. And as we realize, on further thought, that this difficulty cannot be overcome simply by resolution, that what is implied here goes infinitely beyond the irreverence or the ill-will or the illoyalty of the individual, we begin to measure

the extent of the deterioration in the ideal image of man and man's communal life in Western civilization.

This comes into even clearer focus in the third concept Thomas mentions alongside *religio* and *pietas*. It is a concept equally concerned with man's reaction to a condition wherein a debt cannot be canceled. It is the concept of "respect," of *observantia*. The fact that this term has dropped out of current usage, that we have no precise, contemporary equivalent for it, indicates sufficiently that the concept itself has become foreign to us. What, then, does *observantia* mean?

Observantia indicates the respect we feel inwardly and express outwardly toward those persons who are distinguished by their office or by some dignity.[9] We have only to lend an ear to the ironic overtones currently connected with the words "dignity" and "office" to realize at once how remote from us is the reality which Western moral theory has formulated in the concept *observantia* and made an integral part of the ideal image of the ordered man and the ordered community. That theory states that no man can give a recompense equivalent to *virtus*[10]—*virtus* meaning, in this instance, the ability or power (both moral and intellectual) of rightly administering an office. Consequently, a situation arises in which the individual cannot adequately satisfy an obligation. The individual, in his private existence, profits from the proper administration of public offices—by the judge, the teacher, and the like.[11] These men and women create a well-ordered communal life. For this, the individual finds himself indebted to the holders of such offices, in a fashion which cannot be acquitted fully by "payment." It is this situation which is acknowledged by the "respect" shown a person holding an office of public responsibility. The objection that irresponsible and inefficient men may hold offices is of little weight. Thomas's answer is that the office and, in a more general sense, the community as a whole are honored in the person who holds the office.[12]

The root of the matter is here evidently a conception of

man which takes the interdependence of individuals for granted and sees in it nothing shameful or detrimental to the dignity of the person.[13] In any event, within the reality of the world, an ordered community life without leadership and, therefore, without "dependence," is unthinkable. And that holds true of the family as well as of the state—and for the state that is democratically constituted as well as for a dictatorship. Generally speaking, a certain formal structure remains in force at all times and in all places; and if it is not realized in the right way, then it is realized in the wrong way. So that the question can arise whether the void created by the disappearance of the notion of *observantia* (a process certainly not due, however, to mere whim and willfulness) may not have permitted the establishment of another form of relation between superior and subordinate: the shameful expression of mutual contempt which our current jargon renders in the terms "bossing" and "bossed."

This, then, is one aspect of the fact that the world is not to be kept in order through justice alone. There are obligations and debts which of their very nature cannot be adequately fulfilled and discharged. Only the just man takes pains to give each man his due, and only the just man, accordingly, fully experiences that disparity and undertakes to overcome it by some kind of "excess." He fulfills the *debitum* in the clear knowledge that he will never quite succeed in acquitting himself in full measure. For that reason the element of rationality so proper to justice is linked so closely with the exaggeration and, as it were, inadequacy which characterize *religio*, *pietas*, and *observantia*. All three of these concepts are, therefore, an abomination for rational thought.

Now we can map out a second way of interpreting the proposition of the "limits" of justice. The proposition, in fact, would come to mean that in order to keep the world going, we must be prepared to give what is not in the strictest sense

obligatory (whereas, let us remember, the first interpretation of the same proposition was that there are obligations in the strictest sense of the term which man is nonetheless incapable of fulfilling).

The just man, who has a more keenly felt experience of these first inadequacies the more fully he realizes that his very being is a gift, and that he is heavily indebted before God and man, is also the man willing to give where there is no strict obligation He will be willing to give another man something no one can compel him to give. Evidently, there are some actions which one cannot be compelled to perform and which are nonetheless obligatory in the strict sense of the word—telling the truth, for instance. Expressing one's thanks to another is giving him his just due, even though this obviously cannot be enforced. But "being grateful" and "returning thanks" are not of the same order as "paying" and "making restitution." That is why Thomas says, quoting from Seneca, that a person who wants to repay a gift too quickly with a gift in return is an unwilling debtor and an ungrateful person.[14]

So once again, the man who strives for justice, and he above all, realizes (Thomas says) that fulfilling an obligation and doing what he is really obliged to do are not all that is necessary. Something more is required, something over and above, such as liberality, *affabilitas*, kindness, if man's communal life is to remain human. Here nothing more (and certainly nothing *less*) is meant than friendliness in our everyday associations. This "virtue"—and Thomas relates it, too, to justice—is, of course, strictly neither due to another person nor can it be rightfully claimed and demanded. Still it is impossible for men to live together joyfully (*delectabiliter*) without it. "Now as man could not live in society without truth, so likewise not without joy." [15]

I can well imagine how the average young man of our day will respond to these ideas. That he may not enter into them

with any great enthusiasm is only to be expected. For the harsher and more "realistic" manner of present-day existence is much more congenial to him. And it is true that we can only with difficulty divest ourselves from the influence of the prevailing atmosphere. Still, it is not the traditional doctrine of justice but precisely our present-day atmosphere which is "unrealistic." That is also the reason why it is so difficult to overcome. But perhaps I may venture the suggestion that one should try, without bias or rash preconceptions, simply to listen to the exposition of the ideal image of justice and follow it through to its final consequence. It is not inconceivable that in the process of listening, it might suddenly become clear that the harsher, more "realistic" approach is nothing but a sign of poverty, of the steadily advancing erosion and aridity of interhuman relationships. It might well become plausible that the manifold and varied forms of partnership of which man is capable (in so far as he is "just") constitute in fact the riches of man and of the human community.

Communal life will necessarily become inhuman if man's dues to man are determined by pure calculation.[16] That the just man give to another what is *not* due to him is particularly important since injustice is the prevailing condition in our world. Because men must do without things that are due to them (since others are withholding them unjustly); since human need and want persist even though no specific person fails to fulfill his obligation, and even though no binding obligation can be construed for anyone; for these very reasons it is not "just and right" for the just man to restrict himself to rendering only what is strictly due. For it is true, as Thomas says, that "mercy without justice is the mother of dissolution"; but, also, that "justice without mercy is cruelty." [17]

Now it becomes possible to state the inner limits of justice: "To be willing to watch over peace and harmony among men

through the commandments of justice is not enough when charity has not taken firm root among them."