

There Is a Wideness in God's Justice

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A CHRISTIAN INQUIRING into the meaning of justice cannot elude the classical definition: the firm and constant will to render another his due.¹ In the thirteenth century, Saint Thomas Aquinas retrieved this definition from Roman law and developed it with a combination of profundity, rigor, and common sense that would imprint it on the Christian tradition for ensuing centuries.² As recently as 1994, the *Catechism of the Catholic Church* espoused the definition.³ Broader still, core features of justice in constitutional liberal democracies take the form of justice as due. Rights, which have an elephantine presence in these regimes as well as in international law, are claims to what is due. Retribution, another common feature of justice in these settings, is giving a criminal her due. Equality, fairness, respect, and liberty also shape the meaning of justice in law and politics in modern liberal democracies.

Despite due's venerable record, however, it does not exhaust the Christian tradition's teachings about justice, especially those found in the Bible.

¹ For helpful comments on this piece, I thank John Carlson, Therese Cory, David Cory, John Finnis, Ricky Klee, David Lantigua, Matthew Levering, Daniel Moloney, William Mattison, and Kevin Offner.

² The definition is attributed to Ulpian, the second- and third-century Roman jurist whose writings were compiled by Justinian in his *Digest*, completed in the sixth century; see Nicholas Wolterstorff, *Justice: Rights and Wrongs* (Princeton, NJ: Princeton University Press, 2008), 22. Aquinas presents the definition in *Summa theologiae* [ST] II-II, q. 58, a. 1, corp. The version of the ST used in this essay is St. Thomas Aquinas, *Summa Theologica*, trans. Fathers of the English Dominican Province, 5 vols. (New York: Benziger, 1948).

³ *Catechism of the Catholic Church* [CCC], §1807.

From the standpoint of biblical justice, justice as due is unduly truncated. Biblical justice includes qualities of flourishing and relationship that stand outside justice as due. Today's defenders of justice as due commonly hold that rights are integral to justice while virtues like generosity, love, care, mercy, and compassion exceed justice; that retribution, which is justice, contrasts with mercy, which exceeds, tempers, or compromises justice; that justice pertains to exterior action, not interior motives; that justice is public whereas other virtues are private. Biblical justice does not bear these dichotomies. It is far wider. It does not dispense with but rather incorporates rights and retribution, but also exceeds these principles. Comprehensiveness and holism are its hallmarks.

The justice found in the Bible I call the justice of right relationship. In this article, my aim is to define it, identify its crucial qualities, and compare it with the justice of rendering another her due. I pursue these aims in two parallel parts, corresponding to two valences of justice, which, following philosopher Nicholas Wolterstorff, I refer to as "primary justice," meaning a condition or state of affairs, and "rectifying justice," a response to past wrongdoing.⁴ In each of these parts, for each valence of justice, I explain what the justice of due means and then argue that the justice of the Bible enfolds this meaning but also contains a wider set of obligations, resulting in a more holistic concept. While the Bible is the main source for the justice of right relationship, natural law and sacred Tradition help to explain it. The thought of Aquinas is particularly important for the argument. Not only did he define, extensively discuss, and secure enduring clout for justice as due, but he also drew capaciously from the Bible and sometimes invoked a justice that appears wider than and stands in tension with justice as due. I close the essay by adumbrating some political and social implications of Biblical justice in a world dominated by due.

Justice as a State of Right Relationship

What is most worth stressing about biblical justice, and what most distinguishes it from the justice of rendering what is due, is its comprehensive quality. Justice in the Bible describes multiple dimensions of right relationship that add up to all dimensions of right relationship: God's actions toward humans; obligations that humans have toward God; obligations between individual humans; obligations of individual humans toward society; obligations of society, especially as performed by judges and kings, toward humans; humans' obligations toward the natural world; and the

⁴ Wolterstorff, *Justice*, ix–x.

character of a human soul that is rightly ordered toward its relationships with other humans and with God. Relationship means that two or more persons—including groups and entire societies—are linked together through principles, duties, virtues, and bonds that define how they ought to interact with one another.⁵

Let us focus first on primary justice, that is, the sense in which the justice of right relationship is a state of affairs.

The Bible's Wide Justice

The case that justice in the Bible means comprehensive right relationship begins with the words in Scripture that translate to justice. In the Old Testament, the most common of these words, and the ones that denote the widest range of conduct, are Hebrew terms with the root, *šdq*-, which appear 523 times.⁶ Of these, it is *sedeq* and *sedeqah*, masculine and feminine variants of the same term, that translate to justice most often.⁷ Appearing across the Old Testament in manifold contexts, these terms possess a wide semantic range yet share an overarching meaning, which is fidelity to the demands of right relationship in all spheres of life.⁸ *Sedeq*

⁵ There are thicker understandings of relationship to which I am sympathetic but do not invoke here out of a wish to keep the argument focused. Relationship can imply dependence such that people cannot realize their flourishing without interaction and mutual assistance. Even stronger, relationships do not merely help people achieve their good but actually constitute that good. This is the case with friendship, marriage, and community.

⁶ J. J. Scullion, "Righteousness (OT)," in *The Anchor Bible Dictionary*, ed. David Noel Freedman (New York: Doubleday, 1992), 725.

⁷ Scholars disagree about whether the masculine and feminine forms carry different meanings. G. A. F. Knight argues that they do, with *sedeqah* referring to something that humans do and *sedeq* referring to the actions of God, in "Is 'Righteous' Right?," *Scottish Journal of Theology* 41, no. 1 (1988): 1–10, at 10. Other scholars hold that there is little difference between the terms. Scullion holds this view and offers examples of scholars on both sides of the debate in "Righteousness (OT)," 725. Other *šdq*- words are also important and related to the present argument, for instance, *šaddiq*, which describes a righteous or just person and appears often in Psalms and Proverbs.

⁸ This definition is close to that of John R. Donahue, S.J., "Biblical Perspectives on Justice," in *The Faith That Does Justice: Examining the Christian Sources for Social Change*, ed. John C. Haughey (Eugene, OR: Wipf & Stock, 1977), 68–112, at 69. The case for an overarching meaning of justice is also found in: Rolf Knierim, *The Task of Old Testament Theology: Method and Cases* (Grand Rapids, MI: Eerdmans, 1995), 88; Scullion, "Righteousness (OT)," 735; and K. Koch, "*šdq*," in *Theological Lexicon of the Old Testament*, 3 vols., ed. Ernst Jenni and Claus Westermann, trans. Mark E. Biddle, 2nd ed. (Peabody, MA: Hendrickson, 1997), 2:1055.

and *šedeqah* characterize God's fidelity to his promises to the Israelites and to all of humanity, as well as the right conduct of humans in a wide variety of relationships, including between parents and children, merchants and buyers, judges and disputants, kings and subjects, priests and worshippers, people and God, and members of the Jewish community and the widows, orphans, poor, and sojourners among them.⁹ Renowned Bible scholar Gerhard von Rad observes that "there is absolutely no concept in the Old Testament with so central a significance for all the relationships of human life as that of *sdqh* It embraces the whole of Israelite life."¹⁰ Deuteronomy 16:20 is only one verse in which the term (in this case, *šedeq*) speaks quite clearly of acting rightly in general: "Justice and justice alone shall be your aim, that you may have life and possess the land which the Lord, your God, is giving you."¹¹ Aggregated and applied to an entire society or to all of humanity, the many meanings of right conduct also can be summarized as right order.¹²

The other major term in the Old Testament that often translates to justice is *mishpat*, which commonly refers to the standards of justice in courtroom procedures but also carries a much wider set of meanings and sometimes denotes right conduct in all spheres, much as *šedeq* and *šedeqah* do.¹³ Frequently, *šedeq/šedeqah* and *mishpat* appear as a hendiadys, a type of couplet, in which the two words together denote right conduct in the social and political order, often involving a king, as in Isaiah 16:5: "A throne shall be set up in mercy and on it shall sit in fidelity [in David's tent] / A judge upholding right [*mishpat*] and prompt to do justice [*šedeq*]."¹⁴

As this last verse shows, it is not only *mishpat*, but also other words such

⁹ See Elizabeth Achtemeier, "Righteousness in the OT," in *The Interpreter's Dictionary of the Bible*, 4th ed., G. A. Buttrick (Nashville, TN: Abingdon, 1962), 80–82, and Donahue, "Biblical Perspectives on Justice," 69.

¹⁰ Gerhard von Rad, *Old Testament Theology*, trans. D. M. G. Stalker (Peabody, MA: Prince, 1962), 370, 373.

¹¹ Bible quotations in this essay are taken from the New American Bible (NAB) translation in *The Catholic Study Bible* (Oxford: Oxford University Press, 1990).

¹² Similar here is H. H. Schmid's argument that the meaning of *šedeq/šedeqah* can be described as world order (*Gerechtigkeit als Weltordnung* [Tübingen: J. C. B. Mohr, 1968], 166).

¹³ Barbara Johnson, "Mispat," in *Theological Dictionary of the Old Testament*, ed. G. Johannes Botterweck, Helmer Ringgren, and Heinz-Josef Fabry, trans. David E. Green, vol. 9 (Grand Rapids, MI: Eerdmans, 1998), 89; Scullion, "Righteousness (OT)," 725–26, 735–36.

¹⁴ On this hendiadys and its connotations, see Scullion, "Righteousness (OT)," 727–28, and Moshe Weinfeld, *Social Justice in Ancient Israel and in the Ancient Near East* (Minneapolis, MN: Fortress, 1995), 7–56.

as *hesed* ("steadfast love" or "loyalty"), *shalom* ("peace"), *'emet* ("truth" or "fidelity"), *teshu'a* and *yeshu'a* ("salvation" or "saving action"), and *raḥamīm* ("mercy") that often parallel, and serve to complement and shape the meaning of, *šedeq* and *šedeqah*.¹⁵ It is primarily *šedeq* and *šedeqah*, but sometimes *mishpat*, that mean right conduct in a universal and comprehensive sense: all of God's ways, and all human conduct performed in fidelity to God's ways.¹⁶

In the New Testament, the Greek words that translate into justice are ones that share the *dik-* root (*dikaïos*, *dikaioō*, *dikaïosynē*, and *dikē*), which appear 302 times. The authors of the Septuagint, the third-century-BCE Greek translation of the Old Testament, translated *šedeq* and *mishpat* through *dik-* terms, most prominently *dikaïosynē*, which appears ninety-two times and more than any other *dik-* term.¹⁷ *Dik-* words, then, carry the meaning of comprehensive right relationship from the Hebrew terms into the New Testament. *Dikaïosyne* appears in the Gospel of Matthew seven times, for instance, where it means acting rightly toward other persons and God in a general sense.¹⁸ It also shows up in the First Letter of John, where it means God's commandments.¹⁹

To translate these Hebrew and Greek terms into English, scholars have settled mainly on words from two families, one derived from Latin roots and consisting of *just-* terms ("just," "justice," "justify," "justification"), the other stemming from Anglo-Saxon origins and consisting of *right-* terms ("right," "righteous," "righteousness"). Certain contemporary meanings of these English words do not perform this translation well. "Righteousness" sometimes connotes priggishness or self-righteousness, while "justice"—much as I argue in this essay—often takes on a narrow, legalistic meaning in the contemporary West. These English terms and their siblings, however, also have a wide semantic range and possess other meanings that converge with comprehensive right relationship.²⁰ Translators turn

¹⁵ Scullion, "Righteousness (OT)," 734; Knierim, *Task of Old Testament Theology*, 86–87.

¹⁶ Knierim stresses this universality strongly in *Task of Old Testament Theology*, 15–16, 86–87.

¹⁷ John Reumann "Righteousness (NT)," in Freedman, *Anchor Bible Dictionary*, 747.

¹⁸ Enrique Nardoni, *Rise Up, O Judge: A Study of Justice in the Biblical World*, trans. Seán Charles Martin (Grand Rapids, MI: Baker Academic, 2004), 217.

¹⁹ 1 John 3:10; cf. 1 John 2:29.

²⁰ On these families of English words, see: Reumann, "Righteousness (NT)," 746; Christopher D. Marshall, *Beyond Retributivism: A New Testament Vision for Justice, Crime, and Punishment* (Grand Rapids, MI: Eerdmans, 2001), 35–37; John R. Donahue, S.J., "The Bible and Catholic Social Teaching: Will This

to these terms often and fluidly. Words that translate into “justice” in one English version of the Bible will often translate into “righteousness” in another. In the family of *just-* and *right-* terms, “justice” and “righteousness” are the nouns that express a broad state of relationship, and thus the key terms for the argument at hand. The upshot of their intimately close semantic relationship is that the Bible’s justice means comprehensive right relationship and is virtually synonymous with righteousness.²¹

A look at the New American Bible translation confirms this broad meaning of justice. “Justice” describes the character and desires of God, as in Psalm 11:7: “The Lord is just [*šedeqah*] and loves just deeds [*šedeqah*].” Many other verses in the Old Testament aver that the Lord is just, loves justice, rules the world with justice, and is known through his justice.²² Rabbi Abraham Joshua Heschel writes that justice is “God’s stake in history.”²³ Several verses in the New Testament likewise describe Jesus himself as righteous, or just (*dikaïos*), while the Apostle Paul in his First Letter to the Corinthians identifies Jesus with righteousness (denoted by *dikaïosynē*, thus meaning also justice): “Christ Jesus . . . became for us . . . righteousness.”²⁴

Justice is also the encompassing term for the ways in which God desires

Engagement Lead to Marriage?,” in *Modern Catholic Social Teaching: Commentaries and Interpretations*, ed. Kenneth F. Himes, O.F.M. (Washington, DC: Georgetown University Press, 2005), 13–15.

²¹ William Mattison III comments that the word “righteousness” is “understood in both the history of commentary and in contemporary biblical scholarship to be equally well translated as justice” (*The Sermon on the Mount and Moral Theology: A Virtue Perspective* [Cambridge: Cambridge University Press, 2017], 32). Other examples of scholars who argue for this interchangeability include: James D. G. Dunn, *The Theology of Paul The Apostle* (Grand Rapids, MI, 1998), 341; Dunn and Alan M. Suggate *The Justice of God: A Fresh Look at The Old Doctrine of Justification by Faith* (Grand Rapids, MI: Eerdmans, 1993), 32–37; Marshall, *Beyond Retributivism*, 35–37; Nardoni, *Rise Up, O Judge*, 217, 267; John C. Haughey, “Jesus as the Justice of God,” in Haughey, *Faith That Does Justice*, 276–288. In the Latin Vulgate and in translations of the Bible into Romance languages, *šedeq/šedeqah* and Greek *dik-* words are translated into *just-* words (such as *justitia*), which in turn readily translate into English *just-* words (such as justice).

²² Deut 32:4; 2 Chr 12:6; Job 34:17; Ps 9:9; 9:17; 33:5; 50:6; 71:16, 71:19, 71:24, 92:16; 116:5; Isa 5:16; 56:1; 61:8; Jer 23:6; 33:16; Rom 3:21; 2 Cor 5:21; 2 Thes 1:6; Rev 15:3.

²³ Abraham Joshua Heschel, *The Prophets* (New York: Harper and Row, 1962), 1:198.

²⁴ Acts 3:14; 7:52; 22:14; 1 Pet 3:18; 1 Cor 1:30; 1 John 2:1. See Bethany Hanke Hoang and Kristen Deede Johnson, *The Justice Calling: Where Passion Meets Perseverance* (Grand Rapids, MI: Brazos, 2016), 3.

for people to act in their relationships with one another and toward him. In the language of numerous Old Testament verses, justice is walking in the ways or the paths of the Lord, for instance, Proverbs 8:20: "On the way of duty I walk, along the paths of justice."²⁵ In the Gospel of Matthew, Jesus similarly teaches that justice (often translated as "righteousness") is that for which the blessed hunger and thirst, for which people are persecuted, which characterizes those who keep God's commandments, which leads to the kingdom of heaven, and which his followers ought to seek first.²⁶ Again and again, the Bible speaks of justice as the entirety of the ways in which God's followers are to interact with one another and to form community in fidelity to God. No terms apart from "justice" and "righteousness" connote the same entirety (perhaps with the exception of "love," discussed further below).

God promulgates justice through his covenants, especially those—such as the ones revealed to Moses—through which he communicates commands and promises blessings to those who follow them and curses to those who break them.²⁷ God's laws, though, are not arbitrary or to be followed merely in response to extrinsic rewards or punishments, but rather are the pathway to flourishing, happiness, and holiness. Among the many passages that make this point is Deuteronomy 6:24–25: "Therefore, the Lord commanded us to observe all these statutes in fear of the Lord, our God, that we may always have as prosperous and happy a life as we have today."²⁸ Through practicing justice toward one another, people draw nearer to God. Bible scholar Enrique Nardoni points to the Holiness Code in Leviticus and in Ezekiel as places where justice unites worship of God and right relationship among God's followers.²⁹

For whom does God establish his justice? It was the people of Israel to whom God communicated his justice at Sinai, with all of its precepts, codes, and injunctions, and whom Isaiah names: "The Lord is exalted, enthroned on high: he fills Zion with right and justice" (Isa 33:5). Other

²⁵ See also: Gen 18:19; 2 Sam 22:33; Ps 5:9; 19:10; 119:7, 75, 121; Mic 6:8.

²⁶ Matt 5:6; 5:10; 5:19–20; 6:33. Nardoni writes that justice in the Gospel of Matthew is "a person's action in obedience to God's will concerning his relationship to others" (*Rise Up, O Judge*, 234).

²⁷ Deut 30; Ps 34:18–20; Wis 3:10; Ps 89:15; Isa 9:6; 16:5.

²⁸ See also: Deut 16:20; 30:16; Ps 19:8–12; 33; 35:28; 37:17; 37:29; 89: 16; 106:3; Isa 32:16–17; Hos 2:21.

²⁹ Nardoni, *Rise Up, O Judge*, 110–11. See also Matthew Levering, *Christ's Fulfillment of Torah and Temple* (Notre Dame, IN: University of Notre Dame Press, 2002), 112–13. Examples of verses linking justice and worship are Ps 35:28 and Ezek 20:19.

verses, though, especially in the Psalms, speak of judgment or justice with respect to “all living creatures,” “all peoples,” and “all the nations,” indicating all of humanity.³⁰ Jesus then pronounced justice (or righteousness) as the way of the kingdom of God, into which he invited all of humanity (Matt 5:19–20). Wide, too, then—and increasingly wider—is the collection of people invited to participate in God’s justice.

Aquinas’s Wide Justice

Aquinas articulates a similarly wide concept of justice in several places in the *Summa theologiae* [*ST*]. He cites Psalm 11:7 (quoted above) in affirming that justice is in the nature of God.³¹ Toward the beginning of his long treatment of justice in the *ST* II-II, he teaches that justice is the virtue that directs humans in their relationships to others, including both particular humans and the community as a whole. The common good subsumes both of these “others” and is the object of what he calls general, or legal, justice.³² Aquinas also includes God in these “others,” thus enfolded acts of religion, or reverence for God, into the virtue of justice.³³ He quotes Augustine as saying that “justice is the love of God and our neighbor, . . . the common principle of the entire order between one man and another.”³⁴ Outside of *ST*, in his commentary on the Gospel of Matthew, Aquinas follows the Latin Vulgate Bible’s translation of *dikaïosynē* as *iustitia*, the Latin word that readily translates into “justice” in English. He interprets an instance of the word in the Sermon on the Mount—“I say to you, that unless your *justice* abound more than that of the scribes and Pharisees . . .”—as meaning a widely inclusive combination of “moral precepts, judicial ones, figures, and promises.”³⁵ For Aquinas, then, justice encompasses all obligations that people have toward all other people and God.

Aquinas explicitly grounds justice in the Bible: “All the precepts of the decalogue pertain to justice.”³⁶ He calls these moral precepts, meaning that they are about virtue, and holds that the first three of them pertain to human relationships to God and are ones of religion, and that the other

³⁰ Ps 36:7; 97:6; 82:8.

³¹ Saint Thomas Aquinas, *Summa Theologica* [*ST*] I, q. 21, a. 1.

³² *ST* II-II, q. 58, a. 5.

³³ *ST* I-II, q. 99, a. 5, ad 1; II-II, q. 122, a. 1.

³⁴ *ST* II-II, q. 58, a. 8.

³⁵ Saint Thomas Aquinas, *Super Matt* 5, lec. 7 (Marietti no. 476), in *Commentary on the Gospel of Matthew, Chapters 1–12*, trans. Jeremy Holmes and Beth Mortensen (Green Bay, WI: Aquinas Institute, 2018), 158. The biblical passage is Matt 5:20.

³⁶ *ST* II-II, q. 122, a. 1; see also I-II, q. 99, a. 4, ad 3.

seven pertain to relationships between persons.³⁷ The Decalogue thus combines the great commandments to love God and to love one's neighbor, commandments that the Old Testament states separately and that Jesus combines together, teaching that the entire law and prophets hang on them.³⁸ The precepts of the Decalogue are perfective of human nature, Aquinas argues, designed to promote goodness and holiness.³⁹

Granting the Bible Its Due

Is the wide justice of the Bible compatible with the justice of rendering another his due, the definition that Aquinas propounded and propelled into historical prominence? What exactly is the justice of due? It is a justice that features rights, I argue. Although scholars dispute whether the writings of Thomas Aquinas contain rights—the kind that a person asserts, sometimes called subjective—I am persuaded that the concept is to be found in *ST*, indeed at the heart of Aquinas's definition of justice, which he presents in question 58 of *ST* II-II.⁴⁰ Toward the end of this definition are found the words *ius suum unicuique*, which are often translated into English as “to

³⁷ *ST* II-II, q. 122, corp.

³⁸ Deut 6:5; Lev 19:18; Matt 22:37–40; see also *ST* I-II, q. 99, a.1, ad 2.

³⁹ *ST* I-II, q. 92, a. 1, corp. See Levering, *Christ's Fulfillment*, 19. Aquinas holds that the moral precepts can be known through reason, and thus belong to the “law of nature.” They are not known through reason in the same way, though. On the one hand, “there are certain things which the natural reason of every man, of its own accord and at once, judges to be done or not to be done . . . and these belong to the law of nature absolutely,” while at the same time, “there are some things, to judge of which, human reason needs Divine instruction, whereby we are taught about the things of God.” It appears that Aquinas holds that the first three precepts of the Decalogue are of the latter sort whereas the latter seven are of the former sort. See *ST* I-II, q. 100, a. 1, corp.

⁴⁰ *ST* II-II, q. 58, a. 1, corp. The interpreters whom I follow most closely on this question include: John Finnis, *Natural Law and Natural Rights* (Oxford: Oxford University Press, 1980), 198–230; Finnis, *Aquinas: Moral, Political, and Legal Theory* (Oxford: Oxford University Press, 1980), 133–38; Jean Porter, *Justice as a Virtue* (Grand Rapids, MI: Eerdmans, 2016), 131–46; Thomas D. Williams, *Who is My Neighbor? Personalism and The Foundations of Human Rights* (Washington, DC: Catholic University of America Press, 1995), 256–300; Paul A. Macdonald Jr., “Grounding Human Dignity and Rights: A Thomistic Response to Wolterstorff,” *The Thomist* 82, no. 1 (2018): 1–35; Dominic Legge, “Do Thomists Have Rights?,” *Nova et Vetera* (English) 17, no. 1 (2019): 127–47. Other scholars, however, dispute the presence of (subjective) rights in Aquinas. See, for instance, an exchange involving Brian Tierney, Michael P. Zuckert, Douglas Kries, and John Finnis, “Natural Law and Natural Rights: Old Problems and Recent Approaches,” *The Review of Politics* 64, no. 3 (2002): 389–420. Tierney, Zuckert, and Kries (representing Ernest Fortin) take a skeptical view.

each his due" but are equally translatable as "to each his right," or "to each what is his by right."⁴¹ Just earlier in the same article, he explains, "hence the act of justice in relation its proper matter and object is indicated by the words, *Rendering to each one his right* since, as Isidore says (*Etym.* x), *a man is said to be just because he respects the rights (jus) of others*"; and, at the end of the previous article, he writes, "it belongs to justice to render to each one his right."⁴² In Aquinas's extended discussion of justice, the word *ius* translates directly to "rights," as well as to "law," and by "law" it means a norm requiring a rendering of what is due or owed.⁴³ *Ius* is synonymous with *suum*, which means "his," as well as a third term that Aquinas often employs, *debitum*, or "debt," which also implies something due or owed.⁴⁴ In all of these meanings, justice involves actions that render a person what is his, belongs to him, or is owed to him.⁴⁵ This is the essence of a right, in which an obligation is viewed from the standpoint of its beneficiary, who may assert rightfully that other people refrain from treating him in certain ways (such as lying, killing, stealing, torturing, or defaming; such are negative rights), or that they provide him with certain goods (such as subsistence, safe working conditions, or the deliverables in a contract; such are positive rights).⁴⁶ If the performers of the obligation fail to refrain from the proscribed action or to provide the good in question, then they will have wronged the beneficiary. Rights entail a complex notion of relationship, involving agents who carry duties, beneficiaries who possess corresponding rights, a specification of what is owed with respect to each right, and often a third party who promulgates and enforces the rights.⁴⁷

⁴¹ *ST* II-II, a. 58, a. 1, corp. Here I am indebted to the explanation of Thomas Williams, *Who is My Neighbor?*, 272.

⁴² *ST* II-II, q. 58, a. 1, corp. See also *ST* II-II, q. 57, a. 4, ad 1.

⁴³ See Finnis, *Aquinas*, 133–35.

⁴⁴ See Williams, *Who is My Neighbor?*, 264–65.

⁴⁵ For this rest of this paragraph, for simplicity's sake, I use the term "person," but groups can also assert rights and fulfill or respect the rights of other groups as well as persons. Sovereign states, for instance, have a right against aggression and a duty not to commit aggression upon other states.

⁴⁶ Stressing the importance of the standpoint of the beneficiary is Finnis, *Natural Law and Natural Right*, 205. I also concur with Finnis, who follows Wesley Hohfeld, in the view that rights may take the form of claims (negative and positive), liberties, powers, and immunities. In addition, some rights are natural (human) rights, while others are positive, meaning that they are posited by authorities, such as legislatures, and except in the case of international law, that they pertain only to a bounded group of people. Thus, the set of beneficiaries and the people who owe them something will be different depending on the right.

⁴⁷ Bolstering the argument for rights in Aquinas are several places in his writings in

A defense of rights requires far more analysis than I can offer here. What is important for the argument at hand is that rights express the idea of due, and thus merit a central place in justice defined accordingly. Not the only place. Concepts like equality, equity, impartiality, and fairness, which are distinct from but closely related to rights, are also integral to justice as due. Aquinas considers equality as essential for defining what is due.⁴⁸ To render each person her right, especially in the case of natural rights, is to show respect for the dignity she shares equally with all other persons, a dignity grounded in her nature as a being endowed with free will and intelligence. Equity and fairness, close cousins of equality, define due in more specific domains such as economic exchange.

The cluster of concepts that make up the justice of due—rights, equality and its cousins, and, increasingly over the centuries, liberty—has exerted enormous influence on the modern world, even where the explicit definition of justice as rendering due has been forgotten. This justice is axial in the liberal tradition of John Locke, Immanuel Kant, and their latter-day legatees, most prominently John Rawls, as it is in liberal democratic institutions around the world. It is present, too, in Christian thought, where, contrary to the claim that rights originated through a departure from the Christian tradition in the thought of Hobbes and Locke, rights extend back through sixteenth-century Spanish Scholastic thought, medieval canon law, (arguably) the thought of Aquinas, and even the writings of early church thinkers like Tertullian and Lactantius.⁴⁹

which he refers to a right in a specific context, such as: the right of the poor to take from the rich in cases where they are desperate; the rights of parents to decide whether their children will be baptized; the rights of those accused of crimes; the right of self-defense; the right of entering on one's inherited estate; the right to receive Eucharistic communion; the right to receive tithes. For a discussion and identification, see: Porter, *Justice as a Virtue*, 140–46; Finnis, *Aquinas*, 133n10; H. Hering, “De Iure Subjective Sumpto apud S. Thomam,” *Angelicum* 16 (1939): 295–97; and Legge, “Do Thomists have Rights?,” 133. Legge finds twenty-three instances of “subjective *ius*” in Aquinas's writings.

⁴⁸ *ST* II-II, q. 58, a. 2, corp.; q. 80, a. 1, corp.

⁴⁹ On Spanish Scholastic thought, see: Annabel Brett, *Liberty, Right and Nature: Individual Rights in Later Scholastic Thought* (Cambridge: Cambridge University Press, 2003); David Lantigua, “The Image of God, Christian Rights Talk, and the School of Salamanca,” *Journal of Law and Religion*, 31, no. 1 (2016): 19–41. On medieval canon law, see Brian Tierney, *The Idea of Natural Rights: Studies on Natural Rights, Natural Law, and Church Law 1150–1625* (Grand Rapids, MI: Eerdmans, 2001). In chapter 2 of *To Scapula*, Tertullian articulates a natural, human right of religious freedom—remarkably at such an early date. Lactantius does not use the term human right but defends something very close to the human

But is the justice of due present in the Bible? In some respects, yes. Rights receive mention in several places. Proverbs counsels kings against drinking wine while violating the “the rights of all who are in need”; Job teaches that “God withholds not the just man’s rights”; Paul renounces his right to material support from the Christian community in Corinth; and other references mottle the Scriptures.⁵⁰ These explicit references are sporadic, none is systematic, and while some of them exude universality, none teaches directly or thoroughly that rights are intrinsic to justice.

A more indirect yet potentially fruitful argument for rights in Scripture is that rights are entailed in natural law, the moral precepts that are known through reason. Voices over the course of the Christian tradition have held that natural law can be found in the Bible, citing Paul’s teaching in Romans that the gentiles have the law “written in their hearts” even though God did not reveal it to them, as well as other passages that point to a natural law.⁵¹ A smaller number of voices, some of them scholars influenced by Aquinas, have held too that people possess natural rights by virtue of natural duties, for instance, a right to life is a consequence of the proscription of murder.⁵² Here again, I only adumbrate arguments—natural law’s place in the Bible, and the place of natural rights in natural law—about matters that are and have been disputed in the Christian tradition, doing so with the purpose of showing how the justice of due, understood in terms of rights, need not be at odds with biblical morality. Likewise, the Scriptures offer support for other aspects of justice as due such as equality, equity, fairness, and impartiality.⁵³

Granting the Bible More Than Its Due

But if the justice of right relationship found in the Bible includes what is due, it is not exhausted by it. This justice also includes duties that do not fulfill what is due, is owed, or corresponds to a right. These duties fit the description of what Kant called “wide” (or imperfect) duties, ones that require the promotion of an end but do not specify (or prohibit) the

right of religious freedom in *Institutiones divinae* 5.20.

⁵⁰ Prov 31:5; Job 36:6; 1 Cor 9:12. For other examples, see: Exod 21:8; 21:10; Lev 25:29; 25:48; Deut 24:17; 1 Chron 5:1–2; Prov 29:7; Isa 5:23; 10:2; Lam 3:35; 1 Cor 9:15; 9:18.

⁵¹ Rom 2:14–15. See Matthew Levering, *Biblical Natural Law: A Theocentric and Teleological Approach* (Oxford: Oxford University Press, 2008), 56–68.

⁵² 55 See, e.g.: Finnis, *Aquinas*, 135–40; Williams, *Who is My Neighbor?* 292–99; Jacques Maritain, *Christianity and Democracy: The Rights of Man and The Natural Law*, trans. Doris C. Anson (San Francisco: Ignatius Press, 1986), 106–9.

⁵³ Lev 19:5; Deut 1:16–17; Prov 2:7–9.

actions that this promotion involves, in contrast with “narrow” (or perfect) duties, which prohibit either performing or omitting certain actions. Wide duties are open-ended, leaving their performer discretion as to when or where, to what degree, or toward whom they are performed.⁵⁴ Wide duties vary in width. The Bible’s injunction to love one’s neighbor is quite open-ended, including not only negative prohibitions against lying, stealing, and the other misdeeds, but also a duty of beneficence that does not specify who one’s neighbor is and how one’s neighbor is to be served. Other duties are somewhat less wide, such as the biblical teaching to serve the poor, which narrows somewhat the set of people to be served yet remains considerably open-ended.

Wide duties do not easily admit of corresponding rights. Let us say that Miriam has an obligation to serve the poor, that is, to discharge a portion of her time and money to assist the poor in addition to her other duties in life. She confronts the reality that her town alone—not to mention the entire globe—contains far more poor people than she alone could possibly befriend. Does she volunteer at a homeless shelter? Tutor children? Give to a charity that promotes economic development in Bangalore, India? Her capacities are adequate only to a tiny portion of the world’s needs. It would be strange to say that any one person—say a poor person in Bangalore—has a right to Miriam’s resources, implying that Miriam would be committing a wrong if she did not help this particular person. She has a duty to serve the poor, but which poor is at her discretion.

The justice of right relationship does not deny that the poor have rights—to subsistence, basic forms of care, housing, and safe working conditions, for instance.⁵⁵ The justice of right relationship, though, is not confined to rights. Miriam and the society of which she is a part are obliged to promote the cause of the poor beyond what the poor assert as a right.

⁵⁴ Immanuel Kant, *The Metaphysics of Morals*, trans. Mary Gregor with introduction (Cambridge: Cambridge University Press, 1991), 194; for a good explanation of Kant’s distinction, see Alan Donagan, *The Theory of Morality* (Chicago: University of Chicago Press, 1977), 154.

⁵⁵ There may be situations in which the poor—or more broadly, those in need—have rights to care from other individuals. One might argue that, if a person comes into close proximity to another person in great distress, then the distressed person has a right to the able person’s care. For instance, a capable swimmer may pass by a lake where a person is drowning and be obligated to rescue him. These situations demand more treatment than I can give here. My broader argument is that a poor person in general does not have the right to any other particular individual’s assistance. Any particular individual’s duties toward the poor are in good part open-ended, that is, unspecified by the rights of the poor alone.

Duties of justice correspond with rights most plausibly when the duties are specified in their requisite actions and their criteria for fulfillment. Most negative human rights (immunities) meet these criteria. The right not to be murdered, tortured, or have one's property stolen is honored when people refrain from murder, torture, and stealing. Many positive rights (entitlements) pass muster, too, most clearly those that are specified by a contract—a creditor's right to be paid as promised, for instance—but also certain human rights like subsistence and safe working conditions.⁵⁶ As duties grow wider, however, it becomes less plausible to associate them with a right. What would it mean that everyone has a right to the love of one's neighbor? The justice of right relationship, then, contains duties that correspond with rights—and with what is owed or due—but also duties that do not because they are wide, or open-ended.

The same is true of biblical justice, which is not limited to rights and entails wide duties to promote the well-being of others. Many of the Bible's teachings on justice deal with the poor, condemning abuses and deprivations in language that sometimes involves or implies rights, but also calling for a positive alleviation of their plight, an open-ended duty.⁵⁷ Psalm 146:6–7 commends the one “who keeps faith forever, secures justice for the oppressed, gives food to the hungry.” Deuteronomy 15:7 teaches, “if one of your kinsmen in any community is in need in the land which the Lord, your God, is giving you, you shall not harden your heart nor close your hand to him in his need.” Nardoni comments that, in Deuteronomy, relationships between rich and poor are determined “not just on the basis of principles of commutative and distributive justice, but primarily on the basis of a beneficent justice, suffused with a compassionate love in imitation of the love of God toward Israel.”⁵⁸ When Jesus tells his disciples in Matthew 25 that, when they see the hungry, the thirsty, the naked, the ill, and the imprisoned, they are seeing him, he is commanding a wide commitment to the poor, one that has no strict boundaries.⁵⁹

Some of the Bible's commandments to assist the poor even fly in the face

⁵⁶ This is not to deny that virtually any right requires some degree of specification. The right not to be tortured, for instance, raises the question of what constitutes torture, one that was hotly disputed in the United States in the 2000s in the context of combatting terrorism. Many positive rights—to subsistence and to health care, for instance—require a specification of what kind and how much.

⁵⁷ On this point, see Deede and Hoang, *Justice Calling*, 92.

⁵⁸ Nardoni, *Rise Up, O Judge*, 84–85.

⁵⁹ Other verses that stress a generalized commitment to the poor include, among others: Deut 10:18–19; 15:7–11; Ps 72:4; 72:12; Ps 82:3–4; 103:6; Prov 31:9; Isa 1:17; 11:4; Jer 22:16.

of rights. To honor the Jubilee year—that is, to free one's slaves and cancel debts—is to forego one's rights, as is following the injunction to continue to loan to the poor as the Jubilee year approaches and repayment becomes unlikely (Deut 15:1–4, 9–11). The injunction that farmers leave gleanings in their fields for the poor at the time of harvest appears to be a commandment of generosity. In several places, the Bible grounds concern for the vulnerable in God's deliverance. Israelites ought to protect the foreigners among them because God delivered them from Egypt where they were foreigners. Here, the ground for concern for the vulnerable is gratitude to God, not a duty to fulfill the foreigners' rights (Deut 10:18–19).

The Book of Sirach teaches that almsgiving is an act of righteousness (and thus justice). Commenting on this teaching, Bible scholar Gary A. Anderson explains that almsgiving is a mode of laying up treasures in heaven. Jesus then discusses almsgiving as a "righteous deed" in the Sermon on the Mount and promises heavenly reward for it, at least when it is performed without fanfare. Jesus does not specify, though, the poor people toward whom one should direct alms or how much one ought to give them and indicates no limits to the treasure that can be stored up in heaven (see Matt 6:1).⁶⁰ Almsgiving is a duty of justice, but a wide one.

Above, I argued that the righteousness and justice of the Bible enfold other virtues that direct people toward others. Some of these are wide. One of them is mercy, which Thomas Aquinas defines as "heartfelt sympathy for another's distress, impelling us to succor him if we can"; a merciful action is driven by this sympathy and alleviates distress caused either by sin or by unmerited suffering.⁶¹ The latter sort is most relevant to primary justice. The Bible calls for mercy, as in Micah, where mercy is associated with justice: "Do the right [*mishpat*] and . . . love goodness [or mercy], and . . . walk humbly with your God" (Mic 6:8),⁶² and as in the Gospel of Luke, where Jesus commands, "be merciful, just as [also] your Father is merciful" (Luke 6:36). Other virtues enumerated in the Bible like compassion and generosity are similarly wide. So, too, is solidarity, which has emerged as an explicit virtue more recently in the Christian tradition and means identification with the suffering of every other person, much as Jesus taught in the parables of the good Samaritan and of the rich man and Lazarus.⁶³

⁶⁰ See Gary A. Anderson, *Charity: The Place of the Poor in the Biblical Tradition* (New Haven, CT: Yale University Press, 2013), 132.

⁶¹ *ST* II-II, q. 30, a. 1.

⁶² In other versions of this verse, "right" is translated as "justice" (or "act justly") and "goodness" is translated as "mercy."

⁶³ See: William C. Mattison III, "Solidarity in Catholic Social Teaching: An Inquiry

One other wide duty that emerged in the Christian tradition is the promotion of the common good of a society, a duty possessed quintessentially, but not exclusively, by public officials. Does a legislator spend her time lobbying for urban renewal? Promoting national defense? How should public money be allocated among priorities? Legislators have a duty to promote the public welfare, but how to do so—how to allocate wealth, what endeavors to support, what pursuits ought to be chosen over others in the face of scarcity—is unspecified, and no citizen has a right to any one course of action. In the Bible, this duty is referenced in commandments to kings to promote justice in general.⁶⁴

Aquinas's Dilemma

The argument thus far may seem to present a conundrum for Aquinas, who argues both that justice is general, pertaining to all relationships, and that justice is what is due among equals. If justice includes wide duties, though, then Aquinas's claim that justice is what is due stands in tension with his endorsement of general justice. Aquinas appears to recognize this problem in his discussion of what he calls the "potential parts of justice." He states that the "essential character of justice consists in rendering to another his due according to equality" and then observes that there are virtues that direct persons toward others yet lack either due or equality.⁶⁵ These virtues, then, are potential parts of justice, but not fully ones of justice. Religion and piety are examples of virtues that involve due but not equality, since they are directed to superiors—God or parents, for instance. Other virtues are directed to equals yet lack due. Among the examples Aquinas cites are affability, liberality, beneficence, and friendship; I would add mercy, which Aquinas associates with the supernatural virtue of charity. These latter virtues, not involving due—not strictly owed to others—appear to be wide duties.

That Aquinas sees the need to create the category of potential parts of justice bespeaks his commitment to justice as a general virtue. He argues that justice uniquely directs all other virtues to the common good, implying that justice governs human actions comprehensively, whereas other virtues do not, much as the Bible's *šedeq/šedeqah* is more universal than

Employing Thomistic Categories of Virtue," *Journal of Catholic Social Thought* 15, no. 1 (2018): 1–43; German Grisez, *Living a Christian Life*, vol. 2 of *The Way of the Lord Jesus* (Quincy, IL: Franciscan Press, 1993), 342.

⁶⁴ See also: Ps 72:1–2; Isa 32:1; 2 Chr 7:17; 9:8; Prov 16:12; 29:4; 2 Sam 8:15; 23:3–4; 1 Kgs 10:9; 1 Chr 18:14; Jer 21:12.

⁶⁵ *ST* II-II, q. 80.

other virtues like *hesed* and *rahamin* but also reflect their meaning.⁶⁶ Aquinas's potential parts also reveal his awareness that some aspects of relationship among persons and God are not consistent with due (or equality) and are thus, as he calls them, only potential parts of justice.

Biblical justice (and righteousness) has no need for this category. It includes all duties involving other persons and God and does not treat any of these duties as less than fully ones of justice, even when they do not correspond to something due, and even when the parties are unequal in station. The Bible also commends other virtues to be practiced among persons and God such as mercy, steadfastness, kindness, and compassion, all of which are assimilable into the more general category of justice even while they retain their distinctive meaning. The Bible does not call them potential parts of justice, though, but rather treats them as fully a part of holistic justice.

What's Love Got to Do With It?

One other issue arising from my argument is the relationship of justice to charity and love. Several passages in the Bible, especially in the New Testament, appear to grant love the central and encompassing role that I have claimed for justice. Jesus says that the law and the prophets hang on the commandments to love God and to love neighbor and issues "a new command, . . . love one another."⁶⁷ Aquinas precedes his discussion of justice with a discussion of the virtue of charity, which he claims is the greatest of all virtues, is more excellent than the moral virtues—which include justice—and directs, gives form to, and even contains all other virtues.⁶⁸ Both the Bible and Aquinas appear to host a clash of titan virtues, love and justice. How can this be sorted out?

Christian thinkers over the centuries have argued for a wide variety of ways to think about the relationship between love and justice. As noted above, Augustine holds that justice is none other than the love of God and neighbor, and Aquinas quotes his view favorably. Quite differently, Wolterstorff adopts the definition of justice as rendering due and amounting to rights and argues that love includes but exceeds this justice. Generosity, he says, is a dimension of love that gives beyond what

⁶⁶ *ST* II-II, q. 58, a. 6, corp. Porter argues that, for Aquinas, justice is an "architectonic" virtue, meaning that "it brings a certain ordering to the acts of the other virtues" (*Justice as a Virtue*, 112).

⁶⁷ Matt 22:37–40; John 13:34.

⁶⁸ *ST* II-II, q. 23, a. 6, corp.; I-II, q. 65, a. 3, sc.

is due and is not contained in justice.⁶⁹

My own view follows the lead of Pope John Paul II and Germain Grisez, who defend two propositions that appear to stand in contradiction: first, that love includes and exceeds justice, and second, that love shapes the very meaning of justice.⁷⁰ How can both claims be asserted together? Because, I argue, justice can be understood in two ways, natural and infused. The first, natural justice, is enfolded in and exceeded by love; the second, infused justice, is elevated by love.

Justice as a natural virtue is what Aquinas calls a moral virtue, one that is apprehended by reason and has as its object the human good that is known through reason.⁷¹ It includes moral precepts that admit of being due (or owed, or corresponding to a right), as well as, in my own argument, the wide duty of beneficence.⁷² Natural justice is distinguished from what Aquinas calls charity, a supernatural virtue that is infused—in the Apostle Paul’s phrase, poured into our hearts—by the Holy Spirit (Rom 5:5). Actions of love that proceed from charity have God, not the natural human good, as their object. One loves one’s neighbor out of a love of God. Love flowing from charity also has an expanded ethical content that includes norms of natural justice, but also extends to actions like love for one’s enemies, forgiveness, a sacrificial gift of self (becoming servant to all, taking up one’s cross), and a concern for others that extends beyond one’s community to all of humanity.⁷³ On this view, love includes duties of justice but also duties that reach beyond justice.

To leave matters here, though—justice versus charity—would fail to account for the expanded quality of justice (or righteousness) that Jesus articulates on several occasions. In the Sermon on the Mount, for instance, it is immediately following Jesus’s warning that, “unless your righteousness [or justice] surpasses that of the scribes and Pharisees, you will not enter the kingdom of heaven,” that he presents the six “antitheses” through which he expands, deepens, interiorizes, and radicalizes the law of the Torah (Matt

⁶⁹ See Nicholas Wolterstorff, *Justice in Love* (Grand Rapids, MI: Eerdmans, 2011), 207–20.

⁷⁰ John Paul II, *Dives in Misericordia*, §12, 14; Grisez, *Living a Christian Life*, 365–67. For Grisez, it is mercy that is synonymous with justice (as well as a virtue that goes beyond justice). But he sees mercy as an expression of love.

⁷¹ *ST I-II*, q. 63, a. 3, corp.

⁷² Here I depart from Aquinas, who views beneficence as a supernatural virtue associated with charity. See William K. Frankena, *Ethics*, 2nd ed. (Englewood Cliffs, NJ: Prentice-Hall, 1973), 85–86, 153–156 for a view of beneficence as a natural virtue.

⁷³ Grisez, *Christian Moral Principles*, vol. 1 of *The Way of the Lord Jesus* (Quincy, IL: Franciscan Herald, 1993), 604–6.

5:20–48). In Matthew and Luke, Jesus identifies the righteous (or just) with those who show abiding love for the poor and thus merit eternal life. Justice here takes on the ethical content of love that flows from charity (Matt 25:46; Luke 14:14.).⁷⁴ Then, the Gospel of John and the Letters of John strongly associate love with the commandments of Jesus and in turn associate these commandments with righteousness, which, here again, translates *dikaïosynē*, and thus can also be rendered justice.⁷⁵

This is a justice that is supernaturally infused or elevated by grace. While Aquinas familiarly identifies the three theological virtues—faith, hope, and charity—as being infused by the Spirit, he also avers that the cardinal moral virtues—prudence, fortitude, temperance, and justice—can become infused by grace and transformed into a supernatural form.⁷⁶ When natural justice is infused by grace, it looks more like the supernatural love that flows from charity.⁷⁷ This justice remains the virtue that entails duties related to others, including the duties that involve rendering due, but it also includes the full, expanded vision of right relationship that Jesus embodied and taught.⁷⁸ This justice, infused justice, is shaped by love.

⁷⁴ On justice being transformed by charity, see Matthew Levering, “Juridical Language in Soteriology: Aquinas’s Approach,” *Angelicum* 80 (2003): 309–26, at 322: “The theological virtue of charity, therefore, elevates and perfects the moral virtue of justice by enabling the rational creature to participate more intensely in the divine will.” See also Levering, *Christ’s Fulfillment*, 57, 65.

⁷⁵ John 13:34, 14:15; 1 John 2:1–11; 2:29; 3:7, 10, 12. On the meaning of love in the Letters of John, I benefitted from Ceslaus Spicq, *Agape in the New Testament* (St. Louis, MO: Herder, 1966).

⁷⁶ *ST I-II*, q. 63, a. 3, corp.; q. 63, a. 4, corp. Aquinas expounds on this transformation using the example of temperance. He does not discuss systematically how justice is transformed in content when it becomes infused.

⁷⁷ On infused justice, see: Michael Sherwin, O.P., *On Love and Virtue: Theological Essays* (Steubenville, OH: Emmaus Academic, 2018), 166; William C. Mattison III, “Moral Virtue, the Grace of God, and Discipleship,” in *Gathered for the Journey: Moral Theology in Catholic Perspective*, ed. David Matzko McCarthy and M. Therese Lysaught (Grand Rapids, MI: Eerdmans, 2007), 210–14.

⁷⁸ Here, and elsewhere in my argument, one might raise a question concerning obligation: Do obligations (and duties, requirements, etc.) encompass everything that a Christian is enjoined to do toward others? If the answer is yes, then is there no role for performing gratuitous actions or deeds that take the form of a gift? My view is that obligations do in fact encompass everything that Jesus asks his followers to do toward others, that is, everything that is involved in love. In the Gospel of John, Jesus gives the “new commandment” to “love one another.” Loving others, then, is a command, and encompasses everything that one may do to promote the good of others. Love, though, includes acting gratuitously and giving gifts. Actions are no less gratuitous or gift-giving because they are commanded. What makes actions gratuitous or involving gift is that the recipients of these actions

Justice as the Restoration of Right Relationship

The argument with respect to rectifying justice runs parallel to that for primary justice: The justice of right relationship, whose main source is the Bible, includes but exceeds the justice of rendering another his due. In rectifying justice, the most plausible meaning of due is retribution, the infliction of hardship upon a perpetrator as a payment for her crime in accordance with the rule of law and standards of proportionality. A perpetrator receives her due or pays her debt, thus receiving retribution.

Rights are less central to rectifying justice. They are dissonant with retribution. It sounds strange to speak of a perpetrator as enjoying or claiming a right to be punished.⁷⁹ In certain respects, though, rights define what is due in rectifying justice. Victims properly claim rights to—and thus are due—apologies, restitution, reparations, and perhaps truth.⁸⁰ Alleged perpetrators possess rights related to the due process of law.

With respect to rectifying justice, the justice of right relationship is, again, comprehensive, involving a holistic restoration of right relationship. It sometimes involves punishment and the fulfillment of rights, but also involves the granting of what people do not deserve or have a right to. This justice converges with mercy insofar as mercy addresses what has been ruptured by wrongdoing, not just misfortune. In Pope John Paul II's encyclical of 1980, *Dives in Misericordia*, he defines mercy consistently with Aquinas's definition yet accents this virtue's holistic, restorative character: "Mercy is manifested in its true and proper aspect when it restores to value, promotes and draws good from all the forms of evil existing in

have no right to them. These actions are wide duties, that is. Pope John Paul II wrote: "In giving life to man, God demands that he love, respect and promote life. The gift thus becomes a commandment, and the commandment is itself a gift" (*Evangelium Vitae*, § 52). Grisez takes this view, I argue, in discussing mercy. He argues at once that "the duties of mercy do not correspond to any rights which anyone has apart from God's mercy to every human person" and that "the works of mercy are obligatory, and it is wrong to think of mercy's requirements as if they were supererogatory (that is, above and beyond the requirements of duty)" (*Living a Christian Life*, 84). This is precisely the argument that there are duties to which there are no corresponding rights (wide duties).

⁷⁹ Finnis points out that, in Aquinas's day, liability or a punishment might be considered a *ius*, or a right, but that today we would not use this language (*Aquinas*, 133–34).

⁸⁰ In international law, increasing recognition is being given to a right to truth for victims of human rights violations in a political conflict, often at the hands of the states who shroud murder, torture, and extrajudicial punishment in secrecy. See Daniel Philpott, *Just and Unjust Peace: An Ethic of Political Reconciliation* (Oxford: Oxford University Press, 2012), 182.

the world and in man." John Paul II associates mercy closely with love and applies to mercy the twofold relationship that I have argued love has to justice.⁸¹ In the first, love enfolds but exceeds justice. Thus, he speaks of justice as rendering due punishment and argues that it is tempered and "corrected" by mercy, which belongs to love but extends beyond justice. In the second, love expressed through mercy is equivalent to justice. He holds that mercy "accomplishes" the justice that means salvation in the Old Testament, that mercy and justice each "manifest" God's love, and that mercy "reveals the perfection of justice," "has the power to confer on justice a new content," and is "the most perfect incarnation of justice."⁸² Grisez, following John Paul II, likewise holds both that mercy extends beyond justice and that "mercy *is* the justice of God's kingdom."⁸³ Again, justice in the first relationship is the natural justice of rendering due, while justice in the second relationship is transformed by grace and includes both the duties that involve due and acts that reach beyond what is due. The second of these versions is biblical justice, the justice that restores right relationship, which is identical with mercy, the virtue directed at the restoration of all that is broken.

The justice that restores right relationship is also manifested through forgiveness, which instantiates mercy. Forgiveness in the Bible is not merely the relinquishment of wrath, anger, or resentment, but is also directed toward the restoration of relationship. God forgives the people of Israel in order to restore his covenant with them in the Old Testament and forgives all of humanity in a new covenant in which people may live in friendship with God in the New Testament. The forgiveness that the Bible teaches people to practice toward one another is also directed toward the restoration of right relationship. In the story of the prodigal son, for instance, the father forgives the dissolute son in order to receive him back into the family. Forgiveness, like mercy, is not owed to the perpetrator of a wrong, yet manifests justice, the justice that restores right relationship.⁸⁴

⁸¹ John Paul II, *Dives in Misericordia*, §8: "In the eschatological fulfillment mercy will be revealed as love, while in the temporal phase, in human history, which is at the same time the history of sin and death, love must be revealed above all as mercy and must also be actualized as mercy."

⁸² John Paul II, *Dives in Misericordia*, §§2, 4, 6, 7, 13.

⁸³ Grisez, *Living a Christian Life*, 365 (emphasis added). Also, Aquinas says in *ST* I, q. 21, a. 3, ad 2, both that mercy goes beyond justice and that mercy perfects justice.

⁸⁴ Here, I partially disagree with Grisez. I follow him in holding that forgiveness manifests mercy, which is the justice of God's kingdom. Thus, it appears that Grisez holds that forgiveness manifests God's justice. But Grisez then argues that

In both the Old and the New Testament can be seen this justice that includes but also is wider than retribution and that involves a holistic restoration of right relationship.

God's Saving Justice in the Old Testament

Aquinas uses the term original justice to describe what he calls the primitive state, or the Garden of Eden.⁸⁵ He describes it as perfect rectitude and right order; it is the justice of right relationship. The first humans lived in right relationship with God and with one another, and their souls were rightly ordered, meaning that their lower appetites were under the governance of their rational powers, which Aquinas calls “metaphorical justice.”⁸⁶ Aquinas says that the first human possessed perfect charity and justice—and in fact all of the virtues—and was created and sustained in virtue by grace.⁸⁷

Then came sin, which Aquinas calls the disturbance of right order. Sin violates the justice of right relationship, whose norms are not extrinsic to, but rather furthering of, flourishing and fulness of being; sin is disintegrative. It incurs a debt of punishment corresponding to the three dimensions of right order: the soul, relationships with others, and relationship to God. Sin violates divine justice and involves a loss of charity, which is friendship with God.⁸⁸

The Bible then proceeds to recount a long series of descents into sin and acts of restoration on the part of God. God renews the world after the great flood in Genesis, delivers the Israelites from Pharaoh (whose sin he punishes), forgives the Israelites after they build a golden calf, liberates Israel from exile in Babylon, and definitively redeems humanity through Jesus Christ. Several times, in the wake of sin, God establishes covenants, as with Noah, Abraham, and Moses and the Israelites, and as Jesus Christ did with all of humanity.

the duty of forgiveness, arising from the mercy that God has shown humanity, implies that sinners have a right to be forgiven by fellow sinners (*Living a Christian Life*, 362–67). I would argue, by contrast, that while Christians have a duty to forgive, sinners do not have a corresponding right to be forgiven. Rather, just as Christians have been forgiven by God without their deserving it, so, too, they ought to forgive those who wrong them without their deserving it. This is the message of the parable of the unforgiving servant in Matt 18: 23–35, I contend.

⁸⁵ *ST* I-II, q. 82, a. 1, ad 1; q. 85, a. 1, corp.

⁸⁶ *ST* II-II, q. 58, a. 2.

⁸⁷ *ST* I-II, q. 95, a. 1, corp.; *ST* I-II, q. 95, a. 3, corp. I benefitted in this section from Levering, “Juridical Language in Soteriology,” 315–19.

⁸⁸ *ST* I-II, q. 86, aa. 1, 3, 6. See Matthew Levering, “Creation and Atonement,” in *Locating Atonement: Explorations in Constructive Dogmatics*, ed. Oliver Crisp and Fred Sanders (Grand Rapids, MI: Zondervan, 2015), 58–60.

The Bible frequently uses the language of justice to describe God's act of restoration. Psalm 103:6–7, for instance, describes God's "mighty deeds" for Moses and Israel, ones that involve deliverance, in the language of justice and righteousness. Justice meaning deliverance is most pronounced in Second Isaiah, which is addressed to the people of Israel during their exile in Babylon and promises return. Referring to a messianic figure, Isaiah announces, "Here is my servant whom I uphold, my chosen one with whom I am pleased, upon whom I have put my spirit; he shall bring forth justice [*mishpat*] to the nations," and a few verses later, "I, the Lord, have called you for the victory of justice [*sedeq*]." ⁸⁹ Several times, God's justice is equated with salvation, as in Isaiah 45:21: "There is no just [*sedeq*] and saving God but me." ⁹⁰ As Pope John Paul II wrote in *Dives in Misericordia*, "to the psalmists and the prophets . . . the very term justice ended up by meaning the salvation accomplished by the Lord and His mercy." ⁹¹

Justice is not only the action through which God restores his people but also the condition to which God restores his people. God would make Jerusalem "the city of righteousness, the faithful city" (Isa 1:26–27). The restored people is also characterized by peace, calm, security, prosperity, and the rectification of the plight of the poor: land is restored, debts are canceled, wrongs are redressed, orphans and widows are protected and provided for, the lame walk, and the blind receive sight (Isa 40:17–20).

The Scriptures in Isaiah and other books of the Bible speak of God's saving justice as faithfulness to his covenant but not as something that God owes Israel. God's decisions to restore Israel are ones of love, mercy, and *hesed*, or faithfulness to his covenant.

And what of retribution? There is plenty of punishment in the Old Testament. Sometimes sinners are punished intrinsically, by suffering the consequences of their sin, and sometimes extrinsically, through being punished by another party, usually the political authorities, God, or some agent of punishment that God has deployed, such as a conquering nation.

In the Old Testament, retribution resides in covenants in which God couples commandments with blessings for obedience and curses for disobedience—most prominently, the covenant given at Sinai. When the Israelites and others sin, curses come. Isaiah 60:18 puts it starkly—"[The Lord] repays his enemies their deserts, and requites his foes with wrath"—

⁸⁹ Isa 42:1–6. Other verses speaking of God's restorative action as justice include: Deut 32: 4–14; Judg 5:11; Isa 11:4–5; 45:8; 45:13; 45:19; 45:21; 45:25; 54:14.

⁹⁰ See also: Isa 46:12–13; 51:5, 8; 56:1.

⁹¹ John Paul II, *Dives in Misericordia*, §4.

and many other verses indicate or describe retribution.⁹² Sometimes God destroys people and entire groups of people for their sin.⁹³ God also inflicts punishment through natural phenomena—frogs, boils, gnats, flies, earthquakes, famine, and the like—clearly imposed upon sinners from without.⁹⁴ Many times, retribution is associated with the language of justice and judgment.⁹⁵

The Bible's rectifying justice, though, is wider than retribution. Equally noteworthy as the episodes of requiting are those in which God does not mete out the punishment that sinners deserve. God foregoes punishment; promises it and then withdraws; applies punishment partially and then ceases; withholds punishment when his people repent, as with the city of Nineveh; and relents in response to pleas for mercy, as God did for Moses after the Israelites worshipped a golden calf.⁹⁶ Psalm 103:8–10 expresses this restraint most directly: "Merciful and gracious is the Lord, slow to anger, abounding in kindness. God does not always rebuke, nurses no lasting anger, [has] not dealt with us as our sins merit, nor requited us as our deeds deserve." The Bible describes other restorative measures too, including Israel's return from exile and a renewal of the land. On the role of kings, Bible scholar Moshe Weinfeld comments, "forgiveness and amnesty on the part of the ruler is called *doing righteousness and justice*."⁹⁷ Finally, retribution is challenged not only by the waiving of deserved punishment but also from the other direction, namely harsh punishment that confounds retributivism's prized principle of proportionality, as when God orders Saul to destroy the Amalekites, including "men and women, children and infants" (1 Sam 15:3).

While retribution is narrower than the Bible's wide rectifying justice, it also fits the character of this justice, furthering the restoration of right relationship. Retributive punishment involves a payment, but not one that is abstracted from the renewal of God's covenant. Deuteronomy repeats the phrase "so you shall purge the evil from your midst," indicating that

⁹² Ps 37:9; 58:12; 62:13; Job 34:12; Prov 10:16; 24:12; Eccl 12:14; Isa 3:10–11; 59:18; Jer 17:10; 25:14; 32:19; Lam 3:64; Hos 4:9.

⁹³ See, for instance: Deut 7:4; 9:8; Num 16:21–35; Ezek 43:8.

⁹⁴ For the plagues (frogs, etc.), see Exod 7–11; for earthquakes, see Isa 29:26 and Amos 8:8; for famine, see Ezek 5:12, 16. I have benefitted in this paragraph from the interpretation of Marshall, *Beyond Retributivism*, 121–22.

⁹⁵ See, e.g., Ps 34.

⁹⁶ See Exod 32:14.

⁹⁷ Moshe Weinfeld, *Social Justice in Ancient Israel and the Ancient Near East* (Minneapolis, MN: Fortress, 1995), 11 (emphasis original).

punishment has a purifying aim.⁹⁸ This, of course, does not imply the compatibility of the Bible's full range of penalties, including the prescription of the death penalty for a wide variety of sins, with contemporary Christian ethics. The point is rather that biblical retributive punishment has a restorative purpose, in contrast to the retributivism of Kant, who, zealously distinguishing his ethics of duty from any form of eudaimonism, insisted that punishment take place for principle alone, apart from any consequences for the well-being of the perpetrator or others affected by the crime.⁹⁹ In the Old Testament, retributive punishment is one of several measures involved in the justice through which God restores the people and communities he has created, most of all the people of Israel.

God's Saving Justice in the New Testament

Bible scholar N. T. Wright argues that Jesus's death and resurrection are the climax of Israel's story of God's saving justice.¹⁰⁰ Jesus proclaims his mission of saving justice in the Gospel of Matthew, where he directly identifies himself with the servant of Isaiah who "brings justice to victory" (Matt 12:20).¹⁰¹ Similarly, Jesus's words to John the Baptist that he would "fulfill all righteousness [*dikaiosynē*]" signal not only his clarification and deepening of God's law but also his saving action. Through his Cross and resurrection, he will complete what he initiated in his baptism: defeating sin and death and restoring right relationship between humanity and God (Matt 3:15).¹⁰² Likewise, when Paul writes in First Corinthians that Jesus became righteousness (1 Cor 1:30), he places this quality in a series with sanctification and redemption, signifying that righteousness is saving justice. Then, the First Letter of John holds that "if we acknowledge our sins, he is faithful and just and will forgive our sins and cleanse us from every wrongdoing" (1 John 1:9), where the word "just" (*dikaios*) implies the saving actions of forgiveness and renewal. Finally, Paul uses *dikaiosynē* in his Letter to the Romans, when he writes "for in [the Gospel] is revealed the righteousness [*dikaiosynē*] of God" (Rom 1:17), and similarly, when he expounds:

⁹⁸ Deut 13:6; 17:7, 12; 19:19; 21:21; 22:21–22, 24; 24:7.

⁹⁹ Kant, *Metaphysics of Morals*, 140, 141, 168.

¹⁰⁰ See, among Wright's many works, *Evil and the Justice of God* (Downer's Grove, IL: IVP Books, 2006), 75–100.

¹⁰¹ The reference in Isaiah is 42:6—"I, the Lord, have called you for the victory of justice"—where the word for "justice" is *šedeq*. Matthew renders justice as *krisis*, rather than *dikaiosynē*, in presenting Jesus's quote of Isaiah. *Krisis* means judgment, though a judgment is always in accord with justice.

¹⁰² Nardoni comments that the verse refers back to messianic verses in Ps 2:7 and Isa 42:1 (*Rise Up, O Judge*, 231). See also Reumann, "Righteousness (NT)," 755.

But now the righteousness [*dikaiosynē*] of God has been manifested apart from the law, though testified to by the law and the prophets, the righteousness (*dikaiosynē*) of God through faith in Jesus Christ for all who believe. For there is no distinction; all have sinned and are deprived of the glory of God. They are justified (*dikaioō*) freely by his grace through the redemption in Christ Jesus, whom God set forth as an expiation, through faith, by his blood, to prove his righteousness (*dikaiosynē*) because of the forgiveness of sins previously committed, through the forbearance of God—to prove his righteousness (*dikaiosynē*) in the present time, that he might be righteous (*dikaios*) and justify the one who has faith in Jesus. (Rom 3: 21–26)

“Righteousness” here is the saving action of Jesus Christ—and so, then, is justice.¹⁰³

How does Jesus Christ perform this saving justice, the justice that restores right relationship? There is both a negative and a positive dimension to the action, both expressed in an important verse in First Corinthians that describes Christ’s reconciliation of humanity to himself: “For our sake [God] made him to be sin who did not know sin, so that we might become the righteousness [*dikaiosynē*] of God” (2 Cor 5:21).

First, the negative side of Christ’s justice is that he forgives sin and takes it away from humanity through his sacrifice on the Cross. “This is my blood of the new covenant, which will be shed on behalf of many for the forgiveness of my sins,” he tells his disciples at the last supper (Matt 26:28). His sacrifice is also conveyed by John the Baptist, who describes him as the “Lamb of God, who takes away the sins of the world” (John 1:29).

The positive side of Christ’s justice is his restoration of justice in people who follow him: “that we might become the righteousness of God” (2 Cor 5:21).¹⁰⁴ Here again, justice is not only the action through which Christ saves but also the condition to which he restores humanity. Through the Cross and resurrection, Christ not only takes away sin but also, in triumphing over death and being restored to fulness of life by the Father, invites

¹⁰³ Nardoni argues just this in *Rise Up, O Judge*, 281, as do Dunn and Suggate in *Justice of God*, 35, and Darrin W. Snyder Belousek in *Atonement, Justice, and Peace: The Message of the Cross and the Mission of the Church* (Grand Rapids, MI: Eerdmans, 2012), 369–80.

¹⁰⁴ On interpreting this passage in terms of justice, see the important work of Michael J. Gorman, *Becoming the Gospel of God: Paul, Participation and Mission* (Grand Rapids, MI: Eerdmans, 2015), 246–54.

people to join in this restoration, and thereby become just themselves—a “new creation,” as Paul puts it in Second Corinthians (2 Cor 5:17). Christ’s rectifying justice restores primary justice, a justice elevated by charity, taught and exemplified by Jesus over the course of his life, including but also exceeding the previous moral commandments, and culminating in his death and resurrection. The person who decides to participate in this justice by professing faith in Christ receives the Holy Spirit and becomes just, including in his soul, in his relationships with others, and his relationship with God. This justice extends into collectivities, including political orders, economic systems, cultures, and the relationship of humans to the natural environment.

The positive, restorative work of justice is consummated at the Last Judgment. “We await new heavens and a new earth in which righteousness [*dikaiosynē*] dwells,” says the Second Letter of Peter (3:13), indicating, first, that it is *dikaiosynē*—righteousness, or justice—that will prevail, and second, that the heavens and the earth will be made new in an actual restoration. The *Catechism of the Catholic Church* echoes that “the Last Judgment will reveal that God’s justice triumphs over all the injustices committed by his creatures.”¹⁰⁵ Is this consummation a recapitulation of original justice? Yes, in the sense that people live in perfect community, but with the difference that it is a restoration of what was fallen. The risen Christ bears his wounds, the marks of one who has performed saving justice. The new heavens and new earth are not the Garden of Eden.

The saving character of justice and its positive and negative sides come together in justification, one of Paul’s most central concepts for describing what Christ accomplished through his death and resurrection. Taking issue with Wright’s view that justification is primarily God’s bestowal of a “not guilty” status upon the sinner according to Paul’s metaphor of the courtroom, Bible scholar Thomas Stegman argues that justification includes not only acquittal but also a bestowal of grace that transforms the sinner interiorly—the historical position of the Catholic Church.¹⁰⁶ Justification “is not remission of sins merely, but also the sanctification and renewal of the inward man,” declared the Council of Trent in the sixteenth

¹⁰⁵ CCC, §1040.

¹⁰⁶ Thomas D. Stegman, S.J., “Paul’s Use of *Dikaio*- Terminology: Moving beyond N.T. Wright’s Forensic Interpretation,” *Theological Studies* 72 (2011): 496–524. Wright expresses his view in *Justification: God’s Plan and Paul’s Vision* (Downer’s Grove, IL: IVP Academic, 2009).

century.¹⁰⁷ For Stegman, too, the fifth chapter of Paul's Second Letter to the Corinthians is pivotal, containing phrases like "new creation" and "we might become the righteousness of God" that point to inner renewal. In several other passages in Paul's letters, he also holds that Christ's Passion and justification bestow transforming grace.¹⁰⁸ In justification, then, God restores right relationship not only by coming to look upon the sinner as one no longer guilty but also in regenerating the sinner—both the negative and positive movements of saving justice. As the Council of Trent put it, "the alone formal cause [of justification] is the justice of God, not that whereby He Himself is just, but that whereby He maketh us just, that, to wit, with which we being endowed by Him, are renewed in the spirit of our mind, and we are not only reputed, but are truly called, and are, just, receiving justice within us."¹⁰⁹

Justification, the justice that saves and that restores right relationship, is shaped by the divine charity that initiates the salvation that takes place through the Incarnation, Cross, and resurrection. It is also equivalent to mercy, the quality of actions that will to restore. In the Gospels, Jesus foretells the mercy that he will accomplish in his Passion, for instance, in the story of the prodigal son, while other verses in the New Testament also describe his Passion in terms of mercy.¹¹⁰

Saving justice is a gift, not something owed. Paul stresses in his Letter to the Romans that Christ died for us "while we were still sinners," not after first demanding that humans pay up for their sins, that sinners "are justified freely by his grace," and that Jesus Christ is a "gracious gift."¹¹¹ The *Catechism* likewise speaks of "God's gratuitous justice."¹¹² Out of love, the Father sends the Son to bring about justice to which humanity did not have a right, justice it was not owed, justice that was not due.

Does this mean that due has no place in Christ's saving justice? Let us turn again to Thomas Aquinas, who helps us to see that retribution is a part, but is not the whole, of this justice.

¹⁰⁷ Council of Trent, *Decree on Justification*, ch. 7 (trans. thecounciloftrrent.com/ch6.htm).

¹⁰⁸ In addition to 2 Cor 5:14–21, Stegman focuses on: 2 Cor 1:18–22; Gal 2:15–21; Phil 3:7–11; Rom 1:17; 3:21–26; 5: 1–11, 15–21; 6: 10–19; 8:28–30; 12:1–15:13.

¹⁰⁹ Council of Trent, *Decree on Justification*, ch. 7. On justification as justice, see also: Gorman, *Becoming the Gospel*, 222–60; James D. G. Dunn, "The Justice of God," *Journal of Theological Studies* 43, no. 1 (1992): 1–21.

¹¹⁰ Luke 1: 11–32. See, e.g.: Rom 11:30–32; 15:9; Eph 2:4–7; Titus 3:5; 1 Pet 1:3–5; 2:10; Jude 1:21.

¹¹¹ Rom 5:8; 3:24; 5:15 (respectively).

¹¹² CCC, §2009.

Thomas Aquinas and the Place of Due in Rectifying Justice

Aquinas accepts the major features of saving justice that I have identified in the Bible. This is clear in all that he says about God's justification of humanity through Christ: that justification is itself an act of justice;¹¹³ that it involves not only a remission of sin but also an infusion of grace;¹¹⁴ that this grace makes the sinner just, both in his actions and in his soul;¹¹⁵ and that this justice is a gift.¹¹⁶

Is there any sense in which Aquinas views the justice by which God saved humanity as involving due—retribution, payment, something owed? Yes, there is. A century and a half before Aquinas wrote the *Summa theologiae*, Anselm of Canterbury wrote *Cur Deus homo?* in order to explain the Incarnation and Christ's death. He reasoned that humanity incurred a debt for its sin that it could not repay. God, who wished to be faithful to what he had created, became human through his son and paid humanity's debt through a sacrifice that would be pleasing to God. God's act involved both justice—insofar as it repaid what was owed—and mercy, insofar as it was God who paid the debt, Anselm reasons.¹¹⁷

In *ST* III, Aquinas takes up Anselm's argument and agrees that payment of debt is an important part of how Christ's Passion is to be understood.¹¹⁸ He argues that humanity has incurred debt through its sin and is thus held in bondage, and that Christ's sacrifice redeemed humanity from this debt, and he describes both this debt and this redemption as justice.¹¹⁹ His use of the language of debt, price, payment, and redemption finds support in verses in the New Testament.¹²⁰ Here we have retribution, the version of justice as due that is found in rectifying justice.

Yet, in certain other ways, Aquinas's argument does not follow the logic of retribution. Contrary to Anselm, Aquinas holds that God would not

¹¹³ *ST* I, q. 21, a. 4, a. 1; II-II, q. 58, a. 2, corp.; III, q. 1, a. 2, corp.

¹¹⁴ *ST* I, q. 21, a. 4, a. 1; I-II, q. 100, a. 12, corp.

¹¹⁵ *ST* II-II, q. 58, a. 2, ad 1; I-II, q. 113, a. 1, corp. See Levering, *Christ's Fulfillment*, 120.

¹¹⁶ *ST* III, q. 46, a. 1, ad 3.

¹¹⁷ Anselm of Canterbury, *The Major Works* (Oxford: Oxford University Press, 1998), 260–356.

¹¹⁸ Levering, "Creation and Atonement," 64–66.

¹¹⁹ *ST* III, q. 48, a. 4, corp.; a. 5, corp.; q. 49, a. 1, corp.; q. 50, a. 1, corp.

¹²⁰ Several verses speak of Christ as ransoming humanity from its sins. It is an ambiguous metaphor since it is not clear to whom the ransom is being paid. Still, it implies a price paid. See: Matt 20:28; Mark 10:45; Gal 3:13; 4:5; 1 Tim 2:6; 1 Pet 1:18; and 2 Pet 2:1. An example of a passage where Aquinas uses the word "ransom" can be found at *ST* III, q. 48, a. 4. In two other places, the Scriptures speak of Christ's sacrifice as a price paid: 1 Cor 6:20; 7:23.

have acted unjustly had God chosen to save humanity without a rendering of satisfaction. God could have accomplished salvation otherwise. Unlike a human judge, who cannot rightly waive what one person owes another, God would have wronged no one in forgiving humanity without demanding payment, much like a person who waives a wrong committed only against himself.¹²¹ Aquinas, then, retains the notion that humanity owed a debt—the logic of due—but he does not require that the debt be paid or that a penalty be incurred, as a retributivist does. God could have waived the debt justly. Even still, Aquinas proceeds to argue that Christ's sacrifice was nonetheless a fitting way to restore humanity—not necessary, yet most suitable for a range of reasons.

Aquinas makes another argument, this one in agreement with Anselm, that does not square neatly with retribution, which is that “by suffering out of love and obedience, Christ gave more to God than was required to compensate for the offense of the whole human race.” Because Christ's passion was “superabundant,” it exceeded what was due.¹²²

Departing from retribution still more is the vicariousness of Christ's sacrifice. Retributivists insist that a penalty be paid by the one who committed the wrong, a principle that retributivists tout for both protecting the innocent and directing justice to the guilty. But Christ, an innocent man, paid humanity's debt in its stead. Anselm calls this mercy, but it also confounds justice understood as rendering a wrongdoer her due. Pope Benedict made the point in his Lenten message of 2010:

What kind of justice is this where the just man dies for the guilty and the guilty receives in return the blessing due to the just one? Would this not mean that each one receives the contrary of his “due”? In reality, here we discover divine justice, which is so profoundly different from its human counterpart.

In Christ's divine justice, he did not give wrongdoers their due, but rather forgave them.

Finally, Christ's rendering of satisfaction for debt through his sacrifice is only one of several ways that Aquinas cites in which Christ's Passion was fitting. The New Testament contains a host of terms and metaphors to explain how the Cross and resurrection achieved salvation, and theologians have proffered manifold theories in the centuries since. Anselm's theory of satisfaction was one of these theories, but only one. Prior to him,

¹²¹ *ST* III, q. 46, a. 2, ad 3.

¹²² *ST* III, q. 48, a. 2, corp.

virtually no Christian thinker had given satisfaction of debt such a central place. Another medieval scholar, Peter Abelard, reacted against what he saw as the harsh transactional character of Anselm's account and emphasized instead Christ's loving initiative and the charity that it inspires in those who would follow him. Aquinas weaves both accounts into his own, stressing not only satisfaction but also Christ's example of virtue, which inspires charity, excites hope of rising from the dead, and delivers humanity from fear of death.¹²³ Recall as well Aquinas's strong affirmation that Christ's Cross and resurrection yield grace that transforms those who place faith in him.¹²⁴ Not at all is his view one of mere mercantile exchange. The payment of what is due is a part, but only a part, of Aquinas's account of God's saving action, which is in turn the justice of restoring right relationship that the Bible describes. In Aquinas, as in the Bible, saving justice is wider than the justice that renders what is due.

Conclusion

The argument is simple, despite its complex parts: The justice of right relationship, found primarily in the Bible, includes but exceeds the justice of rendering another her due. With respect to primary justice, the justice of right relationship includes rights but also wide duties. With respect to rectifying justice, the justice of right relationship includes retribution but also other forms of restoring right relationship.

That the justice of right relationship is wider does not mean that it is better. Its width is exactly what worries many of today's defenders of due, especially in the liberal tradition. The full normative argument for this justice is beyond the reach of this essay. It is an argument that is worth pursuing, though, not least because the meaning of justice carries implications for public life.¹²⁵ Rawls held that justice is the first virtue of social institutions, and Aquinas thought much the same, regarding justice as the virtue that directs people to the common good.

¹²³ On the important role of charity in Aquinas's account of satisfaction, see Daria Spezzano, "Be Imitators of God' (Eph 5:1): Aquinas on Charity and Satisfaction," *Nova et Vetera* (English) 15, no. 2 (2017): 615–51, at 618.

¹²⁴ *ST* III, q. 53, a. 1, corp. For an interpretation of Aquinas that stresses both satisfaction and restoration, see Romanus Cessario, *The Godly Image: Christ and Salvation in Catholic Thought from St. Anselm to Aquinas* (Petersham, MA: St. Bede's, 1989), 148–49.

¹²⁵ For an exploration of biblical justice conceived as "civic righteousness," see John D. Carlson, "Rights versus Right Order: Two Theological Traditions of Justice and Their Implications for Christian Ethics and Pluralistic Politics," *Journal of the Society of Christian Ethics* 36, no. 2 (2016): 79–100.

In broad outline, the argument for biblical justice would contend that such justice overcomes some of the dichotomies associated with the justice of rendering due, especially in its modern liberal incarnation, mentioned in the introduction to this essay.

Against the claim that justice is limited to rights, retribution, and principles linked closely with rights like equality, equity, fairness, and liberty, biblical justice includes wide duties associated with mercy, care, compassion, and the common good. Biblical justice finds an ally in contemporary feminist “care ethics” theorists, who call for a justice that extends beyond rights and includes wide duties to care for the vulnerable.¹²⁶

Against the claim that justice is concerned only with right external action, biblical justice includes right motives and interior virtue. The Scriptures refer to certain persons as “just” or “righteous” to indicate that their heart and their soul are rightly directed to God and to others. While Aquinas stresses that justice is realized through right behavior toward others even in the absence of a right motive, and terms the rightly ordered soul “metaphorical justice,” he nevertheless holds that a just soul is to be sought and is a fruit of justification.¹²⁷

Against the claim that justice is public while other virtues associated with wide duties are apposite only for personal life or civil society, biblical justice encompasses the whole of human interactions and admits of no sharp division between those aspects that are appropriate for politics and those that are not.

Against the claim that peace is a cessation of hostilities and that justice is a separate development, biblical justice understands peace, which the Bible renders most familiarly as *shalom*, as a condition of holistic right relationship, little different from the justice of right relationship conveyed by *sedeq*. A collection of contemporary Christian ethicists place this conception of peace—which one of them has termed “justpeace”—at the center of their thinking about social ethics.¹²⁸

Against the claim that mercy is separate from justice, stands in tension with justice, and means clemency, as when a judge foregoes or reduces

¹²⁶ For a Catholic expression of this view, see Elizabeth R. Schiltz, “West, MacIntyre, and Wojtyła: Pope John Paul II’s Contribution to the Development of a Dependency-Based Theory of Justice,” *Journal of Catholic Legal Studies* 45 (2006): 369–414.

¹²⁷ See *ST* II-II, q. 57, a. 1, corp; q. 58, a. 2, corp.; a. 1.

¹²⁸ See, e.g.: John Paul Lederach and R. Scott Appleby, “Strategic Peacebuilding: An Overview,” in *Strategies of Peace: Transforming Conflict in a Violent World*, ed. Daniel Philpott and Gerard F. Powers (Oxford: Oxford University Press, 2010), 19–44; Grisez, *Living a Christian Life*, 371.

punishment, biblical justice envisions mercy as something far wider—the will to restore all that is broken—and as converging with the justice that restores right relationship. Forgiveness, an expression of mercy, and reconciliation join in this same justice. Political orders who have confronted the past evils of genocide, civil war, and dictatorship in the past generation—South Africa, Germany, Chile, and many others—have frequently hosted a debate between advocates for the restoration of rights-based liberal democracy and judicial punishment for war criminals on one hand, and voices, many of them from Christian churches, proposing reconciliation, mercy and forgiveness, on the other. A similarly conceived “restorative justice,” has been applied to criminal justice in Western countries. While biblical justice does not necessarily reject rights and criminal punishment, it enfolds other measures that make it more holistic.¹²⁹

Thus adumbrated, this defense of biblical justice might be developed further. Critics will demand a clarification of the meaning of this justice for institutions and policy, its compatibility with the limited government of constitutional liberal democracy, and the respective roles of religion and state. For Christians who believe that the Bible communicates “divinely revealed realities,” as the Second Vatican Council’s *Dei Verbum* puts it, the pursuit of this defense must not be shunned. N.V

¹²⁹ I explore this contrast in Philpott, *Just and Unjust Peace*, 207–50.