

QUESTION 59

Injustice

Next we have to consider injustice (*iniustitia*). And on this topic there are four questions: (1) Is injustice a special vice? (2) Is doing what is unjust proper to one who is unjust? (3) Can someone willingly suffer what is unjust? (4) Is injustice by its genus a mortal sin?

Article 1

Is injustice a special vice?

It seems that injustice is not a special vice (*vitium speciale*):

Objection 1: 1 John 3:4 says, “Every sin is an imbalance (*iniquitas*).” But an imbalance seems to be the same thing as an injustice (*iniustitia*); for justice seems to be a certain sort of balance or equality (*aequalitas quaedam*), and so an injustice seems to be the same thing as an inequality (*inaequalitas*), i.e., an imbalance (*iniquitas*). Hence, injustice is not a special sin.

Objection 2: No special sin is opposed to every virtue. But injustice is opposed to every virtue; for as regards adultery, it is opposed to chastity, and as regards homicide, it is opposed to mildness, and so on for the others. Therefore, injustice is not a special sin.

Objection 3: Injustice is opposed to justice, which exists in the will. But as Augustine explains, “Every sin exists in the will.” Therefore, injustice is not a special sin.

But contrary to this: Injustice is opposed to justice. But justice is a special virtue. Therefore, injustice is a special vice.

I respond: There are two sorts of injustice:

One is *anti-legal injustice* (*illegalis iniustitia*), which is opposed to *legal justice*. This is indeed by its essence a special vice insofar as it looks to a special *object*, viz., the common good, which it disdains. However, as regards its *intention* (*quantum ad intentionem*), it is a general vice, since through contempt for the common good a man can be led into every sin. In the same way, every vice, insofar as it is incompatible with the common good, has the nature of injustice in the sense of being derived from injustice—just as was explained above (q. 58, aa. 5-6) concerning justice.

The other sort of injustice bespeaks an *imbalance in relation to someone else*, as when a man wills to have more of the good things, e.g., riches and honors, and less of the bad things, e.g., drudgery and losses. And injustice in this sense has a special subject matter and is a particular vice opposed to particular justice.

Reply to objection 1: Just as legal justice is called ‘legal’ in relation to the common human good, so divine justice is called ‘divine’ in relation to the divine good, which is incompatible with every sin. And it is in this sense that every sin is called an imbalance.

Reply to objection 2: Even particular injustice is opposed *indirectly* to every virtue, viz., since, as was explained above (q. 58, a. 9, *ad 2*), exterior acts belong both to justice and to the other moral virtues, albeit in different ways.

Reply to objection 3: The will, like reason, extends to the entire moral subject matter, i.e., to the passions and to the exterior operations that involve others. But justice perfects the will only insofar as it extends to operations that involve others. And something similar holds for injustice.

Article 2

Is someone called unjust by reason of the fact that he does what is unjust?

It seems that someone is called unjust by reason of the fact that he does what is unjust:

Objection 1: As is clear from what was said above (*ST* 1-2, q. 54, a. 2), habits are specified by their objects. But the proper object of justice is the just, and the proper object of injustice is the unjust. Therefore, someone should be called just by reason of the fact that he does what is just, and someone should be called unjust by the fact that he does what is unjust.

Objection 2: In *Ethics* 5 the Philosopher labels as false the opinion of those who claim that (a) it is within a man's power to do what is unjust spontaneously and that (b) a just man is no less capable of doing what is unjust than an unjust man is. But this would not be so if doing what is unjust were not proper to an unjust man. Therefore, someone should be judged to be unjust by reason of the fact that he does what is unjust.

Objection 3: Every virtue is related to its proper act in the same way, and the same thing holds for the opposed vices. But anyone who does something intemperate is called intemperate. Therefore, anyone who does something unjust is called unjust.

But contrary to this: In *Ethics* 5 the Philosopher says that someone might do what is unjust and not be an unjust man (*aliquis facit iniustum et iniustus non est*).

I respond: Just as the object of justice is some sort of equality or balance among exterior things (*aliquid aequale in rebus exterioribus*), so, too, the object of injustice is some sort of inequality or imbalance (*aliquid inaequale*), as when more or less is given to someone than is appropriate for him (*prout scilicet alicui attribuitur plus vel minus quam sibi competat*).

Now the habit of injustice is related to this object by the mediation of its proper act, which is called the unjust act (*iniustificatio*). Therefore, there are two ways in which it can happen that someone who does what is unjust is not an unjust man:

In one way, because of a *failure in the pairing of the operation with its proper object*, where the operation receives its species and name from its *per se* object and not from any *per accidens* object. (In the case of those things that exist for the sake of an end, '*per se*' bespeaks something that is *intended*, whereas '*per accidens*' bespeaks something that lies *outside the intention*.) And so if someone does something unjust without intending to do something unjust—for instance, when he does this through ignorance, not thinking himself to be doing something unjust—then, he does not, speaking *formally* and *per se*, do what is unjust; instead, he does what is unjust only *per accidens* and, as it were, *materially*.

In the second way, this can happen because of a *failure in the relation of the operation itself to a habit*. For an unjust act can proceed sometimes from a passion, e.g., anger or sentient desire, and sometimes by choice, viz., when the unjust act pleases one in its own right; and it is in the latter case that it properly proceeds from a habit, since in the case of anyone who has the habit it is taken for granted (*secundum se acceptum*) that the operation belongs to that habit.

Therefore, it is proper to the unjust man to do what is unjust intentionally and by choice, and accordingly it is one who has the *habit* of injustice who is called an unjust man. However, someone without the habit of injustice is able to do what is unjust outside of his intention or from some passion.

Reply to objection 1: It is the object taken *formally* and *per se* that specifies the habit, and not the object taken *materially* and *per accidens*.

Reply to objection 2: It is not easy for just anyone to do what is unjust by choice, in the sense that what is unjust pleases him in its own right and not for the sake of something else. Rather, as the Philosopher points out in the same place, this is proper to someone who has the habit.

Reply to objection 3: The object of temperance, unlike the object of justice, is not something that is constituted exteriorly; instead, the object of temperance, i.e., the temperate, involves only the man

himself. And so what exists *per accidens* and outside one's intention cannot be called temperate either materially or formally; and the same thing holds for the intemperate. In this regard, justice is dissimilar from the other moral virtues.

However, as regards the relation of the operation to the habit, they are similar in all respects.

Article 3

Can anyone willingly suffer what is unjust?

It seems that someone can willingly suffer what is unjust (*aliquis possit pati iniustum volens*):

Objection 1: As has been explained (a. 2), the unjust is the unequal or the unbalanced (*inaequale*). But someone recedes from balance by injuring himself, just as he does by injuring another. Therefore, someone can do what is unjust to himself as well as to another. But anyone who does what is unjust does it willingly. Therefore, someone can willingly suffer what is unjust, especially from himself.

Objection 2: No one is punished in accord with civil law except because he perpetrates some injustice. But as is clear from the Philosopher in *Ethics* 5, those who kill themselves were punished in accord with the laws of the cities, in that they were deprived from antiquity of the honor of burial. Therefore, someone can do what is unjust to himself. And so it is possible for someone to suffer what is unjust willingly.

Objection 3: No one does what is unjust except to someone who undergoes what is unjust. But it is possible for someone to do what is unjust to someone who wills this, e.g., if someone sells him an item for more than it is worth (*si vendat ei rem carius quam valeat*). Therefore, it is possible for someone to suffer what is unjust willingly.

But contrary to this: To suffer what is unjust is opposed to doing what is unjust. But no one does what is unjust except willingly. Therefore, conversely, no one suffers what is unjust except unwillingly.

I respond: An action by its nature proceeds from an agent, whereas an instance of being acted upon (*passio*) is by its proper nature from another (*ab alio*); hence, as *Physics* 3 and 8 explain, the thing acting (*agens*) and the thing acted upon (*patiens*) cannot be the same thing in the same respect.

Now in human beings the proper source of acting is the will. And so a man does properly and *per se* what he does willingly; and, conversely, a man properly suffers what he undergoes outside his own will. For insofar as he is willing, the principle is from himself, and so insofar as this is the case, he is more an agent (*agens*) than a patient (*patiens*).

Therefore, one should reply that, speaking formally and *per se*, (a) no one can do what is unjust except willingly and (b) no one can suffer what is unjust except unwillingly. However, speaking *per accidens* and, as it were, materially, someone is able either (a) to do unwillingly what is in itself unjust, as when someone acts outside his own intention, or (b) to suffer willingly what is unjust, as when someone by his own will gives to another more than he owes him.

Reply to objection 1: When someone by his own will gives to another what he does not owe him, he neither does an injustice nor creates an imbalance. For a man possesses things by his own will, and so no imbalance occurs if something is taken away from him by his own will, either by himself or by someone else.

Reply to objection 2: A singular person can be thought of in two ways.

In one way, *in his own right*. And if he is considered in this way, then if he inflicts an injury on himself, this can have the character of some other sin, e.g., intemperance or imprudence, but not the character of injustice. For in the same way that justice always involves others, so, too, does injustice.

In the second way, a man can be considered as *something that belongs to the city*, viz., a part of the city, or as *something that belongs to God*, viz., a creature of God and an image of God. And if he is

considered in this way, then one who kills himself inflicts an injury not on himself, but on the city and on God. And so he is punished both in accord with divine law and in accord with human law—in the same way that the Apostle says of the fornicator, “If anyone violates the temple of God, God will destroy him” (1 Corinthians 3:17).

Reply to objection 3: An instance of being acted upon (*passio*) is the effect of an exterior action. Now in the doing and suffering of what is unjust, what exists *materially* involves, as has been explained (a. 2), what is done externally insofar as it is considered in its own right, whereas what exists there *formally* and *per se* involves, as is clear from what has been said, the will of the agent and the will of the patient.

Therefore, one should reply that someone’s doing what is unjust is always concomitant, *materially* speaking, with someone else’s suffering what is unjust. However, if we are speaking *formally*, then someone can do what is unjust, intending to do what is unjust, even though no one else suffers what is unjust, because he suffers it willingly. And, vice versa, someone can suffer what is unjust if he suffers unwillingly what is unjust, even though the one doing what is unjust out of ignorance will not be doing what is unjust *formally*, but will be doing it only *materially*.

Article 4

Does everyone who does what is unjust commit a mortal sin?

It seems that not everyone who does what is unjust commits a mortal sin (*non quicumque facit iniustum peccet mortaliter*):

Objection 1: Venial sin is opposed to mortal sin. But sometimes it is a venial sin for someone to do what is unjust; for in *Ethics* 5 the Philosopher says of those who do unjust things, “Whatever sins they commit not only unknowingly, but even because of ignorance, are venial.” Therefore, not everyone who does what is unjust commits a mortal sin.

Objection 2: One who does what is unjust in some small matter deviates a little from the mean. But as is clear from the Philosopher in *Ethics* 2, this seems tolerable and should be counted among the least of evils. Therefore, not everyone who does what is unjust commits a mortal sin.

Objection 3: Charity is the mother of all virtues and such that a sin is called mortal because it is contrary to charity. But not every sin opposed to the other virtues is mortal. Therefore, neither is it the case that doing what is unjust is always a mortal sin.

But contrary to this: Whatever is contrary to God’s law is a mortal sin. But whoever does what is unjust is doing something contrary to a precept of God’s law, since, as will become clear in what follows (qq. 64-77), his act is traced back either to theft or to adultery or to homicide or to something else of this sort. Therefore, whoever does what is unjust commits a mortal sin.

I respond: As was explained above when we were talking about the differences among sins (*ST* 1-2, q. 72, a. 5), a mortal sin is contrary to the charity by which the soul’s [supernatural] life exists. But every harm inflicted on another is in its own right incompatible with charity, which moves us to will the good of the other. And so since injustice always consists in harm to another, it is clear that doing what is unjust is by its genus a mortal sin.

Reply to objection 1: This passage from the Philosopher is talking about ignorance of what has been done, which he calls “ignorance of the particular circumstances” and which deserves leniency; but he is not talking about ignorance of the law, which does not excuse. Now, as was explained above (a. 2), if someone unknowingly does what is unjust, then it is only *per accidens* that he does what is unjust.

Reply to objection 2: Someone who perpetrates an injustice in small matters falls short of the perfect or complete concept of doing what is unjust, insofar as his deed can be thought to be not entirely

contrary to the will of the one who suffers the deed—for instance, if someone snatches an apple or some such thing from someone who is probably not injured thereby or even displeased.

Reply to objection 3: Sins that are contrary to the other virtues do not always involve harm to someone else, but they do involve a certain disorder in the human passions. Hence, the two cases are not parallel.