

Justice, Anselm, and the Western Tradition

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It has by now become something of a commonplace to note the reciprocal influences among the disciplines of politics and law on the one hand, and theology on the other. Even if, as we must admit, the influence has not always been wholesome for either, it is perhaps inevitable on some level, since the theological content of the gospel message as the proclamation of God's kingdom in Christ carries implications for the ordering and priority of this-worldly political concerns. The gospel infuses new content into, and delimits, political concepts such as judgment, justice, authority, and law. The contributions of theological reflection to the practices and institutions of the political order have sustained a long and fertile tradition in the dominions marked by the old boundaries of Western Christendom. Of great importance in this tradition is the figure of Anselm of Canterbury, whose teachings on the atonement have been identified as providing fuel to the "revolution" that generated a distinctive western legal tradition in late eleventh and early twelfth century Europe. Anselm's theory of the atonement in his most well-known work, the *Cur Deus Homo* ("Why God became Man") came to light against the backdrop of a virtually simultaneous jurisdictional dispute between pope and emperor, the so-called "Investiture Controversy." This dispute was conducted in a decidedly legalistic manner: through argumentation, through the filing of briefs, and ultimately through

a kind of litigation. During the course of the controversy, the authority of the church increasingly came to be seen as juridical in nature. For better or worse, the church's spiritual power of "binding and loosing" amplified to include dimensions explicitly moral, legislative, and judicial.¹ Harold J. Berman's celebrated account of the revolutionary impact of the investiture controversy emphasizes the seismic effect of splitting the world into two competing jurisdictions. A "revolution in theology" accompanied the corresponding "revolution in legal science" in a process whereby the "rationalization and systematization of law and legality" linked to the greater emphasis on the incarnation as the defining event of human history and as "the central reality of the universe." Thus Anselm's powerful account of God's work of redemption as a legal transaction stood at the aperture of a torrent of unprecedented, energetic legal activity, attending the development of a sophisticated and systematic law of crimes, of marriage, property and inheritance, and of contract.

The sharp thrust of Anselm's treatment of the atonement in the *Cur Deus Homo* is frequently blunted through an emphasis on the social and political context of medieval feudalism, which characterized the social and political hierarchy of his day. While this interpretation may provide some assistance in unwinding Anselm's argument, it neglects what may actually be the more prominent theme of the work,

viewed in context, that is to say, the theme of justice, which surely was paramount for Anselm, but which suffers neglect when all the weight of the interpretive apparatus is placed on the side of the “honor” motif. The emphasis on “honor” distances the work in a long-vanished time, while “justice” brings to it a discomfiting immediacy.

Part of the reason for the neglect of the motif of “justice” in Anselm’s account can be attributed to a lack of understanding of the biblical emphasis on justice that weaves the sinews of Anselm’s argument. Part of it is traceable to a failure to see this theme resonating from within Anselm’s discussion of honor itself. Further obscurity is generated through the isolation of the *Cur Deus Homo*, at the expense of viewing the work as forming only a portion of Anselm’s overall project. In this article, I wish to trace these interpretive trajectories in order to show that an emphasis on the themes of justice and justification actually matters for our understanding of Anselm’s project in general, and the *Cur Deus Homo* in particular. Given the significance of his moment for the future development of legal institutions in the west, it is important to get the right measure of Anselm’s teaching.²

Three Biblical Texts on Justice

Anselm closely adheres to the classical formula “*suum cuique tribuere*” as it appears throughout the legal texts of antiquity as a first order principle of natural justice.³ The same classical definition lies in the background of several prominent biblical texts on the relationship of the believer to the political “powers that be.” I will briefly consider three such texts, in order to make the point.

The first text comes from the most

extended New Testament teaching regarding the subject of civil government, that is, Paul’s series of exhortations in Romans 13. Noteworthy for our purposes is the manner in which Paul summarizes that discussion with a restatement of the classical maxim in verse 7: “Render therefore to all their due: taxes to whom taxes are due, customs to whom customs, fear to whom fear, honor to whom honor.” As Thomas Schreiner notes, the immediate textual connection may point to the confrontation recorded in all three synoptic gospels, in which Jesus declares, “Render unto Caesar that which is Caesar’s, and unto God that which is God’s”⁴ (see below). Faithful adherence to the Pauline instruction requires an act of discernment as to who is to receive what, the implication being that while taxes are owed to some, fear is what is owed to others, etc. It may be that Paul’s expression in verse 7 simply refracts the variety of responses owed to those in authority—perhaps taxes, revenue, respect, and honor are all to be rendered to the same person or persons.⁵ But the larger point is that Paul calls his readers to acknowledge and account for the obligation to render “to *all* what is due them.” This corroborates John Murray’s insight, to see the passage in continuity with, not just as an abrupt transition to, the following section: i.e., Paul’s summation of the entirety of the Old Testament Law (in vv. 8-10).⁶ After all, this section, which concludes with the recognition that “love is the fulfillment of the law” (v. 10), opens with an exhortation to “owe no one anything,” (v. 8), i.e., an inside-out version of the principle of justice articulated in verse 7, amplified outward to embrace the world of all human contacts. If all are given their due, there is no one left to whom a debt is still owed. The only

debt that remains, the debt that cannot be eradicated, is love. The point is that discernment of what love requires in any given circumstance will result in a proper assessment of the true requirements of the law, and thus, fulfillment of the demands of justice. By this I do not mean to suggest Paul is simply engaging in a kind of clever word game, in which all the Christian virtues collapse into one another, so that justice = love = every other Christian virtue. Rather, it is clear that Paul tethers together justice and love as a restatement of the Dominical summation of the law, as fulfilled in and through love of God and neighbor (Matt 22:37-40). Love is the means by which the just demands of the law are finally realized; at the same time, justice is fulfilled in love; love provides the completion, the final realization of justice. In the memorable expression of Jonathan Edwards, "heaven is a world of love."

Paul's re-articulation of the classical notion of justice in the light of the gospel finds an echo in 1 Peter. The Apostle Peter reiterates Paul's legitimation of earthly rulers, enjoining submission to "the king as supreme, or to governors, as to those who are sent by him [the Lord] for the punishment of evildoers" (1 Pet 2:13-14). Again, the emphasis is on a proper accounting of the various recipients of just action, in order to render unto each that which is his due: "Honor all people. Love the brotherhood. Fear God. Honor the king" (v. 17). An implication is that the fear, reverence, and awe, which properly belongs to God alone, would be inappropriate when extended to human rulers. Distinctions are to be made: "all people" are to be given honor. Love is to be extended to the special community of brothers and sisters in Christ. The simple staccato sequence of imperatives in these

passages indicates that both Paul and Peter work from the presupposition that the demands of justice are evident and direct—i.e., "natural," or "written on the heart," in the phrase of Rom 2:14-15—and need no extended argument. Note also that in both accounts, "honor" is one of the principal manifestations of fulfilling the requirements of justice. Moreover, context is critical for understanding the biblical relationships between love and justice. The *imperative* commands of Paul and Peter follow both authors' prior pronouncement of the *indicative* character of the believer's justified standing "in Christ." It is, thus, in Christ that loving-kindness and truth, righteousness and peace "kiss," in the words of the psalmist, and are reconciled (Ps 85:10). The paradoxical "equation" of love and justice only comes to be understood, and fulfilled at one point in time-space history, at the cross of Christ.

A similar presupposition seems to lie behind Jesus' own famous reply to the Pharisees' query as to the lawfulness of paying taxes to Caesar. In all three synoptic accounts of the dialogue, which occurs late in Jesus' earthly ministry, the simple command to "render ... to Caesar the things that are Caesar's, and to God the things that are God's" amounts to a devastating rhetorical move that leaves Jesus' interlocutors in speechless wonder (Matt 22:15-22; cf. Mark 12:13-17; Luke 20:20-26). The crushing effectiveness of the response appears to hinge on the unstated supposition that all participants in the brief dialogue are immediately capable of making the distinctions necessary to carry out the Lord's straightforward instruction. Here again, no new, hitherto undisclosed moral duty is announced. Rather the universal requirement of justice—stated in

terms of rendering that which is due—is arrestingly recapitulated in such a way as to silence would-be equivocators. The unstated assumption is that that which is due is so immediately obvious as to require responsive moral action, not Pharisaical equivocation and clever casuistry. Moreover, the justice of God is juxtaposed to the justice of all subordinate, human authorities. The perfect and holy justice of God sets the standard for the justness of human moral action. The juxtaposition exposes the limits of the latter in a blinding light. As we shall now see, the biblical centrality of these themes of justice carries over to the work of Anselm.

Justice in the Works of Anselm

Proslogion

In the second half of the *Proslogion*, Anselm examines the attributes of God in terms of the finding of the first portion of the work, that God is, and is the being-than-which-no-greater-can-be-thought. Thus justice becomes one of the attributes manifesting God's ontological perfection. God is "perceptive, omnipotent, merciful, and impassible, just as [He] is living, wise, good, blessed, eternal, and whatever it is better to be rather than not to be."⁷ The attribute of justice is noticeably absent from this list.⁸ The explanation for this appears with the recognition that, in contrast to the preceding section on God's omnipotence, e.g., Anselm never considers justice in isolation, but rather, from within a matrix of other attributes, namely, God's impassibility, his goodness, his mercy, and his truth. The central discussion of the amalgam of justice-mercy-goodness covers the largest section of the second part of the book, §9, and carries over to the succeeding sections.

The emphasis on justice raises a ques-

tion. Justice by definition requires the rendering unto each his due, as we have seen. Thus, without giving the definition, merely assuming it, Anselm asserts "that the very definition of justice" demands that God "reward the good with good and the bad with bad." It then becomes necessary to reconcile this with God's decision to "give good things to the wicked." The resolution to the dilemma comes with the consideration of God's justice in the light of his attributes of mercy and goodness.

Thus, after consideration of the manner in which God is both impassible and merciful, (in §8), Anselm goes on to consider the reconciliation of mercy and justice in §9, praying, "For even if it be difficult to understand how Your mercy is not apart from your justice, it is, however, necessary to believe that it is not in any way opposed to justice, for it derives from goodness which is naught apart from justice, which indeed really coincides with justice."⁹ This is a striking, perhaps counter-intuitive claim for Anselm to make, yet the underlying classical conception of justice as the pinnacle and summation of the virtues assists in making sense of it: goodness derives from justice; it is justice that generates the very quality of goodness as such, and in a sense determines its limits.

The inter-relation of God's goodness, mercy and justice renders it necessary to speak of any one of these attributes in terms of the others: "Truly, if You are merciful because You are supremely good, and if You are supremely good only in so far as You are supremely just, truly then You are merciful precisely because You are supremely just." Thus, God's mercy, which is compatible with and must be understood in terms of God's impassibility, is seen to flow from God's goodness, the parameters of which itself are deter-

mined by the attribute of justice—for, as we have seen, God’s goodness is “naught apart from justice.” Similarly, Anselm asks rhetorically, bringing to a close the argument of §9, “Is Your mercy not then derived from Your justice?”¹⁰ The answer to the dilemma comes with the realization that God’s mercy and goodness emanate in some sense from his justice. While it might be said that God’s mercy and goodness condition and give form to his justice—perhaps a more likely way of stating the relationship for moderns—Anselm chooses to put it the other way round, i.e., it is God’s justice that determines and gives shape to his mercy and his goodness. In this sense, justice can be said to be a summation or a culmination of the other attributes. The point echoes Aristotle’s emphasis on justice in Book V of the *Nicomachean Ethics*, in which justice is described as “the highest of all virtues,” and as “the practice of complete virtue.”¹¹

Of course, for Aristotle, the discussion of justice as the summation of human virtues considers it in its quality as the completion of the harmonious, complementary ordering of human relationships among individuals and in the political community of men—its character as “a relation to our fellow men.” Since justice is classically understood as the interrelational virtue par excellence, Anselm’s own emphasis on the divine attribute of justice opens him to the charge of projecting immanent features of human relational justice onto the divine character. “For what is more just than that the good should receive good things and the bad receive bad things? How then is it just both that You punish the wicked and that You spare the wicked?” Anselm confronts the problem of anthropomorphism by considering divine justice through the

prism of divine impassibility. In so doing, he finds the answer to the problem of reconciling humanly conceived attributes and the divine character by focusing on the relational aspect to which the divine exercise of character attaches. Thus, “[I]n sparing the wicked You are just in relation to Yourself and not in relation to us, even as You are merciful in relation to us and not in relation to Yourself.”¹² As we have seen, in §9, Anselm had posed the question of the reconciliation of justice and mercy by means of logical inferences drawn from the classical definition of justice. In §10, the connection with divine impassibility is repeated, with the acknowledgment: “You are merciful (in saving us whom You might with justice lose) not because You experience any feeling, but because we experience the effect of Your mercy, so You are just not because You give us our due, but because You do what befits You as the supreme good.”¹³ Divine impassibility provides a key for accessing a proper understanding of the relational character of justice. Once again the discussion hinges upon a proper application of the definition of justice. (This time, Anselm gives the definition without acknowledging it as such. The interchangeability of justice with its agreed definition can be assumed without argument.)

Thus, the relational character of justice requires special application with regard to the Being-than-which-no-greater-can-be-thought. These features of the divine character are presented harmonious in scripture, as Anselm notes, with the juxtaposition of Ps 24:10 and Ps 144:17, in §11. Anselm understands the reconciliation of divine justice and mercy by identifying the quality of just order inhering in the dynamic relations within the Godhead

itself: "You are just not because You give us our due, but because You do what befits You as the supreme good."¹⁴ The classically derived definition of justice as the dynamic inter-relational summation of virtues provides the assumed proposition, from which a fuller understanding of the things of God can be obtained, by a proper linkage of logical connections from the definitional point of departure. The picture is rendered more complex with the notion of justice, for this beginning point is itself, by definition, a complex synthesis of other related virtues and qualities—without understanding which, the definitional starting point itself cannot be properly understood.

Monologion

The brief discussion of justice in the *Monologion* sheds light on the fuller treatment given in Anselm's subsequent work. (It is for this reason that I take the two works out of their proper chronological order.) As we have already observed, justice appears in the list of attributes attaching to divine supremacy.¹⁵ Interestingly, in Anselm's development of the nature of divine attributes and their relation to the being of God, it is justice that is taken as the paradigmatic example for development in the following section. Thus, Anselm argues, "The supreme nature is what it is—good, great, existing—precisely through itself and nothing else. So then, it is just through justice and it is just through itself. And if so, then what is more necessarily and clearly the case than that the supreme nature is justice itself? ... And so if you ask 'what is this supreme nature we are talking about', you may answer 'justice'." So the supreme nature is "strictly said not to possess, but rather to be justice."¹⁶

It follows that "the same conclusion applies to everything else that can be said in the same way of the supreme nature. Reason compels understanding to see this. All of these terms, then, indicate not a quality or quantity, but what the supreme nature is." There follows a long list of divine attributes possessing the same relation to the Divine Being:

It is, therefore, supreme essence, supreme life, supreme reason, supreme health, supreme justice, supreme wisdom, supreme truth, supreme goodness, supreme greatness, supreme beauty, supreme immortality, supreme incorruptibility, supreme immutability, supreme happiness, supreme eternity,¹⁷ supreme power, supreme unity.

Anselm does not impose a particular order on this catalogue, which can be viewed as something of a prologue to the development of the second part of the *Proslogion*. It would be overstating the case to make too much of Anselm's selection of justice as the singular example for making his larger point in this section of the work, but given what we have seen in his later treatment of justice in the *Proslogion*, it is surely not mere arbitrariness that leads to the choice.

On Truth

Anselm's short treatise *On Truth* picks up on a question left dangling from the *Monologion*, the question, "What is truth?" In the course of the dialogue between Teacher and Student, the theme of justice comes to occupy a central place in the development of Anselm's argument on the nature of truth, in the manner of the earlier discussions we have traced thus far. Thus, in §8 of the work, Anselm develops the contention that "the same action both ought to be and ought not to be under different conditions." The

proposition amounts to a statement on the relational character of justice, elaborated by means of an exposition of the retributive principle of justice:

[I]nsofar as the agent and the thing acted upon are subject to the same or to contrary judgment, the action itself is judged to be the same or contrary. When therefore the one who strikes rightly strikes, and the one who is struck is rightly struck, as when a sinner is corrected by one who has the right to do so, there is right on both sides, because on both sides the blow ought to be struck. It is the opposite when the just man is struck by a bad man, since the one ought not to strike and the other ought not to be struck, so on both sides it is not right since on neither side ought the blow to be struck. But when the sinner is struck by someone who has not the right to do so, then the one ought to be struck but the other ought not to strike, and the blow both ought to be and ought not to be. Thus it cannot be denied that it is both right and not right. But if we think of the judgment of the supreme Wisdom and Goodness that the blow ought not to be struck, whether from one alone or from both sides, namely of the agent and of the one being acted upon, who would dare deny that what is permitted by such Wisdom and Goodness ought to be? ¹⁸

The entire passage reads as a gloss on the definition of justice considered and developed earlier. The right ordering of justice requires the fitness of the action rendered with respect to the one being acted upon, and requires, too, the fitness of the actor to such action. As in the grammar of a Latin sentence, where properly inflected subject and predicate endings correspond to one another, inter-relational human actions, to be just and right, require agreement with respect to the agent and recipient of human action.

The discussion turns to reflect on the nature of the atonement in the following

colloquy:

T: What then, if you consider the nature of things, as when iron nails were driven into the body of the Lord, would you say that the fragile flesh ought not to be penetrated or that when penetrated by the sharp steel it ought not to feel pain?

S: I would speak against nature.

T: Therefore it can happen that an action or passion ought to be according to nature which ought not to be with respect to the agent or the one acted upon, since the former ought not to act and the latter ought not to suffer it.¹⁹

The principle explicates how it is that “the Lord Jesus, who alone was innocent, ought not to suffer death, nor ought anyone to have inflicted it on him, and yet he ought to have suffered it, because he wisely and benignly and usefully wished to suffer it.”²⁰ Justice is reconciled with mercy at the cross. The relational character of justice demonstrates that this reconciliation is consonant with principles of reason and logic.

The argument continues with the assertion that “the highest truth is rectitude” (§10). While other “rectitudes are such because they are in things which are or do what they ought,” it is different with the “highest truth,” which “is not rectitude because it owes anything.” Anselm is wrestling with the same question he had considered before in the *Proslogion*: given the relational character of the attribute of justice, its quality as a proper rendering of what is due, how can it be understood of God, who as First Cause of “all other truth and rectitude” owes nothing to anything or anyone in the entire created order? “All other things owe him but he owes nothing to another, nor is there any other reason why he is than that he is.”²¹

In the succeeding section that picks up the thread of this examination into “the highest truth,” (§12), the student, seconded by his teacher, acknowledges the identity of rectitude and justice:

S: Since you have taught me that all truth is rectitude, and it seems to me that rectitude and justice are the same, teach me to understand about justice as well.

T: If justice does not differ from rectitude you already have a definition of justice.²²

The interrelational quality of the divine attributes we have observed implicit in the argument of the second part of the *Proslogion*, here made explicit, mirrors the relational quality of the definition of justice itself: “[T]ruth and rectitude and justice mutually define one another. He who knows one of them knows the others and can from the known go on to knowledge of the unknown.”²³

The argument proceeds to further refine the understanding of justice, first identifying it as “found only in the rational nature, which alone perceives the rectitude of which we speak.” It is further articulated in terms of a rectitude “not ... of knowledge or action, but of will.”²⁴ The cases posited of the thief required to return stolen goods, or the almsgiver “who feeds the poor out of vainglory” produce still further refinement. What counts in the determination of rectitude is both a proper willing in terms of the objective of the will, *and* of its motive: “these two are necessary for justice in the will, namely, to will what it ought and for the reason it ought to”—and “for the sake of rectitude itself.”²⁵

The refined definition of justice or rectitude emerges in this exchange as, “rectitude of will preserved for its own

sake,” and not for some ulterior motive. “Therefore there is no justice that is not rectitude, nor is justice as such anything other than the rectitude of will. The rectitude of action is called justice, but only when action comes about with a just will. Rectitude of will, even if it is impossible that what we rightly will come about, does not lose the name of justice.”²⁶ The exercise in clarification is further rounded out with the recognition that receiving, willing, having, and preserving rectitude of will is “that from which we receive justice,” and that it is the simultaneous willing, acquiring, and having that constitutes justice.

The extended discussion in §12 then closes with the application previously developed in the *Proslogion*, acknowledging the adaptability of this definition of justice “to the highest justice.” The relational quality of justice—relational both in consideration of its definition in terms of other attributes such as truth, and of its character as a right ordering of the will—solves the anthropomorphic problem mentioned in connection with the *Proslogion*. The dialogue finishes in §13 with a technical but important articulation of this relational principle, this time borrowing from another category of relation, the human experience of time:

[W]e do not say the time of this or that thing because time is in those things but because they are in time. And just as time considered in itself is not the time of something, although when we consider the things that are in it we speak of the time of this thing or of that, so the highest truth subsists in itself and belongs to no thing. But when something is in accord with it, we then speak of its truth and rectitude.²⁷

Thus the dialogue on truth comes to a finish with the word *rectitude*, defined in

the concluding sections of the colloquy as “the highest truth” and as identical with justice. Rectitude, justice, classically considered as the quality more or less inhering in human actions “in relation to our fellow men,” becomes, for Anselm, the aspect of self-subsistent divine essence to which humans accord in their relations with one another, to greater or lesser degree, as such relations partake of its intrinsically relational character as truth and rectitude.

On Free Will

Prior arguments as to rectitude as the right ordering of the will shape the discussion in Anselm’s treatise *On Free Will*, where the “power of preserving rectitude of will” is recognized as always possessed by “a rational nature.” The discussants of the dialogue adopt “this power of preserving rectitude of will” as a working definition of the “power of free will in the first man and the angel.” The definition from the treatise *On Truth*, “the rectitude of will preserved for its own sake,” must now be considered in terms of human agency: “nor could rectitude of will be taken away from them unless they willed it”—the historical circumstance of the fall.²⁸ Given what we have seen in the argument already developed within the prior works, “to will the preservation of rectitude for its own sake is for it to prevail” is another way of characterizing what Anselm describes as the human agent’s participation in justice. By the same token, “to will what it ought not is for it to be conquered,” that is to say, a turning toward injustice. Space does not permit us to trace the details of this argument in the treatise on free will, but it is surely more than coincidence that Anselm builds here upon a formulation

developed in the earlier work *On Truth* when he defines freedom of will as “the power of preserving rectitude of will for the sake of rectitude itself” (§13). Given what he had said in *On Truth* as to the interchangeability of “truth and rectitude and justice,” and the careful precision with which he develops his terminology in these works, it follows that freedom of will may be alternatively characterized as “the power of preserving justice,” and injustice, as the willful failure of this exercise of preservative power.

On the Fall of the Devil

This intuition that freedom of will is characterized for Anselm by the quality of justice is borne out with the subsequent work *On the Fall of the Devil*, in which the suggestive connections of the treatise *On Free Will* tie back together with the assertion of the reality of justice in §15, where “that which when added to the will so moderates it that it can only will what it ought” is defined both as “something real” and as “nothing other than justice.”²⁹

With this definitional apparatus in place, Anselm proceeds to address the topic under consideration, the fall of the devil, as the paradigmatic act of injustice. In this central section of the work justice is considered in a different sense, as a quantitative attribute, to be “received” as a gift, or “added” in to the mix of personal characteristics of the rational being to whom it can be more or less ascribed. Receipt of the gift makes the recipient indebted, while “the same justice abandoned would leave in it beautiful traces of itself.” As the discussion hones in to a direct consideration of the fall of the angelic being, Anselm’s student remarks that “a nature that received justice, if only at one time, is shown to be more noble

and to bear the sign of always having a quasi absolute good than a nature that never had or ought to have had it." It is the possession of the gift of justice to greater or lesser degree that renders its recipient more or less deserving of moral approbation or blame: "[A]dd to this that the more a nature has this good, and ought to have it, it is praiseworthy, just as a person who ought to have it and does not is accounted more blameworthy." And it is the possession of justice that bestows dignity and honor upon the recipient: "to have and to ought to have justice [*sic*] shows the natural dignity of a nature, and not having it constitutes personal dishonour."³⁰

Of course this statement is critical for our consideration of the *Cur Deus Homo*, for it is the first time in Anselm's varied treatments of the theme of justice in which he connects it to the concept of honor, which assumes an important position in the argument of the later work. Thus, bestowing the gift of justice is a grant of dignity, a vesting of worthiness, for which the recipient owes an obligation; the abandonment of the gift is the morally blameworthy act of will of the erstwhile recipient. "For it was made worthy by him [God] who gave it but it does not have it because it abandons it. The obligation came from him who gave justice, the not-having it from him who abandoned it. He is obliged because he received it, he does not have it because he abandoned it." Anselm does not here develop the notion of obligation; he leaves for later the discussion of the character of the debt that is owed in consideration of the gift of justice. The impersonal pronoun serving the place of "the gift" in these sentences, the direct object "it," refers of course, to justice. Its possession to greater or lesser degree constitutes the worth and dignity

of the will of the recipient, the first "it" or indirect object of the same sentence.³¹

The grammar is important for Anselm, author of a treatise on grammar; indeed, what he is describing in these inter-locking statements may best be characterized as a kind of analytical grammar of justice. "The only thing I blame in it [i.e., the recipient] is the absence of justice, or not having justice." Moral blame can be alternatively summarized as the lack of justice. "For as I already said, the worthiness adorns it, not having it [justice] demeans it, and the more the having adorns it the more not having demeans. Thus not having justice because of its own fault demeans the will only because being fit to have it, thanks to the goodness of the giver, constitutes its dignity."³² Moreover, as we previously noted in earlier contexts, the relational character of justice provides the framework within which the allocation of moral blame and praise occurs. Justice—moral rectitude—is the cumulative right ordering of Creator-creature relations. In the individual soul formed in God's image, it is both the receptacle and substance of human dignity.

Anselm develops the argument concerning the character of injustice, as defined against the context of this definitional matrix, by emphasizing, after Augustine, its privative sense: "just as the absence of justice and not having justice have no essence, so injustice and being unjust have no being, and so are nothing rather than something."³³ If it is the absence of justice that is the source of moral blameworthiness, Anselm addresses the question of how is it that "the same absence of justice is not called injustice before justice has been given"—before the grant of the gift. "The reason is that the absence of justice is not blamed

where justice is not meant to be.” Certain orderings of the creator-creature relationship are not meant to receive the added gift of justice suitable for rational beings.³⁴ Once again, the point is illustrated in terms of disgrace and honor, an echo, perhaps, of Paul’s statement in 1 Cor 11:2-16: “Just as not having a beard is no disgrace in a man who does not yet have one, but when he should have one it is disgraceful that he does not; so not having justice does not deform a nature that ought not to have it, but debases one meant to have it.”

The donative relational character of justice is highlighted in the following section addressing the proposition: “Why the angel that abandons it cannot regain justice.” For, “there is no way in which he could acquire justice when he does not have it, either before receiving it or after having abandoned it.” It must come from an external source: “From him [God] they receive both the having and the capacity to keep or abandon it.” These arguments are summarized in the transactional, relational terminology of the preceding discussion: “Before receiving justice, in fact, no one is just or unjust and, after having received it, no one becomes unjust unless he willingly abandons justice.”³⁵

Again, restrictions of space and time do not permit us to follow the succeeding argument in greater detail, though the notion of justice as the vital conceptual key for unlocking Anselm’s moral theology becomes still more apparent in the subsequent explicit considerations on the fall of the devil. In §21, Anselm states, “Evil is injustice, which is only evil and evil is nothing. But the nature in which injustice is found is something evil, because it is something real and differs from injustice which is evil and is nothing. Therefore, what is real is made by God and

comes from him; what is nothing, that is evil, is caused by the guilty and comes from him.”³⁶ In this way, the privative sense of evil is made compatible with the recognition that created natures exist “in which injustice is found” and which therefore are “something evil.” (See also, §§26 and 27, offering further explication on “the evil that is injustice.”)

On the Incarnation of the Word

The same themes of injustice, the willful abandonment of rectitude—justice—and the absence of justice that informs the morally blameworthy will become a subject of discussion in the work on the incarnation, in §10. Characteristically, Anselm approaches the incarnation in terms of modality. The explication of the necessity of the incarnation of the Son, and not another person, gives rise to a description the human predicament in terms of injustice—the abandonment of rectitude in the will, both in the devil and in man. “A will subject to no one else’s is one’s own. But possessing a will as one’s own (i.e., a will subject to no will) belongs to God alone.” Injustice, the wrong ordering of the creator-creation relation, results, now described as a robbery of dignity and a deprivation of the excellence that is God’s due as Supreme Authority:

Therefore, all who exercise their will as their own strive to be like God by robbery and are guilty of depriving God of the dignity proper to him and of his unique excellence, insofar as it lies within their power to do so. For if there is any other will that be not subject to anyone, God’s will will not be superior to all, nor will it be the only will with no other superior to it.³⁷

These statements serve as a kind of prolegomenon to the following work, the *Cur Deus Homo*, where the relational dynam-

ics of justice in Anselm's grammar of the divine plan of redemption receive fuller treatment. Here, the fittingness of the incarnation of the Son is expressed in the familiar terminology of retribution:

For no one more justly repels or punishes criminals, or more mercifully pardons or intercedes for them, than the one against whom injustice is more particularly demonstrated. Nor is anything more appropriately opposed to falsity in order to repel it, or more apposite for healing, than truth. For those presuming a false likeness to God seem to have sinned more particularly against him whom we profess to be the true likeness of the Father.³⁸

The incarnation is a corrective measure for the restoration of justice and truth.

Cur Deus Homo

Over the course of the foregoing survey, it has become apparent that none of Anselm's works are self-contained. Many times themes merely introduced in one work are taken up in a subsequent endeavor; a loose end never satisfactorily addressed at one stage is tied up at another. It should come as no surprise then that the themes of justice and injustice, of rectitude and abandonment return to the place of central focus in the *Cur Deus Homo*. Anselm's modal way of thinking causes him to take up the question of the necessity of the means of divine redemption— given the plan to redeem lost sinners, introduced, as we have seen in the work on the *Incarnation*.³⁹ It is also understandable, given what we have seen thus far, that Anselm should state the human predicament for which Christ's atonement provides the remedy in explicitly jurisdictional terms.⁴⁰

The argument for God's jurisdiction rather than the devil's, proceeds to

develop the argument along modal lines. It may be just for man to be tormented, but "the devil himself [does not act] justly in tormenting him," being impelled by "malice" rather than "out of love of justice," the devil acts in accord with "God's incomprehensible wisdom, by which he orders even bad things in a way that is good." Anselm repeats an earlier observation we noted in connection with the discourse *On Truth*, that "it can happen that one and the same thing is, from different points of view, both just and unjust, and for this reason, is judged by people who are not considering the matter with care, to be entirely just or entirely unjust."

The illustration that follows, involving the just and unjust striking of a person—"it is just where the person receiving the blow is concerned," but not just from the standpoint of the agent who is striking the blow—similarly mirrors that earlier discussion.⁴¹

The argument continues with a series of questions that serve to hone in on the justness of the transaction of the atonement:

But how will it possibly be proved a just and rational thing that God treated, and allowed to be treated, in this way, the man whom he called his beloved Son in whom he was well pleased? ... For what justice is it for the man who was of all the most just to be put to death for a sinner? ... If God could not save sinners except by condemning a just man, where is his omnipotence? If on the other hand he was capable of doing so, but did not will it, how shall we defend his wisdom and justice?⁴²

There follows a careful exegesis of Scriptural passages addressing these questions, upon which, the participants to the dialogue agree on a quest to ground the work of atonement related in the Scriptures on the footing of what is fit-

ting, proper, and appropriate for God to do, given the original creation of man for blessedness, the real, universal, abiding presence of sin, and the need for expiation of sin.⁴³ The conversation then turns in the following direction:

A. If an angel or a man were always to render to God what he owes, he would never sin.

B. I cannot contradict this.

A. Then, to sin is nothing other than not to give God what is owed to him.

B. What is the debt which we owe to God?

A. All the will of a rational creature ought to be subject to the will of God.

B. Perfectly true.

A. This is the debt which an angel, and likewise a man, owes to God. No one sins through paying it, and everyone who does not pay it, sins. This is righteousness or uprightness of will. It makes individuals righteous or upright in their heart, that is, their will. This is the sole honour, the complete honour, which we owe to God and which God demands from us ... Someone who does not render to God this honour due to him is taking away from God what is his, and dishonouring God, and this is what it is to sin.

Illustrations follow in the familiar language of retributive justice, including an extended discussion of the case of restitution of stolen property.⁴⁴ It should be apparent by now that the entire grounding for the ensuing discussion of the atonement is being put forward here in the language and terms provided by the classical definition of justice. Sin is defined in terms of a failure of rendering what is due. The debt of honor owed by the sinner is defined in terms of rectitude of will. The restoration of this debt of honor is defined in terms of the retributive principle of restitution. All is stated in terms of the forensic grammar of justice

that has informed much of Anselm's work to this point—a grammar which modifies the classical emphasis on the horizontal character of justice as the virtue of men among their fellows, to adjust for the vertical dimension introduced in acknowledging the creator-creature distinction. Thus, it follows that “if it is not fitting for God to do anything in an unjust and unregulated manner, it does not belong to his freedom or benevolence or will to release unpunished a sinner who has not repaid to God what he has taken away from him.” Moreover, “if there is nothing greater and nothing better than God, then there is nothing, in the government of the universe, which the supreme justice, which is none other than God himself, preserves more justly than God's honour.”⁴⁵

The necessity of God's existence, argued in the *Proslogion*, determines the character of his government over the universe, described here as the just preservation of the honor of “the supreme justice.” In § 14, the vindication of God's honor is described as a juridical action of replevin, a repossession action.⁴⁶ This manner of stating the transaction of divine judgment of the sinner naturally raises the question, how can the sinner take away God's honor? The answer, again, is stated in relational terms, as we have seen in prior works, terms by which God's honor is, “in relation to him, incorruptible.” When the rational created being does what is right, i.e., acts with rectitude of will, he honors God, “not because he is bestowing anything upon God, but because he is voluntarily subordinating himself to his will and governance, maintaining his own proper station in life within the natural universe, and, to the best of his ability, maintaining the beauty of the universe itself.” This is the fulfillment of justice, a

right ordering of the rational soul within the order of the universe itself, which attains to a kind of aesthetic excellence. The failure of moral rectitude, on the other hand, works dishonor, and disorder—that is to say, injustice.⁴⁷

Setting Anselm's terminology in the context provided by the burgeoning crescendo on justice in the works leading up to the *Cur Deus Homo* thus assists in making sense of the central place of honor in this account. What appears as a curious appeal to aesthetics, resorted to as a means of squaring the circle and, thus, explaining how rational creatures can somehow stain the honor of an almighty Creator—attains coherence when viewed as an acknowledgment of the just maintenance of order in a universe governed by “the supreme justice”: “If the divine Wisdom did not impose these forms of recompense in cases where wrongdoing is endeavoring to upset the right order of things, there would be in the universe, which God ought to be regulating, a certain ugliness, resulting from the violation of the beauty of order, and God would appear to be failing in his governance.”⁴⁸ Rather than functioning as an exercise of pure, arbitrary will, God's justice fuses in inseparable harmony with the other attributes of his character. Thus, as Jaroslav Pelikan explains, rather than emphasize God's wrath, which might lead to confusion in the placement of divine impassibility, “Anselm spoke of his justice: the justice of God had been violated by the failure of man to render to God what he owed him; the justice of God also made it impossible for God to forgive this sin by mere fiat, for this would have been a violation of the very order in the universe that God had to uphold to be consistent with himself and with his justice. Any

scheme of human salvation, therefore, had to be one that would render ‘satisfaction’ to divine justice and leave the ‘rightness’ and moral order intact.”⁴⁹

Space and time, again, do not permit a fuller treatment of the manner of Anselm's development of these arguments. But the trajectory of the reasoning has become abundantly clear by now. Anselm's continued appeals to the theme of justice keep with his overall strategy for the use of what Paul Helm identifies as “procedural reason.” That is, the universally recognized principle of justice and its definition as an inter-relational quality is taken as a given, from which succeeding propositions naturally and logically follow. “The prime function of procedural reason is to discriminate the fact of logical connectedness, either inductive or deductive.”⁵⁰ As faith seeks understanding, reason acts as a tool or set of procedures operating upon propositions known or reasonably believed.

As we have seen, for Anselm, the given propositions of the classical account of justice provide the starting point for an analysis that develops over succeeding works, and culminates in the *Cur Deus Homo*. The modal argument for the necessity of the atonement is grounded in an account of justice that penetrates to the limits of all human attempts at “rendering to each his due.” The method is different, but the trajectory and terminus of the argument aligns very closely to the tradition of Augustine, who famously argued in Book XIX of the *City of God*, that in the revealing light of God's truth, no true justice is to be found in the this-worldly Cities of Men. This relativizes human contrivances of law and politics, to be sure; though it does not render void such efforts. For “a people estranged from God ... must be wretched; yet even such

a people as this loves a peace of its own, which is not to be despised.”⁵¹ In a world reeling from the fumes of a toxic political theology, it is a salutary exercise to consider the theological sources of a Western tradition of law and justice that now faces severe threats from within and without. Pundits who would lump together Christian and Islamic traditions of thought on justice, law, and politics as variant forms of the same noxious “fundamentalism” fail to make critical distinctions. For the tradition represented by Augustine and Anselm, the reality of the incarnation of God in Christ exposed the radical inadequacy of all human political endeavors for the attainment of justice. At the same time, the added vertical dimension introduced by biblical faith gave a fuller, richer account of justice than the classical pagan (and modern!) formulations, for it gave scope to the relational quality of justice as a principle of order in the universe, as partaking of the very nature of the Godhead, and as the element of God’s glorious redeeming work in Christ.

ENDNOTES

¹If you are going to fight to acquire jurisdiction, you must be able to back up your claims by constructive use of the power once obtained. Thus, law moved from being an unconscious and unproblematic reflection of tribal culture, to become: (1) a self-conscious means of exercising and consolidating political control, i.e., power. In this way the new modern canon law system became the first modern legal system, developed in competition with the law of the imperial courts. (2) Law served to sustain the corporate identity of the clergy and gave it legal status. (3) Law came to regulate relations between the jurisdictions. (4)

It became the means of imposing peace and justice on part of authorities of the respective jurisdictions. (5) Perhaps most significantly, it became the means by which the church sought to carry out its reformatory mission. Historically, this change occurred alongside a theological shift of focus away from the church’s eschatological vision, prominent since the apostolic era, that says, “We are in the final days”; and toward a this-worldly focus on reform. Law could be said to be the efficient cause of this transformation. Harold J. Berman, *Law and Revolution* (Cambridge, MA: Harvard University, 1985), *passim*.

²For the sake of simplicity, all page references to Anselm’s works in the text of this article refer to the English one-volume edition of his most important writings, *Anselm of Canterbury: The Major Works* (Oxford: Oxford University, 1998).

³Cf. Aristotle, *Nicomachean Ethics*, 5.5; Justinian, *Digest* I.1.10; *Institutes*, 1.1.1; Augustine, *On the Free Will*, 1.27.13; Aquinas ST II-II, 58.1. Of course, Aristotle, and the Christian tradition which followed, articulated several different forms or modes of justice, among which the reciprocal principle of *suum cuique* featured. For a helpful delineation of these varying forms, see, Oliver O’Donovan, *The Ways of Judgment* (Grand Rapids: Eerdmans, 2005), 31-40.

⁴Thomas R. Schreiner, *Romans* (Baker Exegetical Commentary on the New Testament; Grand Rapids: Baker, 1998), 685.

⁵*Ibid.*, 687.

⁶John Murray, *The Epistle to the Romans* (2 vols.; Grand Rapids: Eerdmans, 1965), 2:158.

⁷Anselm, *Works*, 94.

⁸Note the difference with a similar list

Anselm provides in the *Monologion*, §§ 15 and 16, in which Anselm asserts as a “necessary conclusion” emanating from the proposition of the supremacy of the Divine Essence, that “the supreme essence is alive, wise, powerful, all-powerful, true, just, happy, eternal . . . and what ever is likewise better without qualification than not-whatever.” Ibid, 28. See the discussion of these texts infra.

⁹Anselm, *Works*, 92.

¹⁰Ibid.

¹¹*Nicomachean Ethics*, 5.1129b-1130a. “Thus, this kind of justice is complete virtue or excellence, not in an unqualified sense, but in relation to our fellow men. And for that reason justice is regarded as the highest of all virtues, more admirable than morning star and evening star, and as the proverb has it, ‘In justice every virtue is summed up.’ It is complete virtue and excellence in the fullest sense, because it is the practice of complete virtue. It is complete because he who possesses it can make use of his virtue not only by himself but also in his relations with his fellow men; for there are many people who can make use of their virtue in their own affairs, but who are incapable of using it in their relation with others.” Book V on justice, of course, follows Aristotle’s cataloguing of other virtues such as courage, self-control, generosity, etc., in Books III-IV.

¹²Anselm, *Works*, 93.

¹³Ibid.

¹⁴Ibid., 94.

¹⁵*Monologion*, §15, Ibid., 28.

¹⁶Ibid., 29.

¹⁷Ibid., 29-30.

¹⁸Ibid., 162.

¹⁹Ibid.

²⁰Ibid., 161.

²¹Ibid., 164.

²²Ibid., 166.

²³Ibid.

²⁴Ibid., 167.

²⁵Ibid., 168-9.

²⁶Ibid.

²⁷Ibid., 173-4.

²⁸Ibid., 181.

²⁹Ibid., 217.

³⁰Ibid., 218.

³¹Ibid.

³²Ibid.

³³Ibid., 219.

³⁴Ibid.

³⁵Ibid., 220.

³⁶Ibid., 223.

³⁷Ibid., 251-2.

³⁸Ibid., 252.

³⁹Ibid., §5, 270.

⁴⁰Ibid., §7, 272.

⁴¹Ibid., 272-3.

⁴²Ibid., §8, 275.

⁴³Ibid., §10, 282.

⁴⁴Ibid., 282-3.

⁴⁵Ibid., 286.

⁴⁶Ibid., 287-8.

⁴⁷Ibid., 288.

⁴⁸Ibid., §15, 289.

⁴⁹Jaroslav Pelikan, *The Christian Tradition, A History of the Development of Doctrine: The Growth of Medieval Theology (600-1300)* (Chicago: University of Chicago, 1978), 3:141.

⁵⁰Paul Helm, *Faith and Understanding*, (Grand Rapids: Eerdmans, 1997), 6.

⁵¹Augustine, *The City of God Against the Pagans*, (Cambridge: Cambridge University, 1998), XIX.26, 962.