

Guest Editors' Preface

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We accepted the challenge: a monographic issue of *Etica & Politica / Ethics & Politics* entirely devoted to the tough theme of “justice” in the works of Augustine of Hippo! Much might be written, but we, limited human beings, accustomed to a very Augustinian *hic et nunc*, preferred to ask some experts, of very different fields and competences, for an opinion, an essay, a few lines. The outcome is surprising: such an important subject, discussed by one of the fathers of Western thought (whether one likes him or not), is still able to open minds and hearts in philologically correct, but also philosophically and anthropologically interesting debates.

Christoph Horn (Rheinische Friedrich-Wilhelms-Universität, Bonn) shows the Ciceronian origin of Augustine’s idea of justice with great precision. It is well known that the Roman lawyer and rhetor owes his doctrines to the Greeks, but it is Cicero that Augustine will read during his years in Madauros and Carthage, and it is with Cicero’s works that he will compare his own “supernatural” view of politics and justice. The basic question is that this “supernatural” view seems to leave no room for a normative valuation of the socio-political realm, or to keep only the language of normativity without an effective meaning. “Supernatural view” means, in Horn’s words, an idea of the political world submitted to divine or cosmic forces. So far no problem: in ancient Western philosophy there were many forms of political *Supranaturalismus*, without the disastrous consequences that it seems to imply in Augustine. The problem with Augustine is that he does not allow to circumscribe a sphere of purely worldly normativity, because of the original sin and the loss of divine grace. As a consequence, the earthly world can no more stand as an improvable image of a heavenly world.

Faced with these problems, let’s turn to the contribution of an authoritative scholar in the field of Augustinian politics. In his paper Robert Dodaro (Institutum Patristicum Augustinianum, Roma) recapitulates the theory upheld in his book *Christ and the Just Society in the Thought of Augustine* (Cambridge U.P., Cambridge 2004). The topic of political justice in Augustine’s thought has often been seen as an offspring of the question of the relationship between the State and the Church, but a general account of this relationship cannot be found

in Augustine's works. The bridge between *res publica* and *ecclesia* is built only in the actual figure of the Christian statesman. As a consequence, Dodaro focuses his attention on the letters addressed by the bishop of Hippo to public officials of his time, such as Macedonius, the imperial vicar of Africa, and Marcellinus, the dedicatee of the *City of God*. These texts underscore the fundamental role played by the statesman's virtues, and so emphasize justice as a personal quality rather than a feature of regulations and institutions. At the same time, Dodaro shows the limitations and the theological foundation of the political virtues. Justice, and every moral virtue, is communicated to the statesman's soul by Christ, the only one who has the virtues in their perfection. Human virtue is based on humble and true piety; piety consists of faith, hope and love, and is directed to the possession of eternal goods above the temporal ones. The task of the statesman, made virtuous by Christ, is to promote justice in society by pursuing earthly goods (wealth, security, peace) in a way favourable to the pursuit of heavenly blessedness. The application of this general rule to particular situations always leaves a margin of uncertainty and variability, in consequence of the original sin, which prevents men from knowing the practical requirements of justice exactly.

Augustine himself, as a bishop of a town in the Roman Africa, was engaged in legal cases. Eva-Maria Kuhn (Albert-Ludwigs-Universität, Freiburg im Breisgau) examines the connection between his theory and his practice of justice. Kuhn outlines first the philosophical background of Augustine's idea of law, then she explains his views about duties and qualities of the judge. Unlike the lawmaker, who can and must change the *leges temporales* in order to make them corresponding to the *lex aeterna*, the judge, according to what Augustine writes in his letters, is bound fast to the existing laws. When some Donatists are guilty of crimes against churchmen, however, Augustine urges the judges, especially the Catholic ones, to abstain from inflicting the capital punishment on them and be merciful (see *e.g.* letter 100 to the proconsul Donatus, letters 133 and 139 to Marcellinus and letter 134 to Apringius, Marcellinus's brother, as well as the justification of these intercessions in the splendid letter 153 to Macedonius). In civil suits, the judge must be impartial and observe the proceedings, but also help the reconciliation between the litigants. Finally, Kuhn examines how Augustine behaved as an arbitrator, one function of the bishops of that time. We are informed of this not only by the first biographer Possidius, who recalls how much the judicial activity tired the holy bishop, but also thanks to the letters discovered by Johannes Divjak and edited in 1987. Kuhn analyses letters 8* e 9*, addressed respectively to the colleagues Victor and Alypius. In the former letter, Augustine defends the right of ownership of Licinius, a Hebrew who had turned to him and complained about a wrong done by Victor. In the latter, Augustine discusses the case of a notable who, having been caught with a nun taken away from her native town and having been beaten by some

clerics, had remonstrated even with the pope. From this research work it results that, in spite of the pragmatic realism that lead him to accept the Roman judicial and administrative apparatus in substance, Augustine often found fault with the state of affairs, and criticized the lack of consequence and enforcement of temporal laws, sometimes even within the Church.

The papers by Pietro Calogero (Procura della Repubblica di Padova) and Philippe Curbelié (Institut Catholique de Toulouse) concentrate on that *magnum opus et arduum* which the *City of God* is. Calogero gives an original interpretation of the well-known expression *iuris consensus*, which is found in the definition of people put into the mouth of Scipio Aemilianus in Cicero's *De re publica* and proposed again by Augustine in the books II and XIX. Scipio defines the *populus* as the whole multitude of people associated by *iuris consensus* and the community of utility. Without *ius*, hence without justice (*iustitia*), there is no people, and without the people there is no State (*res publica*), the State being a thing of the people (*res populi*). Since justice consists in giving every man his due, a pagan people as the pre-Christian Roman people, which takes man from the true God and subdues him to false gods, is unjust and therefore is not a true people; as a consequence, it does not have a State. But what is this *iuris consensus*, which implies *iustitia* and whose lack causes the vanishing of the State? In Calogero's opinion, we have to consider two great innovations of Roman legal thought in comparison with the situation of the Greek *poleis*: the legality principle and the personalistic principle. According to these two principles, *ius* means subjective right. Among the Romans, however, the protection of the subjective rights is restricted to the private law and descends from the *auctoritas* of the State, whereas Augustine bestows it to the relationship between the individuals and the State itself: *consensus*, in his view, means the covenant by which the State binds itself to respect the subjective rights of the individuals and bases its authority on this respect. From this point of view, Augustine can be seen as a forerunner of modern constitutionalism.

Curbelié, the author of a remarkable monograph on justice in the *City of God* (*Études Augustiniennes*, 2004), analyses the usage of the adjective *iniustus* in that work. The unjust *par excellence* is the devil, whose injustice had heavy effects in the history of pagan Rome, since the gods worshipped by the Romans were actually demonic powers. Augustine's implacable criticism brings Roman wars, theatrical shows, and even apparently exemplary events such as the deeds of Regulus, back to their roots of iniquity. In the biblical history, only Cain is explicitly called *iniustus*: his name is the only proper name in the anonymous crowd of the unjust, which includes the judges of Christ. Christ, on the contrary, is the only absolutely just, and also the only one who can mediate salvation from sin and death, because he has assumed human nature in its mortality. Thanks to Christ, the unjust man can become just. The redeemed man needs to be purified and overcome the difficulty represented by the prosperity of the

impious and the suffering of the just. Faced with the scandal of evil, he must keep faith in the absolute justice of God, who allows evil after a reason which will become intelligible only at the end of times. Supported by this faith and divine grace, the believer offers himself joining Christ's sacrifice and thus sharing Christ's justice, which culminates in the cross as full acceptance of God's will of deliverance. The Christological background of Augustine's doctrine of justice, therefore, cannot be set aside. «*He is our justice*», we read in *De patientia* 20, 17. It seems to us that Augustine's position, with its qualities and limitations, with its up-to-dateness and outdatedness, can be understood and valued only in this light.

The last voice in this Augustinian concert is an instructive outline: a new introduction by Paolo Di Lucia (Università degli Studi di Milano) to Sergio Cotta's contribution to the subject. From 1960 (the chapter published again here) and 1979, Cotta seems to pass from a doctrine of natural law, which reduces the validity of the laws to their "justice", to the claim that it is possible to deduce a value judgment from a factual assertion.

The reader will check the content of this preface in the virtual pages of the review. Let us rest content with finding very good scholars, whether famous or young, willing to get involved in the thought of the great rhetor and bishop of Hippo, a thought that leads us to the consideration - sometimes sad, sometimes hopeful - of the human condition. *Our* condition.

* Photo on the cover: Benozzo Gozzoli, *Augustine teaches*, 1465, Saint Augustine Church, San Gimignano (Siena, Italy).