

## Expletive and Attributive Justice

Grotius distinguishes expletive and attributive justice in his discussion of punishment (Grotius 2005, 951-52). This is from an earlier part.

'Tis expletive Justice, Justice properly and strictly taken, which respects the *Faculty*, or *perfect Right*, and is called by *Aristotle*, *Justice of Contracts*, but this does not give us an adequate Idea of that Sort of Justice. For, if I have a Right to demand Restitution of my Goods, which are in the Possession of another, it is not by vertue of any *Contract*, and yet it is the Justice in question that gives me such a Right. Wherefore he also calls it more properly *corrective Justice*. *Attributive Justice*, stiled by *Aristotle* *Distributive*, respects Aptitude or *imperfect Right*, the attendant of those Virtues that are beneficial to others, as *Liberality*, *Mercy*, and prudent Administration of Government. But whereas the same Philosopher says, that *Expletive Justice* follows a simple Proportion, which he calls *Arithmetical Justice*; but *Attributive*, which he terms *Geometrical*, is regulated by a comparative Proportion, and which is the only Proportion allowed by the Mathematicians, this may hold in some Cases, but not in all. Neither does *Expletive Justice* of itself differ from *Attributive* in such use of Proportions, but in the Matter, about which it is conversant, as we have said already. And therefore in a Contract of Society, the Shares are made by a Comparative Proportion, and if only one Person be found worthy of a Publick Office, a simple Proportion is all that is necessary in disposing of it. (Grotius 2005, 142-43)

### Source

Grotius, Hugo. 2005. *The Rights of War and Peace*. Edited by Richard Tuck. Indianapolis: Liberty Fund.