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 π 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)

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