

Hilary of Poitiers and the Politics of Aequalitas, Human and Divine

Quote 1: “It is necessary therefore that justice involves at least four terms: two persons for whom it is just and two shares which are just. And there will be the same equality between the shares as between the persons, since the ratio between the shares will be equal to the ratio between the persons; for if the persons are not equal, they will not have equal shares; it is when equals possess or are allotted unequal shares, or persons not equal equal shares, that conflicts and accusations arise.”

ἀνάγκη ἄρα τὸ δίκαιον ἐν ἐλαχίστοις εἶναι τέτταρσιν: οἷς τε γὰρ δίκαιον τυγχάνει ὄν, δύο ἐστί, καὶ ἐν οἷς, τὰ πράγματα, δύο. καὶ ἡ αὐτὴ ἔσται ἰσότης, οἷς καὶ ἐν οἷς: ὡς γὰρ ἐκεῖνα ἔχει, τὰ ἐν οἷς, οὕτω καὶ ἐκεῖνα ἔχει: εἰ γὰρ μὴ ἴσοι, οὐκ ἴσα ἔξουσιν, ἀλλ’ ἐντεῦθεν αἱ μάχαι καὶ τὰ ἐγκλήματα, ὅταν ἢ μὴ ἴσα ἴσοι ἢ μὴ ἴσοι ἴσα ἔχωσι καὶ νέμονται. (Aristotle, *Nicomachean Ethics* 1131a)

Quote 2: “In what pertains to civil law, slaves have no value; this is not the case, however, in natural law, since, in what pertains to natural law, all persons are equal.” (Ulpian, *Digesta* 50.17.32).

Quod attinet ad ius civile, servi pro nullis habentur: non tamen et iure naturali, quia, quod ad ius naturale attinet, omnes homines aequales sunt.

Quote 3: “There is no ambiguity about the fact that equality in no way involves difference. Who, furthermore, would doubt that birth results in a nature that does not differ? For from this arises that equality which alone can be true equality: since birth alone is able to effect an equality of nature. But equality is never believed to be present where there is solitude; nor nonetheless can it be found where there is difference. Thus the equality of similarity has neither solitude nor difference, since all equality is neither different nor alone.” (Hilary, *De Trinitate* 7.15)

Non enim ambigitur, quin aequalitas nihil differat. Quis porro dubitabit, quin indifferentem naturam natiuitas consequatur? Hinc enim est sola illa quae uere esse possit aequalitas: quia naturae aequalitatem sola possit praestare natiuitas. Aequalitas uero nusquam ibi esse credetur, ubi unio est; nec tamen illic repperietur, ubi differt. Ita similitudinis aequalitas nec solitudinem habet nec diuersitatem, quia omnis aequalitas nec diuersa nec sola sit.

Quote 4: “Take away the weaknesses of bodies, take away the beginning of conception, take away the pains of childbirth, and every human necessity: I ask whether this similarity which is in the human child differs through nature from that of his progenitor, or whether there is an essence of a different kind in each one, so that the son does not possess the natural essence of his father. But he is the likeness of his father, even if we deny it; for he is not dissimilar in essence. Similarity of nature does have in the son a nature of a different kind, because the son was not born from any other: thus similarity makes things of this sort equal, through the similarity of an essence that does not differ. Therefore every son, according to natural birth, is the equality of his father.” (Hilary, *De synodis* 73)

Tolle corporum infirmitates, tolle conceptus initium, tolle dolores (e) partitudinis, et omnem humanam necessitatem: quæro similitudo hæc quae in Seth est, utrum per naturam dissentiat auctori, aut utrum alterius generis essentia fuerit in utroque, ne non naturalem habuerit Adæ Seth natus essentiam. Sed similitudo Adæ est, etiamsi negemus; quia non est natura dissimilis. Similitudo autem natura non habuit in Seth alterius generis naturam, quia non aliunde Seth natus est: ita similitudo res ipsas naturalis coæquat, per similitudinem non indifferentis essentiæ. Omnis itaque filius, secundum naturalem nativitatem, aequalitas patris est; quia est et similitudo natura.