
ST. THOMAS AQUINAS

St. Thomas Aquinas (1224–1274) was born near Aquino, Italy, into a noble Italian family. Against the wishes of his family he entered a Dominican order and spent his life primarily as a university scholar and teacher in Paris, Cologne, Rome, and Naples. With the revival of Greek philosophy and, particularly, of Aristotelianism, the Church faced the task of determining the proper relationship between theology and Greek philosophy. St. Thomas devoted himself to this task of reconciling faith and reason into a synthesis. He died at the age of 50, but his writings were judged by the Church to be so successful that in 1879 they were declared the official teaching of the Church.

St. Thomas wrote commentaries on the chief works of Aristotle, including The Politics. Of his own works, there are two that are essential for understanding his Christian political philosophy: On Kingship, written in 1266–1267 for the King of Cyprus; and sections of the Summa Theologica, written between 1267–1274 and never finished. In both works one can see St. Thomas synthesizing the philosophy of Aristotle and the tenets of Christian theology.

—J.M.P.

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Summa Theologica

PART II (FIRST PART) SIGNIFICANCE OF THE STATE

The Value of the State (Question 21, Art. 4)

Man is not ordained to the body politic, according to all that he is and has; and so it does not follow that every action of his acquires merit or demerit in relation to the body politic. But all that man is, and can, and has, must be referred to God: and therefore every action of man, whether good or bad, acquires merit or demerit in the sight of God, as far as the action itself is concerned.

Political, Divine and Natural Orders (Question 72, Art. 4)

Now there should be a threefold order in man:—one in relation to the rule of reason, in so far as all our actions and passions should be commensurate with the rule of reason:—another order is in relation to the rule of the Divine law, whereby man should be directed in all things: and if man were by nature a solitary animal, this twofold order would suffice.—But since man is naturally a civic and social animal, as is proved in *Politics*, I. 2, hence a third order is necessary, whereby man is directed in relation to other men among whom he has to dwell.

TREATISE ON LAW

The Essence of Law (Question 90, Art. 1)

Law is a rule and measure of acts, whereby man is induced to act or is restrained from acting: for *lex* (law) is derived from *ligare* (to bind), because it binds one to act. Now the rule and measure of human acts is the reason, which is the first principle of human acts, as is evident from what has been stated elsewhere; since it belongs to the reason to direct to the end, which is the first principle in all matters of action, according to the Philosopher. . . .

Reason has its power of moving from the will, as stated above: for it is due to the fact that one wills the end, that the reason issues its commands as regards things ordained to the end. But in order that the volition of what is commanded may have the nature of law, it needs to be in accord with some rule of reason. And in this sense is to be understood the saying that the will of the sovereign has the force of law; otherwise the sovereign's will would savour of lawlessness rather than of law.

Law and the Common Good (Question 90, Art. 2)

Now the first principle in practical matters, which are the object of the practical reason, is the last end: and the last end of human life is bliss or happiness, as stated above. Consequently the law must needs regard principally the relationship to happiness. Moreover, since every part is ordained to the whole, as imperfect to perfect; and since one man is a part of the perfect community, the law must needs regard properly the relationship to universal happiness. Wherefore the Philosopher, in the above definition of legal matters mentions both happiness and the body politic: for he says (*Ethics*, V. 1) that we call those legal matters *just, which are adapted to produce and preserve happiness and its parts for the body politic*: since the state is a perfect community, as he says in *Politics*, I. 1.

Promulgation of Law (Question 90, Art. 3)

A law, properly speaking, regards first and foremost the order to the common good. Now to order anything to the common good, belongs either to the whole people, or to someone who is the vicegerent of the whole people. And therefore the making of a law belongs either to the whole people or to a public personage who has care of the whole people: since in all other matters the directing of anything to the end concerns him to whom the end belongs. . . .

A private person cannot lead another to virtue efficaciously: for he can only advise, and if his advice be not taken, it has no coercive power, such as the law should have, in order to prove an efficacious inducement to virtue, as the Philosopher says (*Ethics*, X. 9). But this coercive power is vested in the whole people or in some public personage, to whom it belongs to inflict penalties. . . .

As one man is a part of the household, so a household is a part of the state: and the state is a perfect community, according to *Politics*, I. 1. And therefore, as the good of one man is not the last end, but is ordained to

the common good; so too the good of one household is ordained to the good of a single state, which is a perfect community. Consequently he that governs a family, can indeed make certain commands or ordinances, but not such as to have properly the force of law.

Definition of Law
(Question 90, Art. 4)

Thus from the four preceding articles, the definition of law may be gathered; and it is nothing else than an ordinance of reason for the common good, made by him who has care of the community, and promulgated.

THE VARIOUS KINDS OF LAW

Eternal Law
(Question 91, Art. 1)

As stated above, a law is nothing else but a dictate of practical reason emanating from the ruler who governs a perfect community. Now it is evident, granted that the world is ruled by Divine providence, as was stated in the First Part (Question 22, Arts. 1, 2), that the whole community of the universe is governed by Divine Reason. Wherefore the very Idea of the government of things in God the Ruler of the universe, has the nature of a law. And since the Divine Reason's conception of things is not subject to time but is eternal, according to Prov. viii. 23, therefore it is that this kind of law must be called eternal.

Natural Law
(Question 91, Art. 2)

Wherefore, since all things subject to Divine providence are ruled and measured by the eternal law, as was stated above; it is evident that all things partake somewhat of the eternal law, in so far as, namely, from its being imprinted on them, they derive their respective inclinations to their proper acts and ends. Now among all others, the rational creature is subject to Divine providence in the most excellent way, in so far as it partakes of a share of providence, by being provident both for itself and for others. Wherefore it has a share of the Eternal Reason, whereby it has a natural inclination to its proper act and end: and this participation of the eternal law in the rational creature is called the natural law. Hence the Psalmist

after saying (Ps. iv. 6): *Offer up the sacrifice of justice*, as though someone asked what the works of justice are, adds: *Many say, Who showeth us good things?* in answer to which question he says: *The light of Thy countenance, O Lord, is signed upon us:* thus implying that the light of natural reason, whereby we discern what is good and what is evil, which is the function of the natural law, is nothing else than an imprint on us of the Divine light. It is therefore evident that the natural law is nothing else than the rational creature's participation of the eternal law.

Human Law
(Question 91, Art. 3)

Accordingly we conclude that just as, in the speculative reason, from naturally known indemonstrable principles, we draw the conclusions of the various sciences, the knowledge of which is not imparted to us by nature, but acquired by the efforts of reason, so too it is from the precepts of the natural law, as from general and indemonstrable principles, that the human reason needs to proceed to the more particular determination of certain matters. These particular determinations, devised by human reason, are called human laws, provided the other essential conditions of law be observed, as stated above (Question 90, Arts. 2, 3, 4). Wherefore Cicero says in his *Rhetoric* (*De Invent. Rhet. ii*) that *justice has its source in nature; thence certain things came into custom by reason of their utility; afterwards these things which emanated from nature and were approved by custom, were sanctioned by fear and reverence for the law.*

Divine Law
(Question 91, Art. 4)

Besides the natural and the human law it was necessary for the directing of human conduct to have a Divine law. And this for four reasons. First, because it is by law that man is directed how to perform his proper acts in view of his last end. And indeed if man were ordained to no other end than that which is proportionate to his natural faculty, there would be no need for man to have any further direction on the part of his reason, besides the natural law and human law which is derived from it. But since man is ordained to an end of eternal happiness which is inproportionate to man's natural faculty, as stated above (Question 5, Art. 5), therefore it was necessary that, besides the natural and the human law, man should be directed to his end by a law given by God.

Secondly, because, on account of the uncertainty of human judgment, especially on contingent and particular matters, different people form different judgments on human acts; whence also different and contrary laws

result. In order, therefore, that man may know without any doubt what he ought to do and what he ought to avoid, it was necessary for man to be directed in his proper acts by a law given by God, for it is certain that such a law cannot err.

Thirdly, because man can make laws in those matters of which he is competent to judge. But man is not competent to judge of interior movements, that are hidden, but only of exterior acts which appear: and yet for the perfection of virtue it is necessary for man to conduct himself aright in both kinds of acts. Consequently human law could not sufficiently curb and direct interior acts; and it was necessary for this purpose that a Divine law should supervene.

Fourthly, because, as Augustine says (*De Lib. Arb.* i. 5,6), human law cannot punish or forbid all evil deeds: since while aiming at doing away with all evils, it would do away with many good things, and would hinder the advance of the common good, which is necessary for human intercourse. In order, therefore, that no evil might remain unforbidden and unpunished, it was necessary for the Divine law to supervene, whereby all sins are forbidden.

JUST WAR (Question 40, Art. 1)

In order for a war to be just, three things are necessary. First, the authority of the sovereign by whose command the war is to be waged. For it is not the business of a private individual to declare war, because he can seek for redress of his rights from the tribunal of his superior. Moreover it is not the business of a private individual to summon together the people, which has to be done in wartime. And as the care of the common weal is committed to those who are in authority, it is their business to watch over the common weal of the city, kingdom or province subject to them. And just as it is lawful for them to have recourse to the sword in defending that common weal against internal disturbances, when they punish evil-doers, according to the words of the Apostle (Rom. xiii. 4): *He holdeth not the sword in vain: for he is God's minister, an avenger to execute wrath upon him that doth evil;* so too, it is their business to have recourse to the sword of war in defending the common weal against external enemies. Hence it is said to those who are in authority (Ps. lxxxi. 4): *Rescue the poor: and deliver the needy out of the hand of the sinner;* and for this reason Augustine says (*Contra Faust.* xxii. 75): *The natural order conducive to peace among mortals demands that the power to declare and counsel war should be in the hands of those who hold the supreme authority.*

Secondly, a just cause is required, namely that those who are attacked, should be attacked because they deserve it on account of some fault.

Wherefore Augustine says (*QQ. in Hept.*, qu. x., *super Jos.*): *A just war is wont to be described as one that avenges wrongs, when a nation or state has to be punished, for refusing to make amends for the wrongs inflicted by its subjects, or to restore what it has seized unjustly.*

Thirdly, it is necessary that the belligerents should have a rightful intention, so that they intend the advancement of good, or the avoidance of evil. Hence Augustine says (*De Verb. Dom.* *): *True religion looks upon as peaceful those wars that are waged not for motives of aggrandisement, or cruelty, but with the object of securing peace, of punishing evil-doers, and of uplifting the good.* For it may happen that the war is declared by the legitimate authority, and for a just cause, and yet be rendered unlawful through a wicked intention. Hence Augustine says (*Contra Faust.* xxii. 74): *The passion for inflicting harm, the cruel thirst for vengeance, an unpacific and relentless spirit, the fever of revolt, the lust of power, and suchlike things, all these are rightly condemned in war.*

RESISTING TYRANNICAL GOVERNMENT (Question 42, Art. 2)

A tyrannical government is not just, because it is directed, not to the common good, but to the private good of the ruler, as the Philosopher states (*Politics*, III. 5; *Ethics*, VIII. 10). Consequently there is no sedition in disturbing a government of this kind, unless indeed the tyrant's rule be disturbed so inordinately, that his subjects suffer greater harm from the consequent disturbance than from the tyrant's government. Indeed it is the tyrant rather that is guilty of sedition, since he encourages discord and sedition among his subjects, that he may lord over them more securely; for this is tyranny, being conducive to the private good of the ruler, and to the injury of the multitude.

RIGHT TO PROPERTY (Question 66, Art. 1)

External things can be considered in two ways. First, as regards their nature, and this is not subject to the power of man, but only to the power of God Whose mere will all things obey. Secondly, as regards their use,

*The words quoted are to be found, not in S. Augustine's works, but Can. *Apud. Caus.* xxiii., qu. I.