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_Saint Thomas Aquinas on Politics and Ethics_
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ON KINGSHIP OR
THE GOVERNANCE OF RULERS
(DE REGIMINE PRINCIPUM, 1265–1267)†

Chapter 1

Men in Society Must Be under Rulers.

We must first explain what is meant by the term, king. When a thing is directed towards an end, and it is possible to go one way or another, someone must indicate the best way to proceed toward the end. For example, a ship that moves in different directions with the shifting winds would never reach its destination if it were not guided into port by the skill of its helmsman. Man too has an end towards which all the actions of his life are directed, since all intelligent beings act for an end. Yet the diversity of men’s pursuits and activities means that men proceed to their intended objectives in different ways. Therefore man needs someone to direct him towards his end. Now every man is naturally endowed with the light of reason to direct his actions towards his end. If men were intended to live alone as do many animals, there would be no need for anyone to direct him towards his end, since every man would be his own king under God, the highest king, and the light of reason given to him from on high would enable him to act on his own. But man is by nature a political and social animal. Even more than other animals he lives in groups (multitudine). This is demonstrated by the requirements of his nature. Nature has given other animals food, furry covering, teeth, and horns and claws—or at least speed of flight—as means to defend themselves. Man however, is given none of these by nature. Instead he has been given the use of his reason to secure all these things by the work of his hands. But a man cannot secure all these by himself, for a man cannot adequately provide for his life by himself. Therefore it is natural for man to live in association with his fellows.

In addition, nature has instilled in other animals the ability to perceive what is useful or harmful to them. For example, a sheep knows by nature that the wolf is its enemy. Some animals even have the natural ability to know the medicinal herbs and other things necessary to their existence. Man, on the other hand, has a natural knowledge of what is necessary to his life only in a general way, using his reason to move from general principles to the knowledge of particular things that are necessary for human life. And it is not possible for one man to arrive at the knowledge of all these things through the use of his reason. Thus it is necessary for him to live in society so that one person can help another and different men can employ their reasons in different ways, one in medicine, and others in this or that endeavor. This is most clearly demonstrated by the fact that man uses words to communicate his thoughts fully to others. It is true that other animals express their feelings in a general way. Dogs express their anger by barking and other animals express their feelings in other ways. But man is more able to communicate with others than other gregarious animals such as cranes, ants, or bees. [King] Solomon refers to this when he says "It is better for two to live together than alone, for they have the advantage of mutual company."1

Therefore if it is natural for man to live in association with others, there must be some way for them to be governed. For if many men were to live together and each to provide what is convenient for himself, the group (multitude) would break up unless one of them had the responsibility for the good of the group, just as the body of a man or an animal would disintegrate without a single controlling force in the body that aimed at the common good of all the members. As Solomon says, "Where there is no ruler, the people will be dispersed."2 This is reasonable since the private good and the common good are not the same. Private concerns divide the community, while common concerns unite it. Those differences exist for different reasons. Therefore besides what moves each person to his own private good there must be something that moves everyone to the common good of the many. Therefore in everything that is ordered to a single end, one thing is found that rules the rest. In the physical universe, by the intention of divine providence all the other bodies are ruled by the first or heavenly body, as divine providence directs, and all material bodies are ruled by rational creatures.3 In each man the soul rules the body and within the soul reason rules over passion and desire. Likewise among the parts of the body there is one ruling part, either the heart or the head that moves all the others. So in every group, there must be something that rules.

When things are ordered to some end, one can proceed in the right way and the wrong way. So the government of a group can be carried out in the right way or the wrong way. Something is done in the right way when it is led to its appropriate end, and in the wrong way when it is led to an inappropriate end. The proper end of a group of free men is different from that of a group of slaves, for a free man determines his own actions while a slave, quæ slave, is one who belongs to another. If then a group of free men is directed by a ruler to the common good of

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1. Aristotle (Politics, I, 2) says man is a “political animal” (zoon politikon). Aquinas, following William of Moerbeke’s translation, recognizes that in Greek thought the political had a broader meaning than in medieval times, and included society and social life as a whole.

2. Ecclesiastes, 4:9. Ecclesiastes was attributed to Solomon, King of Israel between 971 and 930 B.C.

3. Proverbs, 11:14. The central chapters of Proverbs are also attributed to King Solomon.

4. According to Aquinas’s cosmology the stars and planets are arranged hierarchically in a series of spheres with the heavenly sphere and fixed stars on the outside, giving motion to the rest. All the motions of the universe are subject to rational control of God and the intelligences of the angels. For the origins of this cosmology in Aristotle see his De Coelo (On the Heavens) I–II.
the group, his government will be right and just because it is appropriate for free men, but if the government is directed not at the common good of the group but at the private good of the ruler it will be unjust and a perversion. God warns such rulers in the Book of Ezekiel, "Woe to shepherds that feed themselves (because they seek their own benefit). Should not the flocks be fed by the shepherd?" Shepherds must seek the good of their flocks, and rulers, the good of those subject to them. If a government is under one man who seeks his own benefit and not the good of those subject to him, the ruler is called a tyrant. The word is derived from tyro, the Greek word for "strength," because it uses force to oppress the people instead of justice to rule. Hence among the ancients all powerful men were called tyrants. But if an unjust government is exercised not by one but by more than one, if they are few it is called an oligarchy which means "rule by the few." In this case a few rich men oppress the people. Such a government differs only in number from a tyranny. An unjust government exercised by the many is called a democracy, that is, "rule by the people," which occurs when the common people use the force of numbers to oppress the rich. In this case the whole people acts like a tyrant.

We can also classify the types of just government. If the government is carried out by a large number, as when a group of warriors governs a city or province, it is usually called a polity. But if a few virtuous men carry out the administration, a government of this kind is called an aristocracy, that is the best rule, or rule of the best, who for this reason are called the aristocrats. But if a good government is in the hands of one man alone, it is appropriate to call him a king. So the Lord said in [the Book of] Ezekiel, "My servant David will be king all over, and there will be one shepherd over all of them." Thus it is very clear that it is the nature of kingship that there should be one to rule and that he should be a shepherd who seeks the common good of all and not his own benefit.

Since men must live together because they cannot acquire what is needed to live if they remain by themselves, a social group is more perfect if it provides better for the necessities of life. A family in a single household provides adequately for some of the needs of life such as the natural acts of nourishment and the recreation of children, etc. In a single locality you will find self-sufficiency in a given manufacture. But a city which is a perfect community contains whatever is needed for life, and even more so a province because of the need for common defense and mutual aid against enemies. Therefore the right name for someone who rules a perfect community, whether a city or a province, is a king.

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5. Ezekiel, 34:2.
6. This classification is derived from Aristotle's Politics, III, 7-8.
7. This is a qualified reference to Aristotle's assertion (Politics, III, 7) that the shared excellence or virtue of a good government by the many is likely to be military, and the franchise will be related to the possession of arms.
8. Ezekiel, 37:24. The reference is to King David who ruled over Israel in the 10th Century B.C. and was believed to be author of the Psalms.
10. Ephesians, 4:3.
Ruler of all.² This is in accord with reason since every plurality derives from unity. Therefore since art imitates nature and a work of art is better to the degree that it resembles what is in nature, it follows that it is best for a human group (multitude) to be ruled by one person.

This is also apparent from experience. Provinces and cities that are not ruled by one person are torn by dissension and disputes without peace so that the words of the Lord spoken through the Prophet [Jeremiah] seem to be fulfilled, “Many shepherds have destroyed my vineyard.”³ On the other hand provinces and cities under a single king enjoy peace, justice flourishes, and they delight in the abundance of wealth. Hence the Lord through his prophets promises the people as a great favor that he will place them under one hand and that there will be “one prince in the midst of them.”⁴

Chapter 3

Just Rule by One Person Is the Best Form of Government; Its Opposite Is the Worst.

Just as government by a king is best, so government by a tyrant is the worst. Democracy stands in opposition to polity as indicated above, since both are governments by the many. Oligarchy is opposed to aristocracy, since both are governments by the few. Kingship is the opposite of tyranny since both are governments by one person. We have shown above that kingship is the best form of government. Since that which is opposite to the best is the worst, it follows that tyranny is worst form of government.⁵

In addition a force that is united is more effective than one that is divided. Many persons working together can pull a load that individually they could not pull. Thus just as a force operating for good is better at producing good if it is one, so a force operating for evil is more harmful if it is one rather than divided. The power of an unjust ruler operates to the detriment of the group because he replaces the common good of the group with his own advantage. Similarly in good governments, since a more unified government is a more effective one, monarchy is better than aristocracy, and aristocracy is better than polity, while in bad governments the opposite is the case so that the more unified it is the more harmful it is. Thus tyranny is more harmful than oligarchy and oligarchy is more harmful than democracy.

Furthermore what makes a government unjust is the fact that the private interest of the ruler is pursued in preference to the common good of the society. The further he departs from the common good, the more unjust his government will be. An oligarchy departs from the common good more than a democracy because it seeks the good of the few rather than the many. Tyranny departs still more from the common good because it seeks the good of only one person. The greater number comes nearer to the whole than a few, and the few nearer than only one person. Tyranny therefore is the most unjust form of government.

We can see this when we consider the order of divine providence which directs everything in the best way. The good in things results from a single perfect cause, that is, from everything working together for good, while evil results from individual defects. There is no beauty in a body unless all its parts are properly integrated. Ugliness results from one member not fitting in properly. And so ugliness comes in different ways from many different causes while beauty comes in one way from a single perfect cause. In all cases of good and evil God seems to provide that good from one cause will be stronger and evil from many causes will be weaker. It is proper therefore that just government should be exercised by one person so that it can be stronger. But if the government becomes unjust it is better that it be exercised by many, so that it is weaker because of internal divisions. Therefore among unjust governments democratic government is the most tolerable of the unjust forms of government, while tyranny is the worst.

This is also apparent when one considers the evils that result from tyranny. The tyrant despises the common good and seeks his private good and as a result he oppresses his subjects in different ways and which goods will be affected will depend on the various passions to which he is subject. If he is subject to the passion of greed, he steals the property of his subjects. Thus Solomon says “A just king improves the land, a greedy man destroys it.”⁶ If he is dominated by the passion of anger, he sheds blood for nothing, so that it is said in Ezekiel “The princes among them are like wolves seizing their prey and shedding blood.”⁷ The wise man advises us to avoid this kind of government when he says “keep away from the man with the power to kill”⁸ for he does not kill in pursuit of justice but uses his power to satisfy his willful lust. Thus when the ruler departs from law there is no security and everything is uncertain. No reliance can be placed on the will, not to speak of the lust, of another. He threatens not only the bodies of his subjects but also their spiritual welfare, since those who seek to use rather than to be of use to their subjects oppose any progress by their subjects since they suspect that any excellence among their subjects is a threat to their unjust rule. Tyrants always suspect the good rather than the evil and are always afraid of virtue. They seek to prevent their subjects from becoming virtuous and developing a public spiritedness which would not tolerate their unjust domination. They prevent the bond of friendship from developing among their subjects and the enjoyment of mutual peace since as long as there is mutual distrust no attempt can be made to overthrow their rule. Therefore tyrants sow discord among them, promote dissension, and

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² Aquinas probably derived his (inaccurate) knowledge of bees from Aristotle, *History of Animals*, V. 21.
³ Jeremiah, 12:10.
⁴ Jeremiah, 30:21. However, see the warning of the dangers of monarchy in 1 Samuel, 8.
⁷ Ezekiel, 22:27.
⁸ Sirach (Wisdom), 9:13.
prohibit gatherings such as marriage celebrations and feasts and the like that foster familiarity and mutual trust among men. They try to prevent their subjects from becoming powerful or rich since, judging their subjects on the basis of their own bad consciences, they suspect that they will also use their power and wealth to harm them. Thus Job says of the tyrant, “The sound of terror is always in his ears even when there is peace (that is, no one is trying to harm him) he always suspects plots.” Thus it is that because rulers instead of inducing their subjects to be virtuous are wickedly jealous of their virtue and hinder it as much as they can, very few virtuous men are found under tyrants. For as Aristotle says, “Brave men are found where brave men are honored,” and Cicero says, “What is despised by everyone decays and ceases to grow.” It is natural that men who are brought up in fear should become servile in spirit and cowardly in the face of any difficult or strenuous endeavor. So the Apostle [Paul] says “Fathers, do not provoke your children to indignation lest they become discouraged.” King Solomon had these evil effects of tyranny in mind when he said “When the wicked reign it is the ruination of men” because the wickedness of tyranny leads their subjects to fall away from the perfection of virtue. He also says “When the wicked take power, the people weep as if they were being led into slavery” and “When the wicked rule, men will go into hiding” to avoid the cruelty of tyrants. This is no wonder since one who does not rule according to reason but following the lusts of his spirit is no different from a beast, so that Solomon says “A wicked prince over his poor people is like a roaring lion and a ravenous bear.” So men hide from tyrants as from cruel beasts and there is no difference between being subject to a tyrant and being ravaged by a wild beast.

Chapter 4


Because monarchy, defined as the rule of one man, can result in both the best and worst forms of government, kingship is considered by many people as odious because it is associated with the evils of tyranny. Sometimes those who desire to be ruled by a king are subjected to the savagery of tyrants and many rulers who are tyrants disguise themselves as kings. The Roman Republic is an example of this. The Roman people drove out their kings because they could not support the burden of their tyrannical rule. They established consuls and other magistrates who began to rule and govern them since they wished to change from monarchy to aristocracy. Sallust refers to this when he says, “It is incredible to recall how rapidly the city of Rome grew in a short time, once it had won its liberty.” It often happens that men who live under a king are reluctant to work for the common good since they think that what they do for the common welfare will not benefit them but someone else who seems to have the common good under his control. But if they do not see one person in control of the community, they all work for the common good as if it were their own rather than belonging to someone else. Thus experience shows that a city that changes its administration every year can sometimes accomplish more than three or four cities ruled by a king, and small services exacted by kings weigh more heavily than heavy burdens imposed by a community of citizens. This was true in the development of the Roman Republic. The common people were conscripted for military service and were paid wages for their military service. When the general treasury was not sufficient to pay those wages, private wealth was put to public use so that even the senators did not keep anything made of gold for themselves except one gold ring and their individual seals of office. However when their continual dissension finally led to civil war, the liberty for which they had worked was snatched from their hands and they came under the power of emperors who never called themselves kings because that title was hated by the Romans. Some of them faithfully served the common good like kings, and by their efforts the Roman commonwealth was increased and preserved. But most of them became tyrants over their subjects and weak and vacillating to their enemies and brought the Roman commonwealth to naught.

A similar process took place among the Jewish people. At first when they were ruled by judges they were devastated by their enemies everywhere, for everyone did what he pleased. But when at their insistence God gave them kings, the kings became wicked and they withdrew from the worship of the one God and finally were led into captivity. Thus there are dangers on both sides. Either because of fear of tyranny the advantages of the best form of government, kingship, are lost, or when they seek those advantages, the government of the king turns into an evil tyranny.

Chapter 5

Tyranny is More Likely to Develop from the Rule of the Many than of One Person. Therefore Monarchy Is Preferable.

If a choice has to be made between two courses of action both of which involve danger, one should choose the course that leads to the lesser evil. A monarchy which changes into a tyranny leads to less evil...
a king who will not become a tyrant. In the first place those whose duty it is to select the king should elevate someone to that office who is of such a character that it is unlikely that he will become a tyrant. Hence Samuel commends the providence of God in establishing a king when he says, “The Lord has sought for himself a man after his own heart.”4 Then once the king is established, the government of the kingdom should be so constituted as to provide no opportunity for him to become a tyrant. His power should be limited so that he can not easily fall into tyranny. We will discuss later how this can be done.5 Finally we must consider what to do if the king does become a tyrant.

If the tyranny is not extreme, it is better to tolerate a mild tyranny for a time rather than to take action against it that may bring on many dangers that are worse than the tyranny itself. For it may be that those who revolt against the tyrant cannot prevail, and the tyrant then is provoked to become more extreme. If the opposition to the tyrant does prevail, the result is that there are deep divisions in the populace, and the community is divided into rival groups either during the revolt or regarding the structure of the government after the tyrant has been overthrown. Again it sometimes happens that after someone has aided the community to overthrow the tyrant, he uses the power he has acquired to seize control of the tyranny, and out of fear that he may share the fate of his predecessor imposes a worse slavery upon the subjects. It often happens with tyrannies that a subsequent tyrant is worse than his predecessor because he abandons none of the oppressive measures of his predecessor but with intensified malice invents new ones. Thus at a time when everyone in Syracuse wished for the death of Dionysius, an old woman kept praying for his safety and continued survival. When the tyrant found out about this he asked her why she did it. She replied, “When I was a little girl we were ruled by an evil tyrant and I kept praying that he would die. When he was killed his successor was still more oppressive, and I kept wishing for his rule to end. Then we began to have a third ruler who was even worse—you. And so if you are taken from us a worse ruler will take your place.”6

If the tyranny is so extreme that it is unbearable, some have argued that it is a virtuous act for brave men to run the risk of death in order to kill a tyrant and liberate the community. We have an example of this in the Old Testament where a certain Ehud killed Eglon, the king of Moab, with the dagger on his thigh because he was oppressing the people of God—and was made a judge of the people.7 But this is not in accord-

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5. This discussion never takes place since Aquinas did not complete the treatise. For his ideas on kingship should be limited, see his discussion of the mixed constitution in the Summa Theologica, I-II, qu. 107, on p. 58.
6. The source of this story is probably the work of the thirteenth-century Dominican historian, Vincent of Beauvais (1150–1212). Speculum Historiale, II, 71. Dionysius was a tyrant who ruled the Greek colony of Syracuse in Sicily in the time of Plato (fourth century B.C.).
7. Judges, 3:15–24. Aquinas may be replying to the argument for tyrannicide made by the medieval political theorist, John of Salisbury (1120–1180), who cites the Old Testament example in his Polycraticus (VIII, 23).
ance with Apostolic teaching. Peter teaches us to be subject not only to good and temperate rulers but also to the ill-tempered. "If anyone bears undeserved suffering out of reverence for God, this is (the work of) grace." 8 Thus when the Roman emperors persecuted the Christian faith the great number of people, both nobles and commoners, who were converted to the faith did not resist but patiently suffered death for Christ, as happened in the case of the holy legion of Thebes. 9 In Ehud’s case, he must be understood as having killed an enemy king rather than a ruler of the people who was a tyrant. Again in the Old Testament we read that those who killed Joas, the King of Judah, were put to death despite the fact that he was an apostate—but that following the provisions of the law their children were spared. 1 It would be very dangerous for the community and for its rulers if any individual, using his private judgment, could attempt to kill those in government, even when they are tyrants. 2 This is because evil men are more likely to expose themselves to the danger involved (in an assassination attempt) than are good men. Evil men find the rule of kings no less oppressive than that of tyrants since, [King] Solomon says, “A wise king scatters the impious.” The more likely consequences of such presumption would therefore be to threaten the community with the loss of its king, rather than to benefit it by getting rid of a tyrant.

It seems that the solution for the evils of tyranny lies not in the private decision of a few but in proceeding through public authority. First of all, if a given community has the right to appoint a ruler it is not unjust for the community to depose the king or restrict his power if he abuses it by becoming a tyrant. The community should not be accused of disobedience if it deposes a tyrant even if it had previously agreed to obey him forever, since he did not rule the community as the office of king requires and thus he deserved to have his subjects break their agreement. So the Romans who had accepted Tarquin the Proud (as their king) expelled him from the kingdom because of the tyrannical rule that he and his children exercised and replaced him with the lesser power of the consuls. So also Domitian after he had succeeded two mild emperors, Vespasian, his father, and Titus, his brother, was executed by the Roman senate when he ruled tyrannically, and all the wicked actions that he had done to the Romans were properly annulled by senatorial decree. 4 It was as a result of that senatorial decree that Blessed John the Evangel-

8. 1 Peter, 2:19.
9. The Theban Legion was a legendary legion of 6600 Christian soldiers under St. Mauritius who were supposed to have been killed by Emperor Maximilian (285–310) for refusing to participate in the persecution of Christians. Historians doubt the authenticity of the legend.
1. II Kings, 14:5–6. Joas was king of Judah, 835–796 B.C.
2. Note that elsewhere Aquinas took different positions on resistance to tyranny. In the Summa Theologica, II-II, qu. 42, a.2 (below, p. 65) he says that the overthrow of tyrants is not sinful. In the Commentary on the Sentences of Peter Lombard, II, D.44 qu. 2 (see footnote 8 on p. 65) written when he was a young man, he seems to endorse killing a tyrant who has usurped his office (as distinct from one who has abused his power).
4. St. Augustine, The City of God, V, 12 and 21. Domitian was Roman emperor from a.d. 81–96 during the last years of the life of St. John, the author of the Fourth Gospel.

**Chapter 12**

The Duties of a King. The Likeness of the King in His Kingdom to the Soul in the Body and to God in the Universe.

Next we will consider the duty of a king and how he should act. Since art imitates nature and we learn from nature how to act in accordance with reason, it seems best to derive the duties of a king from the examples of government that appear in nature. In nature we find both a universal and a particular form of government. The universal government is the one by which God through his providence governs everything in the universe. The particular rule that is found in man is like God’s rule, and therefore he is called a microcosm (minor mundus) because the form in which the universe is ruled is also found within him. Just as all created material things and all spiritual powers come under the rule of God, so also the parts of the body and other powers of the soul are ruled by reason, so that reason acts in man in the way that God acts in the world. Moreover since we have shows above, man is by nature a social animal who lives in community, there is a likeness to the divine rule not only in the fact that the individual is directed by his reason, but that the reason of one man directs the group (multitude), as the special responsibility of the king. Among certain animals that are organized socially, there is (also) a kind of likeness to this form of rule. The bees are said to have kings, not because they are ruled by reason in this way,

5. Aquinas’s source is the standard commentary (Cicero Ordinarius) to the Gospel of Matthew which in turn relies on Josephus’ History of the Jews. Archelaus ruled Judea from 4 B.C. to A.D. 6.
but by a natural instinct implanted by the Highest Ruler, the Author of Nature. Therefore the king should recognize that he has a duty to act in his kingdom like the soul in the body and God in the world. If he recognizes this, he will be driven by a zeal for justice when he considers that he has been appointed to exercise judgment over the kingdom in God’s place, and he will acquire kindness and mercy when he regards the individuals under his rule as members of his own body. ** **

Chapter 14


Just as the way to establish a city or a kingdom can be learned from the creation of the world, so its principle of government can be taken from the governance of the world. We must first keep in mind that to govern is to direct what is governed to its appropriate end. A ship is said to be governed when the sailor guides it on its right course safely to port. If a thing is ordered to an end beyond itself, as a ship is to its port, it is the duty of the one who directs it not only to keep it safe but to bring it to the goal which is beyond it. But if something did not have an end beyond itself, the task of the one who directed it would be to keep it unharmed and in good condition. While there is nothing of this kind among created things—only God Himself who is the end of all—things that are ordered to an external goal are cared for in many ways by different people. One man may be responsible for keeping something in good condition, and another for improving it, as in the case of a ship that we have given as an example of government. The carpenter has the responsibility for repairing any damage on the ship while the sailor has the task of guiding the ship to port. The same thing happens in the case of man. The doctor is responsible for keeping a man in good health; the steward for keeping him supplied with the necessities of life; the scholar is responsible for his knowing truth; and the instructor in morals for teaching him to live according to reason. If man were not ordered to some good beyond himself, these attentions would suffice for him.

There is a good that is extraneous to man as long as he lives his mortal life—final happiness (beatitudo) in the enjoyment of God which awaits him after death. As the Apostle [Paul] says, “While we are in the body, we are exiled from the Lord.” So it is that the Christian for whom that happiness has been bought by the blood of Christ and who has received the gift of the Holy Spirit to attain it, needs further spiritual guidance to direct him to the port of eternal life. This responsibility over the faithful is exercised by the ministers of the Church of Christ.

The same conclusion must be drawn for the end of a whole society or that of an individual man. If the end of man were some good in man himself, then the end of the government of society (multitudinis) would also be to secure and preserve that good for society. If that ultimate end of man and society were the life and health of the body, doctors would rule. If the ultimate end were abundance and wealth a steward would be king. If the knowledge of truth were to be attained by the multitude, the king would be a scholar. But it seems that the end of organized society is to live a life of virtue. Men gather together so that they may live well which they could not do if they lived by themselves. The good life is one that is lived in accordance with virtue. Therefore the virtuous life is the end of human society.

An indication of this is the fact that only those who share in the good life are parts of organized society (multitudinis). If men came together simply for the sake of mere existence, animals and slaves would have a part in civil society (congregationis). If they did so in order to acquire riches, all those engaged in trade would belong to one city. But we see that only those who are under the same laws and government for the purpose of living the good life are considered to be members of a society. Now, because the man who lives the life of virtue is destined for a higher end which is, as we have said, the enjoyment of the divine, this must also be the final end of human society. The final end of organized society then is not merely to live the life of virtue but through a life of virtue to attain the enjoyment of God. If it were possible to arrive at this end by the power of human nature, it would be the duty of kings to direct men to this end. (We mean by the term, king, the one who has the highest responsibility for human affairs.) Government is of a higher order when it is ordered towards a further end. The one who is responsible for the last end directs those who are responsible for carrying out the things that are ordered to that end. Thus the navigator who is responsible for piloting the ship directs the shipbuilder as to the most suitable type of ship to construct and the citizen who bears arms tells the blacksmith what kind of weapons to make. But man cannot attain the enjoyment of God by human power but only by the power of God as the Apostle [Paul] tells us, “The gift of God is eternal life.” Divine, not human, rule, will lead to that end. This kind of rule belongs to the king who is both God and man, Our Lord Jesus Christ, who by making sons of God has led them to the glory of heaven.

This is the government given to him, a rule which will never pass away, by virtue of which he is called both priest and king in the Sacred Scriptures, where [the Prophet] Jeremiah says, “The king shall reign and he shall be wise.” From him a royal priesthood derives. What is more, all those who believe in Christ as his members are called priests and kings. So that spiritual and earthly things may be kept distinct, the ministry of this kingdom is entrusted not to earthly kings but to priests, and especially to the Highest Priest, the successor of Peter, the Vicar of Christ.


1. Romans, 6:23.

the Roman Pontiff, to whom all kings over Christian peoples should be subject as to Christ himself. For those who are responsible for intermediate ends should be subject to the one who is responsible for the ultimate end, and be directed by his command. Since the pagan priesthood and the whole cult of the gods were for the purpose of acquiring temporal goods to serve the common good of society which was the responsibility of the king, it was proper that the priest should be subject to the pagan kings. Also in the Old Law since the people who espoused the true religion were promised early goods not by demons but by God, we read that in the Old Law priests were subject to kings. But under the New Law there is a higher priesthood that leads men to the joys of heaven, so that under the law of Christ, kings should be subject to priests.

Chapter 15
To Gain the Ultimate End, the King Should Direct His Subjects to a Life of Virtue as Well as to Intermediate Ends. What is Needed for the Good Life.

Just as the good life of men here is directed to the blessed life which we hope for in heaven as its end, so also all the good things that men secure, whether wealth or money or health or skill or learning, are directed to the good of the community as their end. As has been said, the one who is responsible for an ultimate end should rule over those who are in charge of things that are ordered to that end and should direct them by his rule. It is clear from this that just as the king ought to be subject to the dominion and rule of the priestly office, so he should rule over all human offices and direct them by the power of his rule. Whoever is to do something that is ordered to another end should see to it that his work is suited to that end. The swordmaker makes a sword that can be used in battle and the builder makes a house that is suitable for habitation. Therefore since the end of the good life that we live on earth is the happiness (beatitudo) of heaven, it is the duty of the king to promote the good life of the community so that it leads to happiness in heaven—so that he should command the things that lead to heavenly bliss and as far as possible forbid their opposite. The way to true bliss as well as the obstacles to achieving it are known from the Divine Law which priests are obliged to teach. A king therefore, being instructed in the Divine Law, should make a special effort to ensure that the society under him lives well. This involves three things—first, he should establish the

body to act. Therefore the sin which is passed on in this way from our first parent to his posterity is called original sin, while the sin that is the result of [the action of] the soul upon the parts of the body is called actual sin. And just as the actual sin that is committed by any part of the body is not the sin of that member except insofar as it is part of the man—which is the reason it is called human sin—so original sin is not the sin of this person except insofar as this person receives his nature from his first parent.

The Treatise on Law (Qu. 90–97)

Qu. 90. The Essence of Law

1. Is Law a Matter of Reason?

Law is a rule or measure of action by which one is led to action or restrained from acting. The word law (lex) is derived from ligare, to bind, because it binds one to act. The rule and measure of action is the reason, which is the first principle of human action. * * * Reason has the power to move the will, as explained above, because whenever someone desires an end, reason commands what is to be done to reach it. In order for an act of will that something is to be done to have the character of law, it must be guided by some reason. This is how we should understand the saying [of Roman law] that "the will of the prince has the force of law." * * * Otherwise the will of the prince would be iniquity rather than law. * * *

2. Is Law Always Directed toward the Common Good?

Every part is ordered to the whole as the imperfect is to the perfect. The individual is part of a perfect whole that is the community. Therefore law must concern itself in particular with the happiness of the community. * * *

3. Can Any Person Make Law?

Obj. 1. The Apostle [Paul] says that "since the gentiles who have no law do by nature the things that are of the law, they are a law for themselves." * But this is applied to everyone. Therefore anyone can make a law for himself.

Obj. 2. Furthermore as the Philosopher [Aristotle] says in the Ethic, "The intention of the legislator is to lead men to virtue." * But any man can lead another to virtue. Therefore the reason of any man can make law.

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4 Is Promulgation Necessary for a Law?

In order for a law to have the binding force that is proper to legislation, it must be applied to those who are to be ruled by it. It is applied by being made known to them through promulgation. Therefore promulgation is necessary for a law to have binding force. From the foregoing articles we can derive a definition of law. Law is nothing else than an ordination of reason for the common good promulgated by the one who is in charge of the community.

Qu. 91. The Kinds of Law

1 Is There an Eternal Law?

We have stated above that law is nothing else than a certain dictate of practical reason by a ruler who governs some perfect community. Assuming that the world is governed by divine providence as we argued in Part I, it is evident that the whole community of the universe is governed by the divine reason. Therefore the rational governance of everything on the part of God, as the ruler of the universe, has the quality of law. And since the divine reason's conception of things is not subject to time but is eternal, this kind of law must be called the eternal law.

2 Is There a Natural Law?

Since everything that is subject to divine providence is regulated and measured by the eternal law, as we have shown above, it is evident that all things participate in the eternal law in a certain way because it is imprinted upon them through their respective inclinations to their proper actions and ends. Rational creatures are under divine providence in a more excellent way than the others since by providing for themselves and others they share in the action of providence themselves. They participate in eternal reason in that they have a natural inclination to their proper actions and ends. Such participation in the eternal law by rational creatures is called the natural law.

3 Is There Human Law?

The speculative reason proceeds from naturally known indemonstrable principles to the conclusions of the various sciences which are not innate in us but are acquired by the effort of our reason. In the same way human reason must proceed from the precepts of the natural law as from certain common and indemonstrable principles to other more particular dispositions. Those particular dispositions arrived at by reason are called human laws.

4 Was There a Need for Divine Law?

Besides the natural law and human law it was necessary to have the divine law to direct human life. This is for four reasons: First, law directs man to actions that are appropriately ordered to his final end. If man were destined to an end which did not exceed the natural capacity of mankind, there would be no need for his reason to direct him in any other way than through the natural law and the humanly enacted law that is derived from it. But because man is destined to the end of eternal bliss (beatitude) which exceeds the capacity of the natural human faculties, as explained above, it was necessary for him to be directed to this end by a divinely revealed law, in addition to the natural and human law. Secondly, because of the uncertainty of human judgment, especially in contingent and particular matters, it happens that different decisions are made about different human acts, so that laws are often divergent and even contradictory. For man to know what he should do and not do without any doubt it was necessary for him to be directed in his actions by a law given by God, for it is certain that such a law cannot err. Thirdly, man can make laws about matters that are capable of being judged. But man cannot make a judgment about internal motivations that are hidden, but only about external actions that are public. To be perfectly virtuous, however, man must be upright in both kinds of action. Therefore since human law could not punish or direct interior actions sufficiently, it was necessary for there to be a divine law. Fourthly, as Augustine says, human law cannot punish or prohibit every evil action, because in trying to eliminate evils it may also do away with many good things and the interest of the common good which is necessary for human society may be adversely affected. Therefore in order for no evil to go unforbidden and unpunished, it was necessary for there to be a divine law which forbids all sin.

By the natural law human nature participates in the eternal law in proportion to the capacity of human nature. But man needs to be directed to his supernatural end in a higher way. Hence there is an additional law given by God through which man shares more perfectly in the eternal law.

Qu. 92. The Effects of Law

1 Is an Effect of the Law to Make Men Good?

If the intention of the legislator is directed at the true good, i.e., the common good, and regulated according to the principles of divine justice, it follows that the law will make men good absolutely. If however the intention of the legislator is directed at what is absolutely good but at what is useful or pleasurable for himself or opposed to divine justice, then the law does not make men good absolutely, but only relatively to a particular regime. In this sense good is found even in things...
that are evil in themselves, such as when one speaks of a good robber because he works in a way that is adapted to his end.

* * *

A tyrannical law, since it is not in accordance with reason, is not a law in the strict sense, but rather a perversion of law. However it has something of the character of law to the extent that it intends that the citizens should be good. It only has the character of a law because it is a dictate of a superior over his subjects and is aimed at their obeying law—which is a good that is not absolute but only relative to a specific regime.

Qu. 93. The Eternal Law

1 Does the Eternal Law Exist in the Highest Reason of God?

Just as in the mind of every artist there is a plan of what he will create by his art, so in the mind of every ruler there must already exist a plan as to what is to be done by those subject to his government. And just as the plan of the things to be produced by an art is called the art or exemplar of the things to be produced, so the plan of a ruler concerning the actions of his subjects has the quality of law, provided that the other conditions for a law that we have mentioned are met. God in his wisdom is the creator of all things and is related to them in the same way as an artist is related to his works of art, as we said in Part I. He governs all the actions and motions that are found in individual creatures, as we also explained in Part I. Therefore just as the plan of divine wisdom in accordance with which all things are created by it has the character of an art, or exemplar, or idea, so the plan of divine wisdom moving all things to their appropriate ends has the quality of law. Accordingly, the eternal law is nothing else than the rational plan of divine wisdom considered as directing all actions and movements.

3 Is All Law Derived from the Eternal Law?

Human law has the quality of a law in so far as it is in accordance with right reason and in this respect it is evident that it is derived from the eternal law. If it deviates from the right reason it is said to be an unjust law, and thus does not have the character of a law but rather that of an act of violence. However even an unjust law to the extent that it maintains the appearance of law because of the authority of the one who makes it is derived in this respect from the eternal law.

Qu. 94. The Natural Law

2 Does the Natural Law Contain One Precept or Many?

The precepts of the natural law are related to the practical reason as the first principles of [logical] demonstration are related to the speculative reason. Both are principles that are self-evident. Something can be described as self-evident in two ways—either, in itself, or in relation to us. A proposition is said to be self-evident if its predicate is contained in its subject—although it may happen that someone who does not know the subject will not know that the proposition is self-evident. Thus the proposition, “Man is a rational being” is by its nature self-evident since when we say “man” we are also saying “rational,” but for someone who does not know what a man is, this is not a self-evident proposition. Thus Boethius says that certain axioms and propositions are generally known in themselves by everyone. The terms of these propositions are known to everyone—for example, that every whole is greater than its parts or that two things equal to the same thing are equal to each other. But some propositions are only known to the wise who understand the meaning of the terms used in the proposition. For example to someone who knows that an angel is not a body it is self-evident that it is not located in a particular place, but this is not evident to the unlearned for they can not grasp it.

A certain order is to be found in the things that are apprehended by men. The first thing that is apprehended is being, and a knowledge of this is implied in every act of apprehension. Therefore the indemonstrable first principle is that something cannot be affirmed and denied at the same time. This principle is based on the notion of being and non-being. All other principles are based on this, as Book IV of the Metaphysics says. Just as being is the first thing that is apprehended absolutely, so also good is the first thing that is apprehended by the practical reason which is directed towards action, since everything that acts does so for an end which possesses the quality of goodness. Therefore the first principle of the practical reason is based on the nature of the good, i.e., “Good is that which all things seek.” Hence the first precept of law is that good is to be done and pursued, and evil is to be avoided. All the other precepts of the law of nature are based on this, so that all the things that are to be done or evils to be avoided belong to the precepts of the natural law which the practical reason naturally apprehends as human goods.

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Since good has the nature of an end and evil its opposite, all the things to which man has a natural inclination are naturally apprehended by the reason as good and therefore as objects to be pursued, and their opposites as evils to be avoided. Therefore the order of the precepts of the natural law follows the order of our natural inclinations. There is in man, first, an inclination to the good that he shares by nature with all substances, since every substance seeks to preserve itself according to its own nature. Corresponding to this inclination the natural law contains

4. Boethius, De Hebdomadibus. In 1277 Aquinas wrote a commentary on this short theological work by Boethius, the late classical writer (480–525), who was responsible for transmitting Aristotle's works of logic to the Middle Ages. It is translated in H. P. Stewart and E. K. Rand, eds., Boethius, The Theologof Tractates (New York: Panum's 1918), under the title "Quaestio Substantiae."

those things that preserve human life and prevent its destruction. Secondly, there is in man an inclination to certain more specific ends in accordance with the nature that he shares with other animals. In accordance with this, the natural law is said to contain "what nature has taught all animals," such as the union of man and woman, the education of children, etc. Thirdly, there is in man a natural inclination to the good of the rational nature which is his alone. Thus man has a natural inclination to know the truth about God and to live in society. Thus the things that pertain to inclinations of this kind belong to the natural law, such as that man should avoid ignorance, that he should not offend others with whom he must associate, and other related actions.

4. Is the Natural Law the Same for All Men?

Obj. 3. We have said above that whatever man is inclined to by his nature belongs to the natural law. But different men are naturally inclined to different things—some to a desire for pleasure, others to a desire for honor and other men to other things. Therefore the Natural Law is not the same for all men.

I answer that, as we have just said, all the things to which man is inclined by nature belong to the natural law. One of the things that is proper to man is that he is inclined to act in accordance with reason. Reason proceeds from general principles to particulars, as is stated in Book I of the Physics. However the speculative reason differs from the practical reason in the way that it does this. The speculative reason is concerned with necessary truths which cannot be other than they are, so that truth is found as surely in its particular conclusions as in its general principles. Practical reason, however, works with the contingent things related to human actions. Therefore although there is a certain necessity in its general principles, the further one goes down into specifics the more frequently one encounters exceptions.

And so it is evident that as to the general principles of reason, whether speculative or practical, there is a single standard of truth and right for everyone which is known by everyone. However when it comes to the specific conclusions of the speculative reason, the truth is the same for everyone but it is not equally known by everyone. It is universally true, for instance, that the three angles of a triangle are equal to two right angles but not everyone knows this. When we come to the particular conclusions of the practical reason there is neither the same standard of truth and rightness for everyone nor are these conclusions equally known by everyone. It is right and true for everyone to act in accordance with reason. A particular conclusion that follows from this principle is that loans should be repaid. This is true in most cases, but it can happen in a particular case that it would be harmful and therefore

irrational to repay a loan, for instance if someone wanted to use it to make war on his country. And exceptions become more likely the more we come down to particular cases, for instance, if the loan was to be repaid with a certain guarantee or in a certain way. The more particular conditions are involved, the more exceptions there can be as to whether it is right to repay or not to repay the loan.

Thus we must conclude that as far as its general first principles are concerned the natural law is the same for all, both as a standard of right action and as to the possibility that it can be known. However as to more particular cases which are conclusions, as it were, from its general principles it is the same for everyone in most cases, both as a standard of right action and as known (by all). However in particular instances there can be exceptions both with regard to their rightness because of certain obstacles (just as obstacles can produce exceptional cases among the things that grow and decay in nature) and to their being known. This can happen because the reason of some has been corrupted by passion or bad habits, or because of an evil disposition of nature, as Julius Caesar writes that at one time robbery was not considered wrong among the Germans even though it is expressly contrary to the law of nature.

5 Can the Natural Law Be Changed?

Obj. 2. The killing of the innocent, adultery, and theft are contrary to the natural law. But we find these things changed by God. God commanded Abraham to kill his innocent son; He commanded the Jews to steal the borrowed vessels of the Egyptians; and He commanded Hosea to take a "wife of fornication." Therefore the natural law can be changed.

Obj. 3. Isidore of Seville says that "the possession of all things in common and universal freedom are part of natural law." However we see that these things have been changed by human laws. Therefore it seems that natural law is changeable.

I answer that the natural law can be changed in two ways. First, something can be added to it. Nothing prevents the natural law from being changed in this way, since both the divine law and human laws have added to the natural law many provisions that are useful to human life. Secondly, the natural law can be understood to have changed by having something taken away from it, so that what was previously in accordance with the natural law ceases to be part of it. In this respect as far as its first principles are concerned, the natural law is altogether unchangeable.

6. Digest, I, i, i, i (Ulpian). Ulpian was a jurist who wrote in the third century A.D.

7. Aristotle, Physics, I, I.

8. Julius Caesar, Gallic Wars, VI, 23. Julius Caesar (100-44 B.C.) was a Roman military and political leader who was assassinated in 44 B.C.

9. Genesis, 21:2; Exodus, 12:36; Hosea, 12:2; Abraham was the patriarch and legendary Father of the Jewish people whose faith was tested by the command of God to kill his son, Isaac. The Jews took gold and silver vessels belonging to the Egyptians when they left the country under Moses's leadership. Hosea was (metaphorically) commanded to marry a prostitute.

1. Isidore of Seville, Etymologies, V, 4; quoted in Gratian, Decretum, D. 1, 7 (translated in Paul E. Sigmund, Natural Law in Political Thought (Cambridge, Mass.: Winthrop Press, 1971), 46).
St. Thomas Aquinas

But as to the secondary precepts which we have said follow as immediate conclusions from the first principles the natural law does not change in the sense that what the natural law contains is always right in the majority of cases. However it can be changed in some particular aspect and in a few cases because some special reasons make its precepts impossible to observe.

Reply to Obj. 2. Both the guilty and the innocent die natural deaths. Natural death is inflicted by the power of God as a result of original sin, according to 1 Kings (Samuel), “The Lord killeth and maketh alive.” Therefore it is not unjust for God to command that death be inflicted on any man, whether guilty or innocent. In the same way adultery is intercourse with the wife of another man who has been given to him by the divine law that comes from God. Therefore for someone to have intercourse with another woman at the command of God is not adultery or fornication. The same thing is true of theft which is taking something that belongs to someone else. If someone takes something because of the command of God to whom everything belongs he is not taking something against the will of its owner which is what theft is. It is not only in human things that whatever God does is right. In the natural world as well whatever God does is in a certain sense natural.

Reply to Obj. 3. Something is said to be part of the natural law in two ways. First because there is a natural inclination to it, for example, that one should not harm other persons. Second, if nature does not produce the contrary. Thus we could say that man goes naked by natural law because human invention, not nature, has given him clothes. In this sense “the possession of all things in common and universal freedom” can be said to be part of natural law since neither separate possessions nor slavery resulted from nature, but they were produced by human reason for the benefit of human life. Thus in these cases the law of nature was not changed but added to.

Qu. 95. Human Law

1 Was it Useful for Man to Make Human Laws?

Man possesses a natural aptitude for virtue but he needs a certain discipline to perfect that virtue. The man who can develop such discipline by himself is rare. Parental discipline through moral suasion is sufficient for those young people who are inclined to the life of virtue by natural disposition, or custom, or even more because of the help of God. But since there are some who are dissolute and prone to vice who cannot easily be moved by words alone, these have to be restrained from doing evil by force and fear so that they will cease to do evil and leave others in peace, and so that after they become habituated in this way they will do voluntarily what they did earlier out of fear—and become virtuous. Now this kind of discipline through fear of punishment is the discipline of law. Therefore laws are adopted to bring about peace and virtue among men. As the Philosopher (Aristotle) says, “Man is the noblest of animals if he is perfect in virtue, but if he departs from law and justice he is the worst.” For unlike other animals man possesses the weapons of reason which he can use to satisfy his passions and base instincts.

2 Are All Human Laws Derived from the Natural Law?

Saint Augustine says “A law that is unjust is considered to be no law at all.” Thus its quality as a law depends on the extent to which it is just. A thing is said to be just in human affairs when it is right because it follows the rule of reason. Now as we have said, the first rule of reason is the law of nature. Hence every human law that is adopted has the quality of law to the extent that it is derived from natural law. But if it disagrees in some respect from the natural law, it is no longer a law but a corruption of law.

However it should be noted that there are two ways in which something is derived from natural law—first, as a conclusion from its principles, and second, as a specific application of what is expressed in general terms. The first way is like the method of the sciences that derive conclusive proofs from first principles. The second way is like that of the arts in which a specific application is made of a general form. For example an architect must apply the general idea of a house to the shape of this or that house. Thus some precepts are derived from the general principles of the natural law as conclusions; for example “Do not kill” is a conclusion that can be drawn from the principle, “Do not do evil to anyone.” Others are arrived at as specific applications. Thus the law of nature says that the evildoer should be punished but the particular penalty is a kind of specific application of the natural law.

Both kinds of derivation are found in human law. The things that are derived in the first way are not only contained in human law because they were adopted as law but because part of their force comes from the natural law. Those arrived at in the second way have their force only from human law.

4 What Are the Divisions of Human Law?

In the first place, as we have explained above, a characteristic of human law is that it is derived from natural law. On this basis human law is
divided into the law of nations (jus gentium) and the civil law, following the two ways of deriving human law from natural law that we discussed above. To the law of nations belong the things that are derived from the law of nature as conclusions from its principles, for example fairness in buying and selling and the like without which men could not live in society—which is a part of the law of nature because man is by nature a social animal, as is proved in Book I of the Politics. The things that are derived from the law of nature by way of specific application belong to the civil law according to which each community (civitas) decides what is convenient for itself.

* * * It is a characteristic of law that it is adopted by the ruler of the civic community as explained above. This means that human laws are classified on the basis of the different forms of government. One of these, as the Philosopher [Aristotle] says in Book III of the Politics, is a kingdom—which is the name of a state (civitas) that is governed by one man. The legislation that corresponds to this in Roman Law is the ordinances of princes (constitutiones principum). Another form of government is an aristocracy, that is, rule by the best men or optimates and here we have legislation in the form of replies by legal experts (responsum prudentium) and the decrees of the senate (senatus consultum). Another form of government is oligarchy—i.e., rule by a few rich and powerful men, and corresponding to this is the law of the praetors which is also known as honorary law (jus honorarium). Another form is government by the people which is called democracy, and corresponding to this is the popular legislation (plebiscita). Another form of government is tyranny which is totally corrupt, and therefore has no law. There is also another form which is a mixture of these and this is the best form of government, and the definition of Isidore corresponds to this, "a law is what has been approved by the elders and the people."

Qu. 96. The Power of Human Law

2 Should Law Repress All Vices?

The power or capacity to act results from a habit or interior disposition. Not everything is possible for both the virtuous man and one who does not have the habit of virtue, just as the same thing is not possible for a boy and a full-grown man. Therefore many things are permitted to children which would be punished or at least criticized in adults. Similarly many things are allowed to men who are not advanced in virtue that would not be tolerated in a virtuous man.

Human law is framed for the mass of men, the majority of whom are not perfectly virtuous. Therefore human law does not prohibit every vice from which virtuous men abstain, but only those serious ones from which the majority may abstain, especially those that harm others and which must be prohibited for human society to survive, such as homicide, theft, and the like.

4 Does Human Law Oblige in Conscience?

A law may be unjust in two ways. First if it is contrary to human good in the way we have explained—either in its object, for example when a ruler imposes onerous laws of his subjects which are not for the benefit of the community but for his own cupidity and vainglory—or in its author as when someone makes a law that exceeds the power given to him—or in its form, for example, when burdens are placed on the community in an unequal fashion even if they are aimed at the common good. These acts of violence are either laws, as Augustine said, "A law that is unjust is considered to be no law at all." Therefore laws of this kind do not bind in conscience except to avoid scandal or disorder. In such a case a man should give up his right to disobey—as Matthew's Gospel says, "If someone forces you to go a mile, go with him extra two; if he takes your coat, give him your cloak as well." Secondly, a law may be unjust because it is contrary to divine goodness. For example, laws enforcing idolatry or another action that is against divine law. Under no circumstance may such laws be obeyed, for as it says in the Acts of the Apostles: "We must obey God rather than men."

5 Is Everyone Subject to the Law?

Law has two characteristics. First, it is a rule for human actions, and secondly, it has coercive force. * * * A ruler is said to be above the law in its coercive force since properly speaking no one can coerce himself, and the law derives its coercive force only from the power of the ruler. Thus the ruler is said to be above the law because he is free to impose a sentence of condemnation upon himself. * * * In the judgment of God (however) the prince is not above the law in its direct force, but should carry out the law of his own free will and without constraint. In addition the prince is above the law because he can change it, if it is expedient, or dispense from it according to the time and place. * * *

6 May Someone Subject to the Law Act Contrary to the Letter of the Law?

It often happens that the observance of the law may be useful to the community in most cases but very harmful in particular situations. However since the legislator cannot foresee every individual case he makes
a law that fits what happens in most cases, since he intends it to be of general benefit. Therefore if a case emerges in which the observance of the law would be harmful to the general good, it should not be observed. For example, in a city under siege a law might be passed that the gates of the city should be kept closed and this would be generally useful for the common welfare. However if there were a case in which the enemy was pursuing citizens on whom the city depended for its safety it would be very harmful for the city not to open its gates. In this case the gates should be opened in violation of the letter of the law in order to protect the common interest as the legislator intended.

However it should be kept in mind that if the observance of the letter of the law does not result in a danger that requires an immediate response it is not up to any individual to decide what is, or is not, useful to the city. This is the sole responsibility of the ruler who has the authority to dispense from the law in cases of this kind. But if there is imminent danger and there is no time to refer the question to a superior, necessity carries with it its own dispensation, because necessity is not subject to law.  

Qu. 97. Change in the Law

1. Should Human Laws Ever Be Changed?

Human law is a certain dictate of reason that directs human acts. There can be two reasons to justify changing human law—one, because of the nature of reason, and the other because of those whose actions are regulated by the law. Reason may cause laws to be changed because it seems to be the nature of human reason to progress by stages from the less perfect to the more perfect. Thus we see that in the speculative sciences the teachings of the early philosophers were inadequate, and later their successors improved upon them. The same thing is true in practical affairs. Those who first tried to discover something useful for the human community were not able to take account of everything by themselves and established institutions that were inadequate in many respects. These were then modified by their successors who set up institutions that proved to be less deficient from the point of view of the public interest.

Those whose actions are regulated by the law may cause a law to be changed if the circumstances have changed that make different laws appropriate for different circumstances. Augustine gives an example in On Free Choice, “If a people are moderate, serious, and diligently defend the public interest, it is right for the law to provide that the people should elect their magistrates to administer the commonwealth. But if the same people gradually become corrupt and sell their votes and turn over the

5. The medieval discussion of “necessity” has been seen by some writers as the ancestor of modern doctrines of “reason of state.” See, Gaines Post, Studia in Medieval Legal Thought (Princeton, N.J.: Princeton University Press, 1961), ch. 5.


2. Should Human Law Be Changed Whenever an Improvement Is Possible?

The mere fact of a change in law itself can be adverse to the public welfare to some degree. This is because custom is very important in the observance of law since things done contrary to general custom, even if they are not important, are considered very serious offenses. Therefore when a law is changed the restraining power of the law is lessened because custom is set aside. Therefore human law should never be changed unless the common welfare is compensated in some way for the harm done in that respect. This happens when either a substantial and obvious benefit derives from a new statute or when there is an urgent necessity because the old law produces manifest injustice or its observance proves very harmful.

3. Can Custom Obtain the Force of Law?

All law proceeds from the reason and will of the legislator—divine and natural law from the rational will of God and human law from the will of man as guided by his reason. The reason and will are manifested in action through words and deeds, for the way one acts shows what he considers to be good. It is clear that human words can change and develop law because they reveal the motives and concepts of the human reason. So also a law can be changed and developed by the repeated actions that comprise custom. In addition something can be established by custom that obtains the force of law because such repeated external actions effectively reveal internal motives of the will and concepts of the reason, since if something is done a number of times it seems to be the result of a deliberate rational decision. In this sense custom has the power of law, it abolishes law, and it acts as the interpreter of law.

...
Can Rulers Grant Dispensations from Human Law?

The general precepts of the natural law that are always applicable cannot be the object of a dispensation. However, in the case of other precepts that are like conclusions from the general precepts man can sometimes grant a dispensation—for example, that a loan should not be paid back to someone who betrays his country or something similar. However, every man stands in relation to the divine law as does a private person to the public law to which he is subject. Therefore just as no one can grant dispensations from the public law except the one from whom the law derives its authority or his representative, so in the case of the precepts of the divine law which come from God no one can grant dispensations except God or someone whom he specifically designates.

Qu. 100. The Moral Precepts of the Old Law

Do All the Precepts of Morality Belong to the Natural Law?

Moral precepts are distinct from ceremonial and judicial precepts because moral precepts by their very nature are concerned with good morals. Since human moral conduct is directed by reason which is the basic principle of human action, those moral actions that are in accord with reason are called good, and those that depart from reason are called evil. Just as every judgment of the speculative reason proceeds from our natural knowledge of first principles, so every judgment of our practical reason proceeds from certain principles that we know by nature, as we have said earlier. From these principles we can proceed to make practical judgments about different things in different ways. Some human actions are so clearly connected with general first principles that we can approve or reject them immediately with very little reflection. There are other cases in which different circumstances must be taken into account in order to make a decision, which not everyone can do with care, but only the wise—just as not everyone can reach the particular conclusions of the sciences, but only the wise. But there are other matters in which man needs the help of divine instruction—i.e., matters of faith.

Qu. 105. The Reason for the Judicial Precepts

Did the Old Law Contain Useful Provisions on Government?

Two points should be noted concerning the right ordering of rulers in any city or nation. The first is that all should have a share in the government. In this way peace is preserved among the people and everyone loves and protects the constitution, as is stated in the Politics, Book II. The second regards the form of government or constitution. As the Philosopher [Aristotle] tell us in Politics, Book III, there are various forms of government. The most outstanding are a kingdom in which one man rules in accordance with virtue, and an aristocracy—that is, government by the best men in which a small number of people rule in accordance with virtue. And so the best constitution for a city or kingdom is one in which one person rules in accordance with virtue, and under him there are others who govern in accordance with virtue, and all have some part in government because they are all eligible to govern and those who govern are chosen by all. This is the best form of polity since it is a judicious combination of kingship—rule by one man, aristocracy—rule by many in accordance with virtue, and democracy—i.e., popular rule in that the rulers can be chosen from the people and the people have the right to choose their rulers.

This was the form of government established by the divine law. Moses and his successors governed the people as sole rulers over all so that there was a kind of kingship. Seventy-two elders were chosen in accordance with their virtue, as Deuteronomy says, “I took out of your tribes wise and noble men and made them rulers” and this was the aristocratic aspect. But it was democratic in that they were elected from all the people, since Exodus says, “Provide wise men from all the people” and also because the people chose them, as Deuteronomy says, “Give me wise men from among you” etc. Therefore it is clear that the constitution that the [Old] Law established was the best.

A kingdom is the best form of government for a people, provided that it does not become corrupt. However because of the great power given to a king, a kingdom can easily degenerate into a tyranny, unless the one who has been given such power is perfect in virtue, because, as the Philosopher [Aristotle] says in Ethics, Book IV, “Only the virtuous man acts well in good fortune.” Perfect virtue, however, is found in few men. The Jews were especially prone to cruelty and avarice—the vices that chiefly incline men to tyranny. Hence at the beginning the Lord did not establish a king with full power over them but appointed a judge and governor to rule them. Later as though in anger he granted their petition for a king, as is clear from what he said to Samuel, “They have not rejected you but me—that I should not reign over them.”

Qu. 109. The Grace of God—the External Foundation of Human Acts

Can Man Will or Do Anything Good without Grace?

Man’s nature can be considered in two ways—first, in its integral state as it was before the sin of our first parent, and secondly, corrupted as it...
is in us, following the sin of our first parent. Now in both states human nature needs the help of God as the Prime [First] Mover to do or will anything good. However in the state of natural integrity man possessed sufficient virtue for action that by his natural powers he could will and do the good that was proportionate to his nature—that is, the good resulting from acquired virtue. However he could not do the good actions that result from infused virtue which exceeded his nature. 6 However in the state of corrupted nature man is deficient even in what he can do by nature since he cannot perform all good actions of this kind by his natural powers. However since human nature is not so completely corrupted by sin as to be totally lacking in natural goodness, it is possible for him in the state of corrupted nature to do some particular good things by virtue of his nature—for example, build houses, plant vineyards, and the like. Yet he cannot do all the good that is natural to him so as never to fall short in any respect. In the same way a sick man can make some movements on his own but to move with the full motion of a man who is healthy he must be cured with the help of medicine.

Therefore in the state of natural integrity the only reason that man needs the power of grace added to the power of nature is to do or will supernatural good, but in the state of corrupted nature he needs it for two reasons—to be healed [of the effects of sin] and also in order to perform acts of supernatural goodness that are meritorious. In addition man needs divine help in both states to move him to good actions.

6. The theological virtues of faith, hope, and charity are infused by the direct action of divine grace.

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Qu. 10. Unbelief

8. Are Unbelievers to be Forced to Accept the Faith?

There are some unbelievers such as the Gentiles 1 and the Hebrews who have never accepted the Christian faith. These should in no way be forced to believe, for faith is a matter of the will. Appropriate force may be used by the faithful to prevent them from interfering with the faith through blasphemy, or evil inducements, or open persecution. This is the reason that Christians often make war on unbelievers, not to force them to believe—since even if they conquered them and made them prisoners they would leave them free as to whether they wished to believe—but to prevent them from interfering with the Christian faith. 2 However there are other unbelievers such as heretics and all apostates who once accepted and professed the faith. These are to be compelled, even by physical force, to carry out what they promised and to hold what they once accepted.

9. May One Associate with Unbelievers?

Believers are forbidden to associate with someone for two reasons—first, to punish the one who is cut off from association with the faithful and secondly, for the protection of those who are forbidden to associate with him. Both reasons can be drawn from the words of the Apostle [Paul], “Do you not know that a little leaven corrupts the whole lump?” 3 And below he adds a reason for having a penalty decided upon by the church when he says, “Do you not judge those who are within the church?” 4

1 On the basis of the first reason, the church does not forbid believers to associate with unbelievers who have never accepted the Christian faith—that is, pagans and Jews—for it is the responsibility of the temporal, not the spiritual, judge to judge them if while they are living among Christians they commit some crime and receive earthly punishment from believers. However, the church does forbid as a punishment association with those unbelievers who depart from the faith from which they have accepted or corrupt the faith such as heretics, or those who completely reject their faith such as apostates. The church imposes a sentence of excommunication on both of them.

As for the second reason, it seems that we should distinguish among the various circumstances as to persons, commerce, and time. If someone is so strong in his faith that it is more likely that the unbelievers will be converted as a result than that believers will turn away from the faith,