

# JUSTICE

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Much of what concerns us, our social obligations, our work and contacts with others, has to do with justice. We speak of just wages, a fair division of tasks, an unfair treatment, violence, corruption, violation of human rights, just and unjust wars, equal rights for all and so on. The numerous cases in which we use the terms just and unjust show that justice has many aspects<sup>1</sup>.

As Joseph Pieper writes<sup>2</sup>, in Thomas's treatise on justice<sup>3</sup> our Western tradition concerning justice and injustice received an exemplary expression. One does indeed find in Western classical literature a considerable interest in everything that has to do with rights, justice and injustice. The first book of Plato's *Republic*, the fifth book of the *Nicomachean Ethics*, texts of Cicero in his *De officiis* and *De finibus*, book XIX of Augustine's *De civitate Dei*, these are eloquent witnesses to the general conviction of the importance of the virtue of justice for social life. In his study of justice Thomas uses this ancient tradition but also avails himself of the writings of medieval jurists.

In the preface to this long treatise, of which we only present here the main conclusions and leading statements, Thomas surveys the themes to be treated: justice as a virtue, its different parts, including auxiliary virtues and, finally, the gift of piety related to justice and some corresponding biblical precepts in its respect. We shall discuss justice itself, its parts and auxiliary virtues.

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## 1. On rights (Q. 57)

Justice has to do with what is right. A quality or a virtue is determined by the object to which it is essentially directed. Therefore, Aquinas first explains what "right" (*ius*) is, since we can only know what justice means, when we know what "right" implies. This first part of the treatise ends with q. 60 which discusses the administration of justice, i.e. the task of judges to determine what in inter-human relationships is right and what not. Thomas gives a simple but profound explanation of the term "right". "Right" or "just" is a quality of our actions in so far as they are directed to others, whereas in contrast with justice the other three cardinal virtues move us to acts concerned with ourselves. Justice brings about a certain equality, as the word "just" derived from *iustum* suggests<sup>4</sup>. What is right and just in our actions also depends on the other person with whom we are dealing. "Right" is not so much what is fitting to ourselves as what is adjusted and is due to the other. This can be a thing, such as a house or one's wages, but also an action to be

performed. We encounter here a fundamental fact of human life, sc. certain things are due to people. Since man is placed in the middle of nature and lives in the company of his fellow men, he can and must consider certain things as due to himself and to others.

While for Aquinas "right" is in the first place something objective, given with the way things are, concerning inter-human relationships, later on "right" was seen in the first place as something one can claim and of which he can dispose<sup>5</sup>. Thomas himself drew attention to a certain shift in the meaning of the Latin term. While *ius* (right) originally meant a just cause, it later came to signify also jurisprudence, the science which helps determine what is right in particular cases. The knowledge or science which determines what is "right" and the rules or laws codifying it are also called "right"<sup>6</sup>. While "right" concerns things which belong to people, the law is a statement of the intellect which tells us which actions must or must not be performed in order to promote or protect the common good. Thomas finally notes that we can never give God in an appropriate way what is due to Him. For this reason man's obligations with regard to God are not denoted by the word "right". It is sufficient if we do what we can and submit ourselves totally to God<sup>7</sup> (article 1).

As the scholastic method demands, the definition of "right" is followed by a division. This division of rights depends on the different ways in which something is due to other persons<sup>8</sup>. This being due can be a) on account of the nature of the thing in question (*ex ipsa natura rei*). One has borrowed something and must return it. This is called natural law<sup>9</sup>. This right does not depend on the state nor on egoistic or altruistic inclinations of particular people. It may happen, however, that this right is suspended because of changes taking place in the rightful claimant<sup>10</sup>. b) Something can be due to another person in virtue of a transaction (*ex condicto*) or a decision of the community. In an agreement between particulars a person can acquire a right (e.g. by contract). The community or the government can also decide what belongs to a person (social benefits, distribution of land, etc.). This distinction goes back to Aristotle<sup>11</sup>.

Regulations at the level of positive law may never be contrary to natural law<sup>12</sup>. If some regulation is contrary to natural rights then it is not valid<sup>13</sup>. Agreements between people also create rights<sup>14</sup>. Before an agreement has been reached on a particular point one is free. Once it has been reached, if it is in agreement with natural law, one must observe it<sup>15</sup>. (article 2). On a positivist approach rights are derived only from the way people actually live in a society. According to this view what one declares a right is a right.

If the division of what is just into natural rights and positive rights covers the entire extent of justice, where to place international law? Some see the law of nations as a subdivision of natural law, but Thomas distinguishes between what is directly given with our nature, such as what is due to a man and what to a woman, and conclusions derived from it by further deliberation, which are fitting to all. As to the first class of rights, man may have some of them in common with the animals, such as matters relative to sexual intercourse<sup>16</sup>, while the rights of the second group are exclusively proper to man and are acknowledged in the entire world<sup>17</sup>. Only rational beings can draw conclusions and compare them with their basis in natural law<sup>18</sup>. These conclusions are so evident that there is no need to formulate them in special laws. They constitute the law of nations. Aquinas gives two examples to illustrate the relationship between what belongs to natural law and what to the law of nations. Considered as such a piece of land has no particular relation with the person who is its owner<sup>19</sup>. The same can be said about certain relations within society and differences between ranks and positions in life. Differing from Aristotle Thomas writes that there is no basis in human nature why one person should be serving to others. But it happens that because of the advantages it can have, the weaker person becomes subservient to others<sup>20</sup> (article 3). It is noteworthy that Thomas mentions first the advantage of this situation for the weaker person.

One can only practice the virtue of justice in relation to someone else, if this person is capable of acting<sup>21</sup>. One's own child, even if it should be treated as a human being according to the principles of justice and has a claim on certain things its parents must provide it with, does not belong to the juridical sphere in the strict sense of the term, the relationship is different<sup>22</sup>. In an analogous way the rights and duties of married persons have a particular character, since here the otherness (*alietas*) required for a strictly juridical relationship is only present in a limited way<sup>23</sup> (article 4). There is a difference between a relationship based on law and one based on the friendship between two persons, in which this otherness (*alietas*) disappears since one identifies oneself with the other person.

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## 2. Justice (Q. 58)

After having established what right, as the object of justice, is we can now pass to a consideration of this cardinal virtue itself. In twelve articles Aquinas discusses the nature and the effects of justice and determines its place among the virtues. In the *Digesta*<sup>24</sup> justice is described as the steady and permanent will to give everyone what is due to him. This definition expresses well the properties of the virtue of justice, provided one does not understand "the will to give everyone what is due" as an incidental act but as a habitual disposition. The object of justice is indicated by "to everyone what is due to him", its virtuous character by "the steady and permanent will". The definition agrees with what Aristotle teaches<sup>25</sup>. In order to possess this virtue one must not act with justice only occasionally, but be disposed to do so always and everywhere (article 1).

Justice, we saw, concerns actions directed to other persons. This means that there are always persons involved, capable of independent behaviour<sup>26</sup>. In a metaphorical sense, however, one can speak of a just treatment of one's own body or of one's faculties. In fact, actions which concern ourselves and our emotions are ordered by the other moral virtues, while justice takes into account what these actions mean for others (article 2).

Justice is a virtue since it submits our actions related to others to the rule of reason and makes them morally good. If one treats other persons in a just way one does not do them any special favor, but gives them only what is due to them. One can, however, also speak of an advantage of justice for ourselves in so far as it makes us do spontaneously and willingly what we have to do (article 3). Justice does not aim at making us think correctly, but at making us act in a just way in that we give others what is due to them. The appetitive faculties are the proximate principles of our actions. Therefore, justice has its seat in them. But only reason and not the senses see what is due to someone and therefore the will (as corresponding to reason) is the seat of justice (article 4).

In so far as the other person to whom justice addresses itself is a member of civil society the due which one gives him is at the same time for the benefit of the community. This is also the case with the acts of the other virtues by which one makes oneself a better person. To strengthen his argument Thomas writes that man is a member of society and that whatever a member has can be ordered to the good of the whole. This does not mean that the human person is in everything subordinated to the state, but that the good he does is advantageous to the society. This doctrine excludes any extreme subjectivism. In this sense justice is a general virtue<sup>27</sup>.

In so far as the government of a state but also the citizens give the community (and hence its members) its due the justice they act with is

*iustitia legalis*, i.e. justice as directed to the society, also called social justice (article 5). Since the common good is the object of this virtue, social justice has its own specific character. But according to its effects it is a general virtue inasmuch as it directs the acts of the other virtues to the common good. It is to be found more in those who govern than in the individual members of a society (article 6).

Besides this social justice there is kind of justice by which one gives individual persons their due, something that social justice does only indirectly. The two virtues are different since their objects are different, sc. the common good and the good of individual persons (article 7). This particular justice has an object of its own, sc. what is due to the individual persons<sup>28</sup> (article 8). Because the proper object of justice is actions directed to what lies outside us, justice does not address our passions. However, just actions are accompanied by a certain pleasure (article 9). According to Aristotle a virtuous action lies in the mean between excess and deficiency. While this is true as regards the virtues regulating our emotions it seems difficult to indicate what the mean might be for justice. In a sense one can nevertheless speak of a mean in so far as what is due lies in the middle between "more" (one gives more than due out of generosity) and too little, when one acts unjustly (article 10).

Having arrived at the end of this question St. Thomas repeats the definition of justice: justice is the virtue which makes us give everyone his due. Some other virtues such as pity and generosity accompany justice, which is a main virtue Justice is primarily concerned with the exchange of goods between persons, but it also extends to whatever can be the subject of a right. To cause damage to someone, for instance, is an unjust act (article 11). Justice is of a higher rank than the other moral virtues. This is evident in so far as social justice is concerned, but particular justice shares this position, since it has its seat in the will (which is a higher faculty than the sensory appetite), is directed to the good of others and extends to all. Our way of speaking confirms the conclusion. A person is called a good man because he is a just person<sup>29</sup> (article 12).

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### **3. Injustice (Q. 59)**

A primary vice opposed to legal justice is the neglect of the common good. Another vice violates the relations between persons by taking

advantage of others and seeking one's own profit without being willing to share the burdens (article 1). This second way of acting makes one take for oneself more than is right. If this is done without the intention of being unjust then such an act need not result from the vice of injustice but would rather be unjust only *per accidens*. A vice is present when one commits an injustice willingly and with a certain pleasure, i.e. performs acts in opposition to that to which our nature is inclined (article 2).

One may perform unjust acts willingly but one suffers them unwillingly. It may happen that one causes damage to others without wanting to do so. But when one inflicts damage on oneself one is not unjust in the strict sense of the term. However, in so far as one is a member of society one wrongs the community when causing serious harm to oneself (e.g. by committing suicide) (article 3). In a final article Thomas determines the degree of malice of various sins against justice. To commit an injustice means to cause damage to a person, and so it is opposed to benevolence<sup>30</sup>. It is a serious evil, unless when it concerns small matters which the other person considers insignificant (article 4).

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#### **4. The administration of justice (Q. 60)**

As was announced in the preface to this treatise the last question to be discussed in the general introduction is that of the administration of justice. In concrete cases a judge determines what is just. In order to be able to do so the judge must possess the virtue of justice. That is why Aristotle writes that people have recourse to a judge as a sort of living justice<sup>31</sup>. His verdict and sentence are an act of reason<sup>32</sup>, the virtue of justice inclining him to reach a just judgment. The virtue of prudence assists the judge in his task. Since the acts of the other virtues refer to ourselves and not to others, we do not go to a judge when there are difficulties in these fields, but at best to wise and virtuous persons to ask them some advice (article 1). To be just a verdict must satisfy three conditions. It must proceed from the virtue of justice, be a statement of the competent authority and observe the rules of prudence. If a judge commits himself similar offences as those for which he condemns others then he shows by his conduct that he deserves to be condemned also (article 2).

People are sometimes under suspicion of having committed an offence or a crime. We become suspicious about a person, because of our own wickedness which makes us attribute bad actions to others. A suspicion may

arise from the fact that we find someone unattractive or even have an active aversion against him. However, suspicions may also rest on objective indications. One is unjust, though, if one suspects someone else or condemns him on minimal indications only (article 3). Without a compelling reason (*sine causa cogente*) one may not suspect others, but must interpret possible signs of malice for the better (*in meliorem partem interpretare*). It is preferable to be mistaken a few times than to be unfair by suspecting others unjustly<sup>33</sup>. When we emit an opinion about things this is different. Whether we appraise the value of a house correctly or not, does not make a difference to the house, but only to ourselves. When we have only a faint suspicion concerning certain persons, we must choose the interpretation which is most favorable to them<sup>34</sup> (article 4).

The judge must determine what is just in a particular case. What is "right" depends on the nature of things (the natural right) or the rules which are accepted in a community (positive law). Both are formulated by the law. The judge must adhere to what has been decided by law. It is possible that in some cases one cannot judge according to the letter of the law, but must determine what is equitable<sup>35</sup>. In this case one assumes that the legislator would have issued a different law, if he had known the circumstances now prevailing (article 5). The one who administers justice interprets the law in a particular sense by applying it to particular cases. But making and interpreting the law is reserved to the competent authorities governing the citizens of a country. One cannot usurp this competence nor can one force the citizens to obey laws that have not been issued by the legitimate authority (article 6).

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## **5. On how the virtue of justice is divided into its parts (Q. 61)**

As became clear in the study of prudence, Aquinas distinguishes between parts of a virtue which are, in a sense, species within a genus, parts which belong to a virtue (the integral parts) and finally the auxiliary virtues (*partes potentiales*). These various parts of justice are treated successively in questions 61 to 80. With regard to the first division of justice, sc. into its species, Aquinas distinguishes between distributive justice and commutative justice (concerned with exchanges between people and barter). The first is the virtue persons in government must possess, by which they give each member of the community proportionally what is due to him. Commutative justice, on the other hand, regulates the relations between the citizens as they exchange goods and services among themselves. - Surprisingly at this point Thomas does not mention legal justice discussed in q. 58, articles 5 &

6, which directs the activities of the citizens to the common good. The reason probably is that commutative justice will make people take the right attitude toward the common good and that all just acts are directed to the common goal of the community (article 1). In commutative justice the mean which the virtue must attain is the precise quantity of what is due. In distributive justice this is different because the government must take into account the rank of persons and their place in the state (article 2).

Both virtues may concern the same things, e.g. objects for use or of value. But the acts differ. In commutative justice these acts involve an exchange between two persons, in distributive justice things are assigned (article 3). After a description of the different ways in which justice can be done and injustice committed in inter-human relationships, Aquinas mentions the concept of reciprocity (*contrapassum*): one who has inflicted damage on somebody else must himself suffer the same damage. This reciprocity also applies to what the citizens must do for the community and what they receive from it. But in certain cases the equality is not mathematical. Wealthy persons should contribute more to the community than they receive from it (article 4).

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## **6. Restitution (Q. 62)**

At the beginning of Q. 61 Aquinas observes that restitution comes in under commutative justice. For this reason it is studied immediately after the general discussion of the species of justice. The term *restitutio* means that something belonging to a person is given back to him. One may be keeping a thing which belongs to someone else, with or without the latter's consent. In the strict sense of the word restitution consists in the same thing being returned to its owner, but often it will be something else of equal value (article 1). To return what one has taken away illegitimately from someone is a serious obligation in justice. When restitution in the strict sense of the term is not possible, as in the case of defamation, something of approximately equal value should be given back (article 2).

One can also cause damage to others by violence and threats. It is up to the judge to impose a punishment in such cases. If one is condemned, one must both make restitution and undergo the imposed punishment (article 3). When because of our fault the other party loses what it possessed, full restitution is required. But if the other party's claim concerns the loss of expected revenue because of our interference then the restitution of the

amount the man supposedly lost is not necessary, since expected revenue is not the same as real income (article 4). Restitution is to be made to the person who suffered the prejudice or to his heirs, unless restitution at this moment is prejudicial to the owner<sup>36</sup>. If with the owner's consent one uses for a while some of his belongings or property, compensation should be given if these have been lost. If one receives a deposit of money or other goods and this gets lost without one's fault then no restitution is required. The text suggests that if someone buys in good faith a stolen object, he must return it to the owner (articles 5 & 6).

Those who help steal the possessions of others are also obliged to return what is stolen. Even the person who does not impede a theft, while he could easily do so, has a duty to compensate the owner. This applies also to governments when their policies lead to an increase in thefts. Finally, one must restore stolen goods as soon as possible, since when one keeps them against the will of the owner the latter is deprived of their use and cannot enjoy the benefits of them (articles 7 & 8).

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## **7. OFFENCES AGAINST JUSTICE**

### **7.1. Favoritism and respect of persons (Q. 63)**

The first question of this treatise examines offences against distributive justice while questions 64 to 78 deal with those against commutative justice. A frequently occurring form of partiality is the attribution of offices and positions to certain persons, not because of their suitability and competence, but for other reasons such as family relations, graft or expected benefits. Such favoritism is against commutative justice since it does not respect the required proportion between the aptitude of candidates and the requirements for a post. This does not concern, of course, totally free gifts and assignments, because everyone can give away one's own according to one's discretion. When deciding whether someone is suitable for a certain position then this person's qualities, competence and moral life must be taken into account. In elections one chose the candidate considered best suited for this service to the public good (articles 1 & 2).

Homage is paid and honors are awarded on account of a person's excellence. But one can also be honored because of the work of others: leaders of a country may receive such honors as due to their country. In this field awards are not always deserved, while others who deserve special

homage, go unnoticed. Even the judiciary sometimes favors certain persons unjustly (articles 3 & 4).

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## **7.2. Homicide (Q. 64)**

Dealing with offences against commutative justice Aquinas first discusses those that the injured person suffers in a unsought exchange and then those occurring in willed exchanges ( QQ. 77-78). Homicide, which belongs to the first category, is the most serious violation of rights possible. By way of introduction the question is raised as to whether one may kill living beings. The answer is that one may use things for the purpose for which they are made or have been destined. In nature beings of a lower rank are for the sake of what is higher, so that one can say that in general plants are for animals to use and plants as well as animals for man. The fact that plants and animals are irrational means that they are subordinated to rational beings. If man needs them as food, then he is allowed to kill them (article 1).

Is it right to apply capital punishment in certain cases? Basing himself on the doctrine that man as part of society must serve this society Aquinas concludes that when some individuals threaten or greatly damage the community they can be removed by execution. Criminals act against the order of reason and in this way lose their human dignity. But the amount of punishment must correspond to the seriousness of the crime<sup>37</sup>, protect society and have a deterrent effect. The judiciary, taking into account factors which reduce the responsibility of the criminal, can apply other penalties instead of capital punishment, such as banishment or a life sentence<sup>38</sup>. In our contemporary society, marked by individualism, some activists and religious leaders argue that the right to life of the criminal is inviolable. The society, which they consider as being based upon a contract between the citizens, can protect itself sufficiently against serious criminals by imprisoning them for long periods. In countries where capital punishment is applied the execution of criminals falls under the competence of the authorities having the care of society and the security of citizens (articles 2 & 3).

Another question nowadays debated question is whether suicide is permitted, that is a positive or negative action by which one willingly ends one's own life. Aquinas mentions some of the reasons which may bring people to commit suicide (dishonor, the avoidance of pain and illness, sadness and depression). By committing suicide people seek to free themselves from what they experience as an unbearable situation. Suicide is opposed to our natural

inclination to keep ourselves alive as well as against the love we must have for ourselves. Moreover, man is part of a society which he harms by killing himself. Finally, Thomas writes, our life is a gift of God which we cannot freely dispose of<sup>39</sup>. These arguments apply also to recourse to active euthanasia in those cases in which it might or could be considered that human life had lost its meaning due to perhaps serious health problems, great pain or deterioration of one's faculties (article 5).

A further question is whether one can ever kill innocent persons. While the execution of a criminal may be desirable or even necessary for the protection and promotion of the well-being of society, the life of innocent persons is, on the other hand, of the greatest importance for the community<sup>40</sup> (article 6). This conclusion is applicable also to the killing of unborn babies or of a deformed foetus. Articles 7 & 8 deal with self-defense and involuntary manslaughter. The morality of our acts is determined by what one seeks to accomplish and not by what is not intended<sup>41</sup>. An act of self-defense can have a dual effect, viz. preservation of one's own life and the death of the aggressor. One must aim only at the first effect. Obviously in defending oneself one must not use greater force than necessary. The case of soldiers and the police is different, since the government has assigned to them the task of protecting the country and maintaining public order and security. In this respect they can directly intend to fight aggressors and criminals. Finally there is the case when one unwillingly causes the death of someone else. A person can be held responsible if he effects this by immoral acts, e.g. by selling hard drugs or by a lack of caution as when causing a fatal accident by drunken driving.

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### **7.3. Theft and robbery (Q. 66)**

After discussing offences against the life of other persons Thomas now considers sins concerning other people's property. A first question is whether we can ever have property rights over certain things. Article 1 considers man by himself and argues that without any doubt man has the right to use for himself things in his environment. In this sense possessing certain things is natural for all men. However, this right is not unlimited, since natural things are at the disposal of all and the society is prior to its individual members<sup>42</sup>. The second article goes one step further. Man has the power to acquire things for himself and to use them. Thus people will work harder and be more careful in their use of things when these belong only to themselves than they would if they were public property. In such a case people would avoid efforts to look

after them, leaving that to others. Moreover, due to the fact that people own private property an ordered situation arises and so we avoid the chaos of everyone trying to grab whatever is within reach or what suits him or her best. Finally, a situation of private ownership promotes peace between people. Dissension and quarreling are frequent when possessions are held in common. With regard to the use of things, however, one should not consider the right to property as exclusive. In emergencies one should be willing to share with others. One can acquire property rights to things by one's own work, but for Thomas this right is less absolute than such authors as John Locke believe it to be, who place themselves in the tradition of "possessive individualism"<sup>43</sup>. Nevertheless the right to private property is a natural right, as long as it does not prevent certain goods from being accessible to all<sup>44</sup>.

Theft is contrary to justice inasmuch as it consists in taking away what belongs to others. Theft concerns things and not the person of the owner. Theft is characterized by the secrecy with which it is carried out. Receiving stolen goods also falls under theft (article 3). Theft, both in itself and in acts of violent robbery, deprives the owner of his goods (article 4). From a moral point of view theft is a serious offence which causes damage to another person. Moreover by frequent thefts civil peace is jeopardized<sup>45</sup> (article 5 & 6). The right to private property does not do away with the fact that natural things serve for keeping everyone alive and allowing them to reach a certain well-being. But how one respects this and looks after the destitute is left to the discretion of the property owners. A single person can never alleviate the misery of all the poor, even with his entire fortune<sup>46</sup>. If someone is starving and thus in urgent need, he may take someone else's belongings to nourish himself in so far as necessary (article 7). The public authorities can in some cases use force to repossess or requisition property illegally acquired (article 8).

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#### **7.4. Injustice in court procedures and jurisdiction (QQ. 67 - 71)**

**Q. 67** concerns the competence and the conduct of judges. The verdict of a judge is like a law for concrete cases and, therefore, must have a coercive power. The judge must have jurisdiction over the persons to be judged and be competent in the question under dispute (article 1). In investigating a case he must let himself be guided by the law and by what he learns during the process more than by what he knows as a private person<sup>47</sup> (article 2). The judge who, in the words of Aristotle<sup>48</sup>, is the interpreter of justice can only pronounce a sentence if an accusation has been made (article 3). Since a

judge does not administer justice in his own name but on behalf of the public authorities he cannot acquit the accused if in doing so the rights of the prosecution and the interests of the state are violated. The supreme authority in a state can remit a punishment if this can be done without harming the common good (article 4).

Dealing with unjust accusations Aquinas distinguishes between denunciation and accusation (**Q. 68**). The first should lead to reprimands or criticisms meant to make the person who has been denounced change his conduct. When a crime has been committed which endangers society<sup>49</sup> one is obliged to lodge a complaint or an accusation, provided one has sufficient evidence. If a crime is not important or one does not have sufficient evidence then filing a complaint or accusation is not necessary, for no one is obliged to undertake something which he cannot bring to an end in the required way (article 1). For the sake of greater accuracy and certainty the acts of a process must be put in writing. Thomas adds that in the course of a process the declarations witnesses initially made may differ from what they will say later<sup>50</sup> (article 2). An accusation must serve the common good. Besides false accusations one can also commit an offence by using crafty means to prevent the punishment of the culprit. A judge must disprove false accusations which are based on wrong information or motivations (article 3). A false accusation which might have got the accused person condemned, must be punished in proportion to the punishment which was going to be imposed on the innocent person<sup>51</sup> (article 4).

**Q. 69** deals with what the accused can or must do. Is he allowed to tell a lie by denying that he committed the offence of which he is justly accused? The judge has the right to ascertain the truth in such cases. Therefore, the accused is obliged to speak the truth conformably to the law's intention. But if the judge goes beyond what the law (*ordo iuris*) allows him to ask then the accused need not answer or may answer evasively, although he may not tell lies (article 1). The accused may defend himself by concealing what he is not bound to disclose. However, it is not lawful to deceive (article 2). If for good reasons the accused person thinks that a judge was too strict in sentencing him or arrived at a wrong verdict then he can appeal to a higher court. If he does this to postpone his punishment then he acts unjustly, since he renders the task of the tribunal more difficult and impedes the other party from obtaining satisfaction (article 3). One who is condemned to death can oppose this punishment only when he has been falsely condemned. Thomas has tyrannical governments in mind here. Opposing oneself to them is the same as fighting off robbers<sup>52</sup> (article 4).

**Q. 70** examines the duty of witnesses. Aquinas first determines when one must testify. If in questions belonging to law and order (*secundum ordinem iuris*) the competent authorities demand that one testify then one must obey. This does not apply to things which are hidden (*in occultis*) and not known publicly. If one is requested to testify by an authority to which one is not legally subject then one only has to do so if in this way one can shield an innocent person from harm or punishment. In things relative to a condemnation one only need testify when obliged to do so according to the juridical order in force (article 1). In the field of human actions absolute certitude cannot be reached and a strong probability is sufficient, i.e. one which in most cases sees the facts of the case correctly but can sometimes be mistaken. This probability is reached when several witnesses are heard. If witnesses of the same social rank and in equal number contradict each other then the judge must decide in favor of the accused<sup>53</sup>. If witnesses differ among themselves then the judge must try to find out whom to believe (article 2). Thomas discusses next what invalidates or nullifies the testimony of some witnesses, e.g. of criminals and mentally disturbed people (article 3). A false testimony is a serious offence since one lies and violates the oath one has sworn that one will testify truthfully. In giving testimony what is doubtful must be presented as such. However, anyone who is unintentionally mistaken because of a failing memory or for some similar reason has no guilt (article 4).

The final question of this treatise (**Q. 71**) discusses the task of lawyers. In the thirteenth century the task of lawyers was not so well organized according to standards set by the profession as it is today, and well-known, reputable citizens could act as defense counsels in court. In medieval Christian society the question arose whether lawyers and physicians must always be at the disposal of those who need their help. St. Thomas answers that one cannot help all the poor<sup>54</sup>, but must care for those with whom one is more closely related because of circumstances of time and place, in particular when the indigent cannot expect support from elsewhere (article 1). Whoever lacks sufficient knowledge or does not hear well cannot undertake the defence of persons accused. Certain other tasks or a poor reputation can also be an impediment to the exercise of the function of a lawyer, except in emergencies (article 3). To collaborate in an immoral undertaking is sinful. A lawyer counsels his client but acts wrongly if knowingly he defends an unjust cause. If successful in such a case then he is obliged to give restitution to the opposite party for the damage it suffers because of his plea. One may admire his competence and ability, but he uses his talents for something bad<sup>55</sup>. In a patently unjust cause Thomas considers legal aid, which aims at getting the

defendant acquitted, forbidden. But if a lawyer defends a cause, not knowing it is unjust then he is not guilty<sup>56</sup> (article 3). A lawyer may ask compensation for the assistance he gives. The same applies to a medical doctor. But in determining the amount of this compensation he must moderate himself and take into account the financial capacity of his client, the nature of the case and the amount of work he did, as well as local custom. To demand an excessive fee is against justice. Judges, because of their neutral position between the parties must be paid out of public revenue. Witnesses may ask compensation for their expenses, time or work (article 4).

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### **7.5. Injustice caused by the spoken word (QQ. 72 - 76)**

Contumely, in the strict sense of the term, means that one publicly humiliates or damages the honor of a person (**Q. 72**). This is usually done by words but can also be done in other ways. Considered as sounds words do not cause damage, unless one speaks very loud, but as signs expressing things they can do so, in particular by making known what is contrary to a person's honor (article 1). When judging contumely and offensive words we must take into account the inner disposition of the offending person. As an offence, contumely or destroying another's honour can be as bad as theft. People attach at least as much value to their honor as to their possessions. But a few unfriendly words are not contumely (article 2). The virtues of patience and forbearance help us to bear offences, but on certain occasions we must refute contumely, sc. in order to restrain the brutality of others, so that they do not go on with their attacks, and, in the second place, in order to avoid that the work we do for others suffers because of false accusations (article 3). Anger easily leads to contumely, for it makes one want to revenge oneself. Pride is an occasion for abuse, sc. when one considers oneself better than others (article 4).

Contumely and offensive speech are uttered in the presence of the offended person, but slander and speaking ill of others is done in their absence (**Q. 73**). Thomas compares contumely and slander with robbery and theft. The first is done openly, the second in secret. Anyone who speaks evil of someone in secret damages his reputation (*fama*), in particular when he does so in the presence of several people<sup>57</sup>. Anyone who speaks badly of others aims at giving them a bad reputation (article 1). However, personal reputation is one of the most important of temporal goods. If it has been damaged, one is impeded from doing much good one could otherwise have done. Intending to destroy someone else's reputation is a serious sin. But it

may happen that one says something against a person's reputation for other reasons, and in such cases it can be without guilt. If one has damaged the reputation of others then one is obliged to make restitution (article 2). Such crimes as homicide and adultery, which affect people's bodily existence, are worse than slander, which concerns only external things. But on the same scale slander is worse than theft. One must, however, take into consideration that words are easily spoken and one does not always have the intention of harming the other person (article 3). Out of fear of what others will say bystanders sometimes do not refute those who slander someone. In this way they may themselves incur some guilt (article 4).

**QQ. 74 - 76** discuss ear whispering, which seeks to set a person against someone else, and cursing people. Since friends occupy the highest place among external goods and one needs friends, such scandalmongering is a serious offence. To determine the immorality of pouring ridicule on someone, we must take into account the intention of the speaker. Does he really want to belittle others and treat them as negligible or is he joking and speaking about defects of little or no importance?

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## **7.6. Fraud in buying and selling. Interest on loans and usury (QQ. 77 - 78)**

With regard to commerce and doing business, fixing the prices of products and services and charging interest on loans have always raised important questions. Aquinas had no knowledge of the economic system in force today, but he draws attention to a number of fundamental truths which deserve to be considered. A first question is (**Q. 77**) whether it is licit to sell things at a higher price than they are worth. The principle is simple: to cheat, in so far as one requests a higher price than the value of a product, is utterly reprehensible. Aquinas explains his answer as follows: if we leave aside deceit, we can speak in two ways of buying and selling. a) The practice of buying and selling has been introduced because of the advantage it has for both parties. Now, what has been instituted for both may not favor one party more than the other, so that in a transaction the value and the counter-value must be equal. The value of articles for people's use is stated in their price expressed in money. When the price exceeds the value, or *vice versa*, there is no equality. To sell something for too high a price, or to buy it too cheaply is unjust. b) One can also speak of selling and buying in so far as something more useful for one person or its loss more disadvantageous to another, due to extraneous circumstances, e.g. when the buyer urgently needs something,

while the vendor will suffer a serious inconvenience when he no longer has that thing. In such a case the price not only depends on the objective value, but also upon the inconvenience the vendor suffers. For this reason he may sell the object in question for a higher price. But if the one who sells will hardly miss the object in question while the buyer will derive considerable benefit from it then it should not be sold for a higher price, even if it is equitable that the buyer of his own accord makes a proportionate payment. Since the law cannot prohibit everything that is unjust, but limits itself to what undermines the society, unfair practices in buying and selling are often not punished, unless deceit and swindle are involved (article 1).

There is deceit when the product sold is not the one that the parties negotiated about, secondly, when the agreed quantity is not delivered or, thirdly, when the product shows defects. In such cases the vendor, even if the defects have escaped his attention, must pay compensation (article 2). If the vendor does not make known a product's hidden defects and does not lower the price accordingly then he acts unjustly. Defects which may become dangerous for the buyer, must be made known<sup>58</sup>, but if compensation for other minor defects has been deducted from the original price then they need not be brought to the buyer's knowledge (article 3). May one sell things for a higher price than one has paid for them? Referring to Aristotle<sup>59</sup>, Aquinas notes that business can be conducted in a twofold way, sc. a) by barter or *in natura* with regard to things needed for daily life. Thomas wants to preserve these things from speculation (as governments sometimes fix the price of products of primary necessities in order to protect low income groups), b) secondly, as business in the sense of buying and selling things not needed for daily life, money changing, etc. What is meant is buying something in order to sell it at a higher price. Aristotle rejects this second form of doing business, since it does not have a decent purpose. Cicero, for his part, writes that a businessman only makes money by lying<sup>60</sup>. But Aquinas notes that even if making a profit as such is not a decent goal, it is not positively bad, but rather something indifferent. It may be directed to a good goal, such as the subsistence of one's family or looking after others. One can become entitled to sell something for a higher price by such things as improvements of the merchandise, market trends<sup>61</sup>, risks incurred during transportation of the merchandise, etc. (article 4). It is not difficult to apply these principles to contemporary trading.

**Q. 78** discusses the immorality of usury and the question whether one may charge interest for lending money. The term usury some kind of despicable practice, but here it has a broader meaning and signifies also what is now called interest on loans or investments. In the first article Aquinas,

following Aristotle, presents some fundamental considerations regarding lending to others<sup>62</sup>. With regard to certain things one places at the disposition of others, using these things means consuming them, as is the case with comestibles. In other cases property rights and use remain separate, for instance, when one rents a house. Money was invented in order to facilitate the exchange of goods. The natural and most proper use of money is to spend it in order to acquire things. One cannot separate money from its use. For this reason it is illicit to demand a compensation for lending it just as one does not pay extra when buying wine for "using it" later on. If one does, one demands a compensation which has no basis in reality<sup>63</sup>. But it is licit to request a bonus for the service one renders by lending. One can also ask a compensation for the disadvantage one suffers when one can no longer dispose oneself of one's property. Such a compensation is not a payment for the use of this sum of money. In case one lends money to others to start a business, one has the right to claim part of the profit. One remains the owner of the money and can ask a compensation for the risk one took (article 2). The situation described by Aquinas is what often happens in our economic system, e.g. with savings accounts, bank loans and shares in companies. What the first article of this question rejects concerns the lending of money against interest when one would have kept this money in an unproductive way<sup>64</sup>.

For things the use of which the use is consuming them no extra rent is due in addition to the price one agreed upon. However if the owner suffers some damage by putting goods at the disposition of others, his loss must be compensated. If one requested a piece of land as interest for a loan, then the person who lent the money is obliged to return the yield of the land to the owner (article 3). It is not illicit to borrow money from someone who wrongly requests interest, if one really needs it. One should not make others sin, but one may use the wrong attitude of others to reach an honest goal (article 4).

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## **8. The parts of justice (Q. 79)**

As Aquinas does in his treatment of prudence, he now raises the question whether in acting according to the virtue of justice we must distinguish between various acts. The answer is that justice consists primarily in giving the others what is their due. In commutative justice the others are one's fellow men, in distributive justice they are the society to which both government and the citizens must give its due. "Giving to the other what is due to him" is the center of justice. Parallel to this, the will must positively

avoid what harms the other (article 1). If one causes damage to others then one commits a transgression, as one also does when one omits what one is obliged to do for them. However, no one is obliged to do the impossible, a principle which has its application in cases of restitution, where one must always do what one can<sup>65</sup>. Generally speaking, acting directly against justice is a more serious offence than omitting to perform what one is obliged to do (articles 2, 3 & 4).

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## **9. Virtues which are subordinate to justice and the opposed vices (QQ. 80 - 120)**

As prudence has subordinate virtues such as *eubulia*, *synesis* and *gnome*, there are also virtues which are connected with justice as agreeing with it in one respect while differing in another. All virtues whose acts are directed to other persons belong to justice, even if they differ from it in so far as a) they fall short of it in bringing about the required equality, or b) there is no question of a legal obligation. The virtues which concern our relation to God and to our parents, sc. religion and piety, belong to the first group, for we can never return to God or our parents in equal measure what we have received from them. With regard to the virtues of the second group Thomas distinguishes between legal and moral obligations. Legal obligations come in under the virtue of justice in the strict sense of the term. As regards moral obligations, one can distinguish degrees in such obligations. Certain acts are required in order to be just, while others contribute to it without however being really necessary. Thomas has in mind kindness, generosity, friendliness. As regards the first group he distinguishes between moral obligations we have to others, such as that of truthfulness, and a kind of obligation to ourselves to have our dignity respected when people are unjust to us, sc. that we claim our rights. In his discussion of these virtues Aquinas uses material from Aristotle, Macrobius, Cicero, Isidore and others.

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## **10. The virtue of religion and the opposite vices (QQ. 81 - 100)**

The discussion of the virtue of religion, its effects and what is opposed to it covers a considerable part of the pages devoted to the discussion of justice. We limit ourselves to the main points.

**Q. 81** discusses the virtue of religion (*religio*) which orders our relations with God who is our origin and the goal to which we must direct our actions<sup>66</sup>. Good acts are virtuous acts. To render God the homage due to him is a good and noble act and, therefore, religion which makes us do so is a virtue. Religion is a particular virtue since it makes us honor God as the cause of the world which he governs. (articles 1 - 3).

Since God surpasses by far all created beings, special homage is due to him, and so religion is a particular virtue. But this virtue does not suffice for reaching God as he is in himself<sup>67</sup>. God is not the material object of acts of religion, but their end<sup>68</sup> (article 4 & 5). Since religion makes us approach God more than do the other virtues it is of a higher value. Man must lift up his mind to God with the help of sensible things<sup>69</sup> and for that reason the virtue of religion makes us perform, not only internal but also external acts. In order to turn to God one must free one's mind from what is at a lower level and rest in him in unshakable firmness. The term "holy" (*sanctus*) signifies this, Thomas says (articles 6 - 8).

In the following questions Aquinas studies the acts of religion. In Q. 82 he mentions the will to place ourselves without hesitation in the service of God. This attitude will put its stamp on our entire life. Meditating on our dependence on God and on God's being makes us devout. When we reflect on God's goodness, we are filled with joy, although our own shortcomings and insufficiency may be a cause of sadness (articles 1 - 4).

**Q. 83**, which comprises 17 articles, is devoted to prayer. Prayer is an act of reason, since reason understands that for certain things one needs the help of others. Aquinas stresses that prayer is not intended to change God's plan but to obtain what God has decided to give us because of our prayers (articles 1 & 2). After devoutness prayer is the most important act of religion. Next St. Thomas discusses what we should ask from God in prayer. Prayer is proper to beings endowed with reason, who acknowledge someone else who stands above them to whom they can address themselves with their requests. Finally he mentions some properties of prayer: it must be attentive, at least as regards the intention one has when one begins to pray. It must last as long as is necessary to bring one into the right mood. Finally one can distinguish prayer of petition and prayer of thanksgiving.

Another internal act of religion is adoration (**Q. 84**), whereas offering a sacrifice demands both internal and external acts. Aquinas explains the general religious custom of mankind of offering sacrifices to the divinity by pointing out that people's natural reason moves them, in accordance with a natural inclination, to show in their own way their submission to the One above them, i.e. they use sensible signs and symbols to express their inner

disposition. This means that bringing sacrifices is one of man's natural rights and duties (Q. 85, article 1). This inner disposition and willingness to offer sacrifices is obligatory upon all, but not everyone is bound to all forms of external sacrifices (articles 3 & 4).

**QQ. 86 & 87** explain why one should both offer gifts and contribute to the support of ministers of religion. **QQ. 88 - 91** study such acts of religion as taking vows or swearing oaths, invoking the name of God to confirm one's statements and using God's name to praise God. Sins against the virtue of religion are examined in **QQ. 92 - 100**. One sins against this virtue by doing too much or too little. If a person expresses his religion in a manner and at a moment which are inconvenient, he indulges in the vice of superstition and exaggerated religiousness (**QQ. 92 - 93**). To render to creatures the homage due to God is to commit an act of idolatry which is a form of superstition. Special homage is due only to God (**Q. 94**, articles 1 & 2). Misplaced expressions of religiousness result from ignorance (article 3). What brings people to commit idolatry are their attachment to sensible things, ignorance about God and the fact that they attribute too much value to some creatures (article 4).

Divination is another practice contrary to authentic religion, sc. if one tries to predict the future in a wrong way<sup>70</sup> (**Q. 95**). Thomas mentions different forms of divination and the means often used to this effect (articles 3 & 4). One of them is astrology, which in the Middle Ages was practiced by many. Are the celestial bodies the causes of certain events on earth? A direct influence on the human intellect and will must be excluded, but Thomas believes that the celestial bodies can possibly provoke certain reactions in the human body. A good number of people usually follow their bodily inclinations and this explains why certain predictions may come true (article 5). Who resorts to natural causes to determine what the future may bring does nothing illegitimate (article 6). But presages of coming events are in no way their causes (article 7). In **Q. 96** recourse to divination and the use of charms are rejected.

**QQ. 97 - 100** examine actions proceeding from a lack of religion. A first one, mentioned in **Q. 97**, is tempting God, understood as testing God's knowledge, power and will. One tempts God when, in order to find out if God can do something, one requests something from Him (article 1), a way of acting which shows a lack of both knowledge of and respect for God (article 2) and is which contrary to the virtue of religion (article 3).. - **Q. 98** deals with perjury. The purpose of taking an oath is to confirm our words. To tell a falsehood under oath is directly opposed to this purpose (article 1). One involves God in a lie and so in reality one despises Him (articles 2 & 3). If in ordinary intercourse with people one requests that the other part confirms his

words under oath then one shows a lack of trust. Public authorities, however, can demand that people confirm what they say under oath (article 4). Any form of disrespect for sacred matters or sacred persons is considered a sacrilege (**Q. 99**, article 1). Since behaving in this way has a deformity of its own, it is a special sin<sup>71</sup>: something sacred is desecrated and a lack of respect for God is shown (article 2). The nature of a sacrilege depends on the consecrated person or sacred object or ceremony one treats thus without respect (article 3). Even to objects and persons belonging to a cult which is not that of our own religion we must show respect since these are sacred to others. Finally, in **Q. 100**, the buying and selling of sacred offices (simony) is discussed.

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### **11. The virtue of piety, respect for persons of a higher rank and paying one's due to them (QQ. 101-103)**

On the preceding pages our duties with regard to God were considered. In the next three questions our obligations towards our parents and persons placed in authority are dealt with. Behind the treatment here lies a view of human society and its organization which differs from the contemporary, more democratic order of family and society life. **Q. 101** concerns piety which determines our relation to our parents and relatives as well as to our country. Since, after God, these are our greatest benefactors (article 1) we must respect and help our parents when, because of illness or poverty, they need our support (article 2). Since our duties with regard to our parents and our country have a particular character among analogous obligations a special virtue, sc. piety, is needed to fulfil these duties<sup>72</sup> (article 3). With regard to a possible conflict between what religiosity asks from us and what piety demands Aquinas notes that no virtue stands in conflict with another, but that virtuous acts are subject to limits and have a certain measure. If one goes beyond these, they turn into a vice. Even if the obligations resulting from the virtue of religion have a certain priority, they may not prejudice one's duties with regard to one's parents (article 4).

Persons in leading positions deserve to be treated with respect, an attitude resulting from a virtue which Aquinas calls *observantia* (Q. 102). The reason is that these persons share the task of our parents who are the origin of our existence, education and way of life and are also the cause of whatever belongs to the perfection of human life<sup>73</sup>. For an analogous reason persons in authority, teachers and military commanders are entitled to respect (article 1), which consists in the acknowledgment of their dignity and a willingness to follow their guidance (article 2). Honouring those who work for the well-being

of the country is an act of piety, but if one does so because of their particular qualities, honoring them results from respect. Piety toward one's own parents and relatives has precedence over piety with regard to public authorities (article 3).

St. Thomas finally mentions homage (*dulia*) (**Q. 103**). Human beings show their respect for others by external signs. These marks of honor make that the honored person will be generally respected. A good name results from such homage<sup>74</sup> (article 1). Even if the persons honored are generally speaking not better than others, homage is due to them because of some good quality they have (article 2). Especially those who are in a subordinate position or in the service of others should pay homage to their superiors (article 3).

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## **12. Obedience, gratitude and contrary vices (QQ. 104 - 108)**

As there is leadership in nature, so also in human life. People should follow the directions given by their leaders as a requirement of the order established by the natural law. Yet rational man does not obey merely by a natural inclination but by free choice. Obedience can be virtuous if it is freely chosen (article 1). To follow up and carry out the commands of one's superiors is a particular form of homage and a virtue of its own, the object of which is the command or order a superior gives us (article 2). By obeying one submits one's own will to someone else, a difficult but meritorious act (article 3). The next article speaks of obedience to God. Concerning the question whether one should always obey one's superiors, Thomas writes that obedience bears upon external acts. He sees two exceptions to our duty to obey, sc. when an order contradicts a higher obligation or when a superior gives an order outside his field of competence. Moreover, such matters as taking care of oneself and contracting a marriage do not fall under what superiors can command us to do. Finally, Aquinas reminds us that all men are equal by nature<sup>75</sup> (article 5). The Christian faith does not do away with the natural order<sup>76</sup>. Therefore, Christians must obey civil authorities in so far as justice demands. Illegitimate authority and unjust commands have no claim on our obedience, unless for secondary reasons, such as in order to avoid civil strife (article 6).

The refusal to obey the orders of persons in authority is an expression of disobedience (**Q. 105**) and an offence against the moral order. This vice may originate from pride which makes us not want to follow orders. It is understood that those in authority must not deluge their subordinates with so

many precepts that they cannot possibly observe all of them (article 1). Disobedience becomes the more serious the higher the authority which issued the orders and the more outspoken its will to oblige us (article 2).

Religion, piety and the virtue of respect are accompanied by gratitude towards God, our parents, teachers and those in authority. There is also a particular form of gratitude towards persons who have helped us in special ways. In such cases there is no duty in strict justice, but one of what is fitting ("*ex solo debito honestatis*") (**Q. 106**). The greater the benefits bestowed on us, the greater the gratitude demanded from us (article 1 & 2). Basing himself on the axiom of metaphysics that every effect returns to its cause<sup>77</sup>, Thomas writes that natural reason demands that one who receives some help or a present from someone else show gratitude to his benefactor. In general, gratitude is shown by expressing one's appreciation. In certain cases gratitude urges us to help a benefactor who now finds himself in difficulties (article 3). Our attitude must be such that as soon as we receive a gift or help, we want to show our gratitude. But as for expressing it, it is sometimes better to wait for a more convenient occasion for our benefactor. If it is some help which we received or a gift given us out of sincere friendship or benevolence then in expressing our gratitude we must also take into account the feelings of our friend and benefactor. Thomas even believes that true gratitude will urge us to return something of greater value to our benefactor than what we received from him (articles 4, 5 & 6).

Being grateful is the act of a virtue. If it is impossible to show our gratitude we are excused, provided we have the lasting will to be grateful. However, we are ungrateful if we forget what others did for us (**Q. 107, article 1**). **One can act also against gratitude by being grateful in an exaggerated way which is not becoming, but in most cases the vice of ingratitude consists in doing too little, e.g. by not acknowledging the help or the gift one received, by not thanking for it or by refusing to do anything in return. Ingratitude can be a lesser or more serious offense. If someone continues to refuse to acknowledge the gifts and help he received, he does not deserve to be given more (articles 2, 3 & 4).**

**Q. 108** deals with a particular attitude towards others, sc. *vindicatio*, which consists in punishing others to revenge oneself. Revengefulness, i.e. the attitude of one who is totally fixed on the evil someone did or does to him and sees nothing else, is wrong since one sets one's mind on the wrongdoing of someone else. That a person did something against us is no good reason for causing harm to him<sup>78</sup>. If, however, there is hope that by punishing him one can bring him around to a better attitude or protect others, revenge can be a virtue. If a whole group has acted wrongly, one may sometimes punish the leaders in order to deter the others from repeating

what they did. Vindication can, therefore, be an act of a special virtue. This is also manifest because all natural inclinations are accompanied by virtues<sup>79</sup>. There is a natural inclination to defend ourselves against offences and damage inflicted on us and to inflict punishment, not so much in order to injure as to remove what is harmful. Vindication is good in so far as it contributes to curb bad behavior (articles 1 & 2). A punishment is a kind of equalizing: one who in injuring others did his own will must now undergo some punishment against his will. Furthermore, punishment can contribute to making people better by letting them realize the evil they did and by deterring them from committing further offences. Respectable people are sometimes afflicted by life's trials without any fault on their side. This happens in order to make them spiritually better persons. On the other hand, nobody is harmed in spiritual things without his own fault (article 3).

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### **13. Truthfulness, lying, hypocrisy, boasting and irony (QQ. 109 - 113)**

It is right to tell the truth and so truthfulness is a virtue (**Q. 109**). When telling the truth, excesses may occur when one says things which are true, but at the wrong moment or tells them to people who should not know about them. There is a deficiency, on the other hand, when one hides what one is supposed to communicate. What one says must agree with reality. The love of truth is a special virtue, since it has its own object, sc. words and deeds as signs of what is expressed by them (articles 1 & 2). Truthfulness is one of the virtues assisting justice, sc. it is ordered to others and brings about a certain equality between words and gestures on the one hand and what is signified by them on the other. A meaningful cohabitation of people is not possible when they cannot trust each other<sup>80</sup>. Truthfulness differs from justice in so far as what is due to others under truthfulness is not a legal obligation but rests on virtue<sup>81</sup> (Article 3).

The first vice opposed to truthfulness according to Aquinas, is mendacity (**Q. 110**). What is typical of mendacity is the will to be untruthful. Mendacious people often want to mislead the person to whom they speak. When one believes oneself to be lying but is actually telling the truth then one is nevertheless untruthful. When lying a) one can exaggerate or understate in telling something (irony), or b) one can be more or less guilty in deceiving someone else. Sometimes the one who lies wants positively to harm others, but one can also tell an untruth jokingly and one can lie in order to avoid difficulties or harm, and, according to a classification of St. Augustine, c) lying is distinguished according to the goals one pursues, e.g.

lies against God (in order to cause harm to the Christian faith), against one's fellow men or sometimes with the intention of helping someone else with our lies. Furthermore there are lies told because of the pleasure lying gives, while other lies proceed from the vice of mendacity. There are also lies one tells when in trouble and lies told jokingly. The greater the good one seeks to reach by lying, the smaller the offence (articles 1 & 2).

Because of their very nature our words express our thoughts. It is wrong (*indebitum*) when someone expresses something different by his words from what he thinks, because it is a disturbance of right order. It is illicit to do something wrong in order to obtain a good. So one may not tell lies even to save others from danger. The degree of malice of lies depends on the extent to which they are opposed to the love of others and inflict damage. Lying about things of little importance is less serious (articles 3 & 4).

**Q. 111** discusses hypocrisy and dissimulation. It belongs to truthfulness that one presents oneself as one is. This applies to our words, but also to what we do. Hypocrisy consists in presenting oneself in words and actions differently from how one is, e.g. by pretending that one is a good and reliable person. Hypocrisy is contrary to truthfulness (articles 1, 2 & 3).

A person is boasting when he presents himself as better than he really is. Boasting is opposed to truth by excess. It may proceed from pride but also from vanity. If by praising oneself one injures others or if such boasting proceeds from pride, then it can even be a serious sin (**Q. 112**). To scoff at oneself (called *ironia*, understood in this particular sense) consists in presenting oneself as less good than one really is or in denying some of one's good qualities. Boasting out of ambition will often be a more serious offense than this "irony" (**Q. 113**).

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#### **14. Friendliness, flattery, quarrelsomeness (QQ. 114 - 116)**

People must live together with others in a becoming way, both in what they say and in what they do. To do so a special virtue is required, sc. friendliness. Friendliness does not go so far as friendship, but leads to a friendly attitude toward others. In particular a wise person will be friendly with regard to others, even if sometimes he must be strict and severe<sup>82</sup>. This kindness belongs to the virtue of justice since it concerns our relation with others. Obviously there is no question here of a legal obligation, but of what it is better to do (**Q. 114**, articles 1 & 2).

Flattering people is wrong because it is contrary by excess to the virtue of kindness. By unduly complimenting others or gratifying their possible vanity one exaggerates by an excess of kindness. If we praise someone then we should do so in the proper way and in the right situation. If one praises in another what is positively bad or if one wants to inflict damage on the other by one's flattery then one sins against love (**Q. 115**, articles 1 & 2).

Quarrelsomeness makes one contradict others. This may happen through a lack of unanimity, but also out of aversion for a certain person. This vice is contrary to friendliness, which makes intercourse with others pleasurable. Often quarrelsomeness is a greater evil than flattering (**Q. 116**, articles 1 & 2).

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## **15. Liberality, greed and dissipation (QQ. 117 - 119)**

Liberality is a virtue which makes us help others. One uses one's possessions not just for oneself but also for the good of others. However, it would be wrong to give away so much that nothing is left for one's own needs. The virtue of liberality lies not so much in the amount of money given as in the intention of the spender, which constitutes the act of this virtue. The sum of money involved is the external object (**Q. 117**, articles 1 & 2). When one is supporting huge undertakings, e.g. a hospital, a museum, a college, we speak of patronage (*magnificentia*). It belongs also to this virtue that one administers one's possessions wisely so that one can use them for good ends. To do so one needs prudence (article 3). Liberality is not a subdivision of justice, since one has no obligation to give away part of what one has, but there is a certain correspondence between liberality and justice, inasmuch as the acts of both virtues are directed to others and concern material goods (article 4 - 6). Greed makes us lose the right measure in acquiring and possessing external goods, because it makes us want more than is becoming. Practically, this implies that less will be left for others. Moreover greed makes us concentrate on material things and for that reason it is a vice (**Q. 119**, articles 1, 2 & 3).

Greed can make people act against justice. It is also contrary to liberality. Greed is active in people's innermost, since a greedy person finds pleasure in having money. In so far as greed leads people to commit other offences, it is called one of the capital sins. The following sins may proceed from it: hardness of heart and harshness which exclude all pity, unrest since one is all the time preoccupied with acquiring more money, violence, ruses

and deceit as means by which one attempts to increase one's wealth (articles 4 – 8). Finally, in connection with managing one's money, Aquinas mentions the vice of dissipation (**Q. 119**), which is the opposite of greed. A spendthrift is not attached to the possession of money and is not concerned to administer his possessions in a prudent way. One can throw away one's money to buy more carnal gratification but other motives may also active here. Dissipation is wrong because it does not keep the mean typical of virtues. But considered by itself dissipation is a lesser vice than greed, for by throwing one's money around one does something useful for others. Moreover, a cure is easier, for when nothing is left to spend dissipation will stop (articles 1,2 & 3).

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## **16. Epikeia (Q. 120)**

Closing his treatise on justice St. Thomas deals with *epikeia*. Since human acts concern concrete situations which may vary endlessly it is not possible to establish rules and laws which cover all cases. It can be against justice or against the general interest to apply a law in a particular case. In such a situation one must ascertain what justice and the common good demand. To this effect we apply *epikeia*, a sort of equitableness. It does not mean that one condemns the law, but judges that a particular case does not fall under it. *Epikeia* is part of justice.

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## **17. APPENDIX**

There are some themes which are not treated by Aquinas under the virtue of justice but elsewhere in his works, although they are related to it. Since they are of great importance we summarize what he writes about them.

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### **17.1. War**

Thomas inserts the theme of war in his treatise on (supernatural) love. War is the counterpart to love. Everybody desires to safely possess his

belongings and to live in peace, i.e. to reach his goals without being hindered (**II-II, q. 29**, article 2). Quarrels, disputes, fighting and revolt are contrary to peace, as is war, which is a matter of fighting against an army from outside the borders of one's country and which involves a considerable number of soldiery (**Q. 42**, article 1). In **Q. 40** Aquinas begins his analysis with an obvious question. Is war a breach of peace? Is waging a war always morally wrong? Confronted with the horrors of war and the damage which the warring parties and also many innocent people suffer one is tempted to consider war an abominable evil.

Aquinas mentions three conditions which can make a war just. a) In the first place public authority must declare the state of war and enlist men for military service. For it is the task of the government to protect its subjects and their belongings. This is done at a local level by the police, if necessary with the use of weapons, but for the country as a whole by the military. b) In the second place a just and sufficient cause is required. Thomas does not explain this point further, but it is obvious that one must compare the evils a war will cause with the injustice committed against one's country. Many have pointed out that the disastrous consequences of a nuclear war exclude ever being justified in waging one, although the possession of nuclear weapons in order to maintain a balance of power, is not self-evidently condemnable. c) In the third place the parties at war must have the right attitude and intention, sc. to obtain a good or to avoid an evil. It may happen, Thomas says, that a war, started on just grounds and declared by the competent authority, becomes unjust because of the wrong intentions of the parties who want to destroy each other or to revenge themselves in a cruel way or want to overpower the opposite party out of an implacable hatred.

Aquinas refers to a Gospel text which tells us not to oppose those who use violence against us, but he observes that even if, for our part, we must always be prepared not to offer resistance or to defend ourselves in some cases we must sometimes act differently for the sake of the common good or also that of those who commit an injustice against us or with whom we are involved in a fight<sup>83</sup>. The goal of a military campaign must always be to reach a situation of lasting peace.

With regard to the question of what means one can use to wage a war, Thomas is very succinct. One may use ruses or dissimulate one's own plans but deceit by lies is immoral (article 3). Acts of war on religious holidays are not forbidden. If a medical doctor is allowed to help his patients on such days then one may also defend the well-being and security of a country, so that untold misery for the citizens is avoided (article 4). From the above it appears that waging a war can be a moral act, accompanied by such virtues as prudence, justice and fortitude.

Concerning fights between private persons we read that one may defend oneself in the right measure against those who unjustly attack one. However, one should avoid harboring grudges and feelings of hatred (**Q. 41**, article 1). A revolt by which a group of citizens rebels against the government or against other groups of the population causes great damage to the common good and is for that reason morally wrong. Aquinas supposes here apparently that a just order reigns in the country concerned. If the country is governed by a tyrant then there no longer is any question of a just order. A tyrant does not work for the well-being of the general public but for his own advantage. Opposition against such a government is not a revolt. However, such opposition must not lead to greater evils than those the country is now suffering from. Thomas concludes his exposé with the remark that a tyrant is himself a rebel because he creates dissensions among the citizens in order to secure his regime (**Q. 42**, article 1& 2).

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## **17.2. Labor**

Labor lies at the intersection of our physical and spiritual life. It is an expression of our human existence. In order to work one must have an idea and a plan one is going to carry out. The material with which one works often offers some resistance. While the medieval tradition considered work as aiming at the accomplishment of things<sup>84</sup> and so of man himself, Hegel made work part of the human mind, an expression of the movement of the spirit which returns to itself. The negation, which constitutes man's being, now passes into the object which is changed and so "annihilated". This is not so for the work a slave carries out but applies only to the person who works for his own goals<sup>85</sup>. Marxism underlined the degrading character of labor in industrialized societies, but correctly described labor as the way in which man enters into relation with nature and as serving also to promote solidarity among workmen. On account of the fact that the workmen are not themselves owners of the workshop or factory Marx thinks that they are alienated from themselves by the work they do for the owners.

Aristotle thought that manual labor was an obstacle to intellectual work, a widespread idea in the ancient world. Cicero writes that persons of good standing must take no interest in the manner in which laborers provide what is needed for life<sup>86</sup>. As Christianity spread, however, a more positive view of human labor began to impose itself. St. John Chrysostom, St. Augustine and other Christian authors stressed the value of manual labor for spiritual discipline and pointed also to its use for society. So manual labor was no

longer considered an inferior activity. St. Benedict prescribed several hours of daily manual labor for his monks so that they could themselves provide what they needed without bothering others and had a surplus to feed those in need.

Thomas considers spiritual work of greater value than manual labor. The latter finds its terminus in what lies outside man. When we work we actualize certain possibilities hidden in material things. In order to do so one must have sufficient force, possess some experience and overcome the resistance of the material one is working with<sup>87</sup>. Work is carried out by a human person endowed with reason and will and therefore it is a human action (*actus humanus*). An animal does not work because it does not think. The necessity to work appears from the fact that one must provide for oneself and others what is necessary for life. To do so man disposes of the members of his body and he has in fact been placed in an environment in which he can work<sup>88</sup>. An individual person by himself can hardly provide all the things he needs so that collaboration with others and team work are necessary. Labor, therefore, has an eminently social character. This does not mean that everyone must engage in manual labour or that all should do the same type of work.

Even if spiritual work and the contemplative life as such are of higher value<sup>89</sup> yet manual labour is necessary because of our daily needs<sup>90</sup>. Moreover manual labour may help calm down the passions and so promote the virtuous life<sup>91</sup>. Elsewhere Thomas writes that the purpose of manual labour is threefold, sc. to avoid idleness, to acquire control over one's own body and to provide the necessities of life<sup>92</sup>. From this third purpose of labour it follows that it is prescribed by the natural law<sup>93</sup>. Manual labour is our human way of dealing with nature and the world.

With regard to the different species of manual labour Aquinas notes that as our hands are instruments of the intellect. So every sort of work that is done with some tools in view of providing what one needs for one's livelihood is to be considered manual labor<sup>94</sup>. Between contemplation on the one hand and manual labour on the other there is what is called intellectual work, of which the value is higher the greater the share of reason in it<sup>95</sup>. Those who serve the common good by intellectual work are entitled to be supported by the other citizens<sup>96</sup>,

Aquinas points out that there must be a correct relationship between the usefulness of the work done and its remuneration. The salary must be equivalent to the quantity of work one has done, its quality and value, the degree of laboriousness and the situation of the worker<sup>97</sup>. Justice must determine the amount of compensation to be given. Since work demands effort and one is easily distracted, one needs such virtues as fortitude and

temperance. The goal of work is rest. Definitive rest will only be found in afterlife. But at set times work must be interrupted since we need rest for both body and mind<sup>98</sup>. In fact we cannot use our spiritual faculties without becoming tired, due to our mind's necessary dependence on the body, which does become tired<sup>99</sup>.

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## NOTAS

- <sup>1</sup> Cf. *In V Ethic.*, lesson 1: "Multiplicitas iniustitiae manifestat multiplicitatem iustitiae".
- <sup>2</sup> *Über die Gerechtigkeit*, München 1953, 13.
- <sup>3</sup> *Summa theologiae*, II-II, qq. 57 - 122.
- <sup>4</sup> Aquinas refers to the verb *iustari* in Vulgar Latin. We use the verb *adjust* in the sense of "to make conform or suitable to" something.
- <sup>5</sup> Cf. Th. Hobbes, *Leviathan*, I, c. 14: "The right of nature which writers commonly call *ius naturale* is the Liberty each man has to use his power as he wills himself".
- <sup>6</sup> At least in Roman law.
- <sup>7</sup> Art. 1 ad 3: "Sufficit Deo ut impleamus quod possumus. Iustitia tamen ad hoc tendit ut homo, quantum potest, Deo recompenset, totaliter animam ei subiiciens".
- <sup>8</sup> The now customary classification of law as private law, public law, commercial law, criminal law etc. comes in under the division mentioned by Aquinas.
- <sup>9</sup> Thomas opposes Gratian's religious interpretation of natural rights as that which "in lege et evangelio continetur" (Gratian, *Decretalia*, D. 1). At the same time he rejects the positivist view.
- <sup>10</sup> E.g. when because of physical or mental insufficiencies a person is placed under guardianship and can no longer freely dispose of his belongings.
- <sup>11</sup> *E.N.* V, c. 7, 1134<sup>b</sup>18.
- <sup>12</sup> To pay for abortions out of public funds, for example, is contrary to the natural law.
- <sup>13</sup> Art. 2 ad 2: "Si aliquid de se repugnantiam habeat ad ius naturale, non potest voluntate humana fieri iustum".
- <sup>14</sup> Art. 2 ad 2: "Voluntas humana ex communi conducto potest aliquid facere iustum in his quae secundum se non habent aliquam repugnantiam ad naturalem iustitiam".
- <sup>15</sup> *E.N.*, V, c. 7, 1134<sup>b</sup>18.
- <sup>16</sup> "... quod omnibus animalibus commune est".
- <sup>17</sup> Gaius, *Digesta*, I, i, leg 9: "Quod naturalis ratio inter omnes homines constituit, id apud omnes gentes custoditur, vocaturque ius gentium". See above, Chapter IX, q. 94, article 4.
- <sup>18</sup> "Considerare autem aliquid comparando ad id quod ex ipso sequitur est proprium rationis.
- <sup>19</sup> With this remark Thomas deviates somewhat from Aristotle who in *Politics* II, c. 5, seems to connect the right of private ownership more closely with natural law. In his *De officiis* I, 7, 21 Cicero writes "Sunt autem privata nulla natura, sed aut vetere occupatione, ut qui in vacua venerunt, aut victoria, ut qui bello potiti sunt, aut lege, pactione, condicione, sorte". See A.F. Utz, *Thomas von Aquin. Recht und Gerechtigkeit. Deutsche Thomasausgabe*, vol. 18<sup>bis</sup>, pp. 351-400.
- <sup>20</sup> Art. 3 ad 2. Aquinas states explicitly that this situation of subservience must be to the advantage of the weaker persons ("in quantum utile est huic quod regatur a sapientior et illi quod ab hoc iuvetur"). The advantage to the weaker person has precedence over the use the higher placed person derives from it.
- <sup>21</sup> "Necesse est quod aletas ista quam requirit iustitia, sit diversorum agere potentium".
- <sup>22</sup> "Et ideo patris ad filium non est comparatio sicut ad simpliciter alterum et propter hoc non est ibi simpliciter iustum, sed quoddam iustum, scilicet paternum". Some see in this position a relic of Aristotelian thought and of the Roman view of the rights of the *pater*

*familias*. See Utz, *o.c.*, 298.

<sup>23</sup> Animals are not legal persons, although man, from his side, has the obligation to treat them reasonably.

<sup>24</sup> I, 1, tit, 1, leg 10.

<sup>25</sup> *E.N. V*, c. 5, 1134<sup>a</sup>1.

<sup>26</sup> Cf. the adagium "actiones sunt suppositorum".

<sup>27</sup> Compare II-II 122, 1: "Utrum praecepta decalogi sint praecepta iustitiae".

<sup>28</sup> If one objects that not only justice but also certain passions are directed to other persons, the answer is that not so much the passions themselves as their effects are directed to others.

<sup>29</sup> Cicero, *De officiis*, I, c.7: "In iustitia virtutis splendor est maxima, ex qua boni viri nominantur".

<sup>30</sup> From the Christian and human point of view (which is that of St. Thomas) being unjust to others is against love (*caritas*).

<sup>31</sup> *E.N. V*, c. 4, 1132<sup>a</sup>20.

<sup>32</sup> The Latin term *iudicium* is also used - as in English - to denote any judgment of the intellect.

<sup>33</sup> The *in dubio pro reo*, since time immemorial a principle in English justice, has been widened in its application by the treaty of Rome (1950) to the assumption of innocence (art. 6, 2).

<sup>34</sup> "... in meliorem partem interpretando quod dubium est".

<sup>35</sup> *E.N. V*, c. 14, 1137<sup>a</sup>31 ff. Aristotle refers to a correcting of what according to the letter of the law is just. If the law is not clear, the verdict of the judge must remain within the framework of the law. If certain texts are at variance with one another, his verdict must be in agreement with the principles of the law.

<sup>36</sup> Aquinas writes that whatever one possesses must be to the advantage of the owner (*omnia enim quae possidentur sub ratione utilis cadunt*). For this reason one may postpone the restitution of a weapon to its owner who at this moment might harm himself or others with it..

<sup>37</sup> Cf. the axiom of Roman law: *poena debet commensurari delicto*.

<sup>38</sup> Cf. I-II 87, 3 ad 1.

<sup>39</sup> Ad 3: "Transitus de hac vita ad aliam felicioram non subiacet libero arbitrio hominis, sed potestati divinae".

<sup>40</sup> "Vita autem iustorum est conservativa et promotiva boni communis quia ipsi sunt principalior pars multitudinis".

<sup>41</sup> See above I-II 72, 1.

<sup>42</sup> I.e. in the order of final causes.

<sup>43</sup> See C.B. MacPherson, *The Political Theory of Possessive Individualism*, Oxford 1962.

<sup>44</sup> Cf. a. 7: "Res quas aliqui superabundanter habent, ex naturali iure debentur pauperum sustentationi".

<sup>45</sup> "Si passim homines sibi invicem furarentur, periret humana societas".

<sup>46</sup> Thomas weakens Augustine's words who says that what people have in abundance belongs to the poor.

<sup>47</sup> If there is a doubt he must examine the accusations critically, but "si eas non possit de iure repellere debet... eas in iudicando sequi".

<sup>48</sup> *E.N.*, V, c. 4, 1132<sup>a</sup>20.

<sup>49</sup> "Si crimen fuerit tale quod vergat in detrimentum reipublics, tenetur homo ad

- accusationem... "
- <sup>50</sup> "Multi eadem verba audientes, si interrogentur, non referrent ea similiter, etiam post modicum tempus".
- <sup>51</sup> "Unde iustum est ut ille, qui per accusationem aliquem in periculum gravis poenæ induit, ipse etiam similem poenam patiatur"
- <sup>52</sup> "Et ideo, sicut licet resistere latronibus, ita licet resistere in talibus casibus malis principibus".
- <sup>53</sup> "Quia facilius debet esse iudex ad absolvendum quam ad condemnandum".
- <sup>54</sup> "Nullus enim sufficit omnibus indigentibus misericordiae opus impendere".
- <sup>55</sup> Art. 3, ad 1: "Quamvis enim laudabilis videatur quantum ad peritiam artis, tamen peccat quantum ad iniustitiam voluntatis, quia abutitur arte ad malum". But in a just cause he may hide material that could be damaging to his client..
- <sup>56</sup> A physician, in contrast, may continue his efforts in favor of a sick person whose situation is hopeless, since he does not cause harm to anyone.
- <sup>57</sup> Thomas distinguishes between honor and one's good name (*fama*). The latter term denotes the reputation a person has in the place where he is living while honor signifies the dignity one has and ascribes to oneself.
- <sup>58</sup> "Dare alicui occasionem periculi vel damni semper est illicitum".
- <sup>59</sup> *Politics*, I, c.3, 1257<sup>a</sup>9.
- <sup>60</sup> *De officiis* I,42, 140.
- <sup>61</sup> Aquinas speaks of "secundum diversitatem loci et temporis".
- <sup>62</sup> *E.N. V*, c. 5, 1133<sup>a</sup>29 and *Politica* I, c. 3. 1257<sup>a</sup>6.
- <sup>63</sup> D 5: "Exigit pretium eius quod non est".
- <sup>64</sup> For a more detailed discussion of the licitness of interest on loans see A.F. Utz, *op. cit.*, p. 432 ff.; *La Somme théologique des jeunes. La justice*, 3, p. 338 and the literature mentioned.
- <sup>65</sup> In art. 3 ad 2 Thomas refers to the rule that positive commandments are not always obligatory ('non obligant ad semper sed ad tempus') while negative commandments oblige always.
- <sup>66</sup> The account Aquinas gives presupposes the conclusions reached in metaphysics about God and creation.
- <sup>67</sup> This is the work of the theological virtues, faith, hope and love.
- <sup>68</sup> Art. 5: "Deus non comparatur ad virtutem religionis sicut materia vel obiectum sed sicut finis".
- <sup>69</sup> This is a central thesis of the metaphysics of Aquinas: our natural knowledge of God is exclusively acquired from what our senses let us know about the world.
- <sup>70</sup> Art. 1: "Quando sibi indebito modo usurpat prænuntiationem futurorum eventuum".
- <sup>71</sup> Art. 2: "Ubi cumque invenitur specialis ratio deformitatis, ibi necesse est quod sit speciale peccatum".
- <sup>72</sup> Thomas points out the difference between justice as directed to society and piety. Justice aims at the common good, the second at one's country inasmuch as one owes, in a sense, one's existence and culture to it.
- <sup>73</sup> Art. 1: "... pater est principium et generationis et educationis et disciplinæ et omnium quæ ad perfectionem humanæ vitæ pertinent".
- <sup>74</sup> "Quia ex hoc quod testificamur de bonitate alicuius, clarescit eius bonitas in notitia plurimorum".
- <sup>75</sup> "Quia omnes homines natura sunt pares".

- <sup>76</sup> "Per fidem Christi non tollitur ordo iustitiæ sed magis firmatur".
- <sup>77</sup> The explanation is that every agent directs what he effects to the end he seeks to attain.
- <sup>78</sup> In his answer St. Thomas quotes the maxim of the Gospel not to render evil for evil.
- <sup>79</sup> Art. 2: "Ad quamlibet inclinationem naturalem determinatam ordinatur aliqua specialis virtus".
- <sup>80</sup> "Non autem possunt homines ad invicem convivere nisi sibi invicem crederent tanquam sibi invicem veritatem manifestantibus".
- <sup>81</sup> "Non enim hæc virtus attendit debitum legale, quod attendit iustitia, sed potius debitum morale, in quantum scilicet ex honestate unus homo alteri debet veritatis manifestationem".
- <sup>82</sup> Witnesses who had personally known St. Thomas declared that his face always had a kind expression.
- <sup>83</sup> He probably means that an enemy out on conquest deserves to be punished so as to show that, in the long run, unjust actions are not advantageous. Connected to this point is the question whether a state or an alliance of states has the duty to oppose an enormous injustice, such as genocide, committed in a different country, although there is no immediate danger for oneself.
- <sup>84</sup> Cf. II-II 32, 5: "Actiones quae transeunt in exteriorem materiam magis sunt actiones et perfectiones materiae transmutatae".
- <sup>85</sup> See B. Lakebrink, *Studien zur Metaphysik Hegels*, Freiburg i.Br. 1969, 120 ff.; 128.
- <sup>86</sup> *De officiis* I, 42: "Illiberales et sordidi quaestus mercenariorum omnium quorum opera, non quorum artes emuntur".
- <sup>87</sup> *Q. d. de potentia*, q. 3, a. 4 ad 16.
- <sup>88</sup> *Quodl. VII*, q. 7 ad 17: "Sicut autem ex ipsa dispositione corporis patet, homo naturalem ordinem habet ad opus manuale propter quod dicitur *Job* 5, 7: "Homo ad laborem nascitur sicut avis ad volandum"."
- <sup>89</sup> Cf. *Summa contra gentiles* II, c. 1: "(operatio intellectus praecedit). Quod quidem in rebus humanis manifeste apparet: consideratio enim et voluntas artificis est et ratio aedificationis". Cf. L. Elders, "Vida activa y vida contemplativa según santo Tomás de Aquino", in *El Cristiano en el mundo*, Pamplona 2003, 429 - 442.
- <sup>90</sup> II-II 182, 1: "Secundum quid tamen et in casu est magis eligenda vita activa propter necessitatem praesentis vitae".
- <sup>91</sup> II-II 182, 3.
- <sup>92</sup> II-II 187, 3: "Secundo ordinatur ad otium tollendum ex quo multa mala oriuntur".
- <sup>93</sup> *Quodl. VII*, q. 7, a. 1: "Nec solum in praecepto legis positivae, sed etiam iuris naturalis. Illa enim sunt de iure naturali ad quae homo ex suis naturalibus inclinatur".
- <sup>94</sup> II-II 187, 3: "... per opus manuum omnis operatio intelligitur de qua aliquis victum licite potest lucrari".
- <sup>95</sup> Cf. Sylvester M. Killeen, *The Philosophy of Labor according to St. Thomas Aquinas*, Washington D.C. 1939.
- <sup>96</sup> II-II 187, 4.
- <sup>97</sup> cf. *In I Cor.* 3, lesson 2: "Ubi potior est labor, ibi sit potior merces".
- <sup>98</sup> II-II 168, 2.
- <sup>99</sup> II-II 142, 1 ad 2.