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Summa Theologiae (Aquinas; excerpts)

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(Excerpts)

By Thomas Aquinas

[Aquinas, Thomas. *The Summa Theologica*. Translated by the Fathers of the English Dominican Province. Second and Revised Edition. 1920. Revised slightly by Thomas Pangle. 2011. Excerpts from the Treatise on Law and the Treatise on Justice.]

The Treatise on Law (In the First Part of the Second Part)

Ques. 90, art. 3

Reply OBJ 2: A private person cannot lead another to virtue efficaciously: for he can only advise, and if his advice be not taken, it has no coercive power, such as the law should have, in order to prove an efficacious inducement to virtue, as the Philosopher says (Ethic. x, 9). But this coercive power is vested in the whole people or in some public personage, to whom it belongs to inflict penalties, as we shall state further on (Q92, A2, ad 3; SS, Q64, A3).

Ques. 92, art. 1

Virtue is twofold, as explained above (Q63, A2), viz. acquired and infused. Now the fact of being accustomed to an action contributes to both, but in different ways; for it causes the acquired virtue; while it disposes to infused virtue, and preserves and fosters it when it already exists. And since law is given for the purpose of directing human acts; as far as human acts conduce to virtue, so far does law make men good. Wherefore the Philosopher says in the second book of the Politics (Ethics ii) that "lawgivers make men good by habituating them to good works." . . . Since then every man is a part of the state, it is impossible that a man be good, unless he be well proportionate to the common good: nor can the whole be well consistent unless its parts be proportionate to it. Consequently the common good of the state cannot flourish, unless the citizens be virtuous, at least those whose business it is to govern. But it is enough for the good of the community, that the other citizens be so far virtuous that they obey the commands of their rulers. Hence the Philosopher says (Politics ii, 2) that "the virtue of a sovereign is the same as that of a good man, but the virtue of any common citizen is not the same as that of a good man."

Ques. 92, art. 2

Reply OBJ 4: From becoming accustomed to avoid evil and fulfill what is good, through fear of punishment, one is sometimes led on to do so likewise, with delight and of one's own accord. Accordingly, law, even by punishing, leads men on to being good.

Ques. 95, art. 1

. . . the perfection of virtue consists chiefly in withdrawing man from undue pleasures, to which above

all man is inclined, and especially the young, who are more capable of being trained. Consequently a man needs to receive this training from another, whereby to arrive at the perfection of virtue. . . . Now this kind of training, which compels through fear of punishment, is the discipline of laws. Therefore in order that man might have peace and virtue, it was necessary for laws to be framed.

Ques 100, art. 8

Precepts admit of dispensation, when there occurs a particular case in which, if the letter of the law be observed, the intention of the lawgiver is frustrated. Now the intention of every lawgiver is directed first and chiefly to the common good; secondly, to the order of justice and virtue, whereby the common good is preserved and attained. If therefore there be any precepts which contain the very preservation of the common good, or the very order of justice and virtue, such precepts contain the intention of the lawgiver, and therefore are indispensable. . . . But if other precepts were enacted, subordinate to the above, and determining certain special modes of procedure, these latter precepts would admit of dispensation, in so far as the omission of these precepts in certain cases would not be prejudicial to the former precepts which contain the intention of the lawgiver. . . .

Now the precepts of the decalogue contain the very intention of the lawgiver, who is God. For the precepts of the first table, which direct us to God, contain the very order to the common and final good, which is God; while the precepts of the second table contain the order of justice to be observed among men, that nothing undue be done to anyone, and that each one be given his due; for it is in this sense that we are to take the precepts of the decalogue. Consequently the precepts of the decalogue admit of no dispensation whatever.

The Treatise on Justice (Second Part of the Second Part)

Ques. 78, arts. 1 and 2

To take interest for money lent is unjust in itself, because this is to sell what does not exist, and this evidently leads to inequality which is contrary to justice. . . . money, according to the Philosopher (Ethic. v, 5; Polit. i, 3) was invented chiefly for the purpose of exchange: and consequently the proper and principal use of money is its consumption or alienation whereby it is sunk in exchange. Hence it is by its very nature unlawful to take payment for the use of money lent . . .. The Jews were forbidden to take interest from their brethren, i.e. from other Jews. By this we are given to understand that to take interest from any man is evil simply, because we ought to treat every man as our neighbor and brother, especially in the state of the Gospel, whereto all are called. Hence it is said without any distinction in Ps. 14:5: "He that hath not put out his money to interest," and (Ezech. 18:8): “Who hath not taken interest.” . . . Moreover the Philosopher, led by natural reason, says (Polit. i, 3) that “to make money by interest is exceedingly unnatural.” . . . it is a sin against justice, to take money, by tacit or express agreement, in return for lending money or anything else that is consumed by being used . . .

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