As Grisez has recently argued, in his philosophical theology of politics:

Even though a political society cannot flourish without virtuous citizens, it plainly cannot be government’s proper end directly to promote virtue in general, since not all justice and neighborliness are included in political society’s common good. Moreover, both the limits of political society’s common good and its instrumentality in relation to the good of citizens as individuals and as members of nonpolitical communities set analogous limits on the extent to which government can rightly concern itself with other aspects of morality, especially insofar as they concern the interior acts and affections of hearts rather than the outward behavior which directly affects other people.

In a footnote to this text, following a reference to Aquinas’s *Summa Theologiae* (II-II. q.104 a.5) and *De Regno* (15), Grisez adds, however, that both Aristotle and Thomas

... hold that the general promotion of virtue and suppression of vice should be the main component of the common good of political society; in this, they overlook limits on the competence of the state which have been clarified by recent Church teaching regarding the instrumental character of political society’s common good, the principle of subsidiarity ... and religious liberty.[1]

But Aquinas, as I will argue, not only gives substantial support to the positions asserted in Grisez’s text, but rejects the position attributed in the text’s footnote to Aristotle’s *Ethics* (10.9.1179a-1180b28) and Aquinas’s own *De Regno* (15 or 2.4).[2]
Grisez’s powerful treatment of patriotism, politics, and citizenship distinguishes nation from state or political society/community, state from government (the political community’s apparatus for making and implementing decisions),[3] and government from regime (the particular set of people holding governmental office).[4] Aquinas, though aware of these distinctions, is not generally concerned to differentiate between nation and state, or between the state’s structure of governing offices and the particular rulers or regime of office-holders.[5] Still, Grisez’s terminology corresponds with Aquinas’s in its central usage: civitas and synonymously communitas politica[6] or communitas civilis.[7] in Aquinas, can usually be translated by “a state,” “states,” or “the state,” though never in Maritain’s sense (“the State” as government, organs of government, or subject of public law), but as signifying the whole large society which is organized politically by the sorts of institutions, arrangements, and practices commonly and reasonably called “government” and “law.”[8]

Aquinas’s treatise on law (S.T. I-II, qq. 90–108) is the context for his most important treatment of political matters. It is shaped by a methodological decision and a theoretical thesis. The thesis is that law exists, locally or centrally, only in complete communities, perfectae communitates. The methodological decision is to set aside all questions about which sorts of multifamily community are “complete,” and to consider a type, usually named civitas, whose completeness is simply posited.

The decision has important consequences. Aquinas is well aware that in his own world, though there are some city-states (civitates), there are also many cities which do not pretend to be complete communities but exist (perhaps established rather like castles to adorn a kingdom) as parts of a realm;[9] and civitates, kingdoms, and realms may be politically organized in sets,[10] perhaps as “provinces” (of which he often speaks) or empires (about which he discretely remains almost wholly silent). He is well aware of the idea, and the reality, of peoples (gentes; populi) and nations (nationes)[11] and regions (regiones). His methodological decision allows him to abstract from all this.[12] It also allows him to abstract from a number of deep and puzzling questions: how—and indeed by what right—any particular civitas comes into being (and passes away); how far the civitas should coincide with unities of origin or culture; and whether and what intermediate constitutional forms there are, such as federations or international organizations. Liberated from such questions, Aquinas will consider the civitas rather as if it were, and were to be, the only political community in the world and its people the only people.[13] All issues of extension—of origins, membership, and boundaries, or amalgamations and dissolutions—are thereby set aside.[14] The issues will all be, so to speak, intensional: the proper functions and modes and limits of government, authorititative direction, and obligatory compliance in a community whose “completeness” is presupposed.

Can a state’s common good, being the good of a complete community, be anything less than the complete good, the fulfillment—beatitudo imperfecta if not perfecta[15]—of its citizens? That is the question with which this essay is concerned; it will be answered with a distinction: yes, and no. At the outset, however, it is sufficient to note that the question seems equivalent to another: What type of direction can properly be given by governments and law? The questions seem to be equivalent, in Aquinas, because he has stipulated that a state is a complete community,[16] and has given complete community a purely formal description:[17] a community so organized that its government and law give all the direction that properly can be given by human government and coercive law to promote and protect the common good, that is, the good of the community and thus[18] of all its members and other proper elements.
complete virtue) of each of its citizens, and that government and law should therefore promote that fulfillment. Of course, Aquinas teaches the unwisdom of legislating against every act of vice,[19] and the need to proceed gradually in inculcating virtue by law,[20] not attempting the impossible.[21] But it is easy to read him as holding that such legislation, though unwise, is not *ultra vires*—does not reach beyond the state’s common good or the purpose, functions, and jurisdiction of state government and law.

This reading could begin with Aristotle’s critique of the Sophists social-contract or mutual-insurance theory of the state. The law “should be such as will make the citizens good and just,”[22] since “a *polis* is a community (partnership, *communicatio*, *koinionia*) of (clans and) neighborhoods in living well, with the object of a complete and self-sufficient (*autarkous*) life ..., it must therefore be for the sake of truly good (kalon) actions, not of merely living together.”[23] Surely, one may ask, Aquinas didn’t dissent from Aristotle here? Doesn’t the *Summa Theologiae* reaffirm Aristotle’s teaching that our need for state law is primarily to ensure effective promotion of virtue, by way of laws enforced with penal sanctions, where parental capacity runs out?[24] For surely parents rightly to educate their children into complete, all-round virtue and fulfillment? Doubtless, parents will exceed their authority if they try to reinforce their education with coercive measures of the kind the state can use.[25] But in all other respects, surely state law holds the same place in the state as parental precepts hold in the family.[26] precisely because it has the same purpose and jurisdiction of promoting fulfillment and therefore inculcating virtue, without restrictions of goal?

Plausible as it is, as a first reading of many passages, this interpretation of Aquinas must be rejected. No passage requires to be read in way, and it is inconsistent with a number of clear passages in mature texts.

Clearest, perhaps, are the passages in which Aquinas argues “the purpose (finis) of human law and the purpose of divine law are different.”[27]

For *human law’s purpose is the temporal tranquility of the state* (temporalis tranquillitas civitatis), a purpose which the law attains by coercively *prohibiting external acts* (cohibendo exteriores actus) to the extent that those are evils *which can disturb the state’s peaceful condition* (quantum ad illa mala quae possunt perturbare pacificum statum civitatis).[28]

In other words, divine and civil government, in Aquinas’s view, differ in method—the latter’s prohibitions, unlike the former’s, being restricted to external acts—because they differ in purpose. This double difference is insisted upon repeatedly:

The form of community (modus communitatis) to which human law is directed (ordinatur) is different from the form of community to which divine law is directed. For human law is directed to *civil community*, which is a matter of people *relating to one another* (quae est hominum ad invicem).[29] But people are related to one another (ordinantur ad invicem) by the *external* acts in which people communicate and deal (communicant) with each other. But this sort of communicating/dealing (communicatio) is a matter of *justice* (pertinet ad rationem iustitiae), which is properly directive in and of human community (directiva communitatis humanae). *So human law does not put forward precepts about anything other than acts of justice* [and injustice] (non proponit praecepta nisi de actibus iustitiae).[30] if it prescribes acts of other virtues, this is only because and insofar as they take on the character of justice (assumptum rationem iustitiae).[31]

Aquinas’s point in the last sentence is: derelictions of duty by soldiers, police, and emergency service personnel can readily be caused by want of courage; the injustices of adultery, child abuse, or other sexual assaults typically arise from lack of sexual self-control; and so forth; so the law can rightly require choices characteristic of other virtues besides justice. But the law of the state cannot rightly regulate the full range of choices required by practical reasonableness.[32]

Types of virtue are distinguished by their objects, and each virtue’s object can be related either to
someone’s private good or to the common good of the group. Take courage, for example: one can act out of courage either to save the state or to preserve the rights (ius) of one’s friend. But law is for the common good. So, although there is no [type of] virtue the acts of which cannot be prescribed by law, human law does not make prescriptions about all the acts of all the virtues, but only about those acts which are relatable (ordinabiles) to the common good, whether immediately (as when things are done directly for the common good) or mediately (as when things are regulated [ordinantur] by the legislator as being relevant to the good education [pertinientia ad bonam disciplinam] by which citizens are brought up to preserve the common good of justice and peace).[33]

In this passage Aquinas clearly affirms that within a state there are “private goods” (of individuals and small groups, e.g., of friends) whose good (e.g., whose right) is not part of the common good specific to the state— is not, I shall say, part of the specifically political common good.

That is only one of the ways in which Aquinas makes plain his view that, notwithstanding the “completeness” of political communities, their specific common good is limited. Another important limitation can be indicated without taking up the question of religious liberty. The specifically political common good does not include the common good of another community in which the state’s members will do well to participate, the community—also perfecta[34]—of the Church. Moreover, the common good of the political community does not, as such, include certain important human goods which essentially pertain to individuals in themselves, such as the good of religious faith and worship; the fact that such individual goods are goods for many people, or for everyone, does not convert them into the good of community:

In human affairs there is a certain [type of] common good, the good of the civitas or people (gentis). ... There is also a [type of] human good which— [though it] benefits not merely one person alone but many people does not consist in community but pertains to one [as an individual] in oneself (humanum bonum quod non in communitate consistit sed ad unum aliquem pertinet secundum seipsum), e.g., the things which everyone ought to believe and practice, such as matters of faith and divine worship, and other things of that sort.[35]

Aquinas’s clearest name for this limited common good, specific to the political community, is public good (bonum publicum). It is distinct from the private good of individuals and the private common good of families and households, even though the political community (in Aquinas’s most usual account) is comprised precisely of individuals and families. As the public good, the elements of the specifically political common good are not all-round virtue but goods (and virtues) which are intrinsically inter-personal, other-directed (ad alterum),[36] person to person (hominum ad adinvecem):[37] justice and peace.[38]

“Peace,” of course, should not be understood thinly. In its fullest sense, peace (pax), involves not only concord (absence of dissension, especially on fundamentals) and willing agreement between one person or group and another, but also harmony (unio) among each individual’s own desires.[39] And Aquinas will make related observations: “the principal intention of human law is to secure friendship between people (ut faciat amicitiam hominum ad invicem),”[40] and efforts to maintain peace by laying down precepts of justice will be insufficient without foundations in mutual friendship or love (dilectio).[41] But in the context of the passages about public good, it is clear that “peace” refers directly only to (1) absence of words and deeds immorally opposed to peace, such as disorderly contentiousness,[42] quarrelsome fighting,[43] sedition,[44] or war:[45] (2) concord, that is, the “tranquillity of order”[46] between persons and groups which is made possible by love of neighbor as oneself,[47] along with the avoidance of collisions (e.g., in road traffic) and dissensions such as can occur without personal fault; and perhaps also (3) a sufficiency of at least the necessities of life.[48] In short, it is the peaceful condition needed to get the benefit(s) (utilitas) of social life and avoid the burdens of contention.[49] It is a peace that falls short of the complete justice which true virtue requires of each of us; so legislatures can reasonably, in the interests of peace, provide that adverse possession for a length of time gives a good title even to squatters who took possession in bad faith—but a squatter who acted in bad faith never becomes morally entitled, in good conscience, to rely on this title.[50]
Even when all that is taken into account, Aquinas’s position remains firmly outlined: vices of disposition and conduct that have no real relationship, direct or indirect, to justice and peace are not the concern of state government or law.\[51\] The position is not readily distinguishable from the “grand simple principle” (itself open to interpretation and diverse applications) of John Stuart Mill’s *On Liberty*.

### III

But can this reading of Aquinas be reconciled with his treatment of the question in *De Regno*,\[52\] or with his frequent assertion that inculcating virtue is a primary and proper rationale of law and state, with the “completeness” of the political community, and with the primacy of *poli*ca among the parts of *moralis philosophia*?

The *De Regno*, an openly theological little treatise written in a style unlike Aquinas’s academic works in philosophy and theology,\[53\] but very probably authentic,\[54\] includes some main elements of Aristotle’s position that states are appropriately organized, and legally regulated, with a view to making their citizens truly good. Early in the *De Regno*’s exposition of the common good, or ultimate end, for which a king is responsible, we hear unmistakable echoes of *Politics* III.5 on the object of the *polis*, echoes inflected by the Christian understanding of history’s point. Civil society (congregatio civilis) is gathered together not simply to live but to live well (ad bene vivendum) and in *virtue* (vivere secundum virtutem); its ultimate end and good—*beatitudo perfecta*, as Aquinas elsewhere calls it[55]—is beyond the reach of human virtue but attainable by divine power (virtus). Since reaching this most ultimate end is the subject matter of a set of governing arrangements (regimen) not human but divine,[56] kings must regard themselves as subjects to that divine *regimen*—a *regimen* administered by priests\[57\] concerned with spiritual (spiritualia) not earthly or temporal matters (terrena; temporalia bona).\[58\] That being said, “it belongs to the authority and responsibility (officium) of a king to promote (procurare) the good life of the group in such a way that it is in line with the pursuit of heavenly fulfillment (congruit ad celestem beatitudinem consequendam); so the king may *prescribe* (praecipiat) whatever things lead to such fulfillment and forbid, as far as possible, the contraries of those things.”[59] And Aquinas’s advice on this question concludes:

Therefore a threefold responsibility (cura) lies on the king, [i] First, in relation to the replacement of those who hold various offices: just as divine rule preserves the integrity of the universe by arranging that corruptible, transient things are replaced by new ones generated to take their place, so the king should be concerned to preserve the good of the group subject to him (subiectae multitudinis) by conscientiously arranging how new officials are to succeed those who fail or drop out. [ii] Second, *by his laws and decrees punishments and rewards, the king is to restrain his subjects from immorality and lead them to virtuous action* (ab iniquitate coercet, et ad opera virtuosa inducat), thereby following the example of God, who gave us law and who requites with reward those who follow and with punishments those who violate it. [iii] Third, the king is responsible for keeping the group subject to him safe against enemies; there would be no point in avoiding internal dangers, if the group were defenseless against external dangers.[60]

Don’t the statements here italicized clearly propose an ambitious purpose for state rule, and acknowledge no limit on the inherent scope of that purpose?

No. The immediate context of each of the passages quoted shows that Aquinas has several restrictions in mind. Take first the passage about the king’s triple responsibilities, (i) supervising succession of offices, (ii) restraining immorality and leading subjects to virtue, and (iii) defense. As its opening “therefore” signals, it is the conclusion of a wider argument. That argument develops a careful parallel between what is needed for an individual’s good life and what is needed for a community’s. What an
individual’s good life (bona unius hominis vita) requires, above all, is virtue-in-action (operatio secundum virtutem); secondary and quasi-instrumental requirements are the bodily goods necessary for action. So too, a group’s good life requires that the group act well. But there is precondition for acting well: the unity of the acting being’s parts. In individual human beings, this precondition is secured by nature. But in communities the needed unity of life, the unity called “peace” (pax), has been procured by government (per regentis industriam). So the community counterparts to individual virtue-in-action as primary element in an individual’s good life are (i) the constituting of the community in the unity of peace, and (ii) the directing of the peacefully united group toward well-doing (ad bene agendum). The king’s next (consequens) problem is to maintain and preserve these two primary elements of the group’s good life.

At precisely this point, Aquinas shifts from group “good life” (bona vita in multitudine constituta) to “public good” (bonum publicum), treating them as synonymous. The De Regno’s treatment of our questions will be misunderstood unless one notices the effortlessness of this shift, and the synonymity and equivalence thus signalled.

There are, Aquinas is saying, three things incompatible with lasting public good, with that group good life whose primary elements are peace and acting well (tria quibus bonum publicum permanere non sinitur). And the triple responsibility (cura) whose second element—“restraining subjects from immorality and leading them to virtuous action”—is our present concern, is simply the appropriate response to these three “things incompatible with lasting public good.” The first thing is unsuitable public officials; the third is the incursions of enemies. The second, which, like the first, is “an internal impediment to preserving the public good, is perversity of people’s wills—their laziness in doing what the public weal requires (ad ea peragenda quae requirit res publica), or again their harmfulness to the group’s peace, their disturbance of others’ peace by their violations of justice.” So the second concern or responsibility (cura) of rulers, a responsibility proposed by Aquinas precisely as the appropriate response to these just-mentioned “things incompatible with lasting public good,” is not: to lead people to the fullness of virtue by coercively restraining them from every immorality. It is no more than: to lead people to those virtuous actions which are required if the public weal is not to be neglected, and to uphold peace against unjust violations.

What about the passage stating that rulers have the duty to promote heavenly fulfillment? This, too, should be taken to assert much less than appears on a first, noncontextual glance. For it too rests on the distinction between individual and group “good life.” Promoting the group’s good life is the king’s concern. But Aquinas never supposes that such groups can attain perfect, that is, heavenly fulfillment. What he says here is this: the group’s—the political community’s—good life is to be in line with (congruit) the “pursuing of heavenly fulfillment (coelestem beatitudinem)”; by promoting group good life in that way, rulers are like sword-smiths or house builders, whose role is to make an instrument suitable for others to put to their own good purposes. Thus the good life for which rulers are responsible is a public good, the justice and peace (rooted in citizens’ characters rather than merely in fear of royal troops and judges) that in turn facilitate the domestically and ecclesiastically fostered individual virtue which is the human contribution to perfect beatitudo. The statement that rulers are to “prescribe those things that lead to [perfect] fulfillment (and “to forbid their contraries so far as is possible”) must be read as asserting a responsibility and authority no wider than the responsibility and authority for which Aquinas argues in the complex and carefully thought-out paragraphs by which the statement is flanked. And those paragraphs, as is now clear, deny rather than assert that a ruler should impose on individuals a legal duty to pursue their ultimate happiness or to abstain from choices which block that ultimate happiness without violating peace and justice. That denial will, as we have seen, be made much firmer and more explicit by the Summa Theologiae’s repeated differentiation of scope between divine governance and human governments’ limited responsibility for their subjects’ virtue.
Still, how should one understand those many texts throughout Aquinas’s work which flatly say that law and state have among their essential purposes and characteristics the inculcation of virtue by coercively requiring (within the limits of practicability) abstention from acts of vice?

The answer seems to be this. Human law must inculcate virtues because it will only work well as a guarantor of justice and peace if its subjects internalize its norms and requirements and—more important—adopt its purpose of promoting and preserving justice. The public good cannot be well preserved if people are untrustworthy, vengeful, willing to evade their taxes and other civic duties, biased in jury service, and so forth. So the preservation of public good needs people to have the virtue, the inner dispositions, of justice.

This objective of inculcating virtue for the sake of peace and just conduct is coherent with Aquinas’s constant teaching that government or law, while rightly demanding of subjects that they do what is just and abstain from doing what is unjust, cannot rightly demand of them that they do so with a just mind and will, cannot require that they be just in the central, character-related sense of “be a just person.” For just acts and forbearances are distinctly less likely to be chosen in the absence of a just character (habitus). So it is a legitimate hope and important aim (finis) of government and law that citizens will come to have the virtue of justice and act out of that particular excellence of character.

And if that is a legitimate purpose, then it must be at least a legitimate interest of government that citizens have other virtues too. For there is no doubt that practical reasonableness is essentially all of a piece; those who violate or neglect its directiveness in “private” choices are thereby weakened in their rational motives for following its directiveness in “public,” other-affecting choices. Moreover, it seems clear that government and law—though Aquinas scarcely affirms this directly and clearly—can rightly, for reasons ultimately of justice and peace, require and enforce a public morality going wider than issues of justice and peace. For parents have a primary educative responsibility to their children, and this responsibility—which, unlike public authority, includes a responsibility not only for peace and justice but also for seeing to the all-round character of the children—may well be frustrated unless it is given some assistance and support by state government if only so that the educative responsibility of families to their children will not be frustrated. Those who corrupt children (e.g., drugs, sex, lying, greed, or sloth) do them a great injustice. So does anyone who neglects the child’s nutrition, nurture, and education; making provision for such matters therefore falls within the responsibility of government (ad eum qui regit rempublicam). But even in seeking to promote justice-related virtues by requiring patterns of conduct which should habituate its subjects to the acts of these virtues, the law cannot rightly require that people acquire, or be motivated by, these virtuous states of character or disposition. As Aquinas reiterates, the law’s requirements (though not its legitimate objectives) are exhausted by “external” compliance.

Aquinas’s thesis that state law is in these ways restricted in legitimate jurisdiction helps explain the disconcertingly formal character of his treatment of two questions to which he gives some prominence: whether law seeks to make its subjects good and whether a good citizen must be a good person. One expects something richer than Aquinas’s answers, which are (i) even wicked laws and rulers seek to make their subjects good (so that they be not merely obedient but readily obedient [bene obedientes] and thus good as subjects and relative to the purposes of that regime) and (ii) in bad states a good citizen need not be a good person (though in all states a ruler, to be a good ruler, should be a good person). These answers make reasonable sense if Aquinas is taking the usual question about law and virtue to be one about the conditions for securing justice and peace by sufficient coordination of social life through law. The nonformal, substantive question, whether the point of such coordination is to make people really good persons all-round, is simply not the issue in these passages.
and mutual-insurance conceptions of the state, a critique which the De Regno puts thus:

The ultimate purpose (ultimus finis) of a community (multitudo) gathered together (congregatae) is to live in accordance with virtue; for people gather together (congregantur) to live well, which someone living alone cannot attain; but good life is life in accordance with virtue, and so virtuous life is the purpose of human gathering-together (congregationis). ... The only people who counted as a community are those who, under the same laws and same governing arrangements (regimen), are directed toward living well (diriguntur ad bene vivendum).[76]

Are such statements about the purpose of political community (statements often paralleled in Aquinas’s other works)[77] really consistent with idea that governments’ or law-makers’ responsibility to promote virtue does not authorize them to require more than the actions and forbearances necessary, directly or indirectly, for maintaining public and interpersonal good? I shall argue that they are, and that Aquinas’s differentiation of three diverse kinds of practical reasonableness (prudentia), individual, domestic, and political, helps make clear his whole, complex thought about the state’s virtue-promoting responsibility and authority.

If one is a reasonable individual, one wants to “gather together” into political community, and is willing to direct oneself by laws, for the sake of the help this community, this congregatio can give one in one’s own unrestricted purposes: beatitudo at least imperfecta, involving “general justice” and love of God and neighbor as oneself. If one is a reasonable parent, one wants one’s family to participate in the political community so that the family may flourish in every practicable way and its members cooperate with a view to that same beatitudo. If one is a reasonable citizen voter or other participant in state government, one wants the law and the government to fulfill—that is, to act in a way that advances and do not fall short of—these purposes of individuals and families. Thus there is an important sense in which the common good of the political community is all-inclusive, nothing short of the beatitudo of its members and the fulfillment of their families. This all-inclusive common good of the state includes the all-round virtue of every member of the state.

But it simply does not follow that lawmakers and other participants in state government are responsible for directing and commanding all the choices that need to be made if this all-inclusive good is to be attained. It may well be that their responsibility is more limited, leaving families and individuals with a range of responsibilities that they must carry out within the requirements of justice and peace, but without the direction of government and law. If so, the goods that define the range of lawmakers’ and other rulers’ responsibility—say, the goods of peace and justice--can be called the common good of, specific to, the political community or state. This is the common good of, or specific to, a type of community which includes individuals and families, but whose successful organization, while assisting individuals and families to attain fulfillment, does not supersede their responsibility to make good choices and actions on the basis of their own deliberation and judgments. These choices and actions are “private”; the political community does not make, perform, or even stipulate them; they can be constitutive of beatitudo imperfecta more directly and immediately than any action by or on behalf of the political community can be (precisely as public, political action). There is, then, a specifically political common good whose content is understood in knowing what exactly the political community, organization, government, and law can properly contribute toward the beatitudo of the state’s members.

Accordingly, the reasonable pursuit of the “all-inclusive” common good is stratified into three distinct specializations of responsibility. Individual practical reasonableness (prudentia, without trace of selfishness), domestic practical reasonableness, and political practical reasonableness are three irreducibly distinct (diversi) species of prudentia.[78] three distinct “parts” of moral practical reasonableness.[79] Each of these species of prudentia, unlike military prudence,[80] is concerned not with some special project which can be finished off but with “the whole of life (tota vita).”[81] The specifically political prudentia which is paradigmatically and principally, though not exclusively, the viewpoint of legislators[82] neither absorbs the other two nor includes, directly, the whole of their content. Although rulers are in many respects in charge of their subjects, their direct concern as rulers
is only, as we have seen, the promotion of public good. Public good is a part or aspect of the all-inclusive common good, the part that provides an indispensable context and support for, and thus supplements, suberves, and supervises, those parts or aspects of the common good which are private (especially individual and familial good). And here we may add Aquinas's partial anticipation of the principle of subsidiarity: “it is contrary to the proper character of the state’s government (contra rationem gubernationis [civitatis]) to impede people from acting according to their responsibilities (officia)—except in emergencies.”[83]

Still, the justice and peace which rulers must maintain are for the sake of individual and familial well-being and cannot be identified and pursued without a sound conception of individual and domestic responsibilities.[84] The politica which is the highest (principalior, principalissia) practical knowledge[85] must be politica in the sense that it includes, along with the specifically political, the considerations called by Aquinas oecnomica and monostica—the last being the Ethics which precedes the Politics.[86] Because the prudentia of rulers must comprehend, though without replacing, the prudencia of individuals and families, it is the most complete (perfectissima),[87] and though people who are not good persons can be good citizens (qua subjects), they cannot be good rulers.[88] The immediate and direct measure of individual and parental responsibility remains the practical reasonableness of individuals and parents, respectively.

In sum: The common good attainable in political community is thus a complex good attainable only if the state's rulers, its families, and its individual citizens all perform their proper, specialized and stratific roles and responsibilities. This common good, which is in a sense the common good of the political community, is unlimited (the common good of the whole of human life). But there is also a common good which is “political” in the more specific sense that it is (i) the good of using government and law to assist individuals and families do well what they should be doing, together with (ii) the good(s) that sound action by and on behalf of the political community can add to the good attainable by individual and families as such (including the good of repelling and overcoming harms and deficiencies that individuals, families and other “private groupings cannot adequately handle). This, and only this, specifically political common good is what the state's rulers are responsible for securing and should, by legislation and lawful judicial and administrative actions, require their subjects to respect and support. This specifically political common good is limited and in a sense instrumental.[89] It is what Aquinas, as we have seen, calls public good.

VI

Aquinas's treatment can thus be understood as coherent. But there remains the challenge of principle. Are there good grounds for judging the the state's specific common good is this limited, public good of justice and peace? If a government or legislature should, as Aquinas certainly thinks, ascertain and adhere to the truth about human fulfillment and morality, why shouldn't it use its public powers, and law's coercive pedagogy, to require of all citizens the acts and forbearances which will advance their fulfillment and complete virtue? Aren't rulers obliged to do so by moralis philosophia's master principle, general justice or love of neighbor as oneself? Of course, if bad side-effects are too serious—if blowing one's nose too hard draws blood[90]—the effort should doubtless be made more gradual and perhaps indirect. But why judge the effort wrong in principle, an abuse of public power, ultra vires because it is directed to an end which state government and law do not truly have?

Aquinas's answers to such demands for justification are not as clear as we may wish. (When Kant and Mill announced positions similar to Aquinas's, their attempted justifications were at bottom, at least as sketchy.) Responding to the question whether there are limits (of subject matter) to what can be required of subjects by their rulers, Aquinas denies that human law and government can have some obligation-imposing authority over “matters which concern the inner life of the will (in his quae pertinent ad interiorem motum voluntatis).”[91] In such matters we are subject only to God.[92] Ground for this denial perhaps emerges in the next sentences, where Aquinas further denies that one can be morally
obliged to obey human rulers in relation to certain matters of actual bodily behavior, namely those which pertain to the nature of one’s body (ea quae pertinent ad naturam corporis).\[93\] In such matters, too, we are subject only to God—and this time a reason is assigned, the fundamental equality of human persons: “for we are all, by [or: in our] nature, on a par (quia omnes homines natura sunt pares).”\[94\] The matters thus outside state power include those (e.g., whether and whom to marry) which elsewhere he says are beyond the power of even the highest authority in a perfecta communita\[95\] because in them “one is so much a free and independent person (ita liber sui).”\[96\] And Aquinas mentions other such matters.\[97\]

Sometimes Aquinas identifies them compendiously as “matters that concern one’s person—one’s bodily self (ea quae pertinent ad suam personam).”\[98\] It is no coincidence that the status of freedom, self-possession, and equality—the metaphysical reality and normative entitlement which he is appealing to—is the status of persons.\[99\] This is the status which Aquinas seems to be taking for granted when he puts forward the arguments to which we now turn, arguments that concern the competence of government.

The first argument points to the inability of state rulers to succeed in supervising movements of the human spirit that are quite beyond their knowledge.\[100\] We can often reasonably judge the proximate intention with which someone is acting, but can rarely know the further and deeper intentions and dispositions with which that proximate intention was formed;\[101\] the lack of competence (capacity) is ground for denial of competence (jurisdiction, authority, right): God, not any human ruler, is the judge of secrets.\[102\] The rulers or directors of human communities, for example, a religious congregation or state, have absolutely\[103\] no right or authority to require anyone to disclose a secret sin which does not affect that community’s public well-being. Only the effect on public well-being is the concern of human judges. A secret immorality may have this effect either intrinsically (e.g., plotting to betray the state to its enemies)\[104\] or extrinsically, as when it has become a matter of public notoriety (infamia) or of formal and responsible accusations.\[105\] Only in cases thus stamped with a public character may a judge or other ruler override the legitimate privacy of wrongdoers or those who know their secrets, and require disclosure.

This line of thought assumes that judges and lawmakers appropriately have only limited responsibility and authority. This assumption is elaborated in a second argument, which develops more broadly the positions sketched in the preceding section, about the different viewpoint responsibilities, and strata of the common good. Fully developed, the argument would go well beyond this essay to consider Aquinas’s theory of moral limits (exceptionless moral norms, absolute human rights) and of property. But this argument can be suggested in outline, as it is in the remaining portion of this essay. It asks the questioner to go behind the proposition that states are complete communities, and to consider the grounds for that assertion, on the tacit assumption that the institutions which give this community its completeness—law and government—need justification in the face of the natural equality and freedom of persons, and need to show just why and when their authority overrides the responsibility of parents and the self-possession of free persons above the age of puberty.\[106\]

The state is not an organism, but an order of cooperative action for some purpose.\[108\] But what is that purpose, and why does it differ in kind from the purposes of other groups which might be constituted for far reaching economic, educational, or defensive purposes? What makes the political community “complete,” rather than merely higher on a scale of increasingly inclusive membership and extensive objectives?

Prior to or independent of any politically organized community there can exist individuals and families and indeed groups of neighboring families. Any such groups of families are contingent in their size, interactions, and common purposes and activities, if any. Families, in their central form, are not in that way contingent.
No doubt families are contingent in the sense that each is formed by free choices—in the central case, by the free choice of a man and woman to enter upon that sort of reproductive and educative partnership which is also the “closest form of friendship.”[109] But families are noncontingent in the sense that they directly instantiate a basic human good[110]—the good probably best described as marriage itself.”[111] And, for a lengthy period in the life of all human infants, families are the direct and practically indispensable means of instantiating the basic good of life and health and, almost as directly and indispensably, the goods of knowledge, friendship (societas), and practical reasonableness, at least in their beginnings. No one is born without a mother and a father; the nurture without which no one survives cannot be more perceptively, lovingly, and fittingly provided than by a virtuous and capable mother and father, this mother and this father.[112] Love of neighbor as oneself has its perhaps most immediate and far-reaching demands right here, in the nurture of children to the point where they become what the parents were when they made by free choice the commitment of marriage: truly self-standing, each a liber or libera sui, a dominus or domina sui actus.

Human beings are by nature more conjugal than political.”[113] The family, essentially husband, wife, and children, is antecedent to, and more necessary than political society (because oriented around [ordinatur ad] acts of procreation and nurture necessary for life itself).[114] The complementarity of man and woman in domestic life is the basis for an exclusive and fully committed friendship which (with good fortune) is not only useful and sexually enjoyable but also delightful simply as a friendship of virtue, a sharing of life and human goods (communicatio) which, Aquinas indicates, makes good sense even if children fail to be born or do not survive.[115] The life of the family and its household (domus) has such a far-reaching sufficiency of independent ends and such stability in patterns of effective means that it is the subject of a distinct discipline or practical science, oeconomica.

Aquinas knows that one can detach resource management from the household in order to make it simply the art of accumulating wealth on a scale as wide as the civitas, or wider.[116] He knows of economists who do this, “thinking that their function is the same as that of money-dealers (who seek cash [denarios] for its own sake), conserving and multiplying cash in infinitum.”[117] But in a reasonable conception of economics, accumulated money-wealth is merely instrumental to the good of persons—primarily and directly, of households.[118] The good of the totum bene vivere in shared domestic life (secundum domesticam conversationem).[119] (The wealth of a household is properly held and administered for the common good of the household and thus for the benefit of the family members.[120] primarily and directly for spouse, children, and other members of the family, secondarily and indirectly for the benefit also of the person responsible for this administration and distribution.)[121] Even if, unlike Aquinas, one envisages economics as an understanding of capital formation, production, and consumption on a scale as wide as the political community, if not of regional and worldwide markets, Aquinas’s household-oriented conception of the basic human purpose of economic activity can reasonably be sustained.

So Aquinas reaches the concept of “complete community” only by attending to the deficiencies of such a community’s elements or “parts”—fundamentally, individuals and families. These parts are prior to complete community not historically but in a more important way: their immediate and irreplaceable instantiation of basic human goods. The need which individuals have for the political community is not that it instantiates an otherwise unavailable basic good. By contrast, the lives of individuals and families directly instantiate basic goods, and can even provide means and context for instantiating all the other basic goods, for example, education, friends, marriage, and virtue. As for the nonbasic goods needed to support life and other basic goods—notably the inst mental goods of produce and exchange—Aquinas regards them as goods which, at least primarily and directly, are appropriately within the control of private persons and groups (potestati privatarum personarum subduntur res possessae).[122] dealing sometimes “in public”[123] and sometimes in private. Their instrumentality is essentially in the service of households. As we shall see, a state’s government and law can protect and greatly enhance the utility of these instrumental goods. Law and government thereby serve basic human goods which in other ways they serve more directly and immediately. The justice they can restore by “private law” reparatio or restitutio and “public law” retributio is doubtless an aspect of the basic good of societas, and in that respect one can say that the specifically political common good is more than merely
instrumental. In other respects, however, the specifically political common good which is interdefined with the responsibilities of state government and law seems indeed to be an instrumental good or set of goods, albeit of preeminent complexity, scope, and dignity among instruments.

VII

Contrary to what is often supposed, Aquinas’s many statements that we are “naturally political animals” have nothing particularly to do with political community.[124] So they cannot be pressed into service as implying that the state or its common good is the object of a natural inclination or an intrinsic and basic good. Strikingly, they do no more than assert our social not solitary nature,[125] our need to have interpersonal relationships for acquiring necessities such as food and clothing,[126] for speech,[127] and in general for getting along together (convivere);[128] or the need for various social but not peculiarly political virtues, such as good faith in promising and testifying, and so forth.[129] On the other hand, Aquinas accepts Aristotle’s opinion that we are “naturally civil animals” because we are naturally parts of a civitas,[130] which stands to other natural communities[131] as an end.[132]

In human affairs that are matters of deliberation and choice, what is natural is settled by asking what is intelligent and reasonable.[133] That in turn is settled by looking to the first principles of practical reason, to the basic human goods.[134] So the civitas could be called “natural” if participation in it (a) instantiates in itself a basic human good, or (b) is a rationally required component in, or indispensable means to instantiating, one or more basic human goods. Aquinas’s opinion, rather clearly, is that it is the latter. At the relevant point in his lists of basic human goods he mentions nothing more specific than living in fellowship (in societate vivere)[135]—something that is done with parents and children and spouse and friends and other people in various more or less temporary and specialized groups (of pilgrims, of students, of sailors, of merchants, and so forth).[136] The thought that we cannot live reasonably and well apart from a civitas[137] is consistent with the proposition that the common good specific to the civitas as such—the public good—is not basic but, rather, instrumental to securing human goods which are basic (including other forms of community or association, especially domestic and religious associations) and none of which is in itself political. If that proposition needs qualification, the qualification concerns the restoration of justice by the irreparable modes of punishment reserved to state government.

Consider both the proposition and the possible qualification. What is it that solitary individuals, families, and groups of families inevitably cannot do well? In what way are they inevitably “incomplete”? In their inability (i) to secure themselves well against violence (including invasion), theft, and fraud,[138] and (ii) to maintain a fair and stable system of distributing, exploiting, and exchanging the natural resources which, Aquinas thinks,[139] are in reason and fairness—“naturally” (not merely “initially”) things common to all. That is to say, individuals and families cannot well secure and maintain the elements that make up the public good of justice and peace—a good which, with good fortune, also includes prosperity.[140] And so their realization of basic goods is less secure and full than if public justice and peace are maintained by law and other specifically political institutions and activities, in a way no individual or private group can appropriately undertake or match. The need which individuals and groups have for political community is that need, and the political community’s specific common good[141] is, accordingly, that public good.

Suppose nobody was badly disposed, unjust, recalcitrant. Would there be need for states with their governments and laws? Aquinas is clear that in such a paradise there would still be need for “government and direction of free people,” since social life requires some unity of social action and, where there are many intelligent and good people, there are many competing ideas about what actions should be done for the sake of the common good.[142] But he does not say that in such a state of affairs there would be need for specifically political, state government or law, and his discussion, important and clarifying as it is in some respects, does not really carry further the question why we need states, political government, and state law.
Consider that question in the context of, say, violence within the household. Why can’t this be dealt with by paternal power? Is it merely that the son may grow stronger than his parents, or outrun them? That is perhaps a relevant consideration.[143] But why does Aquinas say that neither the father nor any other nonpublic person can rightly threaten or impose penalties that are fully coercive?[144] Why can there be no law, in the focal sense,[145] within families or neighborhood groups of families?

Aquinas here does not explain as much as we may wish. He is insistent about distinguishing public from private. He does so in many contexts: self-defense, war, resistance to tyranny, intramural discipline, ecclesiastical order, forms of justice, correction of wrongdoers, and so on. But he treats it rather as if axiomatic.[146] Still, if we bear in mind the content or force of the distinction, we may discern its purpose just below the surface of his texts.

What is matter for public authority is matter for law: the sword and the balance. It is matter for judgments, with often irreparable finality of outcome, given by impartial judges representing the princeps[147] before whom all who seek justice are equal.[148] None of us can rightly be simultaneously prosecutor, judge, and witness.[149] Private persons and bodies are not equipped for judgment, especially judgment according to publicly established law,[150] and so cannot rightly impose the irreparable measures which may be needed to restore justice and peace. So they are incomplete, imperfecta, and in need of completion by the order of public justice. When a society not only has individuals flourishing in families and other private associations and dealings but also is equipped for public justice, it is in principle complete, perfecta.

The irreparability of various measures often needed to restore justice plays a large part in the argument. The family or household (including domestic servants) is an imperfecta communitas and within it there is an imperfecta potestas coercendi, a limited authority or right (not in any way delegated by the state) of imposing relatively light penalties, "penalties, such as a beating, which do no irreparable harm."[151] But irreparable penalties are different. The point is made vivid by Aquinas’s discussion of the law which in certain states in his day (as in various countries today) allowed a husband who found his wife committing adultery to kill her then and there, “on account of the unsurpassable provocation.” Aquinas denies that this legal provision can justify or even excuse the grave wickedness (reatus poenae aeternae ["liable to eternal punishment"])) of such a killing. He notes the law’s inequity between the sexes: husband and wife are properly judged on the same basis (vir et uxor ad paria judicantur).[152] But what concerns him more is that “no man is his wife’s judge.”[153] As family head he could chastise the wife with a view to reforming her.[154] But no penalty going beyond such a limited measure of reformatory correction can rightly be imposed, under any circumstances, by any private person (even as head of a family). For such persons are not judges. They lack the detachment which becomes possible in principle when the persona publico is differentiated from the persona privata.

That differentiation of personae, of roles, impressed Aquinas very greatly. It is the basis, for example, of his rigorous teaching (rejected by distinguished colleagues) that judges, because they act as personae publicae, must in all cases proceed only on evidence legally admissible before them, and never on their private knowledge, even when that is certain and would entitle someone accused of a capital offense to be acquitted.[155] And the differentiation is also, for Aquinas, a principal component in the “rule of law which is not the rule of men.”[156] Not that Aquinas thinks the rule of law is ultimately a matter of institutional arrangements; rather, it is a matter of doing what can be done to see that the state is ruled by “reason, i.e. by law which is a prescription of reason (dictamen rationis), or by somebody who acts according to reason” (rather than by “men, i.e. according to whim and passion”).[157] Still, there must be judges, people appointed to adjudicate, especially when the facts disputed and /or the dispute about them are issues of justice affecting the peace of the community. But Aquinas's principal appeal to the Aristotelian “rule (governance) of law" is for the purpose of arguing that as far as possible there should be laws to determine in advance what the judges are to decide; the fewest possible matters (paucissima) should be left to judicial discretion.[158]
Indeed, one can say that for Aquinas the whole construction of a strictly “public” realm is by law and for law. Both when working in the Platonic/Aristotelian paradigm of the civitas, as the civil and “complete community,”[159] and when shifting to the Jewish and perhaps Roman equivalent, the populus, Aquinas forcefully affirms the centrality of law in the political: “it belongs to the very notion of a people (ad rationem populi) that people’s [the members’] dealings with each other be regulated by just precepts of law.”[160]

And as we have seen, law—the central case of coercive law made and enforced by persons with public responsibility—appropriately requires of its subjects, not that they be or become persons of all-round virtue, but that they respect and uphold justice and peace. The justice and peace which the state’s law rightly seeks to secure are, of course, often violated in private, within families or between the parties to private dealings. The public good of justice is not restricted to “public spaces” or the transaction of public business. It can be desirable to get the rule of law into some private relationships which otherwise will become the occasion of injustice, of wrong done by one person to another. “Public good prevails over private good,”[161] and private good should be “related (ordinari) to public good as if (sicut) to an end.”[162] Such statements about the relationship between private and public or common good are frequent in Aquinas’s work.[163] But they must be understood with precision, and read as compatible with what we have seen him clearly asserting: that there are private goods that prevail over public or other common good; the state’s rulers cannot intervene in private relationships and transactions to secure purposes other than justice and peace; the individual good, the common good of a family, and the common good of the state are irreducibly diverse; and private persons need not regard their lives as lived for the sake of the state and its purposes.[164]

The human common good—now understanding that phrase without restriction to the state’s or political community’s good—is promoted, and love of neighbor is intelligently put into practice, when the common good that specifies the jurisdiction of state government and law is acknowledged to be neither all-inclusive nor (with one qualification) basic, but united and (except perhaps for restorative justice) instrumental. We should not deny that this is made clearer by the Church’s teaching during this century, teaching expounded with fresh clarity by Grisez in Living a Christian Life. But we may add, as a historical footnote, that amid very different, obfuscating circumstances and concerns, St. Thomas had reached the same sententia.


[2] As to “religious liberty,” however, I shall in this essay leave aside altogether both “recent Church teaching” and Aquinas’s position. Each is quite complex.

[3] Ibid., 836.


[5] Thus civitas in the treatise on law is treated as synonymous with gens (e.g., ST. I-II q.105 a.1c) and populus (q.96 a.1c with q.98 a.6 ad 2).

[6] S.T. I-II q. 21 a.4 ad 3; In Eth. V.2 n.4 [903]; In Pol. I.1 n.3 [11]; III.6 n.5 [395]; likewise societas politica: Contra Impug. II c. 2c.

[1720].

[8] What Grisez calls the state and Aquinas the civitas or societas/communitas civilis/politica is called by Maritain the body politic; what Grisez calls government and Aquinas princeps/principatus, praelatus/praelatio, etc. Maritain calls the State, that part of the body politic which specializes in the interests of the whole, a set of institutions entitled to use coercion, and so forth: Jacques Maritain, Man and the State ([1951] London: Hollis & Carter, 1954), 8–11; Oeuvres Completes vol. IX (Fribourg & Paris, 1990), 490–95. Much the same distinctions are being drawn by the three writers, but, precisely in terms of those distinctions, the word “state” is used in opposing senses (each rooted in common speech) by Grisez and Maritain. I here follow Grisez’s usage (as also in ignoring Maritain’s distinction between “individual” and “person”).

[9] Aquinas calls these, too, civitates; only the context shows that in such cases he does not mean a “complete community.”

[10] He speaks, for example, of quasi-federal arrangements whereby a single king rules over a number of different civitates each of which is ruled by different laws and ministers: ST. I q.108 a.1c.

[11] De Reg. II c.5 [123, 126]; In Pol. II.4 n.1; In Meta. II.5 n.3.

[12] So in the treatise on law civitas is treated as synonymous with gens (e.g., S.T. I-II q.105 a.1c) and populus (q.96 a.1c with q.98 a.6 ad 2).

[13] Though treating the state very much as if it were the only politically organized people in the world, Aquinas’s account also holds that the statewide common good which the state’s laws are to promote and protect is but part of a wider common good. For this community is but part of a wider whole (see In Eth. I.2 n.12 [30]) and ultimately of the whole community of the universe (I communitas universi) (S.T. I-II q.91 a.1c). Law makers’ prudentia, justice, and fully reasonable directiveness towards the common good of their own communitas perfecta must be informed by, and consistent with, the law of a universal community—a law which as understood and shared in by us is called the natural (lex naturalis; lex naturae; ius naturale). What the organization of that universal community really is remains, philosophically speaking, to be determined. But it must extend at least as wide as the whole of humanity, present and future. That is not to say that Aquinas is articulating a duty to future generations, or envisaging an international law, or an actually worldwide government; nor that any or of these would exhaust the significance of the open-endedness of the common good even of a community stipulated to be “complete.”

[14] Aquinas’s methodological decision is not, of course, a decision to regard the civitas as internally static or as free from external enemies. Revolutions and wars, flourishing, corruption, and decay, are firmly on the agenda, but not the question which people are or are entitled to be a civitas.

[15] See S.T. I-II q.5 a.5c: ‘the imperfect beatitudo attainable in this life can be acquired with natural human capacities, in the way that people can acquire virtue, in whose working out in action it [imperfect beatitudo] consists [virtus, cuius operatione consistit]; likewise q.4 a.6c, a.7c & a.8c; In Eth. I.13 nn.4–7 [157–160].

[16] See S.T. I-II q.90 a.2c: “perfecta communitas civitas est”; q.90 a.3 3; II-II q.65 a.2 ad 2; De Reg. I.2 [14]; In Pol. I.1 n.23 [31]: “civitas est communi perfecta”; see also S.T. II-II q.50 a.1c: “communita[s] perfecta[] civitas vel regni.”

[17] Aquinas’s implicit procedure hereabouts is similar to his explicit procedure in relation to beatitudo (see S.T. I-II q.3 a.2 ad 2; q.5 a.3c & 8c; see also Sent. d.38 q.1 a.2 ad 2; IV Sent. d.49 q.1 a.3c; SCG IV c.95 n.7): give first a merely formal description, a communis ratio, a general or formal idea; then find the appropriate specialis ratio, the critically defensible, morally substantive account attainable by attending to the human goods at stake and their directiveness.
[18] See S.T. II-II q.58 a.5c.

[19] I-II q.91 a.4c.

[20] I-II q.96 a.2 ad 2.

[21] I-II q.93 a.3 ad 3.

[22] Politics III.5:11–14 (Aquinas’s commentary stops at 1280a6, but see In Pol. prol. n.4; I.1 n.23 [31] and, more clearly, De Reg. II c.3 [I,14] [106] (at n.76)). See also VII.12:1332a28–b12; Nicomachean Ethics X.9:1179b32–1180a5; Fred. D. Miller, Nature, Justice, and Rights in Aristotle’s Politics (Oxford University Press, 1995), 225, 360; Robert P. George, Making Men Moral (Oxford University Press, 1993), 21–28.


[24] S.T. I-II q.90 a.3 ad 2. See Nic. Eth. X.9:1179b31–1180a22; In Eth. X. 14 nn.13–18 [2149–2154]. Other passages affirming that the point of law is to use its coerciveness in the promotion of virtue: In Eth. I.14 n.10 [174]; II.1 n.7 [251]. Passages making the same sort of point without special reference to the coercive power of law: In Eth. I.19 n.2 [225]; V.2 n.5 [904]; V.3 nn.12–13 [924–5].

[25] In Eth. X.14 n.17 [2153].

[26] In Eth. X.15 n.4 [2158] & n. 5 [2159]: “this is the only difference, that a parental precept {sermo} does not have the full coercive authority of a royal [or other public] precept {sermo}.”

[27] S.T. I-II q.98 a.1c. This important thesis was elaborately and clearly set out by Aquinas in his first version of SCG III c.121, one of about nine whole chapters which he later decided to eliminate from his draft treatment of divine law and government in SCG III. Among the material suppressed was a triplet of chapters contrasting divine law with the rule of tyrants, with the rule of just kings, and (less sharply) with the rule of human fathers. The chapter stating the disanalogy with just “kings” (i.e., with the very idea of state government) ran as follows (the emphases here as elsewhere in this essay are mine):

> God’s law does not require merely that one behave well in relation to other people (sit bene ordinatus ad alias), as the laws of just kings do.

It is not merely that divine rule is dissimilar to the rule of tyrants who for their own advantage exploit those subject to them. Rather, divine rule also greatly differs from the rule of kings who intend their subjects’ advantage. For kings are constituted to preserve interpersonal social life (ad socialem vitam inter homines conservandam); that is why they are called “public persons,”

as if to say promoters or guardians of public good. And for that reason, the laws they make direct people in their relationships with other people (secundum quod ad alios ordinantur). Those things, therefore, which neither advance nor damage the common good are neither prohibited nor commanded by human laws.

God, however, is concerned not only with ruling the human multitude, but also with what is in itself good for each person individually. For he is the creator and governor of nature, and the good of nature is realized not simply in the multitude but also in persons in themselves—each one. And so God
commands and prohibits not only those things by which one human being is related (ordinatur) to another, but also those things according to which human persons are, in themselves (secundum se), disposed well or badly. Here what St Paul says is relevant: “The will of God is that you be made holy {sanctificatio}.”

In this way we exclude the error of those who say that only what harms or corrupts one’s neighbor {quibus proximus aut offenditur aut scandalizatur} is sinful. (Opera Omnia [Leonine ed.], vol. 14, 46* col. 1).

The passage clearly affirmed that just state law does not prescribe or prohibit thoughts, dispositions, intentions, choices, or actions which affect only the person whose will or deed they are. State law does not properly have as its responsibility the preservation or promotion of the all-round virtue, let alone the sanctification, of the individual subject, precisely as such. Its role is only to preserve and promote the common good, understood not as every true good in which human beings can share, but as the public good—a matter of interpersonal dealings, of specifically social life.

Although Aquinas eventually excised the (carefully revised) chapters which include this text, every part of the striking political thesis it articulates appears in the Summa Theologiae, if not always as clearly. The complex story of the composition of this part of SCG III is recounted in Opera Omnia (Leonine) vol. 14, Preface pp. viii-xxi, and Appendix pp. 3*, 42*-44*. The critical editor who analyzed the intricate series of changes judges that Aquinas’s motive was concern for the internal logic of this Summa as a whole: see esp. pp. xi-xii. (The revision’s goal was a treatment more economical and more tightly aligned with the general themes of the work as a whole. Divine law would now be explained, not by comparing and contrasting it with human law and government—which are nowhere discussed in SCG—but by appeal to other theological themes.) The shift in strategy affects material now mostly (but not entirely) found distributed from c.110 to c.139.

[28] S.T. I-II q.98 a.1c; the passage continues: “The purpose of divine law is to lead one to the end (finis) of eternal fulfillment (felicitas), an end which is blocked by any sin, and not merely by external acts but also by interior ones. And so what suffices for the perfection of human law, viz., that it prohibit wrongdoing (peccata) and impose punishments, does not suffice for the perfection of divine law; what that needs is that one be made completely ready for participation in eternal fulfilment.” SCG III c.121 n.3 argues that divine law can rightly regulate our internal dispositions (interiores affectiones) as well as our external acts and dealings: “Any law rightly made induces to virtue. But virtue consists in the rational regulation not only of external acts but also of internal dispositions. Therefore, . . . ” Since the Summa contra Gentiles as a whole steers well clear of political questions, one need not take this argument as seriously offering a proposition—“any and every just law seeks to regulate the internal disposition of its subjects”—which in relation to human law is unambiguously and repeatedly rejected by the Summa Theologiae: see I-II q.91 a.4c; q.98 a.1c (just quoted), and q.100 aa.2c & 9c. Rather, SCG III c.121 n.3 is employing a rapid theological argument: law is always in some way directed to virtue; but real, complete virtue—the sort that God wills people to have—includes internal dispositions; therefore. . .

[29] As the deleted SCG passage (see note 27) put it: “kings are constituted to preserve interpersonal social life (ad socialem vitam inter homines conservandam). . . . For that reason the laws they make direct people [only, unlike divine government] in their relationships with other people (secundum quod ad alios ordinantur).”

[30] So it is unlike divine government, which, as the deleted SCG passage stated, “commands and prohibits not only those things by which one human being is related (homo ad alium ordinatur) to another, but also those things according to which human persons are each, in themselves, disposed well or badly “ (see fn. 27 above).

[31] S.T. I-II q.100 a.2c. Aquinas here appeals to Nic. Eth. V, perhaps (as the Leonine editors suggest) V.1:1129b14–25, but more likely V.2:1130b25 (and see In Eth. V.2 n.5 [904]; V.3 nn.12–13 [924–5]),
though nowhere does Aristotle make with any clarity the points which Aquinas is here concerned to assert about law’s restricted purpose and content. At any event, the point was equally clear to Aquinas in his early writings: see e.g., III Sent. d.37 q.1 a.2 sol.2c: “civil law’s precepts direct people in communications and dealings (communicationibus) which are other-directed (ad alterum), in accord with the character of political life which can only be of one human person to another (secundum vitam politicam, quae quidem non potest esse nisi hominis ad hominem)” [i.e., which cannot reach into our societas with God]. See likewise S.T. I-II q.99 a.5 ad 1; q.104 a.1 ad 1 & ad 3.

[32] “Practical reasonableness”: the virtue of prudentia, the instantiating of the good of reason(ability), the bonum rationis: see e.g. III Sent. d.33 q.1 a.1 sol.1c & sol.2 ad 1; S.T. I-II q.94 a.3c.

[33] S.T. I-II q.96 a.3c. Disciplina, moral education, is at least principally a matter of the young (minores): I-II q.16 a.2 ad 2. What sort Aquinas has in mind is indicated, for example, in I-II q.105 a.2 ad 1: law should seek to accustom people to getting along together easily (assuefacere ut facile sibi invicem sua communicarent), which involves give and take (not being too concerned if someone passing through one’s vineyard eats some of the grapes); people who are well brought up, disciplinati, are not disturbed by this sort of thing; indeed their amicitia with their fellow-citizens is strengthened by it, and getting along together easily (facilis communicatio) is thereby confirmed and encouraged. It goes without saying that the disciplina includes many negative elements, such as the vigorous discouragement of acts such as homicide, theft, and so forth, which prejudice the maintenance of any decent societas humana (I-II q.96 a.2c) unless both prohibited and discouraged.

[34] Aquinas treats ecclesia and respublica in parallel: S.T. II-II q.31 a.3 ad 3; q.43 a.8c; Contra Impug. II c.2 ad 10 [67]; III Sent. d.9 q.2 a.3 ad 3. The Church resembles the political rather than the domestic (oeconomica) community (ecclesia similatur congegationi politicae): IV Sent. d.20 q.1 a.4 sol.1c.

[35] SCG III c.80 nn.14, 15: “in rebus humanis est aliquod bonum commune, quod quidem est bonum civitatis vel gentis. . . . Est etiam aliquod bonum quod non in communitate consistit, sed ad unumquamque pertinet secundum seipsum; non tamen uni soli est utile, sed multis; sicut quae sunt ab omnibus et singulis credenda et servanda, sicut ea quae sunt fidei et cultus divinus et alia huiusmodi.” And see S.T. q. 99 a.3c.

[36] III Sent. d.37 q.1 a.2 sol.2c (fn. 31 above).

[37] S.T. I-II q.100 a.2c (text at fn. 31 above).

[38] On the senses in which justice is and is not for the sake of peace, see SCG III c.34 n.2; c.128 n.6; S.T. II-II q.29 a.3 ad 3.

[39] S.T. II-II q.29 a.1c & ad 1; a.2 ad 2.

[40] I-II q.99 a.2c.

[41] Opera vol. 14 Appendix p. 43*.

[42] S.T. II-II q.38 a.1c; a serious form of immoral contentio is deliberately attacking truth and justice (veritatem iustitiae) in court: ad 3.

[43] II-II q.41 a.1c & ad 3.

[44] II-II q.42 a.1.

[45] II-II q.40 a.1.
[46] II-II q.29 a.1 ad 1; q.45 a.6c.

[47] II-II q.29 a.3c: for “this [neighbor love] involves being willing to do one’s neighbor’s will even as one’s own.”

[48] The state’s rulers (politici) have a responsibility for providing their civitas with these economic necessities, though the provision itself will normally be by traders (negotiatores) who act not because they have a duty but for profit (propter lucrum quaerendum): S.T. II-II q.77 a.4c.

[49] De Reg. I c.2 [17]. It is a peace which is compatible with even tyranny: De Reg. I c.6 [44].

[50] Quodlibet XI q.15 a.2: intendit civilis legislator . . . pacem servare et stare inter cives . . . ; a.3 ad 1: although wrongfully dispossessed owners have no action at civil law, they do have according to divine law “whose purpose is the salvation of souls.”

[51] S.T. I-II q.96 a.3c (fn. 33 above); see also q.99 a.5 ad 1; In Eth. V.3 n.13 [925].


[53] See De Reg. prol. [1]; this dedication to the King of Cyprus states that the exposition will be “according to the authority of the holy scriptures and the teachings of philosophers, as well as the practice of worthy princes” and will rely throughout on the help of God who is King of Kings, etc.

[54] “Inachevé, peut-être accidenté, . . . cet opuscule se présente dans des conditions un peu difficiles; elles imposent prudence et discrétion dans le recours à son texte comme expression de la pensée de l’auteur” [“Unfinished, [and] perhaps damaged, . . . this minor work presents itself in rather difficult conditions; these require prudence and discretion when making recourse to its text as an expression of the author’s thought.” –Site Editor]: Dondaine in Aquinas, Opera Omnia vol. 42 (1979), 424. See also Eschmann in Aquinas, On Kingship (Pontifical Institute of Mediaeval Studies, Toronto, 1949), p. xxx (dating the work to 1260–1265); pp. xxii–xxvi (holding that De Regno is a posthumously edited collection of unrevised and somewhat jumbled pages). Eschmann himself later rejected Aquinas’s authorship of the work, though perhaps rather equivocally; see Eschmann “St. Thomas Aquinas on the Two Powers,” Mediaeval Studies 20 (1958), 195–6; Weisheipl, Friar Thomas D’Aquino, Catholic University of America Press, Washington, DC, (1983), 434 n. 6; Dondaine (op. cit.), 423. The later Leonine editor (Dondaine, 421–424) plausibly concludes that it is substantially by Aquinas, and favors a later date before 1268.

[55] For example, IV Sent. d.49 q.1 a.2 sol.2 ad 4; I-II q.3 a.2 ad 4 & a.3.

[56] De Reg. II c.3 [I, 14] [106-109].

[57] Ibid. [110 (primacy of the Pope in administering this regimen); 111]; II c.4 [I, 15] c.16 [15] [114].

[58] De Reg. II c.3 [I, 14] [110, 111].

[59] De Reg. II c.4 [I, 15] [115].

[60] Ibid. [120].

[61] De Reg. II c.4 [I, 15] [119].

[62] S.T. I-II q.95 a.1c; SCG III c.121 n.3 (note 28); In Eth. II.1 n.7 [251]; V.3 n.12 [924].
IV Sent. d.15 q.3 a.4 sol.1 ad 3; S.T. I-II q.96 a.3 ad 2; q.100 a.9 ad 1.

S.T. I-II q.96 a.3 ad 2; q.100 a.9 ad 2; II Sent. 28 q.1 a.3c & ad 3; IV Sent. 15 q.3 a.4 sol.4 ad 3; Eth. II.1 n.7 [251].

On the unity or connectedness (interdependence) of the virtues, see especially S.T. I-II q.65 a.1; De Virt. q.5 a.2; III Sent. d.36 q.1 a.1c.

A clear statement, though directly concerned with ecclesiastical jurisdiction, is In I Tim. c.5 ad v.20 [221]: “The role of judges is public (iudex gerit personam publicam), and so they ought to have as their goal the common good (intendere bonum commune), which is harmed by public wrongdoing—because many people are corrupted (scandalizantur) by the example this gives. And so ecclesiastical judges ought to impose public punishments of a kind that will instruct and encourage others (ut alii aedificentur).” Aquinas’s constant references to conduct which is corruptive of character (“scandalizes” in the theologian’s sense of that word), not least the reference at the end of the excised SCG text quoted at note 27, now the final sentence of SCG III c.121, suggest this, though falling short of proving it.

State law can rightly prohibit conduct which is an occasion of evils: see IV Sent. d.15 q.3 a.1 sol.4c.

See, for example, the chapter on paternal authority in the deleted section of SCG II: Opera vol. 14, Appendix pp. 46*-48*. Here Aquinas argued that, unlike the rule of just kings, paternal rule over and responsibility for children extends “not only to matters in which the child relates to other people but also to matters which pertain to the child as such (pater curam habet de filio non solum quantum ad ea in quibus ordinatur ad alios, sicut rex, sed etiam quantum ad ea quae pertinent ad ipsum secundum se)” (pp. 46*-47*). Parental rule is still restricted (unlike divine rule) to what is externally apparent, since hearts remain hidden from human beings, even parents, though some aspects of the child’s dispositions will doubtless be externally expressed and parents can be concerned with these (quatenus per exteriores actus interior dispositio explicatur).

Contra Impug. II c.2 ad 10 [68]; In Eth. X.14 n.13 [2149]; IV Sent. d.15 q.3 a.1 sol.4c.

S.T. I-II q.95 a.1c.

I-II q.96 a.3 ad 3; q.100 a.9; IV Sent. d.15 q.3 a.4 sol.1 ad 3.

For example, S.T. I-II q.92 a.1; In Eth. I.19 n.2 [225].

For example, In Eth. V. n.14 [926]; In Pol. III.3.

S.T. I-II q.92 a.1c: inducere subiectos ad propriam ipsorum virtutem.

ibid.: non bonos . . . simpliciter, sed secundum quid, scilicet in ordine ad tale regimen.

De Reg. II c.3 (I, 14) [106]. The next paragraph [107] looks beyond the imperfect beatitude of living virtuously and concludes that the ultimate end of the community, which is the same as the ultimate end of an individual, is to attain the fruition of perfect beatitude (per virtuosam vitam pervenire ad fruitionem divinam).

E.g., S.T. I-II q.107 a.2c: “the purpose of any law is that people become just and people of virtue (iusti et virtuosi)”; II Sent. d.44 q.1 ad 3c: “a [third] purpose of government (praefatio) is the rectification of conduct (corrigendum mores), as when bad people are punished and coercively brought to acts of virtue” (the first two functions of governance being to give people direction in their activities, and to make up for weaknesses [as when peoples are defended by kings]).
Cf. the similar use of *diversi* in respect of the irreducibly distinct types of *ordo* and *scientia* discussed in In Eth. I.1 n.1 [1–2]: “secundum hos diversos ordines . . . sunt diversae scientiae” [2]. *Diversa* may differ in their very nature (essentia) (I q.31 a.2c & ad 1) and/or in their way of originating (Cred. 4).

S.T. II-II q.48 a.1c; q.47 a.11 (“the good of individuals, the good of families, and the good of *civitas* or realm are different ends (diversi fines); so there are necessarily different species of *prudentia* corresponding to this difference in their respective ends: (i) *prudentia* without qualification (simpliciter dicta), which is directed (ordinat[ur]) toward one’s own good; (ii) domestic prudence directed toward the common good of household or family, and (iii) political prudence directed toward the common good of state or realm”); q.50 a.lc (the form of political prudence which is proper to state rulers is the most perfect form of prudence because it extends to more things and attains a further end than the other species of prudence).

If military prudence deserves its place as a fourth species of *prudentia*, it is because it shares in the open-endedness of political prudence—is, so to speak, the extension of political prudence into the external hazard of war in which the whole life of the *civitas* and its elements is at stake: see II-II q.50 a.4 ad 1 & ad 2.

“tota vita” is short for “the common end of the whole of human life” (communis finis totius humanae vitae) and “the good of the whole of life” (bonum totius vitae): q.47 a.13c & ad 3.

In leaving unprohibited the acts of certain vices (e.g., selling at unfair prices; or sex between unmarried adults), government does not approve them: S.T. I-II q.93 a.3 ad 3; II-II q.77 a.1 ad 1.

In other contexts, too, Aquinas will use the term “common good” to refer to some good which falls short of, and is instrumental to, a more ultimate common good. Thus he will say that “the army’s leader intends the common good, that is to say [not peace and the state’s common weal, nor even victory, but rather] the whole army’s order (intendit bonum commune, scilicet ordinem totius exercitus)” S.T. I-II q.9 a.1c.

S.T. I-II q.96 a.2 ad 2, citing Proverbs 30:33, and arguing that human law is to bring people to virtue gradually, lest, being pushed too hard, they break out into worse wrongdoing.

He appeals, ibid. to Seneca’s teaching that even the servitude of the Roman slave does not rightly include the better part (melior pars) of the human being; one’s mind (mens), which is in charge of and responsible for itself (sui iuris).
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[93] S.T. II-II q.104 a.5c; he mentions the preservation (sustenantatio) of one’s body, and
propagation. See also IV Sent. d.36 q.1 a.2c: servants/servs (servi) are not subject to their masters in
any way that would restrict their freedom to eat, sleep and “do other things like that, pertaining to the
body’s needs”—or their freedom to marry.

[94] Ibid. For this proposition see also S.T. I q.113 a.2 ad 3; II Sent. d.44 q.1 a.3 ad 1 (natura
omnes homines aequales in libertate fecit); and likewise De Ver. 11 a.3c; In Rom. 9.3 ad v. 14 [766].

[95] Among the matters in which one’s freedom can rightfully prevail over all human commands are the
decision not to marry someone: ibid. Of course, marriage necessarily concerns justice, not least
because it is likely to result in children; so state laws can regulate
the general conditions of marriage (De Malo q.15 a.2 ad 12; IV Sent. d.39 q.1 a.2 ad 3)—minimal
age, incest bounds, and so forth—if they do so with fairness and humanity and in ways
genuinely related to the true “political good” (SCG IV c.78 n.2). But even if doing so would advance
some public policy or the well-being of a family or church or state, neither the state’s
officials nor any domestic or religious authorities can rightly compel anyone to marry, or to marry this
person, or forbid the marriage of two consenting adults who are not within the classes of persons
reasonably disqualified or forbidden to marry (S.T. II-II q.104 a.5c; IV Sent. d.29 q.1 a.4; d.36 q.1 a.2).

[96] IV Sent. d.38 q.1 a.4 sol.1c.

[97] Another matter outside the rightful power of state government and law is the decision to take
religious vows, for example, of virginity; here “private good” is more weighty (potius) than,
preferable (excellentior) to, public or common good, because it belongs (Aquinas
judges) to a different, higher genus than the common good of continued bodily propagation
of the human species (S.T. II-II q.152 a.4 ad 3).

[98] S.T. II-II q.88 a.8 ad 2; IV Sent. q.1 sol.3 ad 2.

[99] Those who can “freely dispose of their own persons (libere de sua persona disponere)” (S.T. II-II
q.189 a.6 ad 2); a daughter is not her father’s maidservant (ancilla), and he has no power over her
body (and so from the age of puberty [II-II q.88 a.8 ad 2], she can make her own decisions, for example,
enter religious life without parental consent) “because she is a free person” (IV Sent. d.28 q.1 a.3 ad 1).

[100] For example, I-II q.100 a.9c: “it does not belong to human beings to judge any save external
acts, for ‘human beings see [only] those things which show’ (1 Kings 16:7).” So even parental rule,
which resembles divine government more closely than state rule does (because unlike state rule
it can rightly concern itself with its subjects not merely as citizens but as what they are [secundum quod
in sua natura subsist(unt)]), is restricted to “those things which are externally evidenced about someone
(illa . . . quae in homine apparent exterius)” (Opera vol. 14 p. 47*, excised from SCG III after c.121).

[101] See e.g. De Malo q.16 a.5c.

[102] S.T. II-II q.33 a.7 ad 5; De Secreto 2 [1217].

[103] See De Secreto 1-3 [1216].

[104] S.T. II-II q.33 a.7c: “those secret sins which are physically or spiritually harmful to one’s neighbors.
. . .” De Secreto 6 [1222] instances theft or arson in a [communal] house. Aquinas’s six colleagues on
the 1269 Dominican consultative commission were less willing than him to regard the public interest as
overriding the entitlement to keep secrets private. See also S.T. II-II q.68 a.1 ad 3.

[105] S.T. II-II q.33 a.7 ad 5; Quodl. IV q.8 a.1c; De Secreto 4 & 5 [1219, 1221].
Puberty (usually about age 14 in males, 12 in females) is significant for these purposes as being the age by which most people can make proper use of reason in deliberation (debitum usum rationis): II-II q.189 a.5c.

In Eth. 1 n.2 [5]; S.T. I-II q.17 a.4c; III q.8 a.1 ad 2; in De Malo q.4 a.1c note the quasi.

SCG III c.123 n.6 [2964]: between husband and wife there is evidently the greatest friendship (maxima amicitia).

That is, one of the human goods (bona humana) directed to by the first principles of human action (prima principia operum humanorum): S.T. I-II q.94 a.1 ad 2; a.2c; also II-II q.47 a.6c; q.56 a.1c; De Ver. q.5 a.1c.

As in IV Sent. d.26 q.1 a.1c; also in S.T. I-II q.94 a.2c read with (i) its reference to Justinian's Digest I.1.1 as read in IV Sent. d.26 q.1 a.1 sed contra and implicitly in In Eth. V.12 n.4 [1019], and (ii) In Matt. c.19 ad vv.4, 5; SCG III c.123 n.7 [2965]. Also IV Sent. d.26 q.1 a.3 ad 4.

Critique of alternatives to marriage and family: In Pol II.1 n.7 [175]–.5 n.2 [208].

In Eth. VIII.12 n.19 [1720]; also n.18 [1719]; Nic. Eth. VIII.12: 1162a17–18.

In Eth. VIII.12 n. 19 [1720].

Ibid. nn.22–25 [1721–24]; IV Sent. d.34 q.1 a.2 ad 3.

De Reg. II c.3 [I,14] [106]: “if the ultimate end [of the human multitude) were abundance of wealth (divitiarum affluentia), the economist (economus) would be king.”

In Pol. I.8 n.4 [125].

S.T. II-II q.50 a.3 ad 2; In Eth. I.1 n.15 (15); In I Tim. c.3.2 ad v.5 [104]: “wealth is not the end of economics but an instrument.”

S.T. II-II q.50 a.3 ad 2.

So the other and more basic meaning of economist (oeconomus) is a family’s procurator and dispensator, the person who nurtures and distributes the family’s goods: In Pol. I.1 n.5 [13]. The one in charge of a family (gubernator) is called a dispensator as being the one who with due weight and in due measure distributes to each member of the family the tasks and necessities of [their common] life: S.T. I-II q.97 a.4c.

In Pol. III.5 n.5 [388].

S.T. I-II q.105 a.2c: “... and so private persons can have voluntary dealings with each other in relation to these possessions, for example, buying, selling, making gifts, and other things of that sort.” The article proceeds to explain the need for state law to remedy the difficulties that arise in connexion with such dealings. Thus, as q. 104 a.1 ad 1 says, “rulers (principes) have authority not only to regulate (ordinare) matters in dispute but also the voluntary contracts which people make, and indeed everything which pertains to a people’s communitas et regimen.”

Thus a large trade fair or market is a public association (albeit temporary) of traders: Contra Impug. II c.2 [57] note 146.
The only seeming exceptions to this are texts in which his commentary tracks Aristotle's argument that we are more naturally conjugal than political. Here “political” does refer to the political whole of which marital communities are parts: In Eth. VIII.12 nn.18–19 [1719–20].

S.T. I-II q.72 a.4c; IV Sent. d.26 q.1 a.lc.

SCG III c.85 n.11.

In Periherm. I.2 n.2.

In Eth. IX. 10 n.7 [1891]; see also De Reg. I c.1 [4–8].

S.T. I-II q.61 a.5c (and see ad4); In Trin. II q.3 a.1 sed contra 3.

Outside the commentary on the Politics, the notion that individuals and/or households are (naturally) parts of the civitas is stated at S.T. I-II q.90 a.2c; a.3 ad 3; q.92 a.1 ad 3; II-II q.47 a.11 ad 2; q.50 a.3c; q.59 a.3 ad 2; Contra Impug. II c.2 ad 3. The subjunctive conditional in S.T. I-II q.60 a.5c casts doubt on the appropriateness of calling people naturally parts of a particular civitas.

At the relevant point in In Pol. I.1 n.20 [28], the neighborhood community is judged natural, alongside (or between) the family and the civitas.

“Animal naturaliter civile” translates the same Greek phrase as “animal naturaliter politicum.” It is used only in In Eth. I.9 n.10 [112]; In Pol. I.1 nn.24,26,28,29 [32,34,36,37]. The naturalness of the civitas is stated in In Pol. I.1 nn.23,24,29,32 (which also states that we have within us a natural impetus to political community [communitas civitatis] as we have to the virtues).

See e.g. S.T. I-II q.71 a.2c; q.94 a.3 ad 2.

See note 110.

S.T. I-II q.94 a.2c. See also Contra Impug. II c.2c: “societas nihil aliud esse videatur quam adunatio hominum ad unum aliiquid communiter agendum . . . adunatio hominum ad aliiquid unum perficiendum . . . divers[ae] communicationes . . . nihil aliud sunt quam societates quaedam . . . [or] amicit[ae].”

[“Society would seem to be nothing else than a union of men for doing some one thing in common. . . . a union of men for carrying out some one thing . . . diverse communications . . . are nothing else than certain societies . . . [or] friendships.” –Site Editor]

In Eth. I.9 n.10 [112].

So the whole complex of human goods can be called our “civil and natural good (bonum civile at naturale hominis),” to which our will (i.e., our response to understood goods) has a natural, premoral inclination: III Sent. d.33 q.2 a.4 sol.3c. Now civilis in this sense is a common thirteenth[-century] theological term for “secular”, referring to this world as distinct from our heavenly patria. Still, as q.1 a.4c makes clear, Aquinas welcomes the “political” connotation of civilis even in this sort of context; for in one’s spiritual life one is civis civitatis Dei, citizen in a realm which, unlike our earthly civilitas, will not be left behind (evacuabitur) but rather perfected.

The paternal power (authority) of admonition is inadequate in the face of rebels and contumacious offenders: S.T. I-II q.105 a.4 ad 5.

S.T. II-II q.66 aa.2 & 3.

See De Reg. I c.2 [20]: the fruits of good government are peace, justice, and affluentia rerum; and note 48. For the sake of economic benefits (commoditates), government and law can rightly permit
though never promote) certain economic injuries (e.g., unjust transactions such as usurious loans): Mal. q.13 a.4 ad 6; S.T. II-II q.78 a.1 ad 3.

[141] Sometimes called the civil good (bonum civile); see, for example, De Virt. q.5 a.4 ad 4: the purpose of legislation (and of the military art) is the preservation of the civil good (conservatio boni civilis est finis et terminus militaris et legis positivae).

[142] S.T. I q.96 a.4; cf. II Sent. d.44 q.1 ad 5 (omitting this reason for dominium and praelatio in paradise).

[143] See In Eth. I.1 n.2 [4].

[144] In Eth. X.14 n.17 [2153]; S.T. I-II q.67 a.1c; q.90 a.3 ad 2 (persona privata non . . . habet vim coactivam; quam debet habere lex) [“A private person does not . . . have coercive force; which [force] the law ought to have” –Site Editor]]. Note that a leader of the domestic community (an imperfecta communitas) has the “incomplete” coercive power of imposing rather light penalties, penalties which do no irreparable harm (beating): I-II q.87 a.8 ad 3; II-II q.65 a.2 ad 2; IV Sent. d.37 q.2 a.1 ad 4. But fundamentally, paternal discipline is by admonition (monitiones; potestas admonendi): S.T. I-II q.95 a.1c; q.100 a.11 ad 3; q.105 a.4 ad 5; see also In I Tim. c.1.3 ad v.9 [23].

[145] In a secondary sense of “law,” the household or family is governed by the order imposed by its leader’s “law and precept (ordo per legem et praeceptum)” (Meta. XII.12 n.8), “precepts or standing orders (praecpta vel statuta)” which [because not fully coercive] do not strictly speaking (proprie) have the character (ratio) of law (I-II q.90 a.3 ad 2 & ad 3).

[146] Since “public” and “private” are analogous rather than univocal terms, the line between them can be drawn in other ways in other contexts. So, for example, in Impug. II c.2, where the context is the admission of monks and friars to universities hitherto composed of other sorts of clerics, Aquinas undertakes a sketch of the difference between public and private: public societies (societates; communicationes) include the civitas or regnum (perpetual), traders foregathering at large trade fairs or markets (temporary), and the university (studium generale); private societies include families (perpetual), two friends or associates in a hostel (temporary), and colleges within the university. But his definitions of “public” and “private,” in terms of the type of matters with which they are respectively concerned (respublica versus negotium privatum) are unhelpfully circular. So the issue in the texts in question is not to be settled by attending to the words “public” and “private,” taken out of their context in the questions about coercion and adjudication.

[147] The custodia iustitiae, as a response to wrongdoing, is a commune bonum which is committed to a ruler (praelatus) as persona publica: IV Sent. d.19 q.2 a.1 ad 6.

[148] II Sent. d.44 q.2 a.1c.


[150] See II-II q.60 a.6c & ad 1.

[151] S.T. II-II q.65 a.2 ad 2; in the household the father has, not full governmental authority (perfecta potestas reginis), but a rulership analogous to (similitudo) the government of a realm (regii principatus): q. 50 a.3 ad 3.

[152] IV Sent. d.37 q.2 a.1 sed contra. Aquinas uses exactly the same phrase to state that husband and wife are equals in their right to marital intercourse (In Cor. VII.1 ad v.3 [321]) and in their right to marital separation (IV Sent. d.35 q.1 a.4c).

[153] IV Sent. d. 37q.2 a.1 ad 1. The point is dramatized by Aquinas’s view that the husband in such a
case can rightly lay a charge against the adulterous wife in the state’s courts, and that he can even seek her execution, if such is the legal penalty and he does so “only out of concern for justice and without being moved by any vindictive ill-will or by hatred” (d.37 q.2 a.1c).

[154] IV Sent. d.37 q.2 a.1 ad 4.

[155] S.T. II-II q.67 a.2; q.64 a.6 ad 3: the judge in such a case should make exceptional efforts to obtain admissible evidence entitling the accused to be acquitted.

[156] On “the rule of law and not of men,” see In Eth. V.11 n.10 [1009].

[157] Ibid. Dictamen in Aquinas signifies the content of rational (even if mistaken) practical judgment (sententia vel dictamen rationis) (e.g. II Sent. 24 q.2 a.4c), and is thus frequently used by him to refer (i) to the content of one’s conscience (e.g. “conscience is a dictamen of reason”: II Sent. 24 q.2 a.4c; likewise I-II q.19 a.5c; “the judgment (iudicium) or dictamen of reason, the judgment which is conscience”: II Sent. 39 q.3 a.3c), and (ii) to the requirements of natural moral law and of “natural reason” (naturalis ratio): “moral precepts are in accord with human nature because they are the requirements/prescriptions (de dictamine) of natural reason”: IV Sent. 2 q.1 a.4 sol.1 ad 2; likewise I-II q.99 a.4c; q.100 a.11c; q.104 a.1c.

[158] S.T. I-II q.95 a.1 ad 2: for it is easier to find the relatively few people of practical reasonableness (sapientes) needed to enact decent laws (rectae leges) than the many people needed to reach sound judgments (ad recte iudicandum) in court; legislation can be long-mediated, but many judgments have to be given in circumstances of some urgency (subito); and legislative judgments, being concerned with matters both general and future, are less likely to be corrupted by affection, ill-will, or some other desire arising in relation to present and pressing litigants and circumstances. Few people left to assess the justice of a case without close direction by law can be trusted to give a just judgment (iustitia animate iudicis non invenitur in multis).

[159] To earlier references, add S.T. II-II q.161 a.1 ad 5: “civil life (vita civilis), in which the subjection of one person to another is determined according to the legal order (secundum legis ordinem).”

[160] I-II q. 105 a.2c: “ ... ut communicatio hominum ad invicem iustis praeceptis legis ordinetur.” Similarly II-II q.42 a.2c: the unity [of a people, whether state or kingdom] attacked by desertion is a unity of law and common welfare (iuris et communis utilitatis). When commenting on Aristotle’s characterization of the “complete community” (koinonia telei[(a)]) as one arranged to secure sufficiency in the necessities of life and, beyond that, in such a way that people live in a morally good way, Aquinas adds a restrictive qualification: “insofar as people’s lives are directed toward virtues through state laws (inquantum per leges civitatis ordinatur vita hominum at virtutes)”: In Pol. I.1 n.23 [31].

[161] S.T. II-II q.117 a.6c.

[162] IV Sent. d.19 q.2 a.1 ad 6.

[163] See, for example, III Sent. d.30 q.1 a.1 ad 4; IV Sent. d.38 q.1 a.4 sol.1 ad 3.

[164] Even when one recognizes that one’s spouse or child has been sentenced by law justly and for the common good, one has no duty to stop wanting the punishment not to be imposed; one is fully entitled to hope that one’s family’s private common good will prevail in this way. In this precise sense, one can rightly prefer the private good of spouse, child, self, and family to the public and political common good: S.T. I-II q.19 a.10c; III q.18 a.6c: the preference does not contradict the public common good, and should not extend to willing to impede the public good. (It is not the sort of preference one shows in choosing one option rather than another available option which one also regards as acceptable; still less is it the sort of preference one shows in ranking two commensurables.)