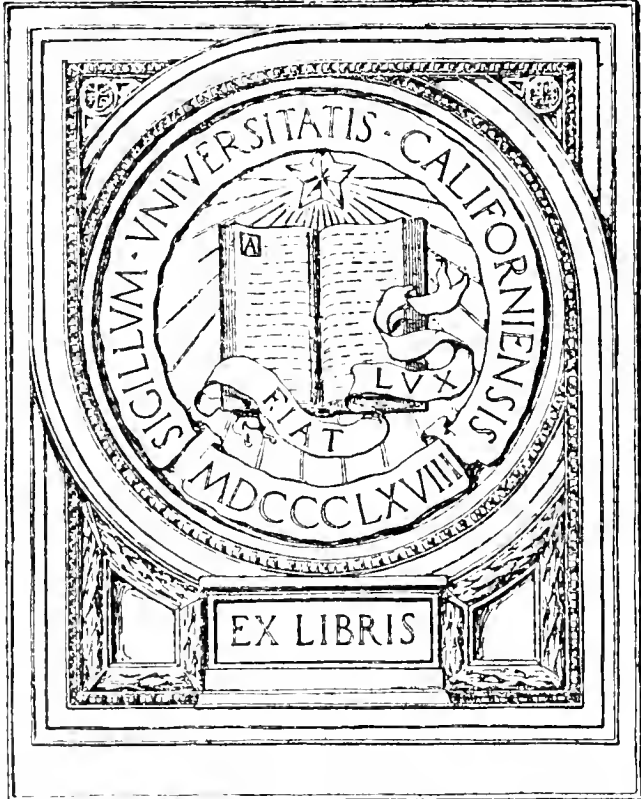


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# ST. THOMAS' POLITICAL DOCTRINE AND DEMOCRACY.

BY THE

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DISSERTATION

*Submitted to the Faculty of Philosophy of the Catholic University of America in partial fulfilment of the requirements for the Doctorate in Philosophy.*

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## INTRODUCTION

Though the political panacea of the day, democracy is still insufficiently understood by the many whom it affects most. The qualities of it are better known than are the qualifications for it; the ends than the means. It is airily esteemed the great emancipation, the crown of the glorified people, the tomb of autocracy, the gate-way to the millenium, etc. But its demands are proportionate to its favors; and there can be no true concept of democracy which ignores the preliminaries which induce it and its success.

The meaning of the word, from the time of Thucydides<sup>1</sup> who first used it, until now, is popular rule.<sup>2</sup> As one reviewer says, "Democracy is the state of an *autonomous people*".<sup>3</sup> Still, if a people are not intellectually and ethically equipped for self-government, a democratic régime would not be democratic at all. It would be demagogic, or "the government of the people by the boss of the group." It would be, save by miracle, or through the discipline of experience and time, a species of chaos.<sup>4</sup> Tyranny and its equally odious opposite—lack of all rigor—are none the less political calamities when they obtain in the many. The definition of democracy would be improved by the linking of the adjective "qualified" to "autonomous."

Democracy is an ideal form of government; but, like all ideals, it has not always proved the best for practical purposes. For nations have not invariably measured up to its requirements, and hence have not always been prepared for its privileges. Since it is a system which, in a manner, makes rulers of the many, it demands that the many have the mental and

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<sup>1</sup> I, 15.

<sup>2</sup> "Demos", people, and "kratos", rule.

<sup>3</sup> Borrell, Art. *L'Idée de Démocratie*, Revue de Philosophie, XII, p. 114.

<sup>4</sup> This is why democracy is criticized as a disintegrating force which "dissolves communities into individuals, and collects them again into mobs." Criticism should more justly be reserved for the abuse of democracy and the disqualification of certain peoples for its reign. The fault is not in democracy, but in democrats. Cf. Croiset, *Les démocraties antiques*, p. 335.

moral virtues requisite to regency. Until a people have evolved to the due political degree, democracy could only be a Pandora's box in their possession. If it is the best of the forms of government, its place in political progress is last; and the belief that it is the best for the future implies at least a concession that it may not always have been the best in the past.

Athens was ready for a democratic era only in the Golden Age of Pericles (445-431 B. C.); and even then her particular brand of popular rule which Lloyd calls "the most pure and the most important democratic government the world had ever,—nay has ever seen",<sup>5</sup> was far from ideal. Theoretically, the people ruled; practically, Pericles. His spirit and influence leavened the whole polity, as in a form of monarchy. The Demos discussed and decided; but it was only a segment of the population. In a city-state where one regarded it a real hard-ship to have to live with less than half a dozen helots at beck and call, and the number of free citizens, Attic-born and bred, who alone enjoyed the right of suffrage, was a startling minority, democracy, in our modern sweeping sense, was far from regent.<sup>6</sup> But the truth is that to support even this narrow democracy, which was really but a broad aristocracy, Athens needed a citizenry with brains. That she happened to have it, is the great reason why the era was golden. Galton declares<sup>7</sup> that the average ability of the Athenian race was at the very lowest estimate two grades higher than our own; and this, if so, means that the Hellenes intellectually surpassed us quite as much as we ourselves out-step the African negro to-day. He recalls as evidences of the nimble intelligence and keen aesthetic sense of the Attic, the elaborate works of literature and art which were presented as a matter of course by their creators for his criticism and appreciation. If Athenian morals

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<sup>5</sup> *The Age of Pericles*, Vol. II, p. 97.

<sup>6</sup> Wilson in *The State*, p. 600, mentions the difference between ancient and modern democracy. (a) The former was immediate; modern is immediate, or representative. (b) In the former the officers were the State—unimpeachable, and accountable only after their term; in the latter, all officers are representative. (c) Ancient democracy was really a glorified aristocracy; in modern, citizenship is co-extensive with population and suffrage is as wide as qualified citizenship. (d) In former, the individual lived for the State; in modern, the State exists for the individual.

<sup>7</sup> *Hereditary Genius*, p. 342.

measured up to Athenian minds,<sup>8</sup> perchance the fate of the most famous of ancient democracies would have been less swift and tragic. This classic example is of much modern political importance.

The need for democracy is not solely rule by and for the people, but much else which this entails. The faculty of reason must be strong and active in the people; without it there can be no genuine autonomy. Secondly, a sense of responsibility must animate the populace; else law and order would be tossed to death on the crest of passion's wave. Thirdly, there must be a constant increase in personal intellectuality and powers of determination, for knowledge is never exhausted, nor is moral judgment ever too perfect. The field for advancement in these regards is vast. And, besides, the difference between a democracy and a pure, or ideal, democracy admits of a myriad degrees. The individual must be awakened as never before, his mind wide open to the day, his heart strong, his arm ready; otherwise the theory of self-government were fanciful. Democracy means the rise of the individual to a kind of kingship. It is not primarily a political scheme of votes, privileges, exemptions, or reforms; but rather a spiritual force arousing the individual to self-consciousness, appreciation, ambition, expression, and service in civil society and state affairs. It does not equalize men in the concrete. What could do that but a dream, and who but a dreamer?<sup>9</sup> But it does make them equal in a legal sense, and does, as Tocqueville would have it, equalize opportunity. Maumus writes that democracy necessitates an application to the social order of four principles:

1—The equality of all citizens before the laws.

2—The possibility of all citizens attaining civil honor and service without any title other than personal merit.

3—The proportional division of public charges, or relative equality in the matter of taxation.

4—The right of all to be heard, directly or through repre-

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<sup>8</sup> Cf. *Idem*, p. 343.

<sup>9</sup> (1) See Hill's *Ethics*, p. 265. Cf. Montesquieu's, *L'esprit des lois*, VIII, 2.

sentatives, when there is question of legislation or of the form of government.<sup>10</sup>

The nature of these principles indicates the need of morality and intelligence for their realization in civil society. Just laws require just legislators. The offices of the State should be open only to the competent; and if they are to be open to all, all must be competent. Only the voice of truth has a right to be heard in the State; and if all voices enjoy such a right, all should be ethical.

Hence democracy seems primarily moral, then social, and at last political. It must first arouse the individual to a keen knowledge and sense of right and wrong, and a robust appreciation and pursuit of right. It thus renders him an important item of the group-life in which he moves; an asset to the sum and quality of its thought; an increase to its power. The greater the number of rightly thinking minds and rightly feeling hearts in society, the greater is the practicability of a popular form of government.<sup>11</sup>

And so a definition, accrediting all this, might be: Democracy is the state of a people who, individually qualified by intellectual and moral progress, and eager for further advancement, rule themselves either by themselves, or through their representatives. A corollary would be that such a people with such a régime enjoy "the maximum of self-expression with the minimum of restraint," or, as Pasteur expresses it, "the true democracy is that which permits every individual to put forth his maximum strength."<sup>12</sup>

<sup>10</sup> *L'église et la démocratie*, pp. 18-19.

<sup>11</sup> Cf. Nelson,—*How Christ would organize the world*, p. 23: "Democracy is an ideal, which must develop and exist in the hearts of a people before it can become an established principle of their government."

<sup>12</sup> Other corollaries could be drawn also, and pass for definitions, such as Mr. Gillette's sociological appreciation: "I shall therefore proceed to define democracy as the right of the masses to participate in all the essential satisfactions of life and of their future right to control the social agencies by means of which those satisfactions are distributed."—Publications of the American Sociological Society, Vol. XIV, Art. *Democracy and Partisan Politics*, p. 39; and Mr. Bailey's politico-psychological concept: "Democracy is a state of society. It is such a constitution of the social order as allows each member to develop his personality to the full and at the same time to participate in public affairs on his own motion."—*What is Democracy?*, p. 35.

Thus understood, democracy is far from conflict with Catholic conceptions. The Church has never forgotten the practical side of life in her appreciation of the spiritual and ideal. Through her fundamental teaching, "upon which in the last analysis", a writer observes, "all advance of democracy must be based",<sup>13</sup> dignifies each man as the image of his Maker and claims for all men the same purpose of existence, she has ever recognized that there is a wide twilight zone of human individual differences between this common origin and end. She has consistently hoped and allowed for racial progress. She has never committed herself to a policy of thrusting governments into the control of multitudes unprepared to receive them, appreciating that the people must be guided until such time as they are capable of guiding themselves; but she has never discountenanced that a people, individually or collectively, should evolve their powers to the fullest. For to deny or combat this, would have been to discount her very doctrine that men must tend to their end which is excellence itself—God. And so we find her wielding her influence in medieval and modern times to promote the advance of individual and society, warning against temerity indeed, but in season welcoming any theory of government which honestly precludes peril and promises success.<sup>14</sup> She has never frowned on democracy as such, and could not. Rather she has exhaled its spirit in her teaching from the start; so much so that it is no longer considered absurd to suggest that back in the Middle Ages, in the calm of the cloisters, long before Protestant monarchs snapped their fingers at Rome, and, as some writers say, it became expedient for Catholic scholars to wither royalty in order to water the Pope, the doctrine of the sovereignty of the people was born.

One ought not forget that kings did not rise to supreme power in Europe until the Medieval Era had almost passed. In the period of the Popes, feudalism was tempered by the

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<sup>13</sup> Chas. B. Macksey, *Sovereignty and Consent*, p. 1.

<sup>14</sup> In his encyclical, *Immortale Dei*, Pope Leo XIII asserts that "the right to rule is not necessarily bound up with any special mode of government," and that "it may take this or that form, provided only that it be of a nature to ensure the general welfare."

guild system. The people were in process of formation for self-government; only their own handicaps, incidental to their late emergence from barbarism, delayed the inevitable day of their return to their civil birth-right.

But theories of government, contrariwise to Catholic, came to dim the prospect; notwithstanding that the Reformation is wrested by some of its fervent admirers to explain the birth of modern democracy. The Wittenburg friar's wanton injunction to princes as to the treatment of the underlings—"drive, beat, choke, hang, burn, behead, break upon the wheel"<sup>15</sup>—appears to express a pathological hostility, if anything, to the democratic ideal. Calvin, around whom swirled popular blood in Geneva; high-handed Henry and equally autoeratic Elizabeth: these betray little regard for the people and less interest in releasing political power to them. Royal might, in the sixteenth century, seized on the ecclesiastical; and under this unbridled assumption the masses seemed more menaced than ever.<sup>16</sup> Stemmed was the promising tide of civil liberty, and weakened was the hitherto increasing consciousness of responsibility which animated Christian rulers.

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<sup>15</sup> Werke, Erlangen Ed., 15(2), 276. Quoted by Rahilly, Studies, Art. *The Catholic Origin of Democracy*, Mar., 1919, p. 4.

<sup>16</sup> John Neville Figgis, *From Gerson to Grotius*, p. 81: "In fact, the religion of the State superseded the religion of the Church. Its first form was the Divine Right of Kings. Luther and Machiavelli were two of the most important factors in the change." The extravagant mental juggling which Figgis indulges to justify this extreme claim of "divine right" by kings is of interest: "The only way to escape from the fetters imposed by traditional methods was to assert from the old standpoint of a Scriptural basis and to argue by the accustomed fashion of Biblical quotations, that politics must be freed from theology and that the Church must give up all attempts to control the State. The work of the Reformation was to set men free in all departments of thought and inquiry from subjection to a single method and a single subject. In the case of politics the achievement of this result was possible *only through claiming at first theological sanction for the non-theological view of politics*. Only when the result is achieved will politics be free to develop theories which shall be purely philosophical or historical.....Politics were able to enter upon their modern age, only because the theory of Divine Right having done its work *had emancipated them from medieval fetters and had in so doing become obsolete itself*." The passage is a classic of subterfuge, and abundantly speaks for itself. See Figgis, *The Divine Right of Kings*, pp. 259-260. Rahilly disallows any necessity of seriously refuting "this practical joke which converts Henry VIII and James I into far-seeing democrats."



To minimize Rome, Protestantism magnified monarchs; and the disastrous slogan "The king can do no wrong" rang out the death-knell of the democratic promise and possibility of medieval political principles. The goodly solidarity which a common Faith, doctrine, and spiritual leadership had afforded Europe, was shattered. A synthetic force yielded to one of disintegration. Individualism was doubtless thus enhanced and the purpose of future democracy served; but the crowning glory of Medievalism, "individuality through communal unity",<sup>17</sup> which could not but induce a most desirable type of democracy, had vanished. The civil power, become minotaur, had devoured all.

Saurez, as also his twin gladiator, Bellarmine, essayed to slay the injurious pretension with the sword of Catholic tradition.<sup>18</sup> Standing in the morning of the Modern Age, this celebrated later Scholastic, in the spirit and tone of the ecclesiastical era, indeed in the very voice of the Angel of the Schools, vindicates the rights of the people and thus preambles the long and mighty drama of popular emancipation. He maintains that, fundamentally there is no reason why one man should have political jurisdiction; also that the subject of political power is not the individual, nor any number of individuals, but the community.<sup>19</sup> In order that such power might pass by just title into the hands of one man, it is necessary that the people consent.<sup>20</sup>

Alfred Rahilly has attested the heavy debt which democracy owes to its correct and courageous exposition by the doctrinal aggressor of King James and able representative of medieval political theory. He sees it struggling to life in the unrest and aspirations of the English Whigs and Puritans and bursting into rich blossom in our own American Declaration of Independence, whose principles of natural equality and pop-

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<sup>17</sup> Cram, *The Great Thousand Years*, p. 47.

<sup>18</sup> Figgis, *The Divine Right of Kings*, p. 104: "Doleman, Bellarmin and Suarez are the *bêtes noires* of Anglican divines. Against them as the preachers of resistance and inventors (?) of the theory of original compact, the heavy artillery of the royalist pamphleteers is always directed."

<sup>19</sup> *De Legibus*, Lib. III, cap. III, 1.

<sup>20</sup> *Idem*, Lib. III, cap. IV, 2.

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ular consent, intentionally or not, are unmistakably Suarezian.<sup>21</sup> And the doctrine has re-flowered in the famed and familiar utterances of Woodrow Wilson, in a manner to fill the race with enthusiasm.

If it is true that, tracing back the rise of modern democracy, we at length find ourselves clasping the hand of a Spanish Jesuit, it is also a fact that the latter represents the writings of one Thomas of Aquin, and in this wise links the modern period with medieval political doctrine. Much as is the indebtedness of the son of St. Ignatius to the son of St. Dominic, however, some mild protest must be made against Dr. William Dunning's possibly semi-facetious assertion that "where Aquinas is unclear or incomplete, it is Suarez's aim to clarify and supplement; where Aquinas takes an untenable position, Suarez reverently and with the subtlest distinction and discriminations proves that the master must have meant something dif-

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<sup>21</sup> See Art. *Suarez and Democracy*. Studies, Vol. VII, No. 25, Mar. 18.

Equally interesting, too, is the assertion of Mr. Gaillard Hunt, of the Library of Congress, that Thomas Jefferson was a borrower of Bellarmine. See *Catholic Historical Review*, Oct. 1917, p. 286, Art. "Virginia Declaration of Rights and Cardinal Bellarmine." As Rahilly observes: "Filmer's Patriarcha was certainly well known—Jefferson's own copy of it still exists in the Library of Congress." And Sir Robert Filmer translates and quotes a particularly popular paragraph which he declares to comprise "the strength of all that he had ever read or heard produced for the natural liberty on the subject." The paragraph might well have been written by a sincere American colonial sire. It is certainly a pre-expression of the patriotic minds of Mason and Jefferson. See *Studies*, June, 1919, Art. *The Sources of English and American Democracy*, pp. 206-207. Also J. A. Ryan's *Catholic Doctrine and the Right of Self-Government*, p. 13. Filmer's quotation from Bellarmine is to be found in Ch. I of his *Patriarcha*, Henry Moreley's edition of Locke's *Two Treatises*, p. 14. Filmer is as alien to the Cardinal, as America had to be to Filmer. He finds it convenient to spatter ink at Rome and vents the now-tiresome comment (p. 14): "Late writers have taken up too much upon trust from the subtle schoolmen, who to be sure to thrust down the king below the pope, thought it the safest course to advance the people above the king, that so the papal power might take the place of the regal. Thus many an ignorant subject hath been fooled into this faith, that a man may become a martyr for his country by being a traitor to his prince; whereas the new-coined distinction of subjects into royalists and patriots is most unnatural....." Filmer's doctrine would make our Revolution look like a sacrilege. If the political principles which yielded the world its greatest example of representative democracy be Romanism, then there is naught for us but to say, with apologies to Patrick Henry: "If this be Romanism, make the most of it!"

ferent from what he said.<sup>22</sup> The Jesuit was a worthy medium of the message of the former. Aquinas hardly took positions which Suarez found "untenable," and among his pronounced merits in his Treatise on Laws are clarity and completeness.

St. Thomas of Aquin came into the world of thought when Europe was in a critical stage of transition (1227-74). Townsfolk were then seeing their rights more clearly and were wringing recognition from feudalism in the form of charters. Many of the cities glistened as tiny gems of democracy. Quickened by their industrial associations, which in some particular cities numbered as many as fifty, the masses were feeling their muscles. In St. Thomas' own Italy, medieval municipalities enjoyed particular advancement. The Lombard League, the victory of Legnano, and the Peace of Constans, are brilliant spots in the history of the principle of liberty and self-determination. Unfortunately, however, the independencies used their powers against each other in a series of midget, but sanguinary, wars. It was in this clangor of petty arms that St. Thomas appeared and was educated. The necessity of toning down prevalent politics to the possibility of true liberty, by submitting it to the directive influences of charity and justice, must have been paramount in the thought of the scholar. The situation in our Saint's day was similar to that which now confronts the world. The solutions which he presents in his political theories perhaps have some of the same pertinence to the present as to the medieval past.

He saw democracies rise and ride to ruin. He studied the reasons: ignorance and dearth of moral restraint. He beheld tyranny grasp when and where the popular grip weakened—Hellas repeating itself! He travelled in Germany and France, with little political detail, we may well imagine, escaping his eye. Over and above the vivid observations of his own intense life-time, he could and did advert to the political knowledge of his predecessors. Just as Azpilcueta, Molina, Lessius, Bannez, and Suarez would later draw on his mind, so

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<sup>22</sup> William A. Dunning, *A History of Political Theories, from Luther to Montesquieu*, p. 136.

did he supplement his own intellectual treasury with the riches of preceding centuries. He indeed fills his lamp with the oil of the past; but it glows, by his own genius, with principles which serve for the whole future. He joins the Medieval with the Ancient. He takes the thought of paganism and burnishes it with Christianity. Filtering through the mind of Aquinas, Aristotelian notions are separated from their coarser elements.

Especially valuable is his teaching, in that it not only holds aloft ideals for the guidance and perfection of the State, but also prescribes practical remedies for its sores; thus winning a place above the purely abstract systems which Figgis would call "the besetting sins of politics from Dante to Karl Marx."

In our study of the political mission and message of the Angelic Doctor, we shall, of course, have much recourse to his *De Regimine Principum*. There is well-founded suspicion that this work is spurious from the middle of the second book to the end; but the probability is that the treatise was finished by a hand and mind skilled and sympathetic in the discipline of Aquinas. Likely the Doctor himself left material which Tolomaeus of Lucca, his disciple, arranged and amplified.<sup>23</sup>

The aurora of political enlightenment, which is the *Commentary on the Politics of Aristotle*, surely need not be renounced as unrepresentative of Thomistic thought. It is not all the personal effort of the Saint, for Tolomaeus himself says so, and Peter of Auvergne is mentioned as concluding

<sup>23</sup> Crahay, *La politique de saint Thomas d'Aquin*. Introduc., p. XXIII: "plusieurs manuscrits très importants portent—ils, après le 4-e chapitre du II-e livre, des annotations analogues à celle-ci: *Qui finisce secondo il beato Tommaso d'Aquino, poscia compiuto da Fra Tolomaco da Lucca.....* (Mss. du pape Alexandre VII)." See Jouradin, t. I., *Philosophie de S. Thomas*, pp. 146-7:

"Il résulte, en somme, de l'ensemble des investigations auxquelles on s'est livré:

1\*—que saint Thomas n'avait conduit le traité *du Gouvernement des Princes*, que jusque vers le milieu du seconde livre;

2\*—que l'ouvrage fut ensuite continué selon toute apparence, des matériaux laissés par l'auteur....."

See Mandonnet's catalogue of the works of St. Thomas, according to the Vatican manuscript, lat. 3847: *Les écrits authentiques de saint Thomas d'Aquin*, *Revue Thomiste*, 1909, III, p. 268.

See Zeiller, *L'idée de l'état dans saint Thomas d'Aquin*, pp. 5-11.



the enterprise.<sup>24</sup> But it is all in the Master's vein.<sup>25</sup> And the fact that it mirrors the mind of the Philosopher, is no proof that it does not reflect, at least moderately, the thought and sentiment of Saint Thomas himself. Although the latter very probably failed to be as perfervid as an Averroes,<sup>26</sup> who revered Aristotle's doctrine as supreme truth and his intellect as the human pinnacle, he must have succumbed to the spell which filled the thirteenth century. In politics, the greatest of the Greeks was preeminence itself. It was he who endowed the study with the character of an independent science, by distinguishing it from ethics. His investigations covered practically all the Hellenic and barbarian systems of government.<sup>27</sup> Aquinas would have been less great, had he been blind to a greater. The strong indication is that, save in notes decidedly dissonant with Christianity, our Saint is very much in harmony with the "Philosopher." We may believe with Baumann<sup>28</sup> that the Angelic Doctor would have hesitated to comment the Politics, if he could not quite commend it. He was seriously making it, through his commentary, mental pabulum for his age. The proof of his approval and appropriation of its lessons is his frequent references to them throughout his *Summa*. As for his *De Regimine*, it is largely a reflex of the more sterling principles of the *Politics*. But we should be warned by the cautious opinion of such as Antoniades and Jourdain<sup>29</sup> not to identify the Saint with the Stagirite, and

<sup>24</sup> Jourdain, *Philosophie de S. Thomas*, I, p. 88.

<sup>25</sup> Crahay writes: "L'on peut conjecturer toutefois que le continuateur a terminé l'ouvrage d'après des notes laissées par saint Thomas, et par conséquent, il n'est peut-être par interdit d'utiliser les quatre livres, dans une mesure restreinte." Op. cit., introduc., p. XVIII.

<sup>26</sup> Cf. *Com. de Coelo et Mundo*, Lib. I, lec. 22.

<sup>27</sup> Cf. Dunning, *Political Theories, Ancient and Modern*, p. 50.

<sup>28</sup> Baumann, *Die Staatslehre des h. Thomas von Aquino*, p. 103: "Wo daher Thomas mit Aristoteles nicht stimmt, und es gab solche Punkte namenlich in der Religion, da sagt er es ausdrücklich."

Ibidem: "Das Mittelalter eignete sich den stagiriten an, in dem es ihn erklärte."

<sup>29</sup> Antoniades, *De Staatslehre des Thomas ab Aquino*, p. 3: "Allein das Bild, welches uns in dem thomistischen Commentar zu Aristoteles' Politik entgentritt, repräsentirt nicht die thomistische Lehre."

Jourdain, *Philosophie de S. Thomas*, p. 84: "Telle est cependant la réserve de saint Thomas qu'il se contente d'analyser le texte d'Aristote sans se permettre ni une critique, ni une approbation motivée, ni même un développement de quelque étendue."

always to remember the narrow but deep Christian chasm between their mentalities. Anent the legitimacy of accrediting Aquinas with thoughts which are expressly the Philosopher's, it is well to recall that the doctrine which the world freely attributes to Plato is, on the Broad-Browed's own testimony, Socrates'; and St. Thomas is to Aristotle what Plato was to Socrates. As for the unauthentic four books, we shall use them in the "restrained measure" which Crahay deems permissible, since they were possibly composed from the Doctor's notes and are the work of one whom Tolomacus calls his most faithful disciple.<sup>30</sup>

The tract *de Legibus*<sup>31</sup> in the *Summa* will be of much importance to our purpose.

Here and there in the other works of the Angelic Doctor, teachings of political value flash. These too shall be duly noted and utilized.

The trend of democratic thought will be traced. Much that the modern mind might, at first blush, find repugnant to popular favor, may be indicated in the pages of the Master. A closer scrutiny, however, will invariably reveal that it is really the distortions and misconceptions of democracy, and not the principle itself, which are disrelished and criticized. In this, Aquinas but accords with the best thought of all time. Plato could see no wisdom in having *uninstructed* masses rule.<sup>32</sup> Aristotle placed democracy in his list of the corrupt forms of government;<sup>33</sup> but by it he understands the abuse of popular rule, and not popular rule itself. The latter idea he calls Polity (*politeia*) and quotes it with approval. Cicero, while admitting the merits of democracy, was wide-eyed to its dangers.<sup>34</sup> Dante thought it shameless; Mill, impracticable; and Rousseau believed that, in its purity, it was fit for

<sup>30</sup> *Hist. Eccles.*, Lib. XXIII, c. XI: "Sed hos libros complevit magister Petrus de Alvernia fidelissimus discipulus ejus." Quoted by Jourdain, *op. cit.* p. 88. See also Turner's *History of Philosophy*, p. 382.

<sup>31</sup> 1a, 2ae, qu. XC—CVIII.

<sup>32</sup> *Rep.*, V, 473.

<sup>33</sup> *Politics*, III, 7. St. Thomas (*De Reg.*, Lib. I, cap. I) himself fol-  
cratia' nuncupatur."

[<sup>34</sup> *De Republica*, I, 29]

following Aristotle, says: "Si vero iniquum regimen per multos, 'Demo-

gods and not for men."<sup>35</sup> Aquinas manages to avoid all heat and to present a cool opinion. And who, considering certain countries of the world today, more aroused by democracy than ready for it, convulsed in problems of their own creation, grappling desolation to their souls and deluding themselves that it is self-determination, would judge the prudence of the Angel of the Schools as prejudice?

Still the amount and merit of the democracy to be found in his doctrine are remarkable. Then again, they are not; for the very rule under which he lived gave his mind a certain democratic turn. "It is a fact beyond all doubt and beyond all question," observes M. F. Morris, "that the first distinct and positive illustration of constitutional government is to be found in the monastic orders. The very word Constitution in the technical sense in which we now use it, was first employed by them, and Constitutionalism in government may in fact be said to have originated with them. The Constitutions of Saint Anthony, and Saint Augustine, and Saint Francis of Assisi, and Saint Dominic, and subsequently the Constitution of St. Ignatius of Loyola, Saint Francis de Sales, and others were the first schemes on record of strictly constitutional government."<sup>36</sup> Sifted, this sentence still shows much truth. And the government of the Dominican Order, of which Aquinas is the great luminary, was a model of the representative democracy which, we shall see, met his favor for the State and has been adopted by the progressive modern age. The Order was governed by a master-general; the province by a provincial prior; the convent, by a conventual prior. The last was elected by the friars of the convent; the provincial prior, by a provincial chapter composed of the conventual priors and *two friars from each convent elected by a full meeting of all the friars of the convent*; the master-general, by a general chapter composed of the provincial priors and two friars from each province elected by the provincial chapter.<sup>37</sup> When in subsequent pages we find St. Thomas claiming for all the citizens in the State some share in the government,

<sup>35</sup> Cf. *Irish Ecclesiastical Record*, Jan., 1921, p. 77.

<sup>36</sup> *History of the Development of Constitutional and Civil Liberty*, p. 57.

and giving for his reason that such a polity is better loved, and hence better served,<sup>38</sup> we suspect that his devotion to the Order of his choice is not altogether silent. In fact, we shall find throughout his doctrine that his church-relations in nowise prevent, but rather promote, the popular tendencies; we shall understand with Mandonnet why post-Reformation absolutism could show "little sympathy for the democratic constitution of the Preachers."

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<sup>37</sup> Barker, *The Dominican Order and Convocation*, pp. 14-15.  
Rahilly, Art. *The Catholic Origin of Democracy*, *Studies*, March, 1919, pp. 10-11.  
Cf. H. O. Taylor, *The Medieval Mind*, I, 361-3.  
<sup>38</sup> 1a, 2ae, qu. CV, a. 1.

## CHAPTER I

## ORIGIN AND NATURE OF SOCIETY AND STATE

Deep in man's nature, St. Thomas seeks and finds the seed of society.<sup>39</sup> The first chapter of his *De Regimine Principum* is a page of Social Psychology in which the earnest servitors of a science which we are inclined to fondle as the child of the particular genius of our own day, would find much interest.

It is characteristic of Aquinas that he should gaze beyond the external circumstances which assuredly occasioned and accelerated the rise of particular societies. He does not obtrude on the field of the historian, but focusses on the fundamental causes, human and divine, of society as such.

He regards society as a union of many individuals in the pursuit of a common end.<sup>40</sup> Civil society, or the State, is a more specialized form in which men by means of law and order seek a degree of temporal happiness which would be unattainable by individual effort.<sup>41</sup>

## CAUSES OF SOCIETY

## 1.—THE PHILOSOPHICAL EXPLANATION

St. Thomas discerns three causes as operative in the origin of society. First, the big individual and human motive.<sup>42</sup> For

<sup>39</sup> *De Reg.*, Lib. I, cap. 1: "Naturale autem est homini ut sit animal sociale et politicum, in multitudine vivens, magis etiam quam alia animalia."

<sup>40</sup> Schwalm, *Lecons de philosophie sociale*, t. I, p. 2.

<sup>41</sup> *Com. Evang. Matt.*, c. XII.

<sup>42</sup> And as a writer criticizing William McDougall's latest book, *The Group Mind* (New York, G. P. Putman's Sons, 1920), remarks: "one can safely assert that no collective psychology will go far or go deep which starts from the group as a whole rather than from the disposition individuals to form groups." Walter Lippman, in the *New Republic*. Vol XXV, No. 315, p. 86.

the individual, isolation would have meant limitation. Wants would have been starved; growth, stunted; existence itself, problematic. Man is endowed with instincts and reason; both must have combined to articulate his interests with those of his fellow-men; the latter convincing, the former compelling. His instinct for self-preservation was stronger than his means. Brutes with their natural equipment were fitter for the vital contest.<sup>43</sup> Too, they knew by nature the dangerous and the safe, while man's enlightenment was empirical and, if he remained apart from his fellows, it could have been, at most, meagre.<sup>44</sup> More markedly than the lesser animals had man a disposition to communication and self-revelation, of which his gift of speech gives evidence.

His mental power must have enabled him to find the way of satisfying the urge into which his instincts merged. By very means of his reason he must have seen that reason was a liability as well as an asset, a hindrance as well as a help: for, while inferior animals without it fared well, he, with it and on account of it, was thrown on his own resources. It was a light, in which he perceived his weakness and wonderful possibilities of strength. It discovered to him that he could not achieve a sufficient amount of knowledge alone and that he required the complement of other intelligences and experiences.<sup>45</sup>

Still more elemental, however, than reason and the tendencies mentioned, as causes of society, was, in all probability, man's paternal instinct. It gave rise to the family, which, as we shall later see, St. Thomas esteemed the unit of society. It doubled the individual's interests and problems. It brought him into intimate relation with a fellow creature. In a word, it served to waken his other instincts and his reason: for it inspired a sense of responsibility and power.<sup>46</sup>

Thus it would seem that St. Thomas chiefly attributes society to the instinct; and the higher form of society called the State

<sup>43</sup> *De Reg.*, Lib. I, cap. 1.

<sup>44</sup> *Ibidem*.

<sup>45</sup> *Com. Eth.*, Lib. II, Lec. 1; *Summa Theol.*, 2a 2ae. qu. LII, a. 1, ad 1; *Contra Impug. Relig.*, Cap. III; *De Verit.*, qu. II, a. 1. Aquinas speaks also of intelligent foresight—*Com. Perih.*, Lib. I, lec. 2.

<sup>46</sup> *Com. Polit.*, Lib. I, lec. 2; *Com. Eth.*, Lib. VIII, lec. 12. Cf. Cicero's *De Officiis*, I, 17.



to reason.<sup>47</sup> To the former, the origin; to the latter, the evolution.

Such conclusions in Aquinas' doctrine are not too broad nor abrupt; for his premises, though brief, are pithy. In them are to be found a serious investigation and appreciation of psychological values. He sees not only the positive in man, but the negative as well; not merely qualities, but likewise the requirements which qualities create. He considers man not only as struggling for existence, but also for the perfection of existence.<sup>48</sup> He finds him both fitted for social life and, in a manner, forced by his very fitness into it. The advantages of such a state of existence are magnetic. Human thoughts are increased by being shared; hearts are eased by being emptied into each other.<sup>49</sup> Interiorly and exteriorly, a man's nature finds invitation and stimulation to association. He cannot but be in relation to others. No life is lived to itself.<sup>50</sup>

Society is so natural<sup>51</sup> that, even had original sin never obtained, and the primal state of innocence and perfection remained, man still would have been social.<sup>52</sup> Such an authority as Bluntschli deludes himself that Catholic theologians regard the State as a consequence of man's fall from grace.<sup>53</sup> For Aquinas clearly expresses the opposite view: as do also the great thinkers of the sixteenth century, Suarez<sup>54</sup> and Bellarmine.<sup>55</sup> St. Augustine saw sin as causal in civil society.<sup>56</sup> Gregory VII was certainly of this sombre conception.<sup>57</sup> John of Salisbury, too, could be cited as a scintillant predecessor of St. Thomas.

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<sup>47</sup> We are not adopting Hegel's distinction between State and Civil Society, by which he views the former as a complete organic unity in which individuals as such do not exist, and the latter as the relative totality of individuals. There does not seem to be any notion akin to this in the politics of St. Thomas. We feel justified in using the words "state" and "civil society" interchangeably.

<sup>48</sup> *De Reg.*, Lib. I, cap. 14.

<sup>49</sup> *Com. Eth.*, Lib. IX.

<sup>50</sup> *Contra Gentiles*, Lib. III, lec. 130.

<sup>51</sup> *Antoniades, Die Staatslehre des Thomas ab Aquino*, p. 13

<sup>52</sup> *Summa Theol.*, Ia. qu. XCVI, a. 4.

<sup>53</sup> Vareilles—Sommières, *principes fondamentaux*, p. 67.

<sup>54</sup> *De Opere Sex Dier.*, Lib. V, cap. 7.

<sup>55</sup> *De Laicis*, Lib. III, cap. 6.

<sup>56</sup> *De Civitate Dei*, Lib. III, cap. 5; Lib. XV, cap. 1; Lib. XIX, cap. 15.

<sup>57</sup> Lib. VIII, ep. 21, Migne, Tome 148.

who held the State a necessary evil rather than a necessary good.<sup>58</sup> But Aquinas has the courage to wave aside such authority and to express the opinion which, despite Dante, has since remained common in Catholic thought.

From his psychological exposition of the birth of society, we pass to St. Thomas' teleological explanation. In the former he applied the great Aristotelian principles of Potency of Act to a concept of social genesis: seeing man endowed with powers and imbued with needs which could find expression and gratification only in intercourse with other mortals. Now he uses the Philosopher's principle of Finality, and, through it, beholds a mightier urge than the personal, at work to effect and affect not only the rise of society but also its course. It is plain that man must have had a purpose in forming and entering society.<sup>59</sup> His reason demanded this.<sup>60</sup> But his object was not exclusively the naked necessities of life. A whole chapter in the Commentary of Thomas on Aristotle's Politics convincingly teaches that civil society is formed not so much out of the lower needs of nature as for the attainment of the higher.<sup>61</sup> And he adverts to God as the ultimate beginning and end of man. He teaches that the rational creature is subject to the Providence of the Deity in a most excellent way: being a partaker of Providence by being provident both for himself and others.<sup>62</sup> Having a natural inclination to his proper act and end, man has a share in the Eternal Reason.<sup>63</sup> Thus human reason is a reflection of the divine, as is also human providence. And civil society, growing out of both, is heavenly-human in origin. St. Thomas offers no deistic concept of the world. He sees God brooding over his creation, operating on and in it, seeking His human ones and desiring to be sought by them, inviting and urging them to Himself, the Supreme Good. God is good "per essentiam": but all else is good only "per participationem." Nothing is

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<sup>58</sup> *Polycraticus* Lib. VIII, cap. 17.

<sup>59</sup> *De Reg.*, Lib. I, cap. 1.

<sup>60</sup> *Ibidem*.

<sup>61</sup> Lib. III, cap. 7.

<sup>62</sup> *Summa Theol.*, 1 a. 2ae, qu. XCI, a. 2.

<sup>63</sup> *Ibidem*.

good save in so far as it possesses some semblance to the divine goodness. God is the "good of all good."<sup>64</sup>

From these principles it is clear that man could never have remained indifferent to his human environment, without remaining indifferent to his God, Who is reflected in His creatures.<sup>65</sup> With a common Author, a common Master, and, most significantly, a common Destiny, mankind could not but have felt and appreciated, from the start, an impulse to union. The paternity of the Divinity implies the fraternity of humanity.<sup>66</sup> True, St. Thomas is no ontologist nor traditionalist. He teaches plainly that the concept of God is neither innate nor primary, but that it is acquired through creatures.<sup>67</sup> But when it is attained, surely, in its light, one can understand much which would have remained mysterious. Whether the first founders of society realized it or not, God was working in and through them, that mankind might work for and to Him.<sup>68</sup> Man's body may be content with lower gratifications, but his spirit craves higher objects and relations, and these lead on to the Supreme Good.

In this, his teleological view, St. Thomas could not have penetrated more deeply into the origin of society. His psychological explanation brought us into the mind and heart of the individual; this second elucidation carries us beyond to the Being Who is the Alpha and Omega of the individual's existence and Who implanted in humanhood both reason and instinct. With Creator and creatures clearly in mind, Aquinas sees two sets of relations; those of men to God, and those of men to men.<sup>69</sup> The means by which God's human creatures should and do perpetuate, if not originate, a union are no less ethical than psychological. If God is first and last, and men come from and must return to Him, mankind constitutes a vast brotherhood under the Divine Plan.<sup>70</sup> The inter-relations which such

<sup>64</sup> *Contra Gentiles*, Lib. I, cap. 40.

<sup>65</sup> *Idem*, Lib. III, cap. 19.

<sup>66</sup> *Summa Theol.*, 2a, 2ae, qu. CLXXXVIII, a. VIII, ad. 5. Here is the best basis for that international understanding which Wells seeks in his *The Outline of History*. He gives Kant credit; why not Aquinas?

<sup>67</sup> *Summa Theol.*, 1a, qu. LXXXVIII, a. 3.

<sup>68</sup> *Idem*, 1 a, qu. XII, a. 12; *Contra Gentiles*, Lib. III, cap. 19.

<sup>69</sup> *Com. Eth.*, Lib. I, lec. 1.

<sup>70</sup> *Summa Theol.*, 1a, 2ae, qu. XCI, a. 1.

a condition entails suggest the ethical foundation of society.<sup>71</sup>

St. Thomas is not content with teaching the mere social good which association affords. If this were the main cause of congregation, it is conceivable that civil society might not have arisen; for primitive men in Rousseau-manner might have preferred to tend to individualism. But Aquinas, in his ethical explanation, says that men must come together, for they have duties towards their Maker and each other. To accomplish the former, they require mutual aid, intellectual and moral.<sup>72</sup> Their mutual obligations, namely, charity and justice, are facilitated by inclinations.

It is natural for them to love the Source of their blessings<sup>73</sup> and all that suggest it. An elementary conscience directs them that they must not use badly what is good.<sup>74</sup> Thus the love of neighbor and justice toward him are sufficiently primary forces to shed light on the question of social origin. They involved relations which required association. And so we find Aquinas observing that individuals are united in society by love and that the true nature of the bond among the members of a community is virtue.<sup>75</sup> Love is a general virtue which proposes and promotes the others.<sup>76</sup> The others, without it, are ineffectual.<sup>77</sup> It ensures justice. It is at once a bond and corner-stone of civil society; and the indication is that it must have been one of the strongest factors in the origin thereof.

<sup>71</sup> *De Reg.*, Lib. 1, cap. 14.

<sup>72</sup> *Contra Gen.*, Lib. III, cap. 128. To be able to do without the inestimable aid of his fellow-creatures, man would have to be a beast—or a God. (See Com. on Aristotle's *Politics*, Lib. I, lec 1.) It is only the genuine exception among mortals who can live apart from the multitude, neither asking nor receiving. As such, St. Thomas cites John the Baptist and Anthony the Anchorite. (*Com. Polit.*, Lib. I, lec. 1.) But he evidently appreciates that only the average individual is to be regarded in a theory of society. *Com. Polit.*, Lib. I, lec. 1: "et sic homini auxiliatur multitudo civilis—non solum quantum ad corporalia—sed etiam quantum ad moralia—"

<sup>73</sup> *Summa Theol.*, 2a 2ae, qu. XXIV, a. 2.

<sup>74</sup> *Contra Gen.*, Lib. III, cap. 128.

<sup>75</sup> *De Caritate*, qu. I, a. 1.

<sup>76</sup> *Summa Theol.*, 2a 2ae, qu. LVIII, a. 6.

<sup>77</sup> *Contra Gen.*, Lib. III, cap. 130.

## 2.—THE ACTUAL RISE OF SOCIETY

So far we have considered the philosophical explanation of society and the State, according to St. Thomas. We have seen the psychological, teleological, and ethical basis of his teaching. We must next attend to his account of the actual appearance of the phenomenon of civil society.

There is some controversy as to whether man's nature or his consent was the primary cause in the orientation of the State. St. Thomas recognizes the element of consent.<sup>78</sup> And we have already seen how essentially suited to society he considered man.<sup>79</sup> We, therefore, conclude that he believed man's nature to have urged him into civil life and consent followed.

In primitive society agreement came as a matter of course. Man was born into domestic relations, and his nature took as smoothly to association with his kind as a swan to a pond.<sup>80</sup>

But doubtless volition figured more vitally in the rise of civil society; for here a question of sacrifice was involved. The individual was to invest himself in a community; the procedure would at once limit and enlarge, restrain and enrich him;<sup>81</sup> ask much but give more. Thought was required. Reason lit the way, and will followed. Here volition may have been more or less explicit.<sup>82</sup> St. Thomas is not categorical on the question: for so natural is it for man to live in society, that deliberation in

<sup>78</sup> See Costa-Rosetti, *Philosophia Moralis*, p. 579. Too, the Angelic Doctor implies consent in the first chapter of the first book of his *De Regimine*. St. Augustine teaches the origin of civil society by consent: "generale quippe pactum est societatis humanae oboedire regibus suis—;" *Confessionum*, Lib. III, 8. Also in *Ep.* 138, and in *De Civ. Dei*, Lib. XIX, 21, and Lib. IV, 4. Thus St. Thomas continues the doctrine of his great predecessor. And Suarez (*De Op. Sex. Dier.*, Lib. V, 7) continues the doctrine of St. Thomas.

<sup>79</sup> Cf. Lactantius, *Divin. Instit.*, Lib. VI, cap 10.

<sup>80</sup> This follows from the doctrine of man's sociability. And hence His Holiness, Leo XIII, in his Encyclical *Diuturnum*, pronounces against Rousseau's maintenance: "Sed magnus est error non videre, id quod manifestum est, homines cum non sint solivagum genus, citra liberam voluntatem ad naturalem communitatem esse natos; ac praeterea pactum, quod praedicant, est aperte commentitum et fictum—"

<sup>81</sup> *Com. Polit.*, Lib. I, lec. 1.

<sup>82</sup> In his *Com. on Aristotle's Politics*, Lib. I., lec. 1, St. Thomas states the Stagirite's opinion that men have a natural tendency to society as to virtue, and that as a virtue is acquired by exercise, so are states founded by the work of men.

the matter is not pronounced. A man can refuse to breathe, if he wishes; but nature sanctions no such folly. So is the case of society.

Vareilles-Sommières is of the opinion that the original approach of men to each other was voluntary; but that, once associated, they were in civil society, willy-nilly.<sup>83</sup> He does not appear to distinguish sufficiently between primitive and civil society. The former was indeed potentially the latter; but the latter is an improvement and development of the former. A horde of barbarians temporarily banded together to sack a city, is an example of an association that is not civil. When they submit to a permanent and more or less regulated existence, a State is truly started.<sup>84</sup> And it would seem that their consent must be present either tacitly or expressly. Consent does not cease to be such because it is gradual and complies with a natural tendency. We may hardly deduce from the fact that St. Thomas describes man as "social" and "political," that he believes civil society to have been absolutely forced by nature on the race. He teaches that natural necessity does not preclude volition.<sup>85</sup> Individual states may be born in violence through the powers of some great personality or other circumstance; but if consent does not follow, we can hardly picture a very durable institution. The elements of state would fall apart as soon as the hand of the founder became gripless in death, or as speedily as the causal condition would dissolve. Consent is social cement; and without it, the general fact of civil society is inexplicable.<sup>86</sup> There can be no doubt that St. Thomas, who appreciated human values so highly, considered it a main power in the actual formation of the State.

The voice of the thirteenth century harmonizes with modern

<sup>83</sup> *Op. cit.*, p. 62.

<sup>84</sup> *Com. Polit.*, Lib. II, lec. 2. Aristototele's *Politics*, VII, 8. Cf. Locke's *Two Treatises of Government*, Bk. II, ch. 2, p. 128.

<sup>85</sup> *Summa Theol.*, 1a qu. LXXXII, a. 1, ad 1. We are minded here of Hegel's doctrine of Objective Spirit, in which he avers that man's inner life finds outlet in external institutions, which at first seem foreign to the individual, and yet are but expressions of his true self.

<sup>86</sup> Janet, Paul. *Historie de la Philosophie morale et politique*, t. II, p. 288: "La société est naturelle, cela est incontestable; mais la société politique implique évidemment certaines conventions."

doctrine, as to the first unit of society.<sup>87</sup> McDougall refers to Prof. Keane, in the latter's *Ethnology*, as declaring that the issue of the lively discussion on the origin of society is that the family was the earliest form.<sup>88</sup> This is St. Thomas' conclusion.

He considers a society perfect in proportion to its ability to supply the requirements of life.<sup>89</sup> The family furnishes intimate and immediate necessities,<sup>90</sup> and is therefore primary. He notes three kinds of domestic relation: that existing between parent and child, between husband and wife, and between servant and master.<sup>91</sup> The character of these relations indicates an institution at once distinct, sacred and inviolable.<sup>92</sup> The family cannot be lost in any larger community for, as St. Thomas clearly offers, it has functions which are essential and peculiar to itself. It is a vital integer, capable of union with others of its kind, but not of absorption. Families cluster and form a village; and many villages joining themselves into one society constitute a state. The justification of the State is that it assures the needs that give it birth; and, doing this, it is the perfect community.<sup>93</sup> The consummate community, however, is the kingdom, or, as we should say today, the nation. Though Aquinas certainly would not have subscribed to the sinking of the State totally in a greater society, it seems that he would have favored no ineffectual aggregation of petty independencies such as our Thirteen Original Colonies constituted under the Articles.

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<sup>87</sup> The meaning of the word family has suffered much shifting. The Hebrew expression seems to be derived from a word signifying a head, prince or lord. The Greek term is *oikos*, suggesting house. Aristotle thinks a family is that society which nature has established for daily support. Charondas, before him, considered as a family (*homosipuoî*) those who fed together out of the same pannier. Epimenides regarded those who sat by a common fire (*homokapnoi*) as a family. (Cf. Sir Robert Filmer's *Patriarcha*, p. 25). Also Aristotle's *Politics*, Bk. I, Ch. II. St. Thomas follows Aristotle. He uses the word "domus."

<sup>88</sup> See *Social Psychology*, Wm. McDougall, p. 274.

<sup>89</sup> *De Reg.*, Lib. 1, cap. 1.

<sup>90</sup> *Ibidem*.

<sup>91</sup> *Com. Evang. Matt.*, C. XII; *Com. Polit.*, Lib. 1, lec. 2.

<sup>92</sup> *Summa Theol.*, 2a 2ae, qu. LVIII, a. VII, ad 2. McDougall remarks that "all who have given serious attention to the questions are agreed that the stability of the family is the prime condition of a healthy state of society and of the stability of every community"—*Social Psychology*, p. 274. This, too, is the Thomistic thought and teaching.

<sup>93</sup> *Com. Evang. Matt.*, c. XII.

of Confederation.<sup>94</sup> Where there were fear of foe, says he, there could be no enduring state. Therefore, it is requisite that there be a community of many states making one kingdom. In this opinion he exceeds the concept of the Philosopher. The greatest of the Greeks saw the city-state as the acme of social evolution;<sup>95</sup> but the Angel of the Schools gazes more keenly, and farther. He introduces "regnum" fully into political philosophy. Evidently Christianity afforded his vision a more synthetic quality and a finer sweep. Dante, who reverently breathed the intellectual atmosphere of Aquinas, dreamed in his *De Monarchia* of a universal Christian empire; much the same as the best thought of the world today is weaving a League of Nations. Who can say to what degree the medieval poet was indebted to the Master for his magnificent fancy?<sup>96</sup>

### 3.—THE DEMOCRATIC VALUE OF THOMISTIC THEORY

In the ideas of St. Thomas which have thus far been exposed, an ingredient of democratic thought is constantly present and apparent. We find that man *is*, not because the society and State *are*; but they are, because he is. The individual is conceived and regarded as prior to all organization. It is for his advantage, material and spiritual, that communities are formed. Out of his nature and needs they rise. Just as Aquinas preserves the family in his theory of State, and the State in his idea of "regnum," so does he safe-guard even in a more earnest manner, the individual. This concept of the individual as the efficient and final cause of society, under God, is a solid foundation for a truly democratic polity. If such is "one based upon the knowledge and dignity of man, and on the right which he possesses of enjoying a certain amount of liberty conformable

<sup>94</sup> Ibidem.

<sup>95</sup> *Com. Polit.*, Lib. I, Lec. 1: "est civitas principalissimum eorum quae humana ratione constitui possunt."

<sup>96</sup> Suarez, the interpreter of St. Thomas, touches this question of union in his *De Lege Humana et Civili*, Lib. III, cap. II, 6. He does not think that all men should unite in one political community. This would be neither practical nor necessary. But all states should be united by mutual aid and pledges to promote peace and justice.



to reason and justice,"<sup>97</sup> we may well conclude that St. Thomas of the thirteenth century was quite as modern as the intelligent exponent of Democracy today. His consideration of man is complete, because it ends in man's Maker.<sup>98</sup> His thought goes beyond the animality of humanity to the spirituality; and his investigation ceases only in the first and final Reality. In this he surpasses Aristotle and perhaps all other political thinkers, with the exception of Augustine of Hippo and his own followers: being more ready to render to God the things that are God's.<sup>99</sup> His speculations on elementary politics are deeper, for they go to the First Cause; more reasonable, for they seek conformity with the Author of Reason; more fruitful, for they discover for the race an infinite ideal. He sees man in relation to his Maker, and hence in greatest dignity. He can endorse no political doctrine which would tarnish that glory. He does not envisage the State as a mammoth frakenstein, gulping down the individuals who create it,<sup>100</sup> but he beholds it as a creation of purpose, interest, love and duty, in which each one adjusts himself to the common good instead of the particular, or rather makes the two weals concentric.<sup>101</sup> He even ensures the individual's standing to the extent of allowing that private good may sometimes be superior to public.<sup>102</sup> He does not see society as a spawn of Chance and man as a blind and negligible social atom. He detects a plan, wholesome, rational, and operative in humanity; and every individual is safe-guarded by the natural law of love and justice, according to which no man may be ignored or annihilated, but

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<sup>97</sup> Balmes' *Protestantism and Catholicity Compared in their Effects on the Civilization of Europe*, p. 364.

<sup>98</sup> Considering man in relation to his Creator, the medievalist draws a very democratic conclusion. God did not create two Adams from whom respectively descended nobles and plebians. *De Erud. princ.*, I, cap. 4. Cf. *Dante and Catholic Philosophy*, by Frederick Ozanam, p. 321.

<sup>99</sup> John Locke, too, manifests this spirit strikingly. According to him, as to Aquinas, men are "all the workmanship of one omnipotent and infinitely wise Maker; all the servants of one sovereign Master, sent into the world by His order and about his business: they are His property, whose workmanship they are made to last during His, not another's pleasure." *Two Treatises on Government*, Bk. II, Ch. 1, p. 194.

<sup>100</sup> "Homo non refertur ad communitatem politicam secundum se totem et secundum omni' sua." *Summa Theol.*, 1a 2ae, qu. XXI, a. 3.

<sup>101</sup> *Summa Theol.*, 2a, 2ae, qu. XLVII, a. X, ad 2.

<sup>102</sup> Idem, qu. CLII, a. IV, ad 3.

each must be acknowledged and aided. He believes that society owes the individual a sufficiency of temporal goods, just as the individual owes society a life of virtue.<sup>103</sup> Thus in the very beginning of his politics, Aquinas both discovers the individual, and champions him. Than this nothing could be more democratic.

#### 4.—CONTRAST WITH OTHER THEORIES

The democratic value of his doctrine on the origin of society and the State is sparkingly evident from a terse contrast with the teachings of his predecessors and successors on this topic, so potent in influencing the ideals and practical tendencies of the world's political thought. Plato indeed prizes men's desires and needs as a primary social cause.<sup>104</sup> He soon slips from the psychological, however, into a conception of civil society, at once beautiful and symmetrical, but patently artificial, in which the individual figures no more vitally than a brick or a dash of mortar. To realize this ideal of State Absolutism, he would render the individual unreal. Democracy is as far from his aristocratic brain as the Thirteenth Century from the Age of Pericles. The difference between his thought and that of St. Thomas is vast. Though the bulk of his political doctrine deals with the State not as it is, or was, but as it should be, it is easy to discern from his aspirations the anti-democratic character of his pre-conceptions.<sup>105</sup>

Aristotle's speculations are, to be sure, quite consonant in many respects with those of Aquinas. But Thomas regards man more earnestly than does the Philosopher.<sup>106</sup> The latter

<sup>103</sup> *De Reg.*, Lib. I, cap. 15.

<sup>104</sup> *Republic*, II, 366. Cf. Dunning's *Political Theories*, Vol. I, p. 28.

<sup>105</sup> Cf. Acton, *History of Freedom*, p. 71: "Plato would not suffer a democratic polity—. The prodigious vitality of his writings has kept the glaring perils of popular government constantly before mankind; but it has also preserved the belief in ideal politics—. There has been no fiercer enemy of democracy; but there has been no stronger advocate of revolution."

<sup>106</sup> Aristotle painfully presses the inequalities of human nature. In the first book of his *Politics*, ch. IV, he speaks of "the born slave." And Jean Jacques Rousseau feels called on to retort: "S'il y a donc des esclaves par nature, c'est parce qu'il y a en des esclaves contre nature. La force a fait les premiers esclaves, leur lâcheté les a perpétués;—" *Contrat Social*, Lib. I, ch. II.

lacks in his Paganism an appreciation of the later Christian message of brotherhood, and so is inferior in thought to his own follower. He neither sees, nor expresses, nor defends the individual so clearly as does the Angel of the School.<sup>107</sup> He is blind to man's deep spiritual significance, and to the spiritual bond among men, of which any merely political scheme of union were but a shadow and effect. He did not know, as Aquinas so well realized, that humanity had a personal as well as a single Source, and was therefore one great family; that the race of men must ever have experienced an attraction one to another and each to all; that because each was the image of that Author, all must reverence Him. In Athens, four centuries before the Dawn in Bethlehem of Judea, even such an intellect as Aristotle's could but grope in darkness.

Lucretius (91-51 B. C.) views man as originally belligerent, rather than social or political. For him, society and State are expediencies rather than natural expressions and requirements. His conception of man is less noble than that of St. Thomas; he sees him fighting against his fellows and finally reacting into ways of peace; in other words, degenerating into reason and virtue. According to him, civil society appears as a protest and protection against anarchy and despotism. His premise is pernicious to any political theory; for, if man is naturally hostile to man, civil society must, theoretically at least, be an unnatural restraint. This idea induces a logical return to the anarchism which the Latin poet declares the State appeared expressly to oppose. His image of man as the natural son of Mars is extreme. It does not explain the origin of civil society so well as it suggests the mystery of it and warrants the dissolution of it. It inspires no democracy; for it makes the source of society a fever. The law of fraternity, justice and love, which St. Thomas so plainly beholds as elemental in the race, does not even remotely suggest itself to the mind of the mouth-piece of Epicureanism.

Polybius (167-151 B. C.) evinces an equally unflattering estimation of man. He does not see him as fire, but as clay. In

<sup>107</sup> In his *Ethics*, he condemns democracy, even with a property qualification; though in his *Politics* he amends his views. Cf. Acton, *op. cit.*, pp. 71-72.

man's meek submission to the rule of the strongest and the boldest, "even as it is among bulls, bears, and cocks," lies the explanation of the earliest civil society.<sup>108</sup> He is just a pawn, moved by the law of reaction from one form of civil society to another. Unmistakably Polybius fails to find the individual so dynamic as a democratic trend of thought demands and Aquinas freely concedes.

Cicero (106-43 B. C.) is more at harmony with St. Thomas in ascribing society to man's social instincts and requirements.<sup>109</sup> He finds in nature a law of justice.<sup>110</sup> and a disposition to love.<sup>111</sup> But his expressions are general. He speaks of the people; for him "res publica" is "res populi."<sup>112</sup> The individuals, however, seems to slip from his mental grasp. This may be because his conception of nature and the natural law, as A. J. Carlyle observes, does not lack ambiguities and incoherencies.<sup>113</sup> St. Thomas far excels Cicero in his analysis and use of these ideas.

Christianity poised man's minds above the earth and enabled them to realize more fully than even the best representatives of Stoicism could enunciate, the oneness of humanity. It interpreted the erstwhile mysterious yearnings of mankind, of which all forms of society were an evidence and expression. It pointed to God as the Origin and the End of humanity, and revealed the wondrous rays of Providence between. Saints Ambrose, Augustine, and Gregory the Great are the chief writers, before Aquinas, to view political facts through Christian concepts. The practical democratic value of Christianity finds early indication when the holy Bishop of Milan beards autocratic Theodosius and, with the principles of the new religion, saves the people

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<sup>108</sup> See Wm. A. Dunning's *Political Theories*, p. 115; also Sir Robert Filmer's *Patriarcha*, p. 23.

<sup>109</sup> *De Repub.*, I, 25. But Cicero conceives a lower estimate of human nature; weak, idle, craven, lustful, albeit containing the divine spark. This corruption originates and necessitates conditions and distinctions that may be somewhat unnatural. (Cf. Carlyle's *History of Mediaeval Political Theories*, Vol. I, p. 12.)

<sup>110</sup> *De Leg.*, I, 14-16.

<sup>111</sup> *Ibidem*, I, 15-43.

<sup>112</sup> *De Republica*, I, 25. See Carlyle's *A History of Mediaeval Political Theory*, Vol. I, p. 1-18, and Dunning's *Political Theory*, Vol. I, p. 118-125.

<sup>113</sup> See *A History of Mediaeval Political Theories*, Vol. I, p. 18.

from him, and him for himself. But it is St. Augustine (354-430) who applies religion directly to political thought. His results, however, do not prove so happy as do later achievements. Heresy restoring chaos to the religious world; Alaric and his Visigoths tearing Rome and terrifying civilization; Augustine's own early subjections to the world and the flesh; these sombre facts, even apart from theological impressions, must have served to darken his views. He is deeply impressed with sin and its consequences. He teaches that in the original order of things men would have been free and equal.<sup>114</sup> But the Fall brought what Seneca conceived as the Golden Age of humanity to an abrupt close. Man passed, by ensuing necessity, into the conventional institutions of society. These afford a discipline by which his new and evil tendencies are corrected. Augustine sees the State essentially as a correction of man; Aquinas, as an expression.<sup>115</sup>

Gregory the Great (590-604) declares that men are *equal*. And, for him, this condition is neither hypothetical nor past; it is of present and living import, as is evinced by his admonition to masters to remember that their slaves are as themselves, inasmuch as they share the same nature. But this doctrine, which is of paramount significance in a democratic theory of society, will be found much better advanced in the writings of St. Thomas.

In the galaxy of political authors whom the Modern Age has produced, Hobbes, Grotius, Suarez, Locke and Rousseau are among the most brilliant names. Some of these seem to have been influenced by the tradition of Aquinas, directly or indirectly, in their doctrine on the origin of society and State. None of them presents principles of more truly democratic value. The Angel of the Schools is no less heartily democratic than modern

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<sup>114</sup> *De Civ. Dei*, XIX, 15. Cf. A. J. Carlyle's *History of Mediaeval Political Theory*, Vol. I, p. 114.

<sup>115</sup> But again we must notice that St. Augustine was a supporter of the contract theory of society. In his *De Civitate*, XIX, 21, he refers to Cicero's definition: "Res Publica res populi. Populus autem non omnis hominum coetus quoquo modo congregatus sed coetus multitudinis juris consensu sociatus" (*De Republica*, I, 25). And in cap. XIX, 17, he speaks of human society as involving a "compositio voluntatum."

thinkers, because he is more rationally so; not less sincerely, because more restrainedly.

Thomas Hobbes (1588-1679) takes all that his ancient predecessor Lucretius has to give. For him man is primarily not a social but a martial animal, inclined to throttle his fellow-being rather than to respect his rights or enlist his aid.<sup>116</sup> As we have already observed, such a tenet is pregnant not with democracy but anarchy. Hobbes' doctrine of the dawn of civil society is purely Epicurean up to a point where he surpasses his patron saint and slays every hint or hope of democracy. He is deservedly praised for his precise and explicit theory of social contract; but his total surrender to state absolutism in his teaching that power, once yielded up to a sovereign prince or body, can not be recalled,<sup>117</sup> is as odious to the twentieth-century brain as it would have been to the thirteenth. He makes the most of the individual, only to obliterate him. He lets him enter the State, never to return. How democratic the Thomistic doctrine seems in comparison with this image of civil society as the bourne, from which no individual returns! Aquinas refuses to allow the individual to be lost, which may be one of the reasons why he, in these later days, has been rediscovered. It is well known that Thomas Hobbes in Paris enjoyed the acquaintance of Gassendi and Decartes. From the former he probably adopted his Epicurean views; by the latter, he must have been brought into intimate contact with Scholastic principle. René Decartes, educated by the Jesuits, ever esteemed them and never forgot La Flèche; and, at this time, the political views of that very distinguished son of the Order, Suarez were particularly important in the world of thought. Hobbes' mind could be swayed, as his sympathy for royalty and his consequent teaching on the irrevocability of the social contrast suggest. There is as much reason to deduce that he might have drawn some of the better bits of his doctrine from Scholastic sources as that he accepted his Epicurean elements from Gassendi.

The mingling of Epicurean and Scholastic thought results

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<sup>116</sup> *Leviathan*, De Homine, cap. IV.

<sup>117</sup> *Idem*, *De Civitate*, cap. XIX.

in a hybrid political theory more or less alien to either source. The social contract as found in St. Thomas, does not affect society as such, but civil society. Men were led by their own social nature into association; it is only in civil life that a contract potently figured. But Hobbes would posit the agreement as the explanation both of society and the State.

As for his conceit on the adamant character of the contract, St. Thomas could never subscribe to it. We shall later see that he teaches the right of subjects to revolt and considers those enactments of rulers which outrage reason, not binding.

The intellect of Hugo Grotius (1583-1645) must also have been stirred by the dispute between James of England and the dauntless Jesuit Suarez, and by the latter's scholarly triumph over regal pretensions. The views of the Protestant Netherlander on the origin of society and State are, to a degree, Suarezian and Thomastic.<sup>118</sup> He repeatedly adverts to the social nature of man, and seems to hold that society is due to instinct and the State to contract. Finally, he teaches that transferred rights may be recalled. However, his doctrine is democratically marred by concessions to absolute monarchy.

Suarez (1540-1617) is in the closest intellectual accord with Aquinas. He sees all men free by nature. He reconciles this fact with the further fact of society and State by teaching that man is a social being. He beholds a fundamental unity in the race, the source of which is the social instinct.<sup>119</sup> He recognizes the importance of the individual but does not sacrifice the community to him; nor does he immolate the individual to the community.<sup>120</sup> He strikes the balance which suits a sanely democratic ideal. For him the State is the creation of a compact on the part of the people. Not individually but collectively are they the depositary of civil power; else there would be no community and hence no State. As a community, they can

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<sup>118</sup> Cf. Wm. A. Dunning's *His. of Polit. Theories*, Vol. II, pp. 171-186, and Dr. Albert Stöckl's *Grundriss de Geschichte der Philosophie*, p. 206. See *De jure belli et pacis* (tr.), Bk. I, ch. IV., par. 7: "But we must observe that men did not at first unite themselves in Civil Society by any special Command from God, but of their own free Will, out of a Sense of the inability of separate Families to repel Violence; whence the Civil Power is derived—."

<sup>119</sup> *Tractatus de Legibus*, Lib. II, cap. XIX, sec. 9.

<sup>120</sup> *Idem*, Lib. III, II, sec. 4.

change the form of their society. Their pledge is not immutable.<sup>121</sup>

John Locke (1632-1704) is enshrined and incensed as the founder of the political philosophy from which modern democracy was born. He sees man primarily as rational and disposed to good; contrariwise to Hobbes' pessimistic picture and concordantly with the doctrine of Aquinas. The natural law precedes civil society, which is consequent to contract. The people determine the State. The individual is not absorbed; his natural rights limit the power of the community, just as they diminished, in "state of nature," the power of other individuals.<sup>122</sup> Which is but a more modern expression of St. Thomas' simple doctrine of justice. Locke studied at Oxford when Scholasticism was still very much alive there. Suarez was dead; but the memory and the effect of his vigorous encounter with the English Monarch were still green in the intellectual world. The *Two Treatises on Government* are a refutation of the idea of iron-clad monarchy which Suarez antagonized and Filmer sustained. The politics of Aquinas could not have been unknown to the talented Englishman, who is no more original in his democratic principles than Suarez who claims no originality at all. Certainly, too, he is indebted to Grotius, whose treatise *De Jure Belli et Pacis* widely affected ethical and political speculation. "The idea of a law of nature, which forms the background of Locke's political theories," writes Ritchie, "and which from Locke passed on to Rousseau, and to the fathers of the American Republic, comes to Locke mainly from Grotius and Pufendorf. The other writer whom he most quotes, is

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<sup>121</sup> Idem, Lib. III, cap. III, sec. 7, et 8. N. B.—It must not be neglected, however, that Suarez opposed unstable government. He believed that a people and their posterity should be true to a chosen polity, unless the rulers break faith with them and seriously abuse their powers. But of course there would be little reason for them to be false, if the government remain faithful to the popular interests. Suarez is like St. Thomas in granting the right of revocation of power, but only for a good reason. Hobbes' theory of rigid irrevocability is dismally different.

<sup>122</sup> "The State of Nature has a law of Nature to govern it, which obliges every one, and reason, which is that law, teaches all mankind who will but consult it, that being equal and independent, no one ought to harm another in his life, health, liberty or possessions." *Two Treatises of Government*, Bk. II, ch. II, pp. 193-194.



Hooker; and Hooker is the medium through whom the ethical and political philosophy of Thomas Aquinas finds its way into English popular thought."<sup>123</sup>

And so, is it unwarrantable to view St. Thomas as passing through some of the best minds to a mighty modern influence? What is democratically commendable in their respective teachings on the origin of society and State, is to be found at least germinally also in his. On a scholar's answer to the initial question of the foundation of man's civil existence, depends the character of his consequent political theories. Lucretius and Hobbes, with their doctrine of original intensive individualism and natural warfare, founded the State on a volcano. It is pathetic to discover the author of *Leviathan* endeavoring to elude the anarchistic logic of his own teaching, by tying up his savages in an eternal contract. It is only in the light of the fact that man is a social being that the State, with its complex system of regulations and limitations, can be seen as something better than an imposition. It is only on this firm fact that the stability of civil society could ever be assured. It is because man is a rational animal that he can never be content with the separatism of the brutes, but finds his best self-expression in his relations with his fellow-men. The democracy which would chop up society into squirming, mutually-opposed segments is bedlamism. The democracy which aims to establish the individual as an entity with a mind and a heart of his own, but not without moral duty and natural necessity of adjusting them to others, is the helpful and wholesome type which plainly appears in the pages of the Angel of the Schools and in the thought of all who have written under his aegis.

Jean Jacques Rousseau (1712-1778), so far as the valuable portion of his message is concerned, teaches nothing new. The

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<sup>123</sup> *Natural Rights*, p. 39. See also, Macksey, *Sovereignty and Consent*, p. 9: "Though Hooker may seem unaware of the chorus of Catholic theologians, who in his time were defending, against the Divine Right of Kings, the origin of society by consent and the primary reception of sovereignty by the people (i. e., to whole community)? his indebtedness to St. Thomas Aquinas is freely admitted." See Rahilly *The Sources of Eng. and Am. Democracy*, Studies, June, 1919: "Hooker's Ecclesiastical Polity—a striking tribute not only to the Catholic conception of the Church but to the Schoolmen's teaching on natural laws and civil government."

ideas of social contract and natural equality were very venerable at his birth. But he rejuvenated them with a few mental movements which at once carressed and crushed democracy. He finds man naturally good, orderly, and just;<sup>124</sup> hence quite perfect. His difference from Hobbes in this is so violent as to suggest that both he and the Englishman may be somewhat mistaken. St. Thomas, more realistically, sees man not as perfect but perfectible. The individual being so excellent, however, according to the author of the *Contrat Social*, there is little need of society to improve him.<sup>125</sup> The first land-grabber who found folk foolish enough to believe his "This is mine," was the founder of civil society:<sup>126</sup> a peculiarly pessimistic deduction from the extremely optimistic premise of man's perfection! It is hard to consider human beings, so richly endowed as Rousseau pictures, being corralled into states like "dumb, driven cattle," by petty schemers. St. Thomas' explanation is much more psychological and at harmony with human dignity. But this great inconsistency of Rousseau's is followed by greater. Like Hobbes, he magnifies the individual only to pulverize him. He sees in his ideal state the total alienation to the whole community of each associate with all his rights.<sup>127</sup> Yet we know that man cannot part with his natural rights; they are inalienable, if our Declaration of Independence and the doctrine of St. Thomas count for aught.<sup>128</sup> Rousseau later concedes to

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<sup>124</sup> *Lettre à Mgr. De Beaumont*: "l'homme est un être naturellement bon, aimant la justice et l'ordre." Cf. Crahay, op. cit., p. 16. St. Thomas taught a natural law, but did not conclude from the existence of the law to the perfection of its subjects.

<sup>125</sup> "Je voudrais bien qu'on m'expliquât quel peut être le genre de misère d'un être libre dont le cœur est en paix et le corps en santé." *Discours sur l'origine de l'inégalité parmi les hommes*. Cf. de Vareilles-Somières, op. cit., p. 73.

<sup>126</sup> See *Discours sur l'origine de l'inégalité, seconde partie*. Crahay op. cit., p. 12.

<sup>127</sup> *Contrat Social*, I, 6: "Ces clauses, bien entendues, se réduisent toutes à une seule; savoir, l'aliénation totale de chaque associé avec toutes ses droits à toute la communauté." Thos. Hobbes' contract differs from Rousseau's. He sees the rights of the individual alienated to a sovereign individual or to sovereign individuals. His form of contract is this: "Ergo huic homini, vel huic coetui, auctoritatem et jus meum regendi meipsum concedo, ea conditione ut tu quoque tuam auctoritatem et jus tuum tui regendi in eundem transferas." *Leviathan*, De Civitate, cap. XVII. But Rousseau would alienate the rights of the individual to the whole community, and not to any sovereign.

<sup>128</sup> *Summa Theol.*, 2a 2ae, qu. CIV, a. 5, ad 2.

the individual the rights for which the State has no use; but this doctrinal generosity comes too late. The whole contract theory is discredited; for, if men alienate themselves *in toto*, how can they keep a contract and how can they receive rights? Besides, Rousseau's contract is unlike St. Thomas', in being purely conventional, arbitrary, and artificial, with no human impulse in it, nor throb of natural law. He declares that the earliest and only natural society is the family, and that even the family is kept together only by a convention.<sup>129</sup> And so his singular brand of social agreement would require renewal in each generation, and the continuity of the State would be hardly better than a much broken chain. Whereas Hobbes founded society on a volcano, Rousseau rears it on shifting sands. St. Thomas is safer, for his basis is man's rational, moral, social, and political nature.

Again, it may be observed that what is soundly democratic in Rousseau's doctrine perhaps owes itself to the influence of Locke. The effect of England on the French enlightenment in the eighteenth century was signal. Rousseau could hardly have been proof against a charm which completely enslaved his illustrious contemporaries, Voltaire and Montesquieu. The best notes of his message are old enough to be echoes; the rest are so discordant with the best democracy that they cannot but be discarded by such thinkers as incline to the reasonable and safe.

To these opinions of the most celebrated political thinkers, thus summarily presented, we may well append a brief consideration of the traditionalist theory; and, in conclusion, we shall review a typical twentieth-century answer to this fundamental question in politics as to the principiants of society and State.

Louis Gabriel de Bonald (1754-1840) denies the social contract.<sup>130</sup> He finds in man's gifts of language an indication of the naturalness of society. He teaches that it is necessary for man to think his words before he expresses his thought; that is, man cannot think without words. Then language must have been God-given; and the fact of language demands the existence

<sup>129</sup> *Contrat Social*, Livre I, ch. II.

<sup>130</sup> *Théorie du pouvoir politique et religieux*. Cf. Dr. Albert Stökl's *Grundriss der Geschichte der Philosophie*, p. 317; and Dr. Wm. Turner's *History of Philosophy*, p. 603.

of some sort of social organization from the start. But St. Thomas regards language only as the symbol of that instinct of communication from which society so largely flowered.<sup>131</sup> It is certain that he did not esteem language the great solution of society, as does de Bonald. He mentions it only incidentally; while he carefully emphasizes man's social nature. De Bonald's conclusion from the primitive necessity and existence of language that society was not contractual, is logical; but his further idea that civil society likewise lacked contract does not follow. He might find Aquinas friendly in his first opinion; hardly in his second. Aquinas preserves the more democratic view-point which treats men as human beings, not as automata, and would attribute the origin of the State to a human act. His fervent faith in God did not at all mar his philosophy of man.

The latest explanations of the origin of society and State are obviously affected by the industrial character of the day. Mainly the causes are found not within man, but without. Not the urge of his nature, so much as the press of objective circumstances, explains his social and political condition. Psychology must walk behind economics. Dr. Franz Oppenheimer is a good representative of the school.<sup>132</sup> Platonic and Marxian absolutism, Manchester liberalism, the contract theory of Rousseau, and the robber elucidation of Carey: all these conflicting views weary him, for from them it is impossible to draw a fixed principle. Naturally he neglects to turn to the pages of a medievalist for the solidity he seeks. He repudiates the idea that man's social nature is the fount of society. He observes that every state is a class state and that such a state, with its different layers of power and dignity, superior and inferior social groups, is not a natural but an artificial organization. Thus far is he faithful to the cult of Jean Jacques Rousseau. He fastens his eye on the form of the State and misses the main issue, which is, an investigation of the underlying causes thereof. He declares that the state, as an example of caste, could not have originated otherwise than

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<sup>131</sup> He observes that brutes, too, express their feelings mutually, but declares that man's tendency in this regard is stronger. *Com. Pol.* Lib. I, lec. 1.

<sup>132</sup> His book, *The State*, is translated into English by John M. Gitterman, Ph. D., L. L. B., and published by Bobbs-Merrill, Indianapolis, 1914.

through conquest and subjugation. He need not go so far as Aristotle and hold that some men are natural slaves, in order to feel the fallacy of his position. It would be sufficient for him to accept the Christianized version of the Philosopher's view, which St. Thomas presents. In human rights, men are, according to Aquinas, equal: but their personal and social capabilities and capacities are evidently not so. It is natural for a man to accept the position to which he is best suited, at least till he has qualified himself for a better. Oppenheimer theorizes on the assumption that state classes are the creations of force; whereas they can be quite the natural expression, intellectual and volitional, of different grades of ability. "The State, completely in its genesis, essentially and almost completely during the first stages of its existence," he maintains,<sup>133</sup> "is a social institution, forced by a victorious group of men on a defeated group, with the sole pupose of regulating the dominion of the victorious group over the vanquished, and securing itself from revolt from within and attacks from without." Truly there is an absence of psychology in a view which gives man credit for but one craving—power. Thomas Hobbes was munificent enough to concede two aspirations: power and liberty.<sup>134</sup> St. Thomas' searches more deeply than either Hobbes or Oppenheimer and finds as many instincts at work in the generation of the State as would a modern social-psychologist. He does not visualize man as a lustful creature, animated solely with the desire of climbing to material success on the outraged backs of his fellow-men and deriving a diabolic joy from it all. There is, however dimly, a law of love and justice in every human life, which the materialist does not perceive but which ever guided and clarified the political thought of Aquinas.

"Everywhere," Oppenheimer gloomily avers, "we find some war-like tribe of wild men breaking through the boundaries of some less war-like people, settling down as nobility and founding its state."<sup>135</sup> He does not seem to realize that a war-like tribe,

<sup>133</sup> *The State*, p. 15.

<sup>134</sup> "Quod homines, libertatis et dominii, per naturam amatores—." *Leviathan; de Civitate*, cap. XVII.

<sup>135</sup> *The State*, p. 16, Cf. Edward Jenks' idea that the origin of the State is to be found in the progress of War. *Law and Politics of the Middle Ages*, pp. 72-73.

which can conquer another, may be already an organized society, having a degree of permanency and order, and that, therefore, the explanation of its organization may lie farther back than its exploitation of its less bellicose victim. The difference in political thought between the thirteenth-century writer and the twentieth, is that the former essayed to explain the origin of civil society; while the latter offers what really amounts to an explanation of the enlargement, localization, or development of states. And even as such, the explanation is too sweeping. States have not infrequently in History been the outcome of pacts, instead of conquests. Our own Thirteen Original Colonies united themselves in a manner which Oppenheimer appears to have forgotten. Besides, the pioneers in our country did not exploit the Indians and thereby found a class state; they exploited their own energies and built up a free one. They were more eager to expell the aborigines than to exploit them. Oppenheimer may mention in support of his theory of the origin of the State the instances of Babylonians, Persians, Mongols, the Doric States, Ostrogoths, Visigoths, Saxons, etc. These are examples which may be answered with other examples. Unlike Aquinas, Oppenheimer confuses an effect or an occasion of states with the cause; an expiendence with a necessity; a re-formation with a formation. His statement that "the basic justification of the state, its *raison d'être*, was and is the economic exploitation of those subjugated,"<sup>136</sup> refutes itself as a theory of the origin of civil society. The origin of the state is its foundation and not its justification.

His theory of civil society suits an economic age better than it interprets the facts. Aquinas seeks the source of the State within the human beings who make and constitute it, appreciating that historical explanations are, at most and best, superficial. History cannot sound deep causes. Philosophy is indispensable to an understanding. History gives particular facts; philosophy looks behind them and finds general processes.

Significantly, there is no democratic savor to this typically up-to-date doctrine of civil society, which Oppenheimer presents. In it, we find the faults of preceding views, plus new ones.

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<sup>136</sup> *The State*, page 30.

The unflattering implication is that men are but thistle-down on economic winds; their subjective powers are far exceeded by objective and adverse forces; they are not the stuff of which democracy is made. But Aquinas finds reasons to credit man with the possession of potentialities which, evolved, can render him God-like. At the same time, he beholds the race expressing itself in society, rather than society repressing the race. These two views are premises with promises. In the vista of the first, logically Aquinas must detect final democracy, or self-rule, provided that individuals take care to advance toward the Ideal. In the second, he sees the justification of law and order; for it were folly for man to decry a goodly expression of his own rational nature, such as the State is, and to renounce the positive advantages that accrue to him from a civil status. Even as Herbert Spencer, is St. Thomas conscious that, while in the body the parts exist for the sake of the whole, in society the whole exists for the sake of the parts.<sup>137</sup>

His theory of State is solid because his principles are deep and grounded not in any such variable as economics, but in the very constancy of human nature itself. It should be acceptable to the twentieth century, for it presents the best and most rational basis for democracy.

Having seen St. Thomas' primary political doctrine both in itself and in contrast to the efforts of later and allegedly greater authorities, we may pass to a consideration of his idea of State.

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<sup>137</sup> *Summa Theol.*, 2a 2ae, qu. LVIII, a. IX, ad 3: "Bonum commune est finis singularum personarum in communitate existentium, sicut bonum totius est bonum cuiuslibet partium."

## CHAPTER II

## POWER

Saint Thomas teaches that the individual, if able to live by himself, would, under God, be his own king.<sup>138</sup> The necessity for rulers would be nil. The hypothetical character of the assertion saves Aquinas from sounding like Rousseau. It is because the human being, with an endowment of reason, approaches the divine, that the Angelic Doctor has some of the enthusiasm with which Democritus of old, regarding man a god, glowed. The Deity governs according to reason, and His rational creatures share in His régime. Reason is the principal of human acts, their rule, and measure.<sup>139</sup> It is therefore fundamental in the State.

We need look for nothing radical in St. Thomas' doctrine. Its constant aspiration to reasonableness precludes any comfort to either the bolshevist or the ultra conservatist. Because he devotes so much consideration to the rational aspects of man, he can never forget the individual's powers, prerogatives, and place in the divine plan. Every reasonable human want is of the utmost importance; for all spring from a nature that is god-like.<sup>140</sup>

## I.—ETHICAL ASPECT OF POWER

In the preceding chapter, an ethical element in his answer to the primary question of politics was observed. Very important in his conception of the foundation of the State, this same moral aspect is even more so in his idea of its structure. We have seen his explanation of the appearance of civil society. Now his thought practically tends more and more to the ideal.

<sup>138</sup> *De Reg.*, Lib. I, cap. 1.

<sup>139</sup> *Summa Theol.*, 1a 2ae, qu. XC, a.2.

<sup>140</sup> He warns us, though, that in adjudging what is natural to man, we must consider those things which are strictly according to his nature and are not corruptions of it. *Com. Polit.*, Lib. I, lec. 2.



Being a psychologist, however, he does not soar off to any such beautiful but unreal realms as Plato's Republic, Campanella's City of the Sun, Moore's Utopia, or Bacon's Atlantis. He stands firmly in reality, though ever pointing to a noble purpose for which the State was conceived and by which it must be guided.

He sees man's human relations revolving on the four cardinal virtues. For him, as J. Martin Littlejohn notes, "Political ethics may be characterized as individual ethics extended to the political domain."<sup>141</sup> His whole science is impregnated with the morality of which man's rational nature is the norm, and without which, as up-to-date thinkers are coming to realize, democracy is sheer fancy.<sup>142</sup> Littlejohn, however, is wrong in his further opinion that St. Thomas bases his politics entirely on abstract principles of human nature and has no concern with the facts of the external world. The intimacy of Aquinas with the eminently empirical Aristotle, whose researches covered so many constitutions, and his varied contact with the intense times in which he himself lived, must have rendered him keen to the actual. His writings prove that he was.<sup>143</sup> He peers so closely into the human heart and mind because he realizes that right here is the source of the actual; he is equally interested in the ethical, because it leads to the ideal. He is, first and last, but never solely, a philosopher.

Among the practical sciences, Aquinas finds ethics the first; and in ethics a most important department is politics, inasmuch as it considers the ultimate and perfect good in things human.<sup>144</sup> Morals are great agents in St. Thomas' construction of the State; in this, he differs from the Machiavellian separation of the political virtues from the moral. He rejects the idea of

<sup>141</sup> *The Political Theory of the Schoolmen and Grotius*, p. 58.

<sup>142</sup> See Vol. XIV of the *Publications of the American Sociological Society, The Problem of Democracy: Art. on A Working Democracy*, by Frank W. Blackmar: "But in reality democracy is something more than a form of government. It is the co-operating spirit life of the people working in harmony to establish justice among all for all." P. 4.

<sup>143</sup> We find in the prologue to his *Com. on Aristotle's Politics*: "necesse est hanc scientiam (i. e., politicam) sub practica philosophia contineri, cum civitas sit quoddam totum, cuius humana ratio non solum est cognoscitiva, set etiam operativa."

<sup>144</sup> *Prologus ad Com.*

Socrates, Plato, and Aristotle, that there is only an extrinsic bond uniting the community. He bases the State on natural law and a common social nature, and therefore sanctions it both extrinsically and intrinsically, physically and ethically.

## 2.—LAW

In any state, the most prominent feature is law. From the very purpose of law is evinced its necessity; and St. Thomas gives the topic abundant attention. "To the medieval mind," Carlyle observes, "the law was the practical form of justice, and it is in the due maintenance of law that men found the security for justice and for all good in life."<sup>145</sup> The justice which law expresses and which Aristotle calls "the political good," since it is "in the interest of all" (*Politics*, III, 12), is democratically defined by Aquinas as a constant and perpetual will to concede every man his rights.<sup>146</sup> At the bottom of the law, Aquinas places love. He sees all men striving toward the same goal, and hence a union existing among them. Mutual sacrifice, aid, and forbearance are imperative. And law is regulative of these important relations which love either inspires or confirms.<sup>147</sup> It is the result and cause of organization and, as Dante calls it, "the bond of society." The democracy of the Angelic Doctor's teaching on the common destiny of men is equal only to the beauty of it. Aristotle is more impressive than adequate when he declares that "law is an agreement, and as the sophist Lycophron says, a pledge between the citizens of their intending to do justice to each other" (*Politics*, III, 9). Aquinas comprehends and expresses in his writings the highest reason and motive for such an agreement.

In no part of his politics is he in finer accord with the fairest democratic sentiment than in his treatise on Laws. His text is warm with a popular message. The people are both protected and enriched by the principles which he proposes.

<sup>145</sup> *His. of Med. Polit. Theory*, Vol. III, p. 37. Cf. St. Augustine, *De Civitate Dei*, lib. IV, c. 4: "Remota itaque justitia, quid sunt regna nisi magna latrocinia?"

<sup>146</sup> *Summa Theol.*, 2a 2ae, qu. LVIII, a. 1.

<sup>147</sup> *Summa Theol.*, 2a or 2ae, qu. XCIV, a. 2.

Primarily, law must be reasonable. For as reason is a participation of the eternal law of God, so is human law but a derivation from reason. Each man has reason; each man shares in the eternal law. A necessary conclusion from St. Thomas' fundamental proposition on the necessary reasonableness of law is that each individual has implicit part in the formation of the human law, as each has a share in the natural.<sup>148</sup> The *vigor legis* is not in the particular pleasure of anybody, but in the rational nature of the people. A decided advance indeed on the autocratic maxim of the Digest: "The pleasure of the prince is the strength of the law."<sup>149</sup> Decrees may be fulminated by sovereigns, but if these enactments violate the reason with which every man is endowed, they are unjust and not binding.<sup>150</sup>

True, law may be enforced; but only when and because it is truly just. As such, it is not a diminutor of human liberty, but a director and protector. It is not required for those who are using their liberty in society, so much as for those who are abusing it. It makes the path clearer for the good; it brings the bad back into the path. Its restrictive quality is exercised *per accidens*, i. e., when one departs from the way which represents the best of human reason and experience and is manifested by the law itself. The virtuous act freely according to rule and reason, and law therefore is no circumscription to them.<sup>151</sup> The evil, injuring themselves, must not be allowed to spread their misdeeds to others. It is the perversity in man that rebels against law, not the rationality.

The first lesson of the natural law is that no one has a right to do wrong.<sup>152</sup> Human law, by preventing wrong, helps the individual to do right. St. Thomas sees nothing unnatural in what is but a concrete reflection and expression of rational nature. In this he is antithetical to such as Hippias of Elis, who maintained, according to Plato, that law is a tyrant out-

<sup>148</sup> *Summa Theol.*, 1a 2ae, qu. XC, a. III, ad 1.

<sup>149</sup> See P. Janet, *Histoire de la philosophie morale et politique*, Vol. I, p. 315.

<sup>150</sup> *Summa Theol.*, 1a 2ae, qu. XCI, a. IV, ad 3.

<sup>151</sup> *Contra Gen.*, Lib. III, cap. 128.

<sup>152</sup> Cf. Fox, *Religion and Morality*, p. 183.

raging nature. Men of good will are generally of good reason; and these, the normal representatives of the race, would find it easier to agree with Aquinas than with the cynical Greek sophist.

License is gripped and crushed by human law, but under a just sceptre or constitution, liberty is as free as ever.<sup>153</sup> St. Anselm, over a century before St. Thomas, had worked out the problem of law and liberty on ethical grounds in his *De Libero Arbitrio* and *De Concordia Praescientiae cum Libero Arbitrio*, showing that freedom does not consist in the power of sinning and that no will is more free than a good man's. Hegel gives it a modern presentation in his doctrines that, according to the law of development, freedom is realized through its opposite, necessity. But Aquinas himself expresses the consonance of liberty with law better than both, when he writes that, as to restraint and co-action, the just are not, so to speak, under law at all. They are a law unto themselves. They are free—"in eos non habet lex vim coactivam sicut habens in injustos."<sup>154</sup> This is the reason for Aristotle's contention that "the government of free-men differs from the government of slaves not less than slavery and freedom differ from each other in their nature."<sup>155</sup>

The element of force in St. Thomas' idea of law is tempered to a nicety. The law, for him, is primarily doctrinal and directive, not disciplinary. It represents a balance of good will in the community. It means the rationality of the majority against the unreasonableness of a minority.<sup>156</sup> It should induce rather than coerce.<sup>157</sup> It should be a gradual rather than a sudden force,<sup>158</sup> and neither inhumanly rigid nor absolute. Charity often requires that the law itself be judged before judgment be passed according to the law.<sup>159</sup> Finally, he does not consider its scope universal: it must not essay to abolish all vices, but only the more greivous, and especially those

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<sup>153</sup> Cf. Cicero, *De Republica*, 1, 2; also *Pro Cluentio*, par. XLIII.

<sup>154</sup> *Summa Theol.*, 1a 2ae, qu. XCVI, a. V, ad 1.

<sup>155</sup> *Politics*, VII, 3.

<sup>156</sup> *Summa Theol.*, 2a 2ae, qu. XVI, a. II, ad 2.

<sup>157</sup> *Idem*, 1a 2ae, qu. XCV, a. 1, ad 1.

<sup>158</sup> 1a 2ae, qu. XCVI, a. II, ad 2.

<sup>159</sup> *De Dilectione Dei et Proximi*, pars 2a, XI.

which are of injury to others and without the prohibition of which human society could not be saved.<sup>160</sup> Accordingly, too, he believes that the law should limit itself to those virtues which are *ad bonum commune*. Caesarism and socialism find no favor. The law is for the people, even as is the State. The converse cannot be tolerated, if liberty is to be sustained and psychology respected.

Over and above its reasonableness, the law must redound to the general good. The State is instituted for the benefit of its members; it is by law and consequent order that this purpose is achieved. No ukase which favors individuals or a class, to the detriment of others, is just.<sup>161</sup> As all are represented by reason in the State, so all must profit by the reasonableness of the State's rulings. This great element in the doctrine of law, *ad bonum commune*, represents St. Thomas' distinct and democratic contribution to jurisprudence. Greek philosophy had considered law an impersonal conclusion of reason. The Romans saw in it either a conclusion of reason or a manifestation of will. Aquinas conjoins it directly with the interests of the people and finds its chief reasonableness here.

But the practical difficulty of the people meeting and ruling themselves, as did the *demos* of glorious but diminutive Athens,<sup>162</sup> must have appealed to St. Thomas. The different grades of human understanding too necessitated a different system. Though the natural law was equal for all, private interpretation of it would vary according to the acuteness and good will of different individuals. The best interpretation would, of course, be the one for embodiment in human law; and naturally this could be expected from the man or men whom the community placed before itself in leadership—their view being larger and their sympathy broader. Thomas, therefore, sees as a requirement of human law that it be administered by those in charge of the community. A corollary of this teaching would be: accordingly as citizens become better quali-

<sup>160</sup> *Summa Theol.*, 1a 2ae, qu. XCVI, a II, ad 2.

<sup>161</sup> *De Reg.*, Lib. I, cap. 1. Cf. Locke's *Two Treatises*, Bk. II, ch. XI, 134.

<sup>162</sup> Aristotle believed that the State should be small; for, if it is large, "it will be very difficult to find a form of government for it." See his *Politics*, VII, 4.

fied, mentally and morally, to deal with the natural law, the need of rulers for that purpose would be less. In other words, as the people approach the ideal of equality in mental and moral superiority, the purer the resulting democracy can be.<sup>163</sup>

This thought is vital in the Angelic Doctor's politics, that law must represent the best interests of the people and be ordained for the people either by the people or by those who represent the people.<sup>164</sup> And the closing line of that tiny masterpiece of an oration with which Lincoln comforted our sires, half a century ago, did not gleam with a spirit more democratic than this doctrine of a monk of the thirteenth century.

Lastly, he teaches that law must be brought to the people whom it is to profit. It must be promulgated. As rational beings, they must see and know it before they can accept it. An assurance of its reasonableness seems to be acceptance by the people. If custom arises counter to it in the course of time, this is a proof at least of its inaptitude, at most of its injustice.<sup>165</sup>

St. Thomas' doctrine of law leaves no room for despotism or anarchy. He makes it at once potent and personal to all God's human creatures by associating it with the personal power of reason in each and tracing its justification to a personal God. His is a unified concept of Law.<sup>166</sup> The eternal law is the divine reason governing the universe; the natural law is a reflection, in the very nature of creatures, of the divine; positive law is man's interpretation and application of the natural;<sup>167</sup> positive divine law is God's communication of principles of the eternal law to creatures by revelation, for the purpose of leading them to their supernatural end.<sup>168</sup> The

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<sup>163</sup> *Com. Polit.*, Lib. II, lec. 1. Cf. Laveleye, *Le Gouvernement dans la Démocratie*, t. I, p. 28. Anarchy? No. The Thomistic doctrine is always for government, but tends to the democratic form thereof. Dupont White calls attention to the fact that the activity of the State increases with the advance of civilization, whereas, in the primitive society, liberty is nearer to absolute. His work *l'Individu et l'État*, quoted by Laveleye, *op. cit.*, pp. 28-29.

<sup>164</sup> Feugenray. Migne, *Dictionnaire de Théologie Scholastique*, II, p. 1415.

<sup>165</sup> *Summa Theol.*, 1a 2ae, qu. XCII, a. III, ad 2.

<sup>166</sup> *Ibidem.*

<sup>167</sup> 1a 2ae, qu. XCI, a. 3.

<sup>168</sup> Cf. Dante's *De Monarchia*, III, 16.

last is an illumination and guide to human reason and to human law, and of inestimable import to the reign of justice.<sup>169</sup> By the natural law God stoops a man; by human law man strives to God's justice; by divine law God aids him.

It is axiomatic with Saint Thomas that God is good and wills the good of His creatures. His eternal law is the height of love and justice. It is reasonableness itself. In a certain sense all law comes from God;<sup>170</sup> and therefore the reasonableness of obedience is richly manifest. Human enactments do not bind in conscience insofar as they are human. One man has no right to command another. If the mandates of mere men deserve respect, it is because and only insofar as they are derivations of the eternal law and hence refer to God to whom alone obedience is due.<sup>171</sup>

Men are not trees nor stones, and God does not treat them as such. Even the insensate things of creation participate in his eternal plan, but not in the rational way which is vouchsafed to men. Things are largely craven to the laws of mechanism; men, as rational beings, govern themselves. And thus St. Thomas posits the best justification for a democratic polity which can be conceived.

God not only endows the individual with reason but perfects that reason with the extra gift of grace,<sup>172</sup> and thus renders the race even more capable of self-government.

Reason is the same for all human beings; and in this respect all men are equal, for all have reason. It is in the capacity for development and exercise of this faculty that individuals manifest themselves as unequal. All men are wholly subject to the natural law; in this respect, too, their equality is evident. King and slave alike must bow. Consequently, in St. Thomas' view, an assertion like that of Hobbes would singularly lack point: "Outside the State any man may be justly robbed and murdered by any other man; within the State, by one only."

This condition does not change when the natural law is ex-

<sup>169</sup> *Summa Theol.*, 1a, 2ae, qu. C, a. 1.

<sup>170</sup> *De Reg.*, Lib. I, cap. 8: "Mens humana universalis boni cognoscitiva est per intellectum, et desiderativa per voluntatem. Bonum autem universale non invenitur nisi in Deo."

<sup>171</sup> Cf. M. H. Feuguey, *op. cit.*, p. 1415.

<sup>172</sup> *Summa Theol.*, 1a 2ae, qu. XCIV, a. 3.

pressed in the human positive law. If men are equal before the former, so must they be before the latter.

Man's reason does not perfect the natural law; it detects the perfection of it. And, then, it embodies these precious observations in statements which are the substance of human law. Natural law gives us a bird's-eye view of the ethical field; human law attends to the details. Natural law offers general principles; human law, particular applications. Natural law demands that the rights of all be respected; human law defines the rights and enforces the respect. Natural law is, relatively to God's purpose, complete and perfect; human law is to be perfected in proportion to human advances in the understanding of the natural law.<sup>173</sup> Men must not rely solely on the beliefs of their ancestors as to what is good and bad in law-making. The old must yield to the new, if the new is better.<sup>174</sup> Incidentally, here Christianity conferred an inestimable benefit on the race. It brought a beacon of ethical light; and laws, more humane and in harmony with reason, appeared.

Human and natural law need a complement; for the end of life is not death. Man's lasting city lies beyond. A regulated existence here helps to fit him for his destiny; but his destiny being above earth, a word from heaven is necessary. It comes in God's Scriptures. These are the message and test of justice, revealing the perfection of it and the supernaturalization of it, and affording the highest motive and sanction for it. Human law must no more conflict with the divine law than the natural, for the natural is but the dimmer image of the divine. In case of apparent clash, human law discredits itself. It is manifestly erroneous in reason, since the Author of Reason can not be irrational in his rulings. Just as in the natural law men find their rights, and find them fortified by duties,<sup>175</sup> so in the divine law do they discover them anew; but here with a purpose and a sanction which renders them reasonable beyond expression. Men may err in their deductions

<sup>173</sup> *Summa Theol.*, 1a 2ae, qu. XCVII, a. 3; et 1a 2ae, qu. CIV, a. 3.

<sup>174</sup> Kuhlman, *Der Gesetzesbegriff beim St. Thomas von Aquin im Lichte des Rechtsstudiums seiner Zeit*, p. 180. Baumann, *Die Staatslehre des h. Thomas von Aquino*, pp. 80-81. *Com. Polit.*, Lib. II, lec. 12.

<sup>175</sup> *Summa Theol.*, 2a 2ae, qu. LVIII, a. V.



from the natural law; the divine law is infallible, and, therefore, can ever readjust their thought to the good and true.

Thus St. Thomas not only exalts reason in affairs of State, but points to reason's guide. Civic justice, then, is doubly assured,<sup>176</sup> and the truest foundation for democracy securely laid. A doctrine on laws which claims justice for all and explains how it may be secured, is both critical of wrong civic measures and constructive of right ones. It is democratic in scope and spirit; it regards all in the interest of each and each in the interest of all.

### 3.—SOURCE OF AUTHORITY

From Saint Thomas' concept of law, his idea on the source of authority is evident. All law, to be just, is modelled on the divine reason. If just, it is binding. Its authority is ultimately from God.<sup>177</sup> The Angelic Doctor finds himself but echoing the teaching of St. Paul: that all power is from God.<sup>178</sup> It is hardly necessary to remark, however, that Aquinas does not mean that illegitimate power is also from God; for such does not partake of the character of authority at all. In his *Commentary on the Epistle to the Romans*, chapter XIII, he expresses himself succinctly: if considered in itself, power is from God; as to its possession, it is likewise from God, provided it is acquired not by perversity, ambition, nor in any other unworthy way; and, finally, in its use, it must be godly and be wielded according to the principles of divine justice. He does not consider it the creation of any man or men. God, the Author of Justice, is the primary source of that by which

<sup>176</sup> Kuhn, *Die Probleme des Naturrechts bei Thomas von Aquin*, p. 32.

<sup>177</sup> In the *De Reg.*, Lib. III, cap. I, we find proofs of this proposition, Scriptural and rational. Of the latter, the first is: "quia oportet omne ens ad ens primum reducere sicut ad principium omnis entis, ut et omne calidum ad calidum ignis....." The second: "omnis ab uno procedit, et per unum menstruatur....." The third: "virtus est proportionata enti cuius est virtus, et adaequatur ei: quia virtus fluit ab essentia rei....." The second chapter draws a proof from the axiom: "omne quod movetur ab alio movetur." The third, from the argument of finality.

<sup>178</sup> *Summa Theol.*, 2a 2ae, qu. XCVI, a. IV, ad 1.

justice may be enforced. This doctrine is pregnant with democracy; for St. Thomas' God, like St. Paul's, is no respecter of persons, but is equally the Author, Provider, and Father of All.

But since it is natural for men to form civil society, they must have from the Lord of nature that which is required for its support. Civil authority is necessary in the State,<sup>179</sup> just as is the soul in the body, the sun in the heavens, or God in the universe.<sup>180</sup> And whatever has parts constituting a whole, shows the marks of some one thing governing and another governed; e. g., the intellect in man, or the father in a family. Without a guiding power, each member of society would seek gratification in his own way,<sup>181</sup> and, as a result, the State would dissolve, or, at best, eke out a violent and unhappy existence.<sup>182</sup> Man indeed has a certain aptitude for virtue, but still he needs to be disciplined from his irrational inclination to the irrational.<sup>183</sup> If perfected in virtue, man is the best of terrestrial beings; if separated from discipline, he is the worst, for his very gift of reason enables him to devise the grossest depravities and a perverted will would have him execute them.<sup>184</sup> In regard to necessary rule, he is hardly self-sufficient,<sup>185</sup> being prejudiced in his own favor and prone to seek his own interest at the expense of others. As it is reasonable that there be law, so is it reasonable that there be an authority to administer it. Law is the channel of political authority. God is the ultimate source.

The important question arises: to whom does the Deity give the sovereign power? St. Thomas is interpreted by such

<sup>179</sup> Cf. Taparelli, *Naturel Droit*, p. 138.

<sup>180</sup> See *De Reg.*, Lib. I, cap 1.

<sup>181</sup> *Summa Theol.*, 1a 2ae, qu. XCV, a. 1.

<sup>182</sup> So necessary is power, to the Angelic Doctor's mind, that he teaches that *dominum politicum* would have come into existence even in the state of innocence, though not *dominum servile*. Cf. *Summa Theol.*, 1a 2ae, qu. XCVI, a. 4.

<sup>183</sup> Cf. Dante's thought that, in spite of reason and grace, human passion would storm disastrously, were not men, like horses astray in their brutishness, held to the road by bit and rein. *De Monarchia*, III, 16.

<sup>184</sup> *Summa Theol.*, 1a 2ae, qu. XCV, a. 1.

<sup>185</sup> *Ibidem*.

<sup>186</sup> *Le Pouvoir civil devant l'enseignement catholique*, pp. 3 et 4.

authorities at Féret,<sup>186</sup> Costa - Rosetti,<sup>187</sup> and Vareilles - Sommières,<sup>188</sup> as responding that it is given directly to the people who form society. This would be the Angelic Doctor's obvious answer; for, in his politics, men are ever esteemed as rational beings and all his thinking is relative to this fact. After endowing men with reason, God may not be conceived as ignoring His own gift to them by directly placing a power over them which would move them as so many puppets. We have seen that the Doctor taught principles from which logically flowed the doctrine of social compact; also that laws are but the concrete statements of the findings of man's rational nature. If civil society comes from human consent as well as exigency, and laws spring from human reason, the indication is that power, too, has a popular source.

We have direct assertions of St. Thomas.<sup>189</sup> He believes that, since authority is to be exercised for the people, it is of the people. The purpose is the people's; so must be the power, because "to order to an end is the property of him whose end it is."<sup>190</sup> The power behind laws is either in the people or in those who represent them.<sup>191</sup> This question of the immediate conference of power to the people by God, again appears, as Crahay notes, in another question: can custom achieve the force of law? In his answer, St. Thomas distinguishes between a republic and an absolute monarchy, a free state and a bound. In the former, the people largely reserve the power to their own body politic, as in our own country; in the latter they surrender it to their monarch. In the former case, a custom counts far more in favor of a particular observance, than does the authority of the leader, who has not the power to frame laws except as the people decree. And even in the latter, a prevailing custom obtains force of law, insofar as it is tolerated by those to whom it belongs to make laws for the people: be-

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<sup>187</sup> *Philosophia Moralis*, pp. 603-605

<sup>188</sup> *Les principes fondamentaux du droit*, p. 349: "Saint Thomas la (souver. du peuple) professe dans plusieurs passages."

<sup>189</sup> E. g.: With regard to the dominion of princes over their subjects, he writes: "quod dominium introductum est de jure gentium, quod est jus humanum" (*Summa*, 2a 2ae, qu. XII, a. 2)

<sup>190</sup> *Summa Theol.*, 1a 2ae, qu. XC, a. 3.

<sup>191</sup> *Ibidem*.

cause by the very fact that they tolerate it, they seem to approve.<sup>192</sup> This does not mean, as Crahay seems to think, that St. Thomas holds nothing definite with regard to the popular seat of power.<sup>193</sup> Aquinas could not but have much regard for the popular significance of custom. To the medieval mind, "law was primarily custom, legislative acts were not expressions of will, but recognitions or promulgations of that which was recognized as already binding upon men."<sup>194</sup> Thus custom largely ante-dated law, and law in large measure served but to perpetuate custom. This fact brings one very close to a popular and rational source.

But Crahay concludes somewhat like Gierke.<sup>195</sup> He sees in the Thomistic text merely the pronouncement that the people may have the civil power or not; hence he insinuates that power, according to the mind of St. Thomas, is not, necessarily, immediately in the people. But here the thought of the Angelic Doctor could be more accurately comprehended by an adversion to his more elementary political views. It is not only permitted, but it is necessary, to interpret his remarks in the light of his principles. In the very beginning of his *De Regimine*, he makes the democratic utterance which we have already noticed: that, since all men are equipped with reason by the Creator, each one, save for his social necessities, would be his own king. Hence men naturally are free and enjoy the power that freedom entails. Civil association would

<sup>192</sup> *Summa Theol.*, 1a 2ae, qu. XCVII, a. III, ad 3.

<sup>193</sup> *La politique de saint Thomas d'Aquin*, p. 49.

<sup>194</sup> Carlyle, *His. of Med. Polit. Theory*, Vol. III, p. 41. See also p. 45: "The first element in the conception of feudal law is that it is custom, that it is something not made by the king or even by the community, but something which is part of its life."

<sup>195</sup> Gierke holds that St. Thomas attributes sovereignty sometimes to the people and sometimes to the prince, regard being made to the different constitutions of different states.—*Political Theories of Middle Age*, p. 151. *De facto*, this is so; there are democracies and there are monarchies. But the question here is not of this common-place fact, so much as of the causation and operation behind it. And the Thomistic thought seems to be that the People have power and can transfer it to rulers. In this idea, Aquinas would be at one with the Roman law: "Le loi romaine suppose que le peuple, vrai souverain, délègue son autorité à l'empereur par une sorte de pacte: *Populus ei et in eum omne suum imperium et potestatem conferat.*" (*Digest.*, lib. I, De Constitutionibus principum, tit. IV, Lugduni MDCIII, p. 86). Montagne, *Origine de la société*, Revue Thomiste, VI, 1898.

be irrational, if it demeaned them to the will of a superimposed monarch without any benefit of reference to their own. Since the State comes from the people and is not clamped down on them by God, the power in the State is the property of the organized people. They may exercise their freedom to transfer it to a sovereign in large or small measure; but not wholly nor absolutely, for this course would appear irrational.<sup>196</sup> The *De Regimine* tells us that sovereignty is to be limited. "This limitation of all derivative sovereignty," observes Rahilly, "is expressed in various ways by Catholic writers. The people retain authority *in habitu* or *in radice*; or they retain its possession and alienate only its exercise or use."<sup>197</sup> St. Thomas offers no explanation; but it is enough for democracy, that he teaches an amenability of rulers to the ruled. On Thomistic ground, Spinoza's social contract by which the individual surrenders to the community every right, except that of thinking, speaking, and writing freely,<sup>198</sup> could not be justified; much less Rousseau's magnificent and miserable sacrifice even of these; and least of all Hobbes' total and eternal extravagance. Though Aquinas does consider the case of a people who have subjected themselves *in perpetuo*,<sup>199</sup> and Suarez believes that the people, once power is transferred, may not revoke it at will. Both the Angelic Doctor and his Jesuit follower hold that the contract of the community (as a moral personality) with the rulership should be observed, even by future generations, unless its conditions be violated or the ruler abuse his office to the serious injury of the people.<sup>200</sup> The presumption is against change; wisdom reverences the past which mothered it. Aquinas and Suarez are not advocates of rash and unreasonable revolution;

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196 On Christian principle Aquinas could not regard as ethical such an alienation as Plautus describes (*Amphitryon*, Act I, Sc. I, v. 102, 103), and Grotius quotes (*De Jure Belli et Pacis* (tr.) Lib. II, ch. V. 31).

"Themselves, and whate'er's divine and human,  
Their town, their Children, all is surrendered  
To the Thebans, and to their Discretion left."

197 *Studies*, Art. *The Sovereignty of the People*. March, 1921.

198 Cf. Vareilles-Semmières, *op. cit.*, p. 105.

199 *De Reg.*, Lib. I, cap. 6.

200 See Rickaby's *Political and Moral Essays*, p. 108, and Ryan's *Catholic Doctrine on the Right of Self-Government*, pp. 20-21.

and neither of them believes that the people have a right to be fickle in the weighty concerns of government; nor do they hold, like Rousseau, that authority rests inalienably in the people. Suarez calls attention to custom, and so at least indicates an opinion that the present generation, by a tacit acceptance of the polity, implicitly renew the contract of their forbears and thus are not so much bound as they bind themselves.<sup>201</sup> This would be the Thomistic view, too; for the principles of Aquinas are clearly against any rigid artificialism in politics.

But that the people have the power to transfer power is the more important point in democratic thought; and it follows from St. Thomas' teaching that they have. Which would be but a sequel to the Scholastic doctrine of civil contract.<sup>202</sup> This does not mean, however, that he believed sovereignty to have existed in the individuals prior to their congregation in civil society. Suarez, of whom Bossuet aptly observes, "In him one sees the whole school," expresses the Scholastic position clearly, and cites St. Thomas and Cajetan, his commentator, as sponsors of it.<sup>203</sup> He admits that since the State rises by popular consent, it would seem that from popular consent comes the supreme power;<sup>204</sup> but he maintains that, previously to political society, political power is non-existent, wholly or partially, in any individual or individuals.<sup>205</sup> This declaration, of somewhat anti-democratic sound, is really a boon to democracy:

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<sup>201</sup> *De Legibus*, Lib. III, cap. IV, 4.

<sup>202</sup> For the Scholastic doctrine of contract, see Suarez, *De legibus*, Lib. III, cap. III, 6, et cap. IV, 2; *Op. sex dier.*, Lib. V, cap. VII; Lib. III, cap. VIII; *Defensio fidei*, Lib. II, cap. II, 6, 7. Cf. Vareilles-Sommières, *op. cit.*, pp. 106-113. Suarez holds that the contract is bi-lateral and does not exceed the intention of the people in making it: "Haec est veluti conventio quaedam inter communitatem et principem, et ideo potestas recepta non, excedit modum donationis vel conventionis" —*De legibus*, III, cap. IX, 4. He declares that this idea is not new and finds it implied in St. Thomas, and also in the Saint's commentators and adherents—Cajetan, Victoria, Soto and Molina. See *Suarez and Democ.*, Alfred Rahilly, Studies, Mar., 1918, p. 13. Cathrein (*Philosophia Moralis*) admits that popular sovereignty was the doctrine of almost all the Schoolmen; A. J. Carlyle, too, regards its place important in medieval political thought. See Ryan, *op. cit.*, p. 6. Zeiller, *Art. L'origine du pouvoir politique*, *Revue Thomiste*, vol. XVIII.

<sup>203</sup> *Le legibus*, Lib. III, cap. IV, 2.

<sup>204</sup> Lib. III, cap. III, 1.

<sup>205</sup> *Ibidem*.

for it reveals the belief of the Schools that there are no born kings. Civil authority appears only with the appearance of civil society; and it comes from God immediately to the united people whose consent has given being to the State. Of themselves the people have nothing; by God they rise in glory. Power does not come from individuals; but coming to the corporate people from on high, it is regulated by the corporate consent, explicit or implicit, and so may be transferred in any rational degree to rulers. St. Thomas' text on custom, therefore, does not militate against the democratic idea of the immediate sovereignty of the people. The Angelic Doctor merely considers two cases: one in which the power has been transferred in somewhat Hobbish fashion; or one in which, rather Rousseau-like, it has not.<sup>206</sup>

Again, St. Thomas' teaching on the manner of dealing with a tyrant manifests the democracy of his doctrine on sovereignty. His *De Regimine*, in which his views are exposed, and which was written for the guidance of a king of Cyprus, is of sufficient force to shock autoeracy and regal smugness. It would brandish an intellectual sword in the face of any ruler who misrepresents the empowering people, and seeks only his own interest. Aquinas, however, would not have the arch-malefactor arraigned by the private presumption of any citizen.<sup>207</sup> He evidently believes that, when sovereignty is woefully abused, it returns to its original source, the political body of the people, even if they have surrendered it *in perpetuo*; for the contract (*quod ei pactum a subditis*) is broken for the people, if the ruler infracts it for himself.<sup>208</sup> And so Aquinas teaches that by public authority (*auctoritate publica*) the reckless regent is to be met: a suggestion that political authority is in the

<sup>206</sup> Rahilly, however, offers a different explanation: "This is what he (St. Thomas) calls 'a free people,' not in contrast to a people which has slavishly alienated all its power to an assembly, or a person (a type of government which he did not consider rational) but rather as distinguished from a sub-community, one of those largely autonomous aggregations—duchy, fief, or town—which were commoner in the federalistic society of the middle ages than in these days of centralized despotism." *Studies*, March, 1920; Art. *The Democracy of St. Thomas*. If this be the true meaning of the Saint's text, then the immediate sovereignty of the people is enhanced in his doctrine.

<sup>207</sup> *De Reg.*, Lib. I, cap. 6.

<sup>208</sup> *Ibidem*.

A community and not in the individuals composing it. Punishment is the privilege of the whole people and not of any particular person; for power is of the whole people.<sup>209</sup> Too, when St. Thomas mentions as a characteristic of tyranny, that the king rules his subjects in spite of them (*De Reg.* I, 1.), we have further indication of his profession of popular sovereignty.

St. Thomas uses the hypothetical expression, "if it belongs to the right of a people to choose a king" (*si vero ad jus multitudinis alienus pertineat sibi providere de rege*)<sup>210</sup> in connection with the justice of extreme procedure against a tyrant, out of reverence for the exceptional cases where, in Holy Writ, God intervenes and, by special agent, chooses the sovereign Himself, as exemplified in Saul and David. St. Thomas' political thought, of course, is never counter to Scripture. All his treatises are gemmed with appropriate quotations, which prove his deference and devotion.

He considers also the case in which the people have yielded to some individual the right to provide them a king.<sup>211</sup> Then to their representative they must have recourse, if the received ruler prove tyrannical. While consistently teaching political liberty, and implying popular sovereignty, Aquinas carefully avoids a doctrine of ready revolution and civic turmoil; and so stems the tragic tide of abuses which scholars like St. Alphonsus Liguori,<sup>212</sup> see swelling from such a democratic concept. The reasonableness of easting aside a broken contract; the unreasonableness of any individual acting independently of the body politic against a ruler; the necessity of the moral personality of the community to act: these are the items in Thomistic doctrine which at once enfold equity and safety. Besides, Thomas is quite as earnest as Bossuet and Taparelli in counselling piety and patience in the face of the irremediable.<sup>213</sup> Prudence, too, even when success promises, is his

<sup>209</sup> Aquinas does not favor tyrannicide, but a more restrained resistance to the tyrannical régime. See *De Reg.* I, cap 6; and *Summa*, 2a 2ae, qu. XLII, a. 2, et LXIX, a. 4.

<sup>210</sup> *De Reg.*, Lib. I, cap 6.

<sup>211</sup> *De Reg.*, Lib. I, cap. 6.

<sup>212</sup> St. Alphonsus, however, is an apostle of the sovereignty of the people. See his *Theol. Moral.*, *de legibus*, n. CIV, l.c.

<sup>213</sup> *De Reg.*, Lib. I, cap. 6.



prescription. If greater evils would likely follow from the overthrow of the despot than from the toleration of him, the latter were the better course.<sup>214</sup> Aquinas could not smile an approval on soviet Russia today.

Crabay concedes a certain value to the thesis of the sovereign people in the Thomistic text already referred to: "ordinare autem aliquid in bonum commune est vel totius multitudinis, vel alicujus gerentis vicem totius multitudinis" (*Summa*, 2a 2ae, qu. XC, a. III). In fact he considers this passage the only one in Aquinas' doctrine which is of importance in this regard;<sup>215</sup> for herein either the people are authorized to make laws, or he who represents them. But then this writer proceeds to criticize such an appreciation of the text and proffers the possibility that a conclusion from it as to the immediate power of the people may be too broad. He scrutinizes the expression, "gerentis vicem totius multitudinis," and, though seeing in it the meaning, "holding the place" (tenir la place) of the people, he does not gather the significance that the vicegerent of the community necessarily derives his power from the people.<sup>216</sup> It would seem that he bears too heavily on this single text and does not consult the larger spirit of St. Thomas' political doctrine in the interpretation of it. For Aquinas, civil society is natural; and, under the force of this principle, all artificial constructions on his teachings are inadmissible. We have seen the glimmer

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<sup>214</sup> Idem, Lib. I, cap. 5. St. Thomas observes that, more often than not, it is bad men who undertake to slay the tyrant. And since such are opposed to a good monarch as well as to an evil one, the recognition of a right of private citizens to kill would be hazardous in the extreme. To lose a king need not mean to escape a tyrant. Dunning avers that "the anarchic character of the argument for tyrannicide has never been more clearly exposed, or its conclusions more concisely refuted, than by St. Thomas"—*Political Theories, Ancient and Medieval*, p. 20. Cf. *Summa*, 2a 2ae, qu. XLII, a. 1, ad 3. Happily in the Thomistic view, we find lacking the venom of Jean Petit, who held that a tyrant might be killed by anyone. The Council of Constans condemned this dangerous excess. See Zigliara, *Summa Philosophica*, Vol. III, p. 257.

<sup>215</sup> Op. cit. p. 49.

<sup>216</sup> Idem, p. 50: "Mais, pour tenir la place qu'occupe normalement la communauté, pour exercer une fonction dont elle est incapable, dans une hypothèse donnée, faut-il nécessairement dériver ses pouvoirs de la communauté même? Cette déduction dépasserait manifestement les prémisses."

of social contract in his pages. We must accept *a pari* that, if God granted men the choice of forming the State, He likewise gave them to appoint their rulers. Else where would be His respect for that rational nature in men which is the image of His own? Suarez and Bellarmine saw this, and read the mind of Thomas accordingly. Moreover, if power were ever vested immediately by God in rulers, how could democracy be sufficiently justified? And yet, as will later appear, Aquinas mentions democracy under the name of "politia," as one of the good forms of government. Finally, if popular sovereignty were foreign to his politics, how could he, consistently, admit the right of revolt? If the people can take away power, the correlative notion is that they primarily have it and can give it.<sup>217</sup>

The theory of evolution has flung a cloud around the question of sovereignty as well as most others. From an agnostic view-point, it is hard to see a condition in primitive society so finely democratic as St. Thomas' opinion postulates. Man may originally have been as simian or as lupine, as Darwin or Hobbes might wish. From such a base beginning, the rise of the race to civic status could be logically explained only by the climbing of the few on the shoulders of the many: and sovereignty would be of him who could ascend rather than of him who deserved. It would be natural for him to be head of the people who could be. Power would be identical with force. Might would be right.

St. Thomas, however, regards man not as evolving into a rational animal, but as being such from the start. Incidentally, up-to-date thought is inclined to reject Spencerianism for the havoc it has wrought with its assumptions in scientific fields; as witnesses, for example, Dr. Lowie's recent work on *Primitive Society*.<sup>218</sup> And the pendulum of opinion is swinging

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<sup>217</sup> Cf. Locke's teaching: "For all power given with trust for the attaining of an end being limited by that end, whenever that end is manifestly neglected or opposed, the trust must necessarily be forfeited and the power devolve into the hands of those who gave it, who may place it anew where they shall think best for their safety and security"—*Two Treatises on Government*, Bk. II, ch. XIII, 149.

<sup>218</sup> See also *Creation versus Evolution*, by Philo Laos Mills, Washington, 1920.

back to the past. It is conceded as possible that man may have been man from the early morning of the race, and rational man at that. If so, a rational theory of the State and its elements, such as St. Thomas propounds, is of valid appeal. Not only of the ideal State, but also of the primitive. Aquinas, politically, reasoned on the basis of the best that was in man; evolutionists tended to be impressed with the worst. With justice, present-day writers are reverting, though unconsciously perhaps, to a Scholastic starting-point in political investigation and estimation.

There are four ways of considering sovereignty; the evolutionistic explanation by force;<sup>219</sup> the theistic, in which God gives power directly to rulers, conformably to the seeming convictions of Dante, the majestic dreamer,<sup>220</sup> and the autocratic sovereigns of modernity; the popular, in which it is given immediately to the people and thence, by the people, to rulers; the theistic-popular, in which the people appoint their rulers and God empowers them. The first would be more plausible in an atheistic or deistic world; also if the memory of Charles Darwin were as green as at the close of the nineteenth century and the name of Herbert Spencer were still so unmistakably one with which to conjure. The second is untenable, as the soul of St. Thomas' doctrine implies, and as Suarez,<sup>221</sup> and Bellarmine, in tones reverberating down to our own day and hour, testify. The fourth is a compromise between the second and the third, and seems a strange attempt both to grant the people something and take it away. If they have only the power to point a helpless finger in the direction of the individuals of their choice, their might is scarcely worth mentioning. It is really incredible that the Absolute should be bound by the beck of a finger; and nothing could have been farther than this idea from the mind of St. Thomas, who be-

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<sup>219</sup> We find in Woodrow Wilson's *The State*, this view: "The essential characteristic of all government, whatever its form, is force. There must in every instance be, on the one hand, governors, and, on the other hand, those who are governed. And the authority of governors, directly or indirectly, rests in all cases ultimately on force. Government in its last analysis is organized force," p. 593.

<sup>220</sup> *De Monarchia*, III.

<sup>221</sup> Cf. *Suarez and Democracy*, Rahilly, Studies, March, 1918.

held man as the fellow of God's knowledge and providence by intellect and will, and consequently a powerful creature of personal responsibility. Aquinas saw the State potential in human nature; there is no compelling reason to believe that he did not view authority as potential in the State—it not being God's way with the world to make positive institutions or donations, as Suarez would say, distinct from the production of human nature. The third concept, by itself, appears to be the best explanation and the one which Aquinas prefers.

#### 4.—TITLE TO AUTHORITY

More light on the views of St. Thomas regarding this significant question of sovereignty is shed in his teaching on the title to power. Briefly, he holds that a supereminence of worth is a man's recommendation to office.<sup>222</sup> He shares the common-sense view of Aristotle: the best flute is not to be given to those who are of the best family, for they will never play the better for that; but the best instrument should go to the best artist (*Politics*, III, 12). It is not a man's merit that gives him authority, however; it is the office to which his merit fits him and the people rationally raise him. And the people, having created the State, also create the positions in it. We cannot find Aquinas submitting that virtue automatically makes a man a sovereign.<sup>223</sup> With the phenomenon of self-regard so universally present, society would have almost as many monarchs as members; and St. Thomas, psychologist as he is, could countenance no theory which would lead to the fatuous.<sup>224</sup> *Nullus in eadem causa est actor, et iudex* (*Summa Theol.*, Sup., LXII, a. 3). He must have meant that the worth of a man signals him out to the community as a fitting repository for power. Indeed, fitness for rule gives a certain right to rule. For it is but reasonable that the community should want the right man and

<sup>222</sup> *Com. Polit.*, Lib. I, lec. 10. Cf. also Aristotle's *Politics*, I, 2.

<sup>223</sup> In fact St. Thomas refers to the virtuous as lacking a just power (*Com. Pol.*, Lib. V, cap. I). If they have not the power, it is because the community has not conceded it to them.

<sup>224</sup> *Com. Polit.*, Lib. III, lec. 7.

that the right man should have a right to be wanted.<sup>225</sup> And so St. Thomas says in his *Commentary on Aristotle's Politics* that indisputable captains of the people who do not come forth in a crisis to steer the ship of State, are guilty of sin.<sup>226</sup> They owe it to themselves to devote their gifts to the common cause.<sup>227</sup> The people could not, with reason, refuse to have the best at the helm; and the common good, always the lode-star of St. Thomas' political thought, demands it.<sup>228</sup>

The judgment is current in these opinions of Aquinas that the investiture of power in the rulers by the people may be either expressed or implied. An ignorant community would transfer authority with little or no thought and less formality, time confirming the transaction, and their own will in the matter becoming ever vaguer. One intellectually awakened would be less prodigal of concession; like the Italian cities of the Doctor's own day. Applying the touch-stone of his politics, reasonableness, we find that the more advanced a community becomes in mentality and morality, the less need it has of extravagantly empowered sovereigns. And in proportion as this necessity recedes, the democratic form of government may commendably appear.<sup>229</sup> The spirit of democracy is always present in St. Thomas' political ideals; but on the exigencies and advantages of the State, and therefore of the people who form it, depends the outward form of its expression.

Aquinas makes this important emendation to his doctrine on the sovereignty of the people. Since the State is conceived in reason, and must therefore live through reason, the people constituting it must be the kind to hearken to the voice of reason and therefore to that of virtue. The implication is that God withholds power in a community in which spiritual and social chaos thrive. The State must first be formed and put in order before it can become authoritative. A people absolutely

<sup>225</sup> Lib. V, lec. 1.

<sup>226</sup> Ibidem.

<sup>227</sup> *Summa Theol.*, 1a 2ae, qu. XCVI, a. IV, ad 2.

<sup>228</sup> Aquinas notices that excellence and fitness are not always so manifest as they should be and that the people may badly deceive themselves in their choice. *Com. Polit.*, Lib. II, lec. 4. So he would not have the worthy and efficient hesitant in coming forward with their gifts to the State.

<sup>229</sup> *Com. Polit.*, Lib. III, lec. 8.

beyond the pale of rational and political purposes and ideals, are not sovereign. But this is mostly a hypothetical case; for such folk would not have instituted a civil society in the first place. St. Thomas clearly expresses the condition. "if they come into one" (si in unum convenient).<sup>230</sup> If the State is an organization which seeks the well-being of its members in an orderly way, it would have no appeal to the brutish among men; and, even if it did, it would reform them.<sup>231</sup> As for the ordinary community in which reason and prudence predominate, even though individuals may be weighed and sometimes found wanting, authority has only been present in it, but could and perhaps should be exercised more directly by it, rather than absolutely through a few men of integrity.<sup>232</sup>

### 5.—ELECTION

Aquinas approves the system of election, but with reservations. He warns that the public trust must not be betrayed for pecuniary profit. He recognizes the temptations which lurk in civil station. And so he believes that a poor man would be at a decided ethical disadvantage in office, and consequently would have a right to waive aside any preferments. One who inclines to lucre and declines from virtue, to any degree, cannot be the ideal statesman. But the *De Regimine* asserts that neither wealth nor poverty can form an absolute impediment, and that a man's personal worth is what really counts.<sup>233</sup>

The doctrine of election well shows the democracy of Thomistic politics. But the Doctor does not blind himself to the desirability of a certain aristocracy of intellect and virtue. He re-

<sup>230</sup> Ibidem.

<sup>231</sup> *Com. Polit.*, Lib. III, lec. 9: "et manifestum est quod istam (multitudinem bestialem) non expediat dominari aliquo modo, quia sine ratione est conjunctim et divisim." Cf. Ryan's *Catholic Doctrine on the Right of Self-Government*, p. 16. There the general principle is stated: that uncivilized and perhaps partially civilized peoples sometimes lack the moral right of self-government.

<sup>232</sup> *Com. Polit.*, Lib. III, lec. 9. *Summa Theol.*, 1a 2ae, qu. XCVII, a. 1.

<sup>233</sup> *De Reg.*, Lib. IV, cap. 20.

quires that the best should be the civil servants of the people.<sup>234</sup> And what though he demands a mental standard,<sup>235</sup> in those who are permitted to choose the fittest? Lecky and a hundred other modern writers on democracy and liberty will echo him in that.<sup>236</sup> The significant fact is that he recognizes the relation between power and the body politic, between the governed and the governors; and so does his share to pave the way for later medieval and modern political reform.<sup>237</sup>

Aristotle favored election as opposed to heredity, in that the latter system often placed unworthy princes over the people, and hereditary rulers leaned to excess, forgetful of the public good because independent of public opinion. But Aquinas is not expressly against heredity. The white gleam of King Louis' saintly reign perhaps gave him pause. Maybe, too, his was a prudent as well as a sentimental abstinence from final judgment. Rulers of his time were hereditary, and his *De Regimine* was written for such a regent. That Aegidius, his disciple, plainly held heredity preferable to election, hardly determines the mind of Aquinas in the matter. The texts in favor of popular participation in governmental affairs show that the Doctor was of the opposite opinion. He words his tenets with care. He is no bearer of revolutionary banners. Of course, we miss in his dispensation the loud notes which later apostles of popular rights sound. But he wields principles, instead of a sword. He is more a scholar than a reformer.

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<sup>234</sup> *Summa Theol.*, 2a 2ae, qu. LVIII, a. 5.

<sup>235</sup> *Com. Polit.*, Lib. III, cap 9.

<sup>236</sup> See Lecky, *Democracy and Liberty*. Vol. I, pp. 90-92.

<sup>237</sup> He writes in his *Commentary*, Lib. III, lec. 9, that the people should retain their power "saltem quantum ad consiliativum et judicativum." He also observes the dangers that lie in a State where popular participation in government is wanting; "Si multitudo nulla modo participat principatu, sequentur multa mala, sicut seditio et turbatio in civitate." *Ibidem*.

6.—MISCELLANEOUS CONFIRMATIONS OF ST. THOMAS' BELIEF  
IN POPULAR SOVEREIGNTY

The impression one derives from his works, Crahay avers, is that he did not probe *ex professo* the origin of power. But truly in various subtle and sometimes frank ways, he indicates the penultimate source. In his sentences, the word "people" precedes the term for rulers; and his maintenance is strong that no private person is authoritative in government; that the most that individual influence can be, is admonitory; and that coercive power resides only in the people or their representative. Nor does he consider this public vicegerent self-appointed. He speaks of the public office as being committed to rulers; thus revealing his idea of the corporate people as yielding power to regents. To use his own similitude: as a patient surrenders the care of his body to his physician, in such wise has the state-appointed sovereign control of the community. Through it, he governs it, for it.<sup>238</sup>

As an added indication of St. Thomas' belief in popular sovereignty, his close accord with Aristotle is important. The stand of the Philosopher on this question of power appears in Dunning's observation: "But above the officer he (Aristotle) insists must be the impersonal factors in the constitution—namely, public opinion and customary law."<sup>239</sup> Too, the Macedonian holds that the court of final appeal in state affairs (hence, it would seem, the source of primal power) is the people. He rejects the opinion that the few rather than the many are the logical sovereigns in the sense that they can serve better judgment in cases of election and censure of officials. Plainly he thinks "the verdict of the general public is valid in politics just as in musical contests and in banquets; not the musician and cook, but they who hear the music and eat the dinner are best qualified to render judgment."<sup>240</sup> Under such a preceptor, the mind of Aquinas would naturally take a democratic mould.

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<sup>238</sup> *Summa Theol.*, 1a 2ae, qu. XC, a. III, ad 2.

<sup>239</sup> *His. of Political Theories*, Vol. I, p. 95.

<sup>240</sup> *Idem*, p. 70, also *Com. Polit.*, Lib. III, lec. 9.



Again, the figures of speech which Aquinas uses in his *De Regimine*,<sup>241</sup> to describe the necessary presence of power in the State, and which we have already noticed, suggest that he pictured authority, primarily, as diffused in the body politic. His use of the soul as a comparison is especially interesting; inasmuch as he considers the soul present in the whole body. God is in the whole universe. The light of the sun is in the whole visible heavens. May we not then judge, in the spirit of St. Thomas' rhetoric, that power is in the whole people? The idea is still further warranted by the fact that he holds the people responsible for governmental excesses;<sup>242</sup> which would hardly be, unless he were convinced that power were primarily invested in them. Impressively he declares that the leaders act by the authority and choice of the people.

Most assuring, too, is the interpretation which Cajetan, the distinguished and best commentator on the *Summa*, makes on this point. He finds Aquinas teaching that the people themselves are the primary power and either seek the common weal themselves or commit it to the care of others. Otherwise, he proceeds to explain, the ruler of the people would not be a prince but a tyrant.<sup>243</sup> And Rahilly places the popular sovereignty in St. Thomas' doctrine beyond cavil; for, resorting to thirty commentators, he convincingly finds that all hold the same view as Cajetan.<sup>244</sup> Too, Cajetan's observations on the subject, "Utrum regnativa debeat poni species prudentiae" (*Summa Theol.*, 2a 2ae, qu. L, a. 1) are of finely popular import; he sees in the thought of Aquinas that a royal régime depends on the election of the people and that the power of the community is transferred to the favored one in such a way that the appointed ruler is merely the representative of the people (*vices populi*).<sup>245</sup> The roster of believers and teachers of popular sovereignty among the later Scholastics is long and glittering. Locke's glory must pale before a realization that his central doctrine was well propounded and preached long before he

<sup>241</sup> Lib. I, cap. 1.

<sup>242</sup> *Quodlibeta*, XII, a. XXIII, ad 1.

<sup>243</sup> Com. 1a 2ae, qu. XC, a. 3. Leonine Ed., VII, 151.

<sup>244</sup> Studies, March, 1921. Art.—*The Democracy of St. Thomas*.

<sup>245</sup> Leonine Ed. VIII, 375.

wrote, and was sounding all the time he was writing. The sixteenth and seventeenth centuries rang with learned voices. (Consult Costa-Rosetti, *Philosophia Moralis*, pp. 607-609.)

### 7.—LATER DOCTRINES

That these democratic ideas were of Thomistic origin is again suggested by the fact that they grew with the spread of his political doctrine. At the end of the thirteenth century (1297), scarcely more than two decades after St. Thomas' death, we find the "Model Parliament" in England. The fourteenth century, signallized with the energetic struggle between ecclesiastical and secular powers (Boniface VIII and Philip the Fair, John XXII and Lewis of Barvaria), brought his principles to the keenest test. We find Enghelbert,<sup>246</sup> Abbot of Admont, writing somewhat in the tone of Aquinas, between 1307 and 1310; and also Durandus (1333). Then the unmitigatedly democratic Marsiglius of Padua, whose politics did their full share to enliven the time, may have drawn some inspiration for his sounder thoughts from Thomas, despite their antipodal separation on several points of doctrine. In his *Defensor Pacis* he leans heavily on Aristotle.<sup>247</sup> And we cannot forget that it was Aquinas who made the great Greek a force in the age and through whom the Philosopher's democracy passed on unadulterated, indeed enhanced.

William of Ockam, in the fifteenth century, appears in political relation to the Angelic Doctor and to Aegidius Romanus, the Saint's faithful disciple. John Gerson (1429), John Major, and Peter Alliaccensis (1425) likewise present themselves.<sup>248</sup> And their doctrines, disengaged from the ecclesiastical setting, were of the highest importance to the destiny of

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<sup>246</sup> His work is entitled *De ortu et fine Romani imperii*, Goldast, *Politica Imperialis*, Francfort, 1614.

<sup>247</sup> See Dunning, *Political Theories*, Vol. I, p. 239. Also, Zeiller, *L'idée de l'état dans St. Thomas d'Aquin*, pp. 179-180.

<sup>248</sup> Costa-Rosetti, *op. cit.*, p. 605. Rahilly, indeed, has personally and at first hand verified the doctrine of popular sovereignty in the writings of no less than sixty Scholastic predecessors of Suarez. See *Studies*, Art. *The Sovereignty of the People*, March, 1921.

modern political philosophy. They perpetuated the popular note which Aquinas trumpeted, amplified it, and made it vibrate into the dawn of the new era. And when in the sixteenth century we behold, for example, the Catholic League in Paris, resisting Henry IV, and anticipating many of the features of the French Revolution of 1789, we realize to what a degree democracy had leavened the mass mind.<sup>249</sup> The message of these early champions of the people is a sort of microscope, which, applied to the politics of Aquinas, reveals the potentialities of his principles. The merits of their teaching may be called his; the exaggerations and misapplications are their own. For it must be freely acknowledged that he was calm and careful in his political enunciations. These qualities prevented any untoward statements with regard to the glorification of the populace. His was a time when the firm hand of leadership was most necessary in every state. Emerging and stumbling from darkness into light, the people of the thirteenth century would have been sore afflicted, had Aquinas happened to be a Voltaire or a Rousseau. It were much better at that point of European story that the terms of the civil contract be more severe than a modern democratic sense would approve. And Aquinas, seeing the excesses to which medieval democracy was prone, restrained himself from a too frank statement of the popular opinions which he so plainly implies.

Or, again, it may be that Thomas was impressed with a truth which Woodrow Wilson expresses: "Authority was not independent of the consent of those over whom it was exercised: and yet it was not formulated by that consent. Consent may be said to have been involuntary, inbred. It was born of the habit of the race. It was congenital."<sup>250</sup> There can be no doubt that Aquinas held that it was as natural for mankind to have leaders as to have the State; but if the State has its life from the natural consent of the people, so have the rulers their political place and all that goes with it therefrom. The crux is that consent is so natural that it may often have the complexion of compulsion. And this in part accounts for the many

<sup>249</sup> Art.—*The Guild State*, by G. R. S. Taylor, in the *Nineteenth Century*.

<sup>250</sup> *The State*, p. 595.

clouded views on the subject of sovereignty and the primacy of the people.

The eighteenth and nineteenth centuries, shocked with the spectacle of revolution which brought the age of the Encyclopedists to a tragic end, witnessed a certain reaction against the Thomistic-Suarezian tidings of popular sovereignty. Distorted and abused by Rousseau, it had served for woe as well as for weal. Yet, in its original Scholastic character, it was as stimulating as noble, and as safe as an incorrect conception of it was dangerous. In the clearer atmosphere of our own day, this appears; and we are in a position mildly to criticize the methods by which fervent but fearful thinkers, even up to the close of the last century, have sought to minimize the multitude.

De Maistre and de Bonald behold God as determining the subject of power by directing both history and the human will.<sup>251</sup> Which would be an ill answer to the question, why has the Deity endowed people with intellects and wills of their own? And, on the other hand, to attribute a Caligula or a Nero to the direct operation of God would be beyond the bounds of reason and reverence; but such a course seems unavoidable with such a premise. It is meet to charge up the mistakes of history to humanity; and that the people are permitted to choose badly, or to tolerate unwisely, is at least an evidence that they have the power of choosing and of tolerating. Having that, how could they have lacked authority? No one gave more humble cognizance to the pervasion of God's influence in the universe than he who was called "no less the most learned among the saints than the most saintly among the learned." Yet the tenor of the politics of Aquinas is quite apart from these Maistre and Bonald convictions.

Taparelli, like St. Thomas, considers ability and fitness (*virtus*) the title to power. Even though requiring that the people accord their consent, however, he denies that they have the primal power.<sup>252</sup> Since he goes so far, one cannot but see and wish that with a mere touch from the *De Legibus* of the illus-

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<sup>251</sup> See Crahay, *op. cit.*, p. 62, and Vareilles-Sommières, *op. cit.*, pp. 407-418.

<sup>252</sup> See Vareilles-Sommières, *op. cit.*, pp. 433-439; and Macksey, *Sovereignty and Consent*, p. 26.

trious Jesuit opponent of King James, or the *Summa* of Aquinas, he might go a bit further. Since it was easy for a monk of the thirteenth century to be so democratic, even in Italy, it ought not to have been too difficult for a keen scholar of the nineteenth, expressing Catholic thought, to be at least equally so, and to distinguish more clearly between the merit and the abuse of popular theory.

M. de Vareilles-Sommières teaches that political power does not come from the people, because no individual originally is invested with it, and hence it is the category of *res nullius*.<sup>253</sup> But what belongs to no one, can be justly possessed by anyone who finds and takes it. Power then goes naturally to him who is superior in force, aptitude, or merit; for he is the one to meet and keep it.

The defect in this thesis seems to be that power, expressly according to Suarez and implicitly according to St. Thomas, is not *res nullius*.<sup>254</sup> It is the property of the community. Varielles-Sommières may regard the proposition *ultra* that the multitude could possibly command and obey itself, as a primary tenure of power would entail. He merely proposes a fact and a necessity which St. Thomas recognized: that authority is alienable.<sup>255</sup> Furthermore, the people formed civil society not to obey themselves but the commands of reason; in other words, to lead a more rational and hence more profitable existence. Thus the Scholastic concept gives to authority "a local habitation and a name:" while Vareilles-Sommières imagines it as a vague something floating aimlessly about somewhere

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<sup>253</sup> Op. cit., p. 210.

<sup>254</sup> With regard to possession. St. Thomas holds that the community is prime (*jus naturale*); the right of private possession is conditioned by reason and enactment (*secundum humanum conductum*), and is therefore *jus positivum*. (*Summa*, 2a 2ae, qu. LXVI, a. II, ad 1). Here he is speaking of property; but his idea would apparently be likewise in the case of power.

<sup>255</sup> Burri, *La Teorie politiche di San Tommaso*, p. 51. One gathers from the *De Reg.*, Lib. III, cap 4, that this alienation is less necessary according as three virtues are present throughout the State: love of country, zeal for justice, and warmth of civil benevolence. The writer claims that these "meruerunt dominium." We have but to refer back to the observation of both Aristotle and Aquinas that there are more of such virtues in the many than in the few or in the individual; and so can we clearly see the natural seat of power.

somehow. Of these two views, it is easy to judge which is the more natural and the more acceptable to a rational doctrine of State.

The contrast of Aquinas with modern thinkers, therefore, is apt to disclose strikingly the quality and quantity of his democracy. More justification for modern political programs may be found in his writings than in many a nineteenth-century tome.

## CHAPTER III

## THE PEOPLE

## 1.—MEANING OF THE WORD WITH ARISTOTLE, ST. THOMAS, AND MODERNS

Now that we have traced power to its primary source in the doctrine of St Thomas, it is of interest to ascertain what and whom he understood by "the people." First one should gaze into the mind of his Master. Aristotle identifies the People with the citizenry and characterizes a citizen as one who has some share in the government.<sup>256</sup> Children, criminals, and slaves are not in this category. They are wanting in qualification, mental or moral, for the necessary participation in affairs of State. Sojourners, too, are barred; for their contribution to the community is incomplete. The aged are beyond politics, being past service. Women are not mentioned; possibly because the Philosopher is impressed with a line from Sophocles which he sees fit to quote: "Silence is a woman's ornament."<sup>257</sup> In the Grecian democracy, where the individual's tongue was as essential as his brain, a member of the gentle sex, if silent, would be unserviceable, and, if natural, would be shocking.

In his definition of a citizen, Aristotle, despite his narrow use of the word, has a democracy in mind, and says so. One could not carp at his exclusion of boys, degenerates, and helots from citizenship; resentment, however, may be stirred by his expressed attitude against old men and his implied political suppression of all women; and resentment can become irritation in the modern mind when, almost with the same breath in which his proclamation of democracy sounds, he calmly questions the inclusion of mechanics as citizens. For him, these were what the great industrial and self-supporting class are for us. He mentions without criticism and, it seems, with commendation,

<sup>256</sup> *Politics*, III, 1. *Com. Polit.*, Lib. III, lec. 4

<sup>257</sup> *Politics*, I, 13.

a law at Thebes, whereby no one might share in the government before having retired from gainful labor for ten years.<sup>258</sup> He observes that in the best states, laborers are political nonentities. So that, democratic as he was, it is patent that his democracy was rather a puffed aristocracy. His concession that tradesmen may be admitted to civil rights in a polity, especially if they become rich, is large.<sup>259</sup>

Still, justice to the Philosopher requires an appreciation of the reasons for his restrictions. He saw citizenship as more than a name. It necessitated a personal and active service in the Athenian common-wealth, where every member of the *demos* had a voice and used it. It demanded much more from its possessor than does modern citizenship in our mammoth democracies which the boldest Hellenic fancy would not have bodied forth and which representative government has brought. Education, in Aristotle's day, belonged only to the upper class; and, reasonably enough, he regarded only the educated fit to rule. Though a Macedonian, he apparently fostered the average Athenian's horror of *hoi barbaroi* and the ignorance which symbolized them. His Greek education would have been in vain, had not exclusiveness entered his concept of democracy. But he is impatient, nevertheless, as artificial standards of citizenship, and both disproves and discards the Attic idea of a citizen as a person who has at least one parent a citizen. If he exalts wealth as a requirement, it is not because of riches in themselves but by reason of the culture and leisure which they can secure and assure.

Aquinas is influenced by whatever merit these opinions of the Philosopher manifest, but he appears proof against the note of excess in them. A Christian and saint, he founds his conception of the people not on citizenry but on the divinely human value of man's nature, and, secondly, on the general purpose of the State. Civil society is the creation of reason with which every man is endowed. And it exists solely for the common good in which each individual has some part. These two prin-

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<sup>258</sup> *Politics*, III, 5.

<sup>259</sup> III, 5. But he also expresses a doubt with regard to the monopolization of citizenship by the rich. *Com. Polit.*, Lib. III. lec. 1.



ciples, of democratic sound and soul, reveal that the People are all those who constitute a state and live under its laws, irrespectively of their direct share in the government of it or not.<sup>260</sup> And St. Thomas identifies the constituents of a state with those who aid each other in the right living for the attainment of which civil society exists;<sup>261</sup> those who are served by the state and who conserve its existence. We do not find him drawing circles around classes, like Aristotle. No doubt he believed, with the Philosopher, that activity in governmental concerns was the mark of citizenship; but such citizenship, to his mind, was the active sort. He sees also a passive variety, which Aristotle, apparently, did not wholly grasp.<sup>262</sup> All who form a state are represented in it by the reasonableness which reigns in it; in this sense all, as rational beings, share in the polity, and all are citizens.

Aquinas does not look to Greece for his image of the People. Christianity drew his glance in an oriental direction. Too, his Latin sensibilities quivered at a civil prospect in which the sword of slavery sliced the population in two, never to be joined; where the voice of work-men affected the sway of politics no more than the surge of the Aegean on the sands of Piraeus; where a few fortunate families had risen to the top, rich with the very substance of all below. St. Thomas was by no means hostile to aristocracy, when, as the best of the people, is sought the best for the people. But an aristocracy passing for a democracy, yet lashing slaves up to the construction of the glittering Acropolis in record time, and ignoring the rights of the industrial-power of the state, save to press it the more, could not find favor in the scholar's head nor the saint's heart. Here was a situation quite opposed to his ideal of the common good. Consistently with his political premises and his psycho-

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<sup>260</sup> *Summa. Theol.*, 1a, qu. XXI, a. 1, ad 2: "Populus enim est multitudo hominum sub aliquo ordine comprehensorum." Vide 1a 2ae, qu. CV, a. 2; 2a 2ae, qu. XLII, a. 2; 1a 2ae, qu. CV, a. 3, ad 2.

<sup>261</sup> *De Reg.*, Lib. I, cap. 14. True he adds, "Si enim propter solum vivere homines convenirent, animalia et servi essent pars aliqua congregationis civilis." But this merely means that he does not consider slaves an active part of the polity. Their share in the State is indirect, and so their political standing is negligible.

<sup>262</sup> *Com. Polit.*, Lib. III, lec. 1. *De Regimine.*, Lib. I, cap. 14.

logy, Aquinas turned his eyes reverently to the Hebrews. In the story of these chosen ones, he found his democratic dream more fairly realized.<sup>263</sup> Israel knew no aristocracy of race. All her sons were equal in their descent from their father Abraham; just as all Christians were one in their splendid origin from Him of Whom Abraham was only a meek and weak type. All her children were of the same blood; and St. Thomas thrilled that all mankind were unified in the impartial blood of the Redeemer. Each Israelite had his share in the land, and so was assured of the life-necessities which Aquinas demanded for every member of the State. With the Hebrews, labor was not contemned as in proud Hellas. By the rule of Thebes, no Jew would ever have attained citizenship; for all worked.

In his selection of Israel for his political model, the democracy of St. Thomas' idea of the People is placed above a doubt. When he mentions the People, as Feugueray notes, he means the he has in thought only a portion of the People. Aquinas entreats true people.<sup>264</sup> When Aristotle, on the other hand, thus speaks, dows the term with a new and potent significance in political philosophy. This is the direct result of his Christian valuation of the individual. "A fugitive glance at Medieval Doctrine," says Gierke, "suffices to perceive how throughout it all, in sharp contrast to the theories of Antiquity, runs the thought of the absolute and imperishable value of the Individual..."<sup>265</sup> Too, one recalls Hegel's assertion, in his *Philosophy of Mind*, that "according to Christianity, the individual, *as such*, has an infinite value as the object and aim of divine law." St. Thomas, no more than his times, could forget "the least of these" with whom the God-Man identified Himself; and this, perhaps, is the best explanation and proof of his democratic appraisal of the People, whom he refuses grossly to regard as a monster with countless heads, to whom Burke would "never consent to throw

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<sup>263</sup> Cf. M. H. Feugueray—Migne, *Encyclopédie Théologique*, III, Serie 22, t. II, p. 1414. (The Jews indeed admitted slavery, but only the humane form.)

<sup>264</sup> Idem. St. Thomas uses the word "populus" to include both rulers and subjects, as well as in the restrictive sense. Cf. *Summa Theol.*, 1a 2ae, qu. CIV, a. 4.

<sup>265</sup> *Political Theories of Middle Age*, p. 82.

any living sentient creature whatsoever, no not so much as a kitling, to torment."

We are not surprised to find his thought expressing itself in his *Commentary on Aristotle's Politics*, where he emphasizes rather the potential than the actual participation in government as the mark of citizenship.<sup>266</sup> Even Aristotle concedes a certain citizenship to those whom he excludes from it,<sup>267</sup> by recognizing their civil potentiality; which, after all, indicates at least an elementary democracy of the pure type. This was something for the Angelic Doctor to grasp and weave into a broader concept. It is the Philosopher's definition of a citizen, rather than his idea, which is fatal to a full appreciation of the People. If participation in civil concerns were the essence of citizenship, then, in a monarchy, citizens, theoretically, would be either reduced to a minimum or annihilated as a class, and the "people" would be only a political fiction. St. Thomas, on the contrary, safeguards the People just as well in a monarchy as in a democracy; his basis of estimation being different. Aristotle places the characteristic of the "people" in an accident—the tenure of civic station or the eligibility to it; Aquinas finds it in human dignity and prerogative.

This difference in views meant much to the course of political science. Under the old Aristotelian idea, the democratic spirit was too cramped for a healthy growth; in the new broad-mindedness, the final triumph of democracy became certain.<sup>268</sup>

In its catholicity and sympathy, St. Thomas' idea of the People, when compared with modern notions, appears even more democratic than when juxtaposed to Aristotle's. In the English world, it seems, the word "people" has always preserved much of the nobility with which writers like Aquinas gifted it; but, as

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<sup>266</sup> *Com. Polit.*, Lib. III, lec. 1.

<sup>267</sup> *Com. Polit.*, Lib. III, lec. 4.

<sup>268</sup> The word "people" is a generalization of "person." The characteristics of person are: 1) unity and 2) rationality. Cf. Philippe Borrell, *Revue de Philosophie*, XII, p. 114. St. Thomas fully recognizes these notes of unity and rationality in the body politic. So that his concept of the people appears perfect. He never forgets the individual and his rights; and so he anticipates that political development which Dunning calls distinctly English: the closer definition of *people* in terms of the individuals composing the aggregate, and a more precise ascription of rights to each. Cf. *Political Theories*, Vol. II, p. 220.

with Aristotle, its scope was narrowed. With the British, however, it served to express the lower and the middle class; while to the Stagirite, it signified the upper.<sup>269</sup> To St. Thomas, it included all. In the continental countries, the term was dragged in political mire, and became a thing of horror and reproach. It was the power that pierced the arteries of France in 1789. Napoleon, identifying himself with the People, vaunted: "Je suis moi-même sorti de la canaille." It meant for distraught Europe what the *ochlos* (rabble), in contradistinction to *demos*, meant to the Greeks. The German *volk* and *nation* were as approbrious as the French *canaille* and *peuple*.<sup>270</sup> And a certain contempt for the Russian *bolsheviki* is one of today's many commonplaces. It will be seen that St. Thomas' concept of the People approaches that which has come to be formed in America.

## 2.—EQUALITY AND INEQUALITY; ORDER

Aquinas teaches unequivocally that men are equal in nature.<sup>271</sup> But he does not mean thereby that civil society is to be conceived as a dead level.<sup>272</sup> He refers to the metaphysical notes in the essence of humanity: animality and rationality. These are alike for all, and are the nature of all. But physically, the fact is different. Men are the products not only of nature, but of long series of circumstances.<sup>273</sup> The race is a unit and hence a sort of channel for all the helps and harms of the past. Just as equality obtains in the ideal order, so is inequality a fact in the

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<sup>269</sup> Still the Philosopher was not so partial, doctrinally, as he may seem. Cf. Acton, *op. cit.*, p. 72: "he (Aristotle) would admit even the poorer citizens to office and pay them for the discharge of the public duties." Not as a right, however, so much as an expedience.

<sup>270</sup> Cf. *Civil Liberty and Self-Government*, by Francis Lieber, pp. 346-347. We may neglect such caustic characterizations of the People as, for example, Mr. Heirzen's: "The real people is in America, as well as in Europe, little more than a voting and paying machine"—*What is real democracy?*—p. 62

<sup>271</sup> 2 Sent., d. 6, qu. I, a. 4, ad 5.

<sup>272</sup> *Com. Polit.*, Lib. III, lec. 1: "si tollatur dissimilitudo civium non erit civitas." Which is equivalent to Jean Bodin's assertion that there never was even a democratic polity in which the citizens were quite equal (*De Republica* I, 6).

<sup>273</sup> Cf. Montesquien, *De l'Esprit des Loix*, VIII, 3.

realm of reality. Different degrees of physical and psychical favors in the people are too evident to require much emphasis; although modern political theories, with more heat than light, too often ignore the obvious. St. Thomas never forgets the two facts, equality and inequality; and his politics presents as near an articulation of the conclusions accruing from each, as does his harmonization of liberty and law.

Leaders there are and must be. The State demands them,<sup>274</sup> and individual inequalities supply them. Those who are best fitted to work should work; just as those who are best fitted to rule should rule,<sup>275</sup> which is indeed a higher but also a harder kind of work, especially in the face of St. Thomas' democratic demand that self-interest be suppressed and the common good solely sought.<sup>276</sup>

The briefest consideration reveals that the plan of things does not run on a plane surface. In harmony, there is ever a tonal dominant; in man, the soul is superior to the body; among the brutes, there is always a "first." Nature is constantly running up and down a scale of power, ability, or merit. Thomas defers to her whimsies, and sees that his theories do not offend them.

Carefully, however, he draws the line between equality and inequality, that there may be no over-lapping of the provinces and hence no cause for civil injustice, rancor, or strife. His division is one of the most notable lessons in his politics. The better part of man—the mind—is always *sui juris*; and in this all men are equal.<sup>277</sup> Over those things which appertain to the intimate, interior life of the rational being, the soul is exempt from civil sway. God alone is king.<sup>278</sup> It is only in the externals of life, which constitute the empire of evident inequalities, that man defers to man.<sup>279</sup> And even there, in such matters as appertain to the nature of the body, e. g., nourishment and gen-

<sup>274</sup> *Com. Polit.*, Lib. II, lec. 1.

<sup>275</sup> *Ibidem. Prolog. in Metaph.*

<sup>276</sup> *De Reg.*, Lib. IV, cap. 23.

<sup>277</sup> *Summa Theol.*, 2a 2ae, qu. CIV, a. 5. Cajetan comments that the equality may consist in this: no one has power over another in those things which relate to nature. See *Summa*, Leonine Ed., IX, 391a.

<sup>278</sup> *Ibidem.*

<sup>279</sup> Cf. Laski, *The Problem of Sovereignty*, p. 67: "A state that demands the admission that its conscience is supreme goes beyond the due bounds of righteous claim."

eration of off-spring, the individual is beholden only to his Maker. The political liberty of the people was evinced and respected in the contract by which concessions were made to law and order and the State was formed; it is still recognized in the essential reasonableness of government. That order may prevail in the State, however, subordination is most necessary. With all as rulers, there would be no rulers at all, and no State. According to St. Thomas, subjection is threefold: to reason, to regents, and to God.<sup>280</sup> The People's activities and endurances are to be inspired and directed by their noblest faculty. "Where there is rationability," Scotus Erigena had written, "of a necessity there is liberty." Aquinas is of the same conviction. He elevates the people by subjecting them to the best that is in them. Any other measure would be a degradation. To bend to God is to rise in the clean and sturdy manhood by which democracy can and must be reared. His laws are essentially reasonable; the Source of Reason is He. Again, St. Thomas submits in his *Summa* the doctrine of his *De Regimine*: God and Reason would be sufficient guides for man, if solitude were natural to him.<sup>281</sup> Each man, alone, would be his own king under Heaven. The inequalities which social and political life and fortune bring into prominence would not so strikingly appear.<sup>282</sup> But it is nature's decree that this should not be, and a sea of vivid disparities stretches before us. Being evident, they can be more readily controlled. The revelation of them which the State makes is really a blessing. Civil society does not create them; it finds and evinces them. It must be formed according to them. The best should be first. And just as Aquinas would have men subject themselves to the best that is in themselves, and to the best above them, which is God, so would he have them defer to the best among them. Reason finds fittest expression in the State, with the best in the highest places. The spirit of equality if not at war with wisdom. As Montesquieu observes, there is the difference of heaven and earth between true equality and extreme equality.<sup>283</sup>

<sup>280</sup> *Summa Theol.*, 1a 2ae, qu. LXXII, a. 4.

<sup>281</sup> *Ibidem*.

<sup>282</sup> *Com. in Job*, cap. III, lec. 2.

<sup>283</sup> *De l'Esprit des Lois*, VIII, 3.

The Angelic Doctor applies the principle of order to the life of the community, and shows both its naturalness and its necessity. Even in the unit of society, the family, all are not and cannot be equal as regards authority. In many respects the rule of the father must be supreme. Wife, children, and servants bow to him; it is best for the home and hence for those who constitute it.<sup>284</sup> Husband, father, and master, a man is to be in his own immediate little world. In the expansive civic constitution, which in a manner presents a picture of a magnified family, there is a proportionate need of system; and so distinction is made between rulers and the People;<sup>285</sup> though the former are of the latter, just as the father is part of the family, and the distinction must never amount to a separation; inasmuch as sovereigns derive their power from the People, and, wielding it, they are only expressing the rational will of the community of which they are a part. Thirdly, the People have innumerable relations to each other,<sup>286</sup> in which superiority and inferiority are constantly aired. Finally the People of a state comport themselves superiorly to out-siders;<sup>287</sup> chastising enemies, condescending to receive strangers, *et cetera*. All this arrangement spells an ordered existence; and equally it expresses the inequality with which those who live and think in a world of reality must always reckon, and which even the most fervid political visionaries of ancient or modern times have not been able absolutely to dream away.

Concentrating on civil system, Aquinas finds that, without it, the People would be the losers; for the common good could never be achieved. The different species and degrees of capability in the citizenry make it natural. The different needs of the citizenry render it necessary. Such demands as a judiciary, a soldiery, artificers, and a farm-force are vital to a plan of state.<sup>288</sup> But no matter how many orders are exigent and created, all may be reduced to three: the lowest, the middle, and the highest; *infimi*, *medii*, and *supremi*. Here St. Thomas' inclu-

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<sup>284</sup> *Summa Theol.*, 1a 2ae, qu. CIV. a. 4.

<sup>285</sup> *Ibidem*.

<sup>286</sup> *Ibidem*.

<sup>287</sup> *Ibidem*.

<sup>288</sup> *Summa Theol.*, 1a, qu. CVIII, a. 2; *Com. Polit.*, Lib. VII, lec. 6.

sion of all classes in his concept of the People is again manifest.<sup>289</sup> This division of society into grades may, despite his efforts to show it natural, seem slightly at variance with his doctrine of fundamental equality. But he hastens to lay down a democratic principle which proves how little he thought of order as an end, and how earnestly as a means. The more a being can communicate his ability or the achievements of it to others, the higher the order to which he belongs. One can ascend, accordingly as one can serve. The highest class, in a sense, should be more servile than the lowest. Here, as everywhere in Thomistic politics, the common good is sought and the democratic note sustained.

There is order in heaven. Aquinas beckons Dionysius forward to tell us of Seraphim, Cherubim, and Thrones, in the first celestial choir; of Dominations, Virtues, and Powers, in the second; of Principalities, Angels, and Archangels, in the third.<sup>290</sup> And, the more, must he see the existence of order justified on earth. It is one recipe for aiding earth to be heavenly. It is of the supernal entities he speaks when he expresses the utilitarian principle of superiority to which we have already adverted.<sup>291</sup> But he evidently intends his observations on the empyrean state to parallel his political theories; for half of the article is devoted to the terrestrial.

In the angelic society, he believes, all spiritual favors are in common; but some of them are more excellently possessed by certain spirits than by others. The power to communicate the gift is a guage of the perfection of it.<sup>292</sup> In the human order, the corresponding thought would be that the great gift of reason is in all men, but that some have it more excellently than others, inasmuch as they can exercise it for the good of others more effectively; and consequently theirs is a more exalted place in political domain. The best elements of aristocracy are to be used to perfect democracy.

St. Thomas is a friend of the middle class, calling it "the honorable people." To him, as to the sober minds of to-day,

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<sup>289</sup> *Summa Theol.*, 1a, qu. CVIII, a. 2.

<sup>290</sup> *Ibidem.*

<sup>291</sup> *Ibidem.*

<sup>292</sup> *Summa Theol.*, 1a, qu. CVIII, a. II, ad 2.



it represents the back-bone of the nation. To crush it would be suicidal; civil order, on which alone the ascent to general prosperity can be made, would be ruined. The nature of society would be outraged. Aquinas maintains that inequality is so indigenous to order, and order is so natural to men, that even had there been no Fall, inequality would have been present.<sup>293</sup> In fact, order is a form of justice. Thomas holds with Augustine that it consists in assigning each object its due position (*sua cuique loca tribuens dispositio*); and in reference to men, this principle would merely mean that it is meet for the right persons to be in the right places: the best first, the least last, but the last first in the mind and heart of the best. The common good demands that no elements of discontent seethe at the bottom of society. Each person in the State has the same ultimate end as his fellow.<sup>294</sup> All must be considered and aided, else the purpose of civil society is perverted. And the fittest leaders will attend to the least in the State first, who naturally need the help of the State most.<sup>295</sup>

Another plea for order lies in the fact that the good in the State must be used for the State. The superiority of science, justice, etc., which some possess, should be exercised to the advantage of others.<sup>296</sup> Not to have it so, were waste and worse. The use can be made authoritatively only in office; hence a hierarchy in politics, to suit degrees of merit, is required. The objection that order endangers the People by inducing oligarchy and tyranny, is weak to Aquinas, for, with him, only the just are eligible to elevation in the State; and, according to him and Augustine, the just rule not in lust of power but in the pursuit of the purpose for which the State exists.<sup>297</sup>

The original human differences which signify inequality and necessitate order are divided by Thomas into those of body

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<sup>293</sup> 1a, qu. XCVI, a. 3.

<sup>294</sup> *De Reg.*, Lib. I, cap. 14.

<sup>295</sup> This point will be more apparent in the following Chapter on Rulers.

<sup>296</sup> *Summa Theol.*, 1a, qu. XCVI, a. 4

<sup>297</sup> *Ibidem*.

(sex, age, strength, etc.)<sup>298</sup> and those of soul. In the latter he sees many degrees of knowledge, justice, and executive ability. All men have free will with which to apply their powers to the acquisition of facts, virtues, and arts. Differences in effort and in native ability mean differences in results.<sup>299</sup> Since these disparities, according to St. Thomas, would have occurred even in the state of innocence, much more must they manifest themselves now. And a régime which ignores them is so idealistic as to remain only a dream, or unreasonable enough to strike the State into very real confusion.

### 3.—VIRTUE

We are led by the subject of ability into a consideration of what Aquinas intends by the quality which he demands in all those who essay to play a rôle in the rule of civil society: *virtus*.<sup>300</sup> Feugueray expounds the Scholastic sense of the word. Virtue in general is the quality which renders the man good who possesses it, and the deed good which he does. Political virtue is, therefore, that which makes a citizen and his civic service commendable. And since the interplay of authority and obedience is constant in the State, political virtue is the kind which enables one both to give and receive orders, with dignity and effect, according to occasion. Feugueray, analyzing it, discovers the elements of knowledge, and a certain liberal culture of soul, by which, in all probability, he wishes to signify a psychological insight and a sense of ethical values. He declares that the term may be compared to the word "capacity."<sup>301</sup> Ra-

<sup>298</sup> In an interesting sentence, St. Thomas teaches the influence of nature on the body: "Et sic nihil prohibet dicere, quin secundum diversam dispositionem aeris, et diversum situm stellarum, aliqui robustiores corpore generarentur, quam alii, et majores, et pulchriores, et melius complexionati." *Summa*, 1a. qu. XCVI, a. 3.

<sup>299</sup> *Summa Theol.*, 1a, qu. XCVI, a. 2.

<sup>300</sup> Aristotle believed that Liberty, Wealth, Virtue and Good Birth, were the contestants for supremacy in the State. He reduces Good Birth to long-standing Wealth and Virtue. (Cf. Dunning, *op. cit.*, Vol. I, p. 75) St. Thomas rightly selects Virtue as the just claimant. For Virtue ensures Liberty and a more equitable distribution of Wealth.

<sup>301</sup> See *op. cit.* Cf. Crahay, *op. cit.*, pp. 50-51.

hilly succinctly translates it as "merit."<sup>302</sup> St. Thomas himself reveals his own meaning at length in the *Summa*. There we find him explaining virtue under different headings. First, he regards it as a habit. A psychological power, unlike a physical one, is in nowise determined to a particular purpose. It must be directed by the light of reason; but it freely follows on.<sup>303</sup> It becomes a human act; and resulting in many acts, it develops into habit—a virtue. The Angelic Doctor also sees in it a form of order. It implies love for an ethical standard and a consequent subordination of act to it.<sup>304</sup> Thus in virtue St. Thomas beholds an ideal, cognition, volition, deed, and repetition. These are found in every rational creature; each has virtue, and inasmuch as political virtue is but the application of ordinary virtue to the interests of the State, each can be a force in civil society. Here the basic democracy of Thomistic politics is again evinced.<sup>305</sup> But his teaching on inequalities, which holds true here, must be recalled. For he would not admit anyone and everyone to the care of the State. All the members of civil society potentially are leaders of it; whereas, actually, a very small percentage are or can be. Thus democracy is sustained and, at the same time, order is saved.

Next Aquinas speaks of virtue as a practical habit. It is not solely a thing of thought or an immanent power. It has an executive character. It is a doing, as well as a being able to do.<sup>306</sup> The Doctor notices the occasional mistake which superficial people make in judging some visible favor of a person as a virtue. They take a quality of body for one of soul, and forget that virtue is a principle of operation as well as of being.<sup>307</sup> Aquinas, in seeking leaders, would look not at the surface of men but at the power within and the inner ability to project it without. And here the best interests of democracy are served.

Thirdly, St. Thomas insists that virtue is and should be a good habit. Every evil implies a defect of object, or of sub-

302 *Studies*, March, 1920. Art. *The Democracy of St. Thomas*.

303 *Summa Theol.*, 1a 2ae, qu. LV, a. 1.

304 *Ibidem*.

305 Cf. Burri., *Le teorie politiche di San Tommaso*, p. 59.

306 *Summa Theol.*, 1a 2ae, qu. LV, a. 2.

307 *Ibidem*.

ject. Virtue is guided by reason and fired by will. It is a power and a perfection.<sup>308</sup> If it is wrested to express anything evil, the sense is metaphorical; e. g., a good thief or robber.<sup>309</sup> Therefore, the Angelic Doctor in placing virtue as the pre-requisite of the servers of the State, ensures the reign of justice in which each man receives his due and the deepest and truest democracy is served.

In the *Commentary*, he presents a concept of political virtue, opening up the mind of Aristotle. The question whether the virtue of a good man is identical with that of a good citizen advenes. There can be a difference. A person censurable enough in private life, may perform his civic duties perfectly and therefore be accounted a good citizen. While the thoroughly good man is consistently so. But the good citizen who is also a good man, is, of course, superior to the merely good man; for to the ordinary virtues, he adds political temperance and justice.<sup>310</sup> The State is concerned more with external action than with internal dispositions; and yet, since the former depend so intimately on the latter, the virtue which St. Thomas describes in his *Summa* seems essential to a polity. Aristotle's idea is not so full and ethical as the Angelic Doctor's; which is evident when he tells us that the virtue of a good man consists in being able to command, but that of a good citizen renders him equally fit for commanding and obeying.<sup>311</sup>

When the Angelic Doctor requires virtue in the wielders of political fortune, he asks more than Aristotle, because he conceives deeper. He asks not only efficiency, but the morality on which the highest efficiency is founded and guaranteed. The "virtus" of his description, is not to be seen, in notable degree, in every member of the commonwealth; and only those who possess it sufficiently should be factors in statecraft. The others are better represented by their betters than they could be by

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<sup>308</sup> *Summa Theol.*, 1a 2ae, qu. LV, a. 3.

<sup>309</sup> *Ibidem*.

<sup>310</sup> *Com. Polit.*, Lib. III, lec. 3.

<sup>311</sup> *Politics*, III, 4.

themselves.<sup>312</sup> It may be objected, against Aquinas, that *de facto* this has not been so in political history; that those who held the power of State, used it to crush the helpless. The retort is that St. Thomas, requiring *virtus*, requires goodness which is essential to it; and that, therefore, he considers those who exercise authority unjustly, as lacking a title to it. Theoretically, he strips the monarch or the assembly, abusing the popular trust, of the means of excess. When the People are oppressed, they arise, the stronger; fortified with the power which rulers, lacking virtue, forfeit. The moral force which the Doctor gives the word is a first aid to democracy. He makes it a term that teaches justice to the People, for which genuine democracy stands. Aristotle's meaning, on the other hand, is not so clearly safe and acceptable. He uses the expression *phronesis*, signifying practical wisdom or caution, and sometimes, in a bad sense, pride or presumption. Walford opines that, applied to the private citizen, this word, according to the Philosopher, expresses that which enables one to perform one's duty or task (*ergon*); but that, when he (Aristotle) uses it in reference to a ruler, he intends a moral value.<sup>313</sup> This however, is not so plain as in the doctrine of St. Thomas; and the probability is that the Philosopher prescribed a cunning prudence rather than any moral norm for those in power. Common welfare is not so much assured by a crafty carefulness in rulers as by an ethical code with rigid sanction above them.<sup>314</sup> The "virtue" of Aquinas seems as superior to Aristotle's as Christianity to Paganism.

It is significant that St. Thomas places knowledge and goodwill, the two essentials of virtue, so prominently in his plan of citizenry. The necessity of public education, religious and

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<sup>312</sup> This subordination of the right of suffrage to the conditions of intelligence need not signify that St. Thomas believed the right itself of suffrage to be hypothetical, as Crahay deduces (op. cit. pp. 105-107). It may mean rather that the right to exercise the right is dependent on those qualifications. Or again, suffrage is not a natural but a civil right; and the State has a right to protect itself by withholding this weapon from the obviously incompetent. Cf. Laveleye, *Le Gouvernement dans la Démocratie*, t. II, p. 49.

<sup>313</sup> Note. Translation of Aristotle's *Politics and Economics*, p. 88.

<sup>314</sup> St. Thomas' meaning of "prudence" is the virtue "ex qua omnes virtutes morales dependent." *Com. Polit.*, Lib. III, lec. 3.

secular, follows.<sup>315</sup> Without it, the bulk of the People are hardly prepared to enter into their own, and the State must be administered by the efficient few. When the Angelic Doctor wrote, the University of Paris was diffusing its rays through the century; all roads led to the city on the Seine. The medieval world, awakened to learning in the eighth century, was re-aroused in the thirteenth. The voice of Aquinas echoed far. With Blessed Albert and St. Bonaventure, he filled his day and did more for the cause of education, which is the cause of modern democracy, than the world is always willing to grant. His facts were the natural equality of men, the evident inequalities, and the necessity that the best guide the rest. He saw that education, mental and moral, produced the best. We can well understand his zeal for teaching. Each man, won to education, was the State's gain. The more extensively "virtus" appeared in the State, the greater was the number of individuals capable of sharing in civil rule. In the vista of the future, with the onward march of mind and morals, Aquinas could not but see the democratic spirit of his doctrines crystallizing into a political fact.<sup>316</sup>

But he was writing for his own day as well as for the future. And all will agree that, then, the time was not ripe for the universal reign of the People. Feudalism was doomed and dying; but just as its growth was gradual, so should be its decline, else its departure might have worked more mischief than its presence. The Magna Charta had been signed. The English House of Commons was born. The Italian Cities glistened in their liberties; though often the lustre gloomed into ruby. The time was replete with promise, which Aquinas reinforced with principle. But the truth remained, that ignorance still held large sections of the continent in shadow, and morality too often was only a veneer. Political disparities were inevitable; And St. Thomas was too wise to waste energy against them. Rather than be perpetually querulous, he often seeks whatever logic there may be in a situation to which his opinions

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<sup>315</sup> *Coth Eth.*, Lib. II, lec. 1. *Com. Polit.*, Lib. III, lec. 3. Cf. Borell, *L'Idée de Démocratie*. *Revue de Philosophie.*, XII, pp. 117-118. Also, "Pas de Démocratie sans progrès moral," p. 117.

<sup>316</sup> Cf. *Com. Polit.*, Lib. II, lec. 1.

seem opposed, and makes himself temporarily contented. He is a better philosopher than a reformer, and a better reformer for being such a good philosopher. His mission is always more of peace than of the sword; but his arguments are the kind of which effectual weapons can be forged.

#### 4.—SLAVERY: DUE TO LACK OF *Virtus*

Slavery, so-called, existed in St. Thomas' day; and he was not the one to deal it the final and fatal blow. Christ had not preached against it openly, but, in the subtlest and surest manner, prepared for its dissolution. His medieval servant followed the divine example. And if the Galilean's message of universal brotherhood is the finest expression of democracy, then the doctrine of Aquinas is well attuned to the democratic ideal.

The Angelic Doctor could not take slaves for granted, as did superb Athens, raised aloft on the thews of four-hundred thousand of them, twenty times the number of her free citizens.<sup>317</sup> He would have repudiated historical slavery as vehemently as an abolitionist on the eve of our own Civil War. For him, the system could be condoned in Christendom on a basis of charity. St. Thomas insinuates this into his commentary on "the natural slave"<sup>318</sup> It is but charity to direct those who cannot direct themselves; and this seems Thomas' great reason for acceding to the system. He does not call the unfortunate a "natural slave," but *quasi servus*. Nor does he speak of him, like Aristotle, as "having no share in happiness."<sup>319</sup> But the Doctor's tolerance and faith may seem slightly amusing to those who advocate liberty-at-any-price and offer pyrotechnics instead of proofs. "Whatever any race or class of men has the wherewithal to be," offers a discreet speaker on democracy, "it must take the necessary time and pay the average price of working toward its salvation through the intermediate stages. There is no spring-board from which it can cover at one leap the gap between what it is when it is delivered over to itself, and what it

<sup>317</sup> Athenagoras, Bk. VI, quoted by Montesquieu.

<sup>318</sup> Lib. I, lec. 3.

<sup>319</sup> *Politics*, III, 9.

has the potency to become."<sup>320</sup> We plume ourselves on the Emancipation Proclamation which flung millions of colored people on their own pathetic resources; nominally we granted them liberty, but practically they have had the problem of acquiring it for themselves ever since. Medievalism did more for its serfs: not by freeing them with the mouth, but with the truth which makes all men free; not by flinging them aside to whatsoever fate, but in guiding them through the stormy night of transition.

Aquinas admitted inequality. Slavery was but the lower end of the admission. Yet the lowest in his political theory, is not without relation to the highest. There is a common fibre of nature in all, which religion accentuates and strengthens. It is to be suspected that the *infimi* of St Thomas' time were in some respects better circumstanced than our free working-men of to-day. Certainly when one honestly considers the character of the Middle Age, they were better off. They were in immediate connection with the class which could help them most. Theirs was not the woeful separation which, in modern times, has done so much to retard social progress. The Church, with its constant insistence on the greatest two Commandments, was an incalculably democratic force; and while the surface of medieval society presented more spires and hills than the modern sense approves, popular leaven was steadily at work in the medieval mass.

Aquinas helps to hasten the passing of the system of slavery with his teaching that it is against the initial decree of nature. He considers it the result of a disorder which sin brought into the world.<sup>321</sup> The conclusion is that, accordingly as virtue triumphs and the divine place is repaired, slavery must go. The Fall was tragically real to Aquinas. Minds of a materialistic bias are ready enough to differ from him, and the idea of Adam's

<sup>320</sup> Albion W. Small, *Pub. of Am. Sociological Society*, Vol. XIV, p. 59.

<sup>321</sup> *Summa Theol.*, 1a 2ae, qu. XCIV, a. 5; 1a, qu. XCVI, a. 4. Aristotle's "natural slave" (*phusei doulos*) is not of St. Thomas' teaching. As Rahilly well remarks: "The Aristotelian conception of a natural slave is as incompatible with Christianity as the Nietzschean ideal of a super-man." *Studies*, March, 1920. Art. *St. Thomas and Democracy*. *Vide Sent.* II, dist. 44, qu. I, a. 3; *Summa*, 1a, qu. XCVI, a. 4; 1a 2ae, qu. II, a. 4.



transgression is widely lampooned as a bit of "theological moonshine." On the other hand, many are repudiating the wholesale demands and extreme conclusions of Evolutionism. So modern thought is as ready to consider things from a Thomistic point of view as from any other. The Angelic Doctor is not singular when he traces service to sin. He has more than six thousand years with him in the belief that the outraged Deity's decree, "In the sweat of thy face shalt thou eat bread till thou return to the earth, out of which thou wast taken" (Gen. III. 19), is of the most solemn import. His science is all the more solid for being founded on the rock of religion.

Slavery is tolerable, to St. Thomas, not in itself, but in the advantages which it brings to its subjects.<sup>322</sup> Pufendorf has such an idea, too, when he criticizes the absence of slavery among Christian nations as one of the causes of the great number of thieves, vagabonds, and hardy beggars.<sup>323</sup> Aquinas is interested in the interests of the servant, as in those of the master.<sup>324</sup> He quotes from Proverbs: "the fool shall serve the wise" (XI, 29); for it is wisdom in the fool to do so.<sup>325</sup> Incidentally, he reveals his belief that a person who stands out from the socially incapable class logically is no slave,<sup>326</sup> and that masters have no right to be such, who are not the mental and moral superiors of those beneath them.

The system of slavery, says Thomas, is of human foundation. It is therefore amenable to social conditions, advances in understanding, and growth of sympathy. Human institutions are variable. True, that which is natural to an immutable nature

<sup>322</sup> *Summa Theol.*, 1a 2ae, qu. XCIV, a. 5., et 2a 2ae, qu. LVII, a. III, ad 2: "Utile est hunc quod regatur a sapientiori....."

<sup>323</sup> *De Jure Naturae et Gentium*, Lib. VII, ch. I, 4. Dunning, op. cit., Vol. II, p. 321. Cf. Grotius, *De Jure Belli et Pacis* (tr), Bk. II, ch. V, par. 27, n. 2: "Now perfect and utter Slavery, is that which obliges a Man to serve his Master all his life long, for diet and other common Necessaries; which indeed, if it be thus understood and confined within the Bounds of Nature, has nothing too hard and severe in it; for that perpetual Obligation to Service is recompensed by the Certainty of being always provided for; which those who let themselves out to daily Labour, are often far from being assured of."

<sup>324</sup> Even Aristotle taught the identity of interest between the master and the slave. *Politics*, III, 6. St. Thomas seems to go so far as to place the relations of the slave to the master on a par with those of the son to the father. *Summa*, 2a, 2ae, qu. LVII, a. IV, ad 2.

<sup>325</sup> *Contra Gentiles*, Lib. III, cap. 81, et cap. 78, 3.

<sup>326</sup> *Com. Polit.*, Lib. I, lec. 10.

is without change. But human nature is not immutable; and, even that which is natural to man, may sometimes prove an imperfection.<sup>327</sup>

Looking more deeply into the mind of Aquinas, we find an underlying thought which all but the extreme radicals of to-day must suspect: the necessity of a service-force in every state. This truth has thrust itself into the modern consciousness as never before, in the industrial stress, with its innumerable strikes, consequent to wartime conditions. The community equally requires brains and bodies. Aquinas is not to be blamed for considering the service of the former nobler than that of the latter. But he was fully alive to the imperativeness and importance of physical labor; and, realizing that the God-man was the foster-son of a carpenter, he must have appreciated the dignity of it too.<sup>328</sup>

He does not teach that the servant-class is to be so hedged about that no member of it can escape. Each worker is an image of the God to whom all men must tend, and, as such, has potentialities which are not to be repressed. Manual work must be. It is the Lord's mandate; it is the natural need. But if the spark of reason in a humble toiler should grow into greatness, it were unseemly, according to Thomistic principle, that the State should not profit by the erstwhile lowly one's ability, and that he should not be permitted to rise.<sup>329</sup> He believes, too, that there can be no true liberty in society, without virtue in its subjects, and that virtue is the occasion of liberty and its warrant. Also, he frowns on class distinctions which are based not on nature but on some artificial standard.<sup>330</sup>

Aquinas does not consider the slave an active part of the polity.<sup>331</sup> For the State is a work of reason; and reason is weak

<sup>327</sup> *Summa Theol.*, 2a, 2ae, qu. LVII, a. 2, ad 1. On the merit of the following principle too, the final abolition of slavery is forecast: "Justitia quidem perpetuo est observanda; sed determinatio eorum quae sunt justa, oportet quod varietur secundum diversum hominum statum" — *Summa Theol.*, 1a 2ae, qu. CIV, a. 3, ad 1. With the progress of morality in the masters, and of intellectuality in the slaves, the system would pass.

<sup>328</sup> *Com. Polit.*, Lib. I, lec. 3.

<sup>329</sup> *Com. Polit.*, Lib. I, lec. 4. It is significant that Aquinas should link "freedom" with "virtue." *Com. Polit.*, Lib. III, cap. 14.

<sup>330</sup> *Com. Polit.*, Lib. I, lec. 4.

<sup>331</sup> *De Reg.*, Lib. I., cap. 14.

in a slave, else he is not rightly one. Thomas does not exclude him from the polity. His incompetence is the bar. He is better served by the reason of others than by his own.<sup>332</sup> The Angelic Doctor discerns that the common-good can be secured only by the most intelligent enactments, and that the required intelligence is not found in the lower levels of the State. He could not utterly ignore Aristotle's mention that the very worst form of democracy is "that which gives a share to every citizen—a thing which few cities can bear."<sup>333</sup>

He was doubtless impressed, too, with the effort of Aristotle to place slavery on a rational basis; for he himself uses the Philosopher's arguments on the inequality of human nature and the utility of service. But he Christianizes them, and thus prepares them to blend into the larger concept of liberty which we claim to-day. He softens the Philosopher's harsh idea that the slave is a living possession (*res possessa animata*) or instrument for practical purposes, like the statutes of Daedalus or the tripods of Vulcan.<sup>334</sup> He will not forget the soul which is in each one and which cannot be transgressed by another.<sup>335</sup> If St. Thomas did not regard slaves as persons, in reference to civil rights, it was because he felt that they were better represented in the wisdom of their masters. He accredits their psychological and ethical personality. And he is refreshingly far advanced from the Aristotelian persuasion that they have no rights against their masters, and that, though they ought not be treated cruelly, the wanton lord does not really violate their rights at all. A man may sell his muscles to another, but no more.<sup>336</sup> Any measures on the part of masters, contrary to

<sup>332</sup> *Com. Polit.*, Lib. I, lec. 3.

<sup>333</sup> *Pol.*, VI, 4.

<sup>334</sup> *Politics*, I, 4. *Com. Polit.*, Lib. I, lec. 3; *Com. in Epist. ad Titum*, cap. III, lec. 2.

<sup>335</sup> *Summa Theol.*, 1a. 2ae, qu. CIV, a. 5. Cf. Dubray's remarks on Human Personality, *Introductory Philosophy*, pp. 509-10. "Some men are not persons with regard to certain rights (e. g., outlaws)."

<sup>336</sup> Such sentences in Thomas' doctrine as "quia quidquid servus habebat, et etiam ipsa persona servi, erat quaedam possessio domini" (1a 2ae, qu. CV, a. IV, ad 3), are to be interpreted by his doctrine that souls are ever free and bodies, too, in their natural requirements. (2a 2ae, qu. CIV, a. 5). Slavery, violating these liberties, would lack all justification. *Summa*, 2a 2ae, qu. CXXII, a. IV, ad 3: "est autem homo alterius servus, non secundum mentem, sed secundum corpus."

this fact, are unjust. And inequalities, to the mind of Aquinas, are not static, so far as individuals are concerned.

He manages to view the subject of slavery democratically. He teaches that, absolutely, there is no natural cause why one should be a slave more than another. The strongest justification he offers for it is the one, which, if observed in this era of freedom, might have prevented the present social upheavals. He finds rationality in the system insofar as, by it, he who needs a guide gets one. The master must take a personal interest in his slave; else he is unworthy of him.<sup>337</sup> The relation between the former and the latter must be on a truly Christian basis; intimate, cordial, and beneficial.<sup>338</sup> The word "slave" has been so be-smirehed, rolling down the centuries, that we veer from it; forgetting that intrinsically it is not so formidable after all, and that, on the lips of Aquinas, it is almost as innocuous as our own word "servant" to-day. His is a concession of service and of dependence, rather than of slavery. He will not allow the personality of the slave to be destroyed. He remembers that all men are equal. He recalls the old Hebrew law which required that slaves be treated as human beings.<sup>339</sup> He demands that they have their weekly day of rest and devotion.<sup>340</sup>

He does not forget the natural law in which every human being has a share and from which natural rights flow. He vindicates all the natural rights of the lowly.<sup>341</sup> On this point Rahilly remarks: "We have here a clear doctrine of equal natural rights, which, while it is fruitful in social and political applications, is not based on any impossible or utopian hypotheses. Every man has the same inalienable right to spiritual freedom

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<sup>337</sup> Cf. Phillips, *American Negro Slavery*, p. 307: "There was clearly no general prevalence of severity and strain in the régime. There was, furthermore, little of that curse of impersonality and indifference which too commonly prevails in the factories of the present day world where power-driven machinery sets the pace, where the employers have no relations with the employed, outside of work hours, where the proprietors indeed are scattered to the four winds, where the directors confine their attention to finance, and where the one duty of the superintendent is to produce a maxim output at a minimum cost."

<sup>338</sup> *Com. Polit.*, Lib. I, lec. 4.

<sup>339</sup> *Summa Theol.*, 1a. 2ae, qu. CV, a. 4.

<sup>340</sup> *Summa Theol.*, 2a 2ae, qu. CXXII, a. 4, ad. 3.

<sup>341</sup> *Summa Theol.*, Supplementum qu. LII, a. 2.

and to the exterior conditions of human existence, whether proprietary, personal or marital."<sup>342</sup> Thus St. Thomas is not faithless to democracy; in fact he is more consistent with it than many an enlightened modern.

Jourdain tells us that the Latin language had only the word "servus" to cover three different ideas: first, slavery properly so-called, or the possession of man by man; secondly, the service of the soil, which was a milder form; and thirdly, domesticity.<sup>343</sup> This writer warrantably teaches that St. Thomas does not intend the first significance, which is pagan, so much as the other two. The Angelic Doctor uses the diction of Aristotle, but not the thought. He thinks for himself, and he is a Christian. Feuguéray's complaint that the Doctor follows Aristotle and not St. Paul, and respects antiquity to the extent of forgetting Christian liberty and equality would seem unjust.<sup>344</sup>

Thus though St. Thomas did not view slaves as active citizens and parts of civil community, he granted them a passive

<sup>342</sup> Studies, *The Democracy of St. Thomas*, March, 1920.

<sup>343</sup> *La Philosophie de Saint Thomas*, t. I, p. 419. Grotius, too, mentions several mild significations of the word "slave." See *De Jure Belli et Pacis*, Bk. II, ch. V, par. XXX.

<sup>344</sup> Jourdain, p. 422. M. Delécluse (*Grégoire VII, saint François d'Assises et saint Thomas d'Aquin*, Paris, 1844, t. II, p. 421, et suiv.) is also quoted as unfavorably regarding St. Thomas' view. Both Feuguéray and Delécluse measure the mind of the Angelic Doctor with the standards of a remotely modern century and fail to consider sufficiently the character of his age. They must at least admit, with Jourdain, that Aquinas did not consider slavery a political expedient, nor a means of government, and that he did cleanse the concept with Christianity. See Schwalm, *Leçons de Philosophie sociale*, t. I, pp. 180-181, for a clarification of Thomistic views.

Cf. Phillip's *American Negro Slavery*, p. 514: "The government of slaves was for the ninety and nine by men and only for the hundredth by laws. There were injustice, oppression, brutality and heart-burning in the régime, but where in the struggling word are these absent? There were also gentleness, kind-hearted friendship and mutual loyalty to a degree, hard for him to believe who regards that system with a theoretic eye and a partisan squint. For him on the other hand who has known the considerate and cordial, courteous and charming men and women, white and black, which that picturesque life in its best phases produced, it is impossible to agree that its basis and its operations were wholly evil, the law and the prophets to the contrary notwithstanding." Such is the conclusion of the latest and perhaps the ablest critique of slavery as an American fact, from a conscientious study said to cover twenty years of research. And yet, the slavery of St. Thomas' connivance was much more humane in principle than the American brand. It demanded freedom for the subject in all that pertained to the soul and to the nature of the body.

share in it and found a place for them in his broad concept of the People. He sees the People pressing upward to the heights of virtue: the best leading on; the stronger helping the weaker; the weaker supplying the stronger with ordinary needs, while the latter engage in the greater purposes of the State. When a sufficient number attain the objective, political democracy may begin; and, accordingly as those above raise up those below, it is perfect.<sup>345</sup> St. Thomas knew that Christian endeavor would do more for democracy than a frenzied theory, whirling destruction and enkindling hate. The pure Christianity of his principles is the greatest merit of his politics and his best contribution to the cause of liberty.

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Let us recall, too, that the revered pioneers of liberty in our own land took the institution of slavery for granted: and that political expediency was a primary object of the Emancipation Proclamation of one of the kindest and fairest souls which have graced the story of America. No more may we impugn the politics of Aquinas for its tolerance of slavery than that of the leaders of American liberty; and perhaps less.

<sup>345</sup> He does not believe, however, that the flow of democracy is to be the ebb of government. His idea is somewhat like that expressed by Dupont-White: "Quant à votre objection que la moralité croissante des hommes doit se résoudre en une réduction croissante de gouvernement, je réponds que le fait d'une élite, et il ne peut devenir celui des foules que sous le poids d'une forte contrainte (here Aquinas may differ). Au début, tout progrès doit s'imposer, et ensuite, tout progrès accepté donne lieu à la conception d'un progrès nouveau parmi les natures supérieures. Autrement à quoi servirait leur supériorité? Tel est le jeu des inégalités dont le monde est fait." Quoted by Laveleye, *Le Gouvernement dans la Démocratie*, p. 35, t. I.

## CHAPTER IV

## RULERS

The lowest levels of civil society suggest, by contrast, the highest points. The apex of the State is its ruler.<sup>346</sup> Authority, in the degree in which it rises up from the State, extends down through it. The democratically erect pyramid properly expresses the ideal political vision of Aquinas; not the tipsily inverted one of some other medievalists who would have God empower the one and ignore the many.

## 1.—ARISTOTLE'S VIEWS

In his *Commentary on the Politics*, Aquinas considers with Aristotle the absolute ruler and the possible unnaturalness of his position in the State. The Philosopher, however, regards the matter from the viewpoint of the Athenian democracy in which all the citizens were as nearly equal as possible and each was fitted to take active part in the administration of the government, even to the holding of public office, as appears from the custom of voting by lot. In the case of only a few military and moral positions, which required unique qualification, was there recourse to the ballot.<sup>347</sup> He deems it unworthy that one citizen should have control over so many equals, for two reasons: first, nature requires that the same right and rank exist among equals;<sup>348</sup> secondly, just as it is harmful for those of different physical constitutions to have to follow the same regimen, so it is wrong that those who are equal in civic merit should be unequal in civic station.<sup>349</sup> He advances, then, that

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<sup>346</sup> St. Thomas sees the necessity of rulers in the exigencies of social life. There must be some custodian of the common good, since each one is apt to be too interested in his individual inclination and welfare. *Summa Theol.*, 1a, qu. XCVI, a. 4. See also *De Reg.*, Lib. I, cap. 1.

<sup>347</sup> Cf. Philip Van Ness Myers' *History of Greece*, pp. 255-256, and *Aristotle's Politics*, III, 1, 2, 4.

<sup>348</sup> *Com. Polit.*, Lib. III, lec. 15.

<sup>349</sup> *Com. Polit.*, Lib. III, lec. 15.

law should govern, instead of any citizen.<sup>350</sup> Whoever is appointed to office in a democracy is only a guardian or servant of the law. We shall presently see how democratically far Aquinas agrees with these statements, even when their substance is applied to kingly polity. The Philosopher expresses himself like a good medievalist when he writes that to make the law supreme means to make God likewise.<sup>351</sup> He somewhat sacrifices truth to fervor, however, when he adds that to entrust the sovereign power to man is to fling it to a beast. He esteems the law to represent the intellect dispassionately, and hence to be the ideal ruler; for appetites and passions sometimes vitiate the judgments of even the best of men.<sup>352</sup> St. Thomas remembers this fact and weaves it into his treatise on rulers.

But Aristotle proposes that the law have a living exponent. Of itself, it is cold and impersonal; and its very virtues may prove defects. Perchance a man who knows the art of ruling and brings a warmth of charity, wisdom and justice, to the interpretation and application of the statute, would make the law rule much more effectively than it could by itself. As Aristotle astutely observes, the sick physician does not depend on his medical books, but calls in another brother of the profession. Too, the law is limited. It is good as far as it goes; but just exigencies and exceptions, for which it does not provide, are constantly cropping out. The human element is needed to supply the deficiencies.<sup>353</sup> The Philosopher therefore proposes the perplexity: is it preferable that the best man should govern or the best law? St. Thomas, it will appear, opines that they should go together.

Aristotle suggests the irrationality of one-man rule with the common-place observation that a single person cannot see better with one pair of eyes, hear better with two ears, nor do better with two hands, than many can with many.<sup>354</sup> He also offers that, since a supreme magistrate cannot possibly attend

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<sup>350</sup> Lib. III, lec. 8.

<sup>351</sup> Cf. *Com. Polit.*, Lib. III, lec. 15.

<sup>352</sup> Ibidem.

<sup>353</sup> Ibidem.

<sup>354</sup> Ibidem.



to all his duties himself and simply has to employ several subordinates, it would have been just as reasonable to have had many rulers in the first place, instead of one.<sup>355</sup> Again, if one man is able to rule, two would be so much more so. A brace of quotations from the Iliad—"Let two go together," and "Were ten such faithful counsellors mine own!"<sup>356</sup> are used by the Philosopher gracefully to press this point. Finally he observes that a monarch delegates part of his power to friends; but a friend is an equal and like to his friend; if, therefore, the king concedes that his friend should govern, *ipso facto* he submits that those who are his equals should rule: and theoretically monarchism softens into liberalism.<sup>357</sup>

## 2.—ST. THOMAS' VIEWS: (1) QUALIFICATIONS FOR RULERS; (2) DUTIES

It will be clear in the following pages that St. Thomas is interested in this array of observations, and that he gives them due respect in his thought on rulers. He does not appropriate them wholly, however; for they are as unusual as the Greek setting which inspired them. The Athenian democracy, with a citizenry which for equality was unique in history, had grown dim in a past which seemed wholly out of relation to the thirteenth century. Since Pericles, great historical events had wrenched the world from the classic era; and St. Thomas appeared at a time and in a locale as different from those in which Anaxagoras, Sophocles, Euripides, Aristophanes, and Thucydides flourished, as a star from a shadow. The city-state had now expanded to a kingdom. The people were not severely separated into the ruling and the enslaved classes, but degrees were present between and, in evidence of evolution, were continually increasing.<sup>358</sup> Proportionally, there were infinitely

<sup>355</sup> Ibidem.

<sup>356</sup> *Iliad*, X, 224, and II, 371.

<sup>357</sup> *Com. Polit.*, Lib. III, cap. 15.

<sup>358</sup> Rickaby, *Political and Moral Essays*, p. 53: "The Greek City State was fullblown, and had no future before it: while the large and cumbersome masses of medievalism had in them the potency of the modern world, a world at once better and worse than the medieval, but anyhow more vast, more complex, and more marvelous."

fewer perfect citizens than in the Periclean Age; potentially, there were inconceivably more. Aquinas thought and wrote for the Middle Age, even as Aristotle for the Attic; though their principles were perennial. It is impossible altogether to prevent the character of the period in which one lives from coloring one's thoughts, words, and deeds.

In his *De Regimine*, the Angelic Doctor writes from a monarchical point of view. He had to deal with crowns, just as the Philosopher had to consider the absence of them. He was writing to royalty.

But his advices to kings would be just as practical in many respects for presidents. And, for that matter, Aquinas himself no doubt realized that Pericles, of democratic Athens, was much more imperial than that forgotten little ruler of Cyprus; even as the head of the United States today is much stronger than many a weak monarch. He appreciated that, whatever the form of government, good leaders would be necessary. Montesquieu declares that the great motor of the people is their own passions; Cicero complains that they condemn what they do not understand; Virgil pictures them with many mouths, many tongues, throats of brass, and lungs of iron, but omits the detail of a head of brains; Horace judges them fickle. Social Psychology corroborates these findings and contributes to them. Even when it is recalled that true democracy can exist only when all the populace have risen above the rabble level, it must be appreciated that the instincts of man can never be cultivated away and that, where, among many, each has a voice, a psychical Vesuvius is ever possible. Even the Greek assembly of the Golden Age was boisterous, and, without the dominating personality of Pericles, it might have dissolved, of its own energy. As for the modern representative democracy, obviously, from its character, it requires leadership. A monarchy or an aristocracy, strong in organization and tradition, could bear on largely by its own momentum.<sup>359</sup> But a popular government, of so many individuals and temperaments, is, without proper direction, a prime uncertainty.

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<sup>359</sup> Cf. *Pub. of Am. Sociological Soc.*, Vol. XIV, p. 10.

An unguided democracy is a misguided one. Claudian's lines have their political truth:

“Fallitur egregio quisquis sub principe credit  
 Servitum; numquam libertas gratior extat  
 Quam sub Rege pio.....”

And the words of the *Commentary on Aristotle's Politics* are likewise expressive: “To live according to the State is not to be considered slavery, but liberty and safety.”<sup>360</sup>

The greater the rôle of the people in the government, the more vivid must be the standard of action before them. A subjective norm ever tends to be a selfish one, and more often than not leads away from the common good. An objective directive is more dependable; and it best appears in the purposes and principles of some representative person or persons apart from the crowd. The popular intelligence and good-will are still necessary, even under leadership; for citizens in a democracy hold the key to authority, and they must not submit it lightly. They should be critical, and select only such as will well and truly represent the public interest. The more of mind and morals among them, the fairer their choice of a representative; the better their choice, the more prosperous the State.

Even among leaders there is always a bell-wether.<sup>361</sup> From Pericles down to Wilson, the history of democracy is a succession of them. But Aquinas evinces how democracy may exist even in the shadow of “one only man,” by teaching that any supercargo on the ship of State, no matter how powerful he may be, does not really rule. Justice is king, and every sovereign must be its slave.<sup>362</sup> When St. Thomas speaks of the king as above the law (ruling *secundum virtutem*), he but means what we should concede in the case of a judge; for, in the past, royalty exercised the judicial power. The judge who wields the law is above it, except in an ethical sense. The Doctor writes that, in matters touching his own person, a man must form his own conscience from his own knowledge; but

<sup>360</sup> Lib. V. lec. 7.

<sup>361</sup> *Summa*, 1a, qu. XCVI, a. 4. See also *Contra Gen.*, IV, 76.

<sup>362</sup> Cf. *De Reg.*, I, 12.

in matters concerning public authority, conscience must be formed in accordance with knowledge attainable in public judicial procedure.<sup>363</sup> He would have the king no more arbitrary than a just judge.<sup>364</sup> This subjection of the ruler to justice is the formula of freedom. "During the Middle Age," Gierke notes, "we can hardly detect even the beginnings of that opinion which would free the Sovereign (whenever he is acting in the interest of the public good) from the bonds of the Law of Nature."<sup>365</sup> He also declares that "medieval thought gave to the Monarch a representative character. However highly his powers might be extolled, the thought that Lordship is Office had.....remained a living thought."<sup>366</sup> We see then, from the times of St. Thomas and from his own statements, what slender foundation the baser autocracy can find in the ecclesiastical era. If Aristotle improved the politics of Aquinas, medievalism did not injure it.

The Angelic Doctor does not tolerate the shabby ambitions and purposes which too often stimulate the seeking of civil station. His candidate, to be a proper servant of the people, must be a fit servant of God. He must be a man of purest motive. His own good must be sought only in that of the public. Politically he exists for the benefit of the people;<sup>367</sup> and any direct concessions on his part to the call of fame and fortune are a betrayal of his trust. Aquinas knows how nature rebels, even in the best, against such mortified comportment. He finds the tendency to self-seeking universal.<sup>368</sup> Man must have a reward. And so Aquinas points his finger to Heaven with the advice that "when the chief shepherd shall appear," the "crown of unfading glory" shall be bestowed.<sup>369</sup>

<sup>363</sup> *Summa Theol.*, 2a 2ae, qu. LXVII, a. 2.

<sup>364</sup> Cf. *Summa*, 1a 2ae, qu. XCVI, a. V, ad 3.

<sup>365</sup> *Political Theories of Middle Age*, p. 86.

<sup>366</sup> *Idem*, pp. 61-62.

<sup>367</sup> *Com. Polit.*, Lib. III, lec. 5. Also *De Reg.*, Lib. I, cap 1. Cf. Moore's *Utopia*, Bk. I, p. 67.

<sup>368</sup> *De Reg.*, Lib. I, cap. 7.

<sup>369</sup> *De Reg.*, Lib. I, cap. 8 et 9. But in Lib. II, cap. XI, of the *De Reg.*, we learn that, though kings are to receive their real reward from above, they are not to be denied the temporal glories and trappings of their station. These aid respect, obedience, and confidence. In the authentic part of the book, Lib. II, cap V, this same idea is in the way of being expressed, when the hand of Aquinas ceases its task forever.

Good rulers may hardly be expected from the ranks of the irreligious, who seek office not so much for what they can bring into it as for what they can get out of it. The wages the world pays for the service which governors render, is always small and sometimes cynical. It has been observed over and over again that democracies particularly are ungrateful. A material-minded man would consider himself foolish not to seize on the State for his personal aggrandizement; and the public good could be but a detail or an incident in his ministry. St. Thomas sees six reasons why the people should be careful to elect a leader who looks up.<sup>370</sup> First, the worldly individual, not satisfied with mere honor and glory, would crave wealth and luxuries. One with an inferior aim is apt to have a superior appetite. Reason is silenced; impulse rules. Either the people are relieved of their money through unjust taxes or burdened with toil, to supply the dissipator's unholy cravings; or the folly falls on neighboring states in the form of war, for which the people pay not only in property but in blood. Secondly, there are so much labor and care entailed in just rule that a just man, sustained by the best principles, alone would serve; especially for the natural wages of the position. Since nothing is frailer than human glory; nothing more fickle than popular favor. Thirdly, the danger of a government's degenerating into "politics" always menaces, if merely the worldly wise hold sway. They are beholden only to those whose regard they covet; and the common good is forgotten in an effort to exalt those few. A ruler should be able to stand alone; and this he cannot well do unless fortified by God with Whom he always constitutes a majority.<sup>371</sup> In proportion as he seeks the unjust support of others and sacrifices principle to them, he is inefficient and faithless to the State. Each favor he guiltily accepts, helps to tie his hands. His liberality become less and less. Fourthly, the religious man is not a politically pernicious seeker of renown. Though in this very fact, he has it the more; according to a finer sense of values. Aquinas quotes Sallust's eulogy of Cato: "The less he sought glory, the more he secured it;" and

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<sup>370</sup> *De Reg.*, Lib. I, cap 7.

<sup>371</sup> Cf. Cronin, *Science of Ethics*, p. 603.

also the assertion of Fabius: "He who spurns glory will indeed possess it." Convincingly, too, he refers to Christ's disciples. Fifthly, the chase of fame makes hypocrites. Again Sallust speaks through the lips of Aquinas to tell us that "ambition forces many men to be false." The Angelic Doctor warns how harsh were the words on the lips of the gentle Savior Himself, in denunciation of this peculiarly despicable vice of hypocrisy. However, he believes that glory-seeking is more pardonable in a ruler than a quest for the crasser objects of wealth or pleasure would be; since the former indicates some vestige of virtue, insofar as it aims at the approbation of good people and implies an unwillingness to offend them. Thomas does not deny that a man with only natural good qualities might succeed as a leader of the people. But since the public trust is too sacred to be trifled or experimented with, and the common good so essential to civil society, it were wisdom to have only an unmistakably moral man at the helm of State; and, to the Doctor, ethics has its best sanction and assurance in the things of Faith.

Primarily, then, a man fit for office is one of religious persuasion and conviction. He must be the eyes, the lips, the hands, and the heart of justice. He is thus the servant of God as well as of man.<sup>372</sup> With justice equally he must manifest mercy. Tenderly as the members of his own body, must he regard the individuals of the State.<sup>373</sup> They are parts of the political *corpus* of which he is head. No more should he needlessly hurt the least of these than himself. These qualities of equity and clemency are the two great instruments of rule, and in the very words of St. Thomas "the especial property of kings."

The work of the State should, for the ruler, be a labor of love. Otherwise, it will be poorly performed and the people will have to bear the result. And he who loves his own interest more than his office, will be only too ready to stoop to shame, losing his own self-respect and the reverence of his subjects.<sup>374</sup>

The sympathies of the ruler must be democratic and spread through the length and breadth of the land. He must be one

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<sup>372</sup> *De Reg.*, Lib. I, cap. 14.

<sup>373</sup> *Ibidem.*

<sup>374</sup> Lib. I, cap. 10.

with the people.<sup>375</sup> His heart, large enough to hold all. His taste, catholic.<sup>376</sup> He must rise superior to party interest.

He must be a responsible person. Aquinas would favor no executive who possessed less mentality than sentimentality. Prudence is paramount in government,<sup>377</sup> and it implies intelligent fore-sight.<sup>378</sup> On the other hand, intelligence is energized and directed by moral principles.

The ruler should comport himself as an example. He is the visible symbol of law and order to the people. The government is no better than its administrators. St. Thomas could no more have connived at the royal excesses which aroused revolution in Europe in modern times than the people themselves. The doctrine that the king can do no wrong, is distinctly not his. The ruler must walk before the people and be perfect; but that he ought to be perfect does not mean that he is. He must bring virtue to his position and exercise it there. His office does not give it to him. Civil society is no higher than its head. The better the example of the ruler, the more successful will be the mission of the State. For all eyes naturally look to him, and public opinion is largely formed on his deeds and utterances. He is the measure of the success or failure of the polity. He is the city on the mountain, which cannot be hid. And man is instinctively an imitator.

It is most important that the ruler have a sufficiency of power to discharge the duties of his station. A ruler must rule; else, he is a political superfluity and encumbrance. Ruling, he must have free hands. Aquinas, however, does not plead for plenteous power for regents. He believes that their authority should be proportionate to the service required of them. In a democracy, the sway of leaders is more moral than political; the people maintain the ultimate mastery. But those who are chosen by the community for definite positions of State would

<sup>375</sup> Lib. I, cap. 2.

<sup>376</sup> Cap. 1, et 7; *Summa Theol.*, 2a 2ae, qu. XLVII, a. X, ad 2.

<sup>377</sup> *Com. Polit.*, Lib. I, lec. 1. *De Reg.*, Lib. I, cap. 15.

<sup>378</sup> *Summa Theol.*, 2a 2ae, qu. XLVII, a. 10. See the *De Reg. Principum* of Egidius Colonna (Fr. version, Molenaer), I, 7-9. Cf. Aristotle's teaching on the qualifications for governance. He finds three essentials: affection for the established constitution, ability, and virtue and justice. *Politics*, V, 9. *Com. Polit.*, Lib. V, cap. 7.

be useless without that particular empire which gives political service a meaning. The ruler is to be a force; else he is without reason or excuse in civil society.

But the State must always be bigger than its head. With this teaching, St. Thomas defends democracy in any form of government. He would have adjudged the French king demented in his proclamation, *L'état e'est moi*. For him, even the absolute monarch is no more the State than the cranium is the whole body. He would have stamped approval on the phrase, *der Fürst ist der erste Diener seiner Staats*. It is plain enough in his politics that a king is only the chief servant of the community,<sup>379</sup> and is powerful for this purpose. One would look in vain through his pages to find any teaching which even vaguely resembles that anti-democratic dogma which Alexander Pope aptly expresses as "the right divine of kings to govern wrong." He vindicates the eminence of sovereigns, but the dazzle of the sun does not blind him, like Bossuet, to the spots on it. His politics really coronate the community, rather than the king; since it is for the former that the latter exists.

The duties of a ruler are the just demands of the State. Ordinarily, there can be no progress without peace. And, since the State was formed for the benefit and advancement of its members, the sovereign must see that dissension within and without be quelled. Unity is prerequisite to concord.<sup>380</sup> The ruler, from his very position as chief, helps to secure it; but he must be actively interested in its further attainment. As far as prudence will permit, he must endeavor to remove class divisions. He must purpose motives of common interest and zeal, and promote rational patriotism. Aquinas does not prescribe that rabid love of country which brooks no consideration of the unity of humanity and incites the people to trample on the rights of other states in order to magnify their own. Still he is not a pacifist in the opprobrious acceptation of the word.

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<sup>379</sup> *Summa Theol.*, 2a 2ae, qu. LVIII, a. 5. Cf. Dante's *De Monarchia*, Lib. I, cap. XII, 3.

<sup>380</sup> *Contra, Gen.*, iv., 76.



Not only must the ruler strive for the preservation of the commonwealth, but also for its prosperity.

He is a "smaller world," because in him is found a type of God's providence which guides creation. Reason is in man, as God is in the universe: authoritatively. Accordingly as a ruler is reasonable, his rule is right. And reason opens up wonderful vistas for his political endeavors. Let the ruler realize that he should exercise the power invested in him as God, in similar situation, would wield it. His interest must not be isolated but must seep through the whole State; for, according to Thomistic description, he is in the State as the soul in the body and as God in the world.<sup>381</sup> These strong similes show how sacred and important Aquinas regarded the just authorities of the commonwealth, and what a scope and significance he saw in their duty. If they but realize that, in a sense, they represent both God and the very best that is in men, i. e. reason and reasonableness, equity and charity would flow freely from their ministry.<sup>382</sup> They should feel possessive and paternal, never exclusive nor selfish, if they would see their obligations and find stimulation to fulfill them.

Aquinas would have the sovereign provide for the health of the people, and not only for the necessities of their livelihood, but also for their creature comfort. Likewise he should look to the public defence.<sup>383</sup> He must remember the morals of the people; courts of justice are to be fostered. St. Thomas is modern enough to believe that prevention of crime should be as much an object of the ruler as punishment of it. The government should stimulate the best in the people, as well as repress the worst.<sup>384</sup> The workingmen, on whom the prosperity of the State so largely depends, are not to be forgotten. Nor is a general interest sufficient. Thomas requires that the ruler consider the individual as well as the generality, and see that his needs are supplied.<sup>385</sup> So far as possible, each should be

<sup>381</sup> *De Reg.*, Lib. I, cap. 12.

<sup>382</sup> *Ibidem.* Cf. Lib. II, cap. 15.

<sup>383</sup> Lib. I, cap. 13 et cap. 15.

<sup>384</sup> *Com. de Epis. S. Pauli ad Romanos*, cap XIII.

<sup>385</sup> *De Reg.*, Lib. I, cap. 13; *Summa Theol.*, 2a 2ae, qu. LVIII, a.5. He mentions Moses and his successors as ruling the people with an individual interest in each and everyone of them—*Summa*, 1a 2ae, qu. CV, a. 1.

given an opportunity to advance. Certainly no class of freemen is to be exploited by another, with royal permission.

These functions of rulership are so important to the mind of Aquinas, that he makes them primary. They are to be uppermost in the heart and thought of the ruler who has anything to do with the formation of a city, even before the first path is cleared and the first brick laid. They must animate him and his successors.

The ruler should not be politically purblind, but must let his gaze pierce far into the future; always remembering that to govern a state means duly to guide it to its end.<sup>386</sup> Aquinas teaches that the State is not an end in itself.<sup>387</sup> He is no Hegelian assuming that it exists not for the men who compose it, but for the ethical idea it embodies. In a synthesis which the patron of triadism could not surpass, the Doctor holds that the State exists for the good of the individuals within it. It is important to notice that he does not place the end of the State solely in men themselves. This would be an inferior ideal, under which justice could never arise, nor democracy prevail. If the State cared only for the bodies of the people, the people would care little for the rights of each other. Full stomachs and empty souls form an evil recipe for a polity. The baser elements in men are surfeited when the spirit is starved. In modern parlance, Aquinas stands equally for full dinner-pails and full hearts. The ruler who neglects the fact of the soul will never secure the true good of the commonwealth; for under material prosperity, however specious, will lie dangerous explosives which the least circumstance may ignite. A state is not a state, except of confusion, without ethics;<sup>388</sup> and ethics is as impalpable as air, without God. Aquinas bids the ruler not leave the Deity, who is the great end of all, out of his reckoning.<sup>389</sup> The ruler should carry his religion, though surely not his bigotry, into office and permit it to inspire and increase charity and justice in his ministry. St. Thomas could not

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<sup>386</sup> *De Reg.*, Lib. I, cap. 14.

<sup>387</sup> *Ibidem*.

<sup>388</sup> Cf. St. Augustine, *De Civit. Dei.*, c. IV. *De Regimine*, Lib. II, cap. 5.

<sup>389</sup> *De Reg.*, Lib. I, cap. 14.

commend the man who wears his convictions like different suits of clothes, according to occasion. He would have the ruler bring all the best that is in him and consecrate it perseveringly to the benefit of the commonwealth. He would have him true to his better self, and consistent, in order to be of real value to the polity. He would have him, who presumes to rule others, also rule himself.<sup>390</sup>

### 3.—RELATION OF ST. THOMAS' VIEWS TO DEMOCRACY.

All this suggests how exalted was the Angelic Doctor's opinion of the proper qualifications for power. And inasmuch as, in a democracy, the people are sovereign, it is evident that their merit must be of high degree, if their government is to escape disaster. St. Thomas does not conceive democracy as the self-expression of an ignorant and immoral multitude. He rightly judges it better than the nation be guided aright by one or more good men, than that it go wrong by itself. But he is considerate of Aristotle's criticism of monarchy to the degree that he would have the royal authority limited. He recognizes that, when great power is vested in a sovereign, practically an invitation is extended to tyranny.<sup>391</sup> In another chapter, we shall see more about his governmental preferences and restrictions. It is enough to notice here that he holds that the people should retain some of their authority and so rule conjointly with their sovereign.<sup>392</sup> In this manner, Aquinas seems to meet Aristotle's objection against kingship, that two heads are better than one. As for the Philosopher's proposition that delegation of power to friends, on the part of rulers, is an admission that equals should rule, St. Thomas appears not so much impressed; for likely, he senses the sophistry that the term "equal," as applied both to friends and to rulers, is not univocal.

If we may be permitted further to express the mind of Aquinas on rulers, by turning the pages of the book *De Eruditione*

<sup>390</sup> *Summa Theol.*, 2a 2ae, qu. XLVII, a. XII, ad 3.

<sup>391</sup> *Summa Theol.*, 1a 2ae, qu. CV, a.1, ad 2.

<sup>392</sup> *Summa Theol.*, 1a 2ae, qu. CV, a.1.

*Principum*, which Frederick Ozanam cites as the Doctor's own composition,<sup>393</sup> some striking and significant ideas are available. There the nature of nobility is democratically described, and the fact that a bond of relationship exists between the humblest and the highest is featured. God is the first cause of all; hence He ennobled all. As for the secondary and created cause of the human race—our first parents—they transmitted one and the same nature to all. This fact is unforgettably phrased: "God did not make one man of silver to sire the patricians, and another of mire for the plebs."<sup>394</sup> Everyone can basely be traced to the slime of the earth, and gloriously to the Almighty. St. Augustine's characteristic remark is quoted: "Consider Adam and Eve, and we are all brothers." This thought is strikingly developed. From the same source proceed the high and the low; the same ear yields wheat for kings and bran for swine; the same stem gives the rose and the thorn; the same tree produces good fruit and bad; the same book contains wholesome thoughts and evil. The message of the *De Eruditione Principum* is that honor and shame from no condition rise; true nobility is within a man. And here the innermost soul of democracy is touched; a new science of values, for which democracy stands, and which makes a man's mind and heart, instead of his external circumstances, the criterion of his worth, is fully introduced. According to this principle, sceptres and plows are not worlds apart after all. There is no sovereign who has not had slaves among his ancestors and there is no slave who is not the descendant of royalty.<sup>395</sup> The proposition is spurned that birth signified worth.<sup>396</sup> A man is not what his parents were, but what he is himself.

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<sup>393</sup> See Ozanam's *Dante and Catholic Philosophy*, p. 491. But Mandonnet writes: "Echard estime que cet ouvrage (De Erud. Prin.) appartient à Guillaume Perraud, un dominicain lyonnais mort vers 1250. *Scriptores ordinis Praedicatorum*, I, pp. 134-55. Je crois, pour des raisons qu'il serait hors de propos de faire valoir ici, que l'ouvrage de Vincent de Beauvais." At all events, its tone and spirit are Thomistic, and it reflects some of the most striking popular thought of the day which the Angelic Doctor dominated. All the editors of St. Thomas include it in their collections, save Bernard de Rubeis. See Jourdain, *Philosophie de S. Thomas*, t. I, p. 149.

<sup>394</sup> *De Erud. Prin.*, Lib. I, cap. 4.

<sup>395</sup> *Idem*, Lib. I, cap. 4.

<sup>396</sup> *Ibidem*.

The book then abounds with advice to rulers: page after page, illumined with Scripture and patriotism, replete with practical wisdom. Pride is proscribed. Let no ruler imagine himself great because his position is high; a tiny grain of millet is not a whit the larger for being on top of a mountain.<sup>397</sup> Humility is prescribed. The King of Kings was democratic; can the mortal monarch rise up in superiority?<sup>398</sup> Falsehood, vanity, ostentation, and luxury are sketched in all their folly. Truth, clemency, faith, hope, fear of the Lord, and love of God and neighbor—all necessary in every man but especially in a leader of men—are earnestly proposed. Introspection, respect for the possessions of subjects, fore-thought as to whether a measure is licit, expedient, and fitting; meditation, good company, amenability to counsel, restraint and prudence in accepting favors, are some more of the royal jewels which the book exhibits.

One can clearly see that autocracy is opposite to the conception of government here set forth. The ruler is not for himself, but for God and the People. Right alone is his might.

Whatever a régime under such a leader is called, it would, at least in results, amount to the best achievements of a democracy.

#### 4.—COMPARISON OF THOMISTIC TEACHING ON RULERS WITH LATER DOCTRINES

It reveals much, to compare St. Thomas' thoughts on rulers briefly with those of some other writers. Dignified as he considered the office of king, he did not presage a Calvinistic view and claim that servile obedience is due the sceptre and that "even an individual of the worst character, one most unworthy of all honor, if invested with public authority, receives that illustrious divine power which the Lord has by His Word devolved on the ministers of His justice and judgment, and accordingly—insofar as public obedience is concerned, he is

<sup>397</sup> *Idem*, Lib. I, cap. 6.

<sup>398</sup> *Ibidem*. St. Augustine is cited: "Ecce habemus humilitatis exemplum, superbiae medicamentum. Princeps tuus humilis est, et tu superbus? Caput est humile, et membrum superbum?"

to be held in the same honor and reverence as the best of kings."<sup>399</sup> He would not have the people writhe helplessly, while their chief representative plays the fool. We have already seen that Aquinas democratically teaches that, when prudence and patience are exhausted, the people are free to act, through their representatives. The king should be for the good of the State; if his reign prove vicious, it may be for the good of the State to be rid of him. The Angelic Doctor does not permit piety to exclude practicality. He does not place royalty beyond the reach of the hands which empowered it.

The Machiavellian conception of the ruler as a combination of lion and fox is much too pagan to compare with the ideal of Aquinas who advises wisdom, but not cunning; strength, but not brutality. He would not have the king govern by fear, when favor fails, but always by justice and mercy.<sup>400</sup> He insists that royalty ring true and not assume virtue to mask political extravagance. The difference between Aquinas and the author of *Il Principe* on the subject of rulers is that of body and soul, mind and matter, justice and expedience. It is evident that Thomas stands exceedingly better by the ideals of democracy.

Grotius, after championing the doctrine of social contract and thereby abetting the people, surrenders his case by acceding to absolute monarchy. He writes that the transfer of popular sovereignty may be inspired by the purpose of warding off peril; or that it may depend on Aristotle's principle that certain men are natural slaves. Some nations, like some individuals, are fit only for subjection.<sup>401</sup> Grotius proceeds to cite the Cappadocians as an example; and also the remark of Philostratus that it would be folly to set the Thracians, Mysians, and Getae at liberty, "since they don't like it." The Netherlander does not distinguish sufficiently between the necessity of alienation of power and the total alienation of it. No nation could rationally will to be in puppet-dom to royalty, though many a one has been well pleased with the paternalism and easy sway

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<sup>399</sup> *Institutes*, Bk. IV, ch. XX, par. 25. Quoted by Dunning, *Political Theories*. II, p. 29.

<sup>400</sup> Cf. *De Erud. Prin.*, Lib. I, cap. 6. Contrast Machiavelli, *Il Principe* (tr), p. 104.

<sup>401</sup> *De Jure Belli et Pacis*, Bk. I, ch. III, par. 8, n.1.

of a royal régime. Too, he teaches the untenability of the doctrine that the end of all government is the good of the governed. Dunning expresses his position thus: "A monarch, and especially a monarch with sovereignty in full proprietorship, may rule, like the master over his slaves, for his own interest, or like the husband over the wife, for the joint interest."<sup>402</sup> Now St. Thomas considers no nation so abject as to be absolutely incapable of some share in its own rule. His doctrine of rationality evinces this. Individuals may be incapable; but the aggregate in a state always represents a degree of intelligence and responsibility which must be regarded and respected. One draws from the Doctor's views that no ruler is or can be absolutely adequate, much less superior, to the community. The natural law is bigger than he; and he is less than the People. The medieval monk saves democracy, whereas Hugo de Groot, who holds such an important place in the story of the evolution of political liberty, would sacrifice it. The Hollander's other contention that government is not necessarily for the common good, runs aequally counter to democracy and Aquinas.

Hobbes lifts a sceptre to the stars with one hand, while he throttles democracy with the other. He repudiates the kind of natural law which St. Thomas regards as reigning in all men, endowing them with a dignity akin to the divine, inspiring the charity and justice without which democracy is a far cry, and uniting them into a glorious brother-hood. He depreciates as mere conclusions and theorems, those findings of man's rational nature which take expression in law and custom. Law proper, he teaches, is the voice of the king.<sup>403</sup> The dangers of such a doctrine are as evident as the merit of the opposite principles which are proposed in the politics of St. Thomas. Again Aquinas stands forth, by contrast, in democratic high-light.

Locke's best contribution to political theory, is his doctrine of natural rights. He refuses to make the subject the pawn of the king. Life, liberty, and property are as sacred to the inferior to the superior. "Absolute arbitrary power, or governing with-

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<sup>402</sup> Op. cit., p. 185. See the *De Jure*, Bk. I, ch. III, par. 8, n. 2.

<sup>403</sup> *Leviathan*, *De Homine*, cap. XV.

out settled standing laws," he teaches, "can neither of them consist with the ends of society and government, which men would not quit the freedom of the state of Nature for, and tie themselves up under, were it not to preserve their lives, liberties, and fortunes; and by stated rules of right and property to secure their peace and quiet."<sup>404</sup> Certainly, in such tenets, the mind of St. Thomas is respected. Aquinas is all the more refreshing, for being so much the earlier, with a presentment of these richly democratic elements. But the Englishman's distinction lies in the degree of definiteness with which he applies principles, which may be found in Thomistic pages. Much of Aquinas' political doctrine is incidental and fragmentary; but Locke treats politics *ex professo* and proposes clearly many points which Thomas merely implies or urges in a general way. The interesting and important fact is that, on the subject of rulers, they appear to be kindred souls. The Father of Modern Liberty could in this, as in other political views, be the son of Thomas of Aquin.

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<sup>404</sup> *Treatises on Government*, II, sec. 137.



## CHAPTER V

## FORMS OF GOVERNMENT

## 1.—GOVERNMENTS

St. Thomas' classification of governments is based on Aristotle's. The Philosopher views polities as consulting the common weal or not, and accordingly they are either good or bad. But as to power, he finds it in the hands of one, the few, or the many: and, from this aspect, governments are monarchical, aristocratic, and political or democratic. These forms have their opposites: tyranny, oligarchy, ochlarchy.<sup>405</sup>

Aristotle uses the word "polity" to express our word "democracy;" a name which, as he himself observes, is common to all other fair governments. He apparently sees the true democratic spirit present in each and every just régime, and, indeed, as the basis of all; resulting in an organized pursuit of the general welfare and, consequently, a decent and consistent general regard for the good of the individual. Both Aquinas and the Philosopher consider a man to be as much a man under a king as in a republic; and neither of them finds any reason why he should be treated as less.

Both of these superior minds manifest a degree of indifference to the type of government, so long as the purpose of the

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<sup>405</sup> See *Politics*, I, 2, and the *De Reg.*, I, 1. (Cf. Plato's classification *Repub.*, VIII, 1, 2: Aristocracy, the best form, and its corruptions. The latter are: timocracy, wherein property was a condition of citizenship; oligarchy, democracy, and tyranny.)

But in the 4th book, ch. 7th, of the *Politics*, Aristotle classifies governments as monarchy, oligarchy, democracy, and aristocracy; which is slightly different from St. Thomas' classification. He mentions, too, the polity. (For an explanation of this particular form of government, see Thirwall, *History of Greece*, I, ch. X, p. 158.) It seems that the Philosopher takes liberties with his original classification, which is the one adopted by Aquinas, and quotes democracy and oligarchy as good forms; though he considered aristocracy and polity the better.

people is achieved.<sup>406</sup> Aristotle in his *Politics*, III, 7, and Aquinas in his *De Regimine*, I, 1, present the list of polities and expose the forms into which they may deteriorate. The king who seeks his own interest and not the people's, says St. Thomas, turns the government into a tyranny, oppressing by power instead of ruling by justice. The aristocracy which honors opulence more than ethics, is no aristocracy at all, but a base bureaucracy, differing from a tyranny only numerically. Finally, a people, rising up in defiance of conscience and overwhelming justice with numbers, is a mammoth despot and most undemocratic. Aquinas believes injustice to be injustice, whether it is committed by one or many. Differently from such as Hegel, Ruemelin, Treitschke, and Bernhardt, he does not lift the State above the moral law. Nor does he place civil, or any other species of morality, on a shaky Bentham basis of the "greatest good for the greatest number." For him, the many are as obliged to the simple dictates of conscience as the one. The wrongs which the few do them, cannot be righted by wrongs on their own part. When the State requires reconstruction, radicalism rather than justice is destruction rather than relief. The facility with which unjust governments often turn into each other instead of into their betters, is a lesson of Thomistic politics. The tide of reckless and ruthless revolt may sweep away an autocrat, only to throw up another or others into his place. And blood, profusely shed, calls to heaven in weary perplexity: when an obtuse people change their rulers and delude themselves that they have changed their rules.<sup>407</sup> For a modern instance, Nicholas was only palely imperial besides some of the present Russian personalities who are supposed to represent the total departure of the old order.

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<sup>406</sup> Cf. Woodrow Wilson's "*The State*," p. 598. See Montagne, *Revue Thomiste*, Vol. 8, 1900, art. *La pensée de saint Thomas sur les formes de gouvernement* "Le saint Docteur n'est pas un adversaire prévenu, mais un juge clairvoyant et impartial. Il examine avec attention, il prononce sans parti pris, il parle sans amertume; mais il s'exprime aussi sans flatterie, sans reticences, sans déguisement, avec le calme, la sérénité, et la noble indépendance du philosophe consciencieux qui n'a cure de l'opinion des hommes et que préoccupe seulement la recherche de la vérité."

<sup>407</sup> See *De Reg.*, Lib. 1, ch. 5.

The Philosopher and the Doctor's classification of governments has passed into a tradition and is generally accepted. Still it has had to encounter much criticism some of which is mentioned by Crahay.<sup>408</sup> Passay repudiates the principle of such a division, believing that the ancients wrongly judged power to be sovereign and that those who possessed it had the right to impose their will on everybody else.<sup>409</sup> He declares that the difference among governments consists rather in their relations with the governed; and, on this ground, he finds two kinds of polity, republican and monarchical, according as the people exercise, or not, the fullness of civil power.<sup>410</sup> But this classification is fundamentally Aristotle's and St. Thomas', only that theirs is more thoughtful. He makes the relation between governors and governed the point of differentiation; but such relation is occasioned and characterized by the transfer of power, as he himself admits. Now the transmission must be made to the one, the few, or the many, in greater or less degree; and, if so, Passy agrees with Aquinas and the Philosopher. It is evident, we shall see, that they did not deem the alienation of power invariably as total.

De Laveleye believes that the line of division may be better determined by the asking "Who actually exercises the sovereignty and enacts the laws—the king or the nation?"<sup>411</sup> If the former, the régime is autocratic, even though there is a parliament; if the latter, the rule is democratic, even though there is a king. One can see the inadequacy of such a criterion, and appreciate that of Aquinas all the more by comparison. De Laveleye seems to forget that in every good government the people are ultimately the ruling power; for from and by them the rulers are empowered, and act in justice and prudence only when they are directed by the best of public opinion, since their own thought would be inadequate, not only in itself but in its efficacy.<sup>412</sup> It is only in virtue of their public office that

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<sup>408</sup> Op. cit., pp. 70-72.

<sup>409</sup> *Des formes de gouvernement*, p. 11.

<sup>410</sup> Idem, p. 7. Cf. Montesquieu's division of governments into republics, monarchies, and despotisms; and de Haller's, into monarchies and polyarchies.

<sup>411</sup> *Le gouvernement dans la démocratie*, t. I, p. 197.

<sup>412</sup> *Summa Theol.*, 1a 2ae, qu. XC, a. 3.

they are potent at all. They are the servants of the commonwealth, and a means by which it secures the blessings of civil existence to itself: at least, in the thoroughly democratic Thomistic sense.<sup>413</sup> And, therefore, what Laveleye would call autoeracy, St. Thomas would likely denominate tyranny. Besides, Laveleye's classification is too general, and is almost as unsatisfactory as that of St. Thomas would have been, had he contented himself with mentioning that politics are of two kinds, excellent and evil. The Angelic Doctor gives the species as well as the genera.

The question is, should the quantity of rulers or the quality of the rule determine the nature of the State? Those who think that Aquinas considered numbers the only determinant, disregard that he mentions also merit. For him, politics must be primarily marked off as just or unjust; and only then are they differentiated by the number of their rulers. Blunchli observes that difference in number is in relation to difference in character.<sup>414</sup> This may be so. But Aristotle and Aquinas realize that the truest test of a polity is its promotion of the public good; and this is not so dependent on the number of rulers as on the supremacy of right. Wherever they speak of a good polity as a monarchy, an aristocracy, or an out-and-out democracy, they always mean one in which the good of the people is paramount, equity prevails, and a popular interest is awake.

## 2.—MONARCHY ACCORDING TO ST. THOMAS

Aquinas does not seem explicitly to choose any government, since considerations are so many and cases so diverse. But in his distinctive work *De Regimine* he writes mostly on monarchy; because this purely political piece is addressed to a king. It is necessary to view his thoughts on sovereigns without prejudice. He offers no apology for the rulers who wrapped royalty in opprobrium. His denunciation of them, is forceful and fiery

<sup>413</sup> *De Reg.*, Lib. I, cap. 3.

<sup>414</sup> *Th. génér. de l'État*, Liv. VI, ch. 1, p. 295. Antoniades, *Die Staatslehre des Thomas ab Aquino*, p. 21.

with philosophy and Scripture. But he believes that there should be a central personality in a polity to give it consistency and unity: a theory to which we ourselves today certainly subscribe, with our President, governors, and mayors. Translated into modern thought, St Thomas says that the State must not be all body and no head. Contrary to modern conception, he does not teach that monarchy is exclusively the rule of an hereditary dynasty.<sup>415</sup> As Crahay notes in the Doctor's teaching: the hereditary monarchy is only a type, and, at that, not the most characteristic. According to St. Thomas, the monarchy is the rule of one who owes his authority not only to merit but to the election of the citizens. A search for any sanction of evil historical absolutism in the politics of St. Thomas, is futile. He indicates that monarchies should be elective. Which is the teaching also of his *Commentary*. The chief objection of history to dynasties is that they foisted inefficiency and depravity on the State. The main demur of psychology is that the rational nature of the people is contemned, when no word in the selection of those whom they are supposed to obey, is conceded them. Aquinas honors both these attitudes, by affirming that election is superior to succession. It is better, he says, that a ruler be appointed in the way in which *per se* it happens that the better man is found; but by election the better man is more surely secured than by succession; for here there is a field for choice. Besides, election is more consistent with the rational appetencies of the people.<sup>416</sup> Nevertheless, as elsewhere noted, he teaches that *per accidens* the hereditary monarchy may not be such an evil after all, when compared with the commotion and base politics which a frequent change of rulers can occasion: conditions of which we ourselves are painfully aware, in our own country.<sup>417</sup> Again, Aquinas notices the incongruity which arises when my equal of today becomes my superior of

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<sup>415</sup> See Crahay, *op. cit.*, p. 73.

<sup>416</sup> *Com. Polit.*, Lib. III, lec. 14.

<sup>417</sup> Such a writer as Lecky says. "In my own opinion, the ballot, in any country where politics rests on a really sound and independent basis, is essentially an evil." *Democracy and Liberty*, I, p. 89. St. Thomas refuses to go so far. For him the ballot may be accidentally an evil, but is not essentially such.

tomorrow; as is the case where election serves.<sup>418</sup> But these demerits do not quash his tenet that the democratic designation of rulers is the better plan. It should be remembered, however, that, even when a government is hereditary, St. Thomas regards the people as its foundation. The popular choice merely goes farther back, and is renewed in a tacit acceptance of successive sovereigns.

It is possible for even an elective government to be absolute. And the question as to whether Aquinas regarded royal power as unlimited, is pertinent. Crahay answers with a distinction between the ideal monarchy and the concrete.<sup>419</sup> As an ideal, the Angelic Doctor seemingly favored the absolute form, wherein the king is amenable to no law, save his own conscience;<sup>420</sup> in the practical order, however, he expressly abandoned it. One may be unduly influenced by etymology in adjudging St. Thomas' meaning when he uses the word monarchy. But words are living things, and grow and change in significance. It is better to interpret St. Thomas, when he uses the expression, not etymologically but from the spirit of his politics, which is popular. We should be cautious in attributing even a theoretical absolutism to him; for, as we have already seen, his estimation of the character of custom was too high to permit him to place a monarch, ruling even without a single written law, much higher. True, he admits that a good sovereign may legitimately adopt drastic measures; but he amends that this may be done only when the public good demands.<sup>421</sup> And, then, the people cannot be unwilling that their interests be advanced and that their ruler have the power to advance them. The Thomistic monarch is always a democrat; for he must forget himself in his people. He is powerful insofar as he is faithful to the public trust.<sup>422</sup> A casual recall of the virtues which Aquinas prescribes for rulers and the limitations which he throws around their exercise of authority (see ch. IV) will suf-

<sup>418</sup> *Com. Polit.*, Lib. III, lec. 14.

<sup>419</sup> *Op. cit.*, pp. 74-75.

<sup>420</sup> *Summa Theol.*, 1a 2ae, qu. CV, a. 1, ad. 5.

<sup>421</sup> *Ibidem.*

<sup>422</sup> Cf. Woodrow Wilson's *The State*, p. 594.

fice to suggest how little he inclined to absolutism, even in a so-called absolute monarchy.

Feugeuray does not strike conviction when he presents St. Thomas' mind on monarchy. The Doctor, in speculation, according to him, believes that royal authority has no legal limits, that the king is obliged to conform to no laws but those of his conscience, that he governs by his own will, that he is the source of law and that he personifies in himself the totality of power.<sup>423</sup> All of which jars miserably on the Thomistic theory of law and popular representation, and tends to falsify it. To accept Feugueray on this point would be to sacrifice Aquinas. The latter's idea of monarchy ought not be considered apart from his other concepts.

It is an historical fact that some monarchs were absolute. This was so because it was permitted to be so. Aquinas realized and recognized the situation, but does he theorize on it as an ideal? On the contrary, he advises the people to temper the power of their rulers.<sup>424</sup> He does not explain in detail how sovereignty should be shortened, in his *De Regimine*. Succeeding years were largely to solve that part of the problem. When Feugueray writes that he has searched without success in Thomistic pages for a single line on the limitation of royal power, such as parliaments, congresses, or the matter of taxation, some retorts are befitting. As Crahay remarks, to carp at the Angelic Doctor's reticence in these regards would be to blame the silence of the dead.<sup>425</sup> Both his *De Regimine* and his *Summa* lie uncompleted by his own hand. Secondly, he was writing in the former work to, for, and not against, a supreme, though petty, sovereign. Thirdly, strong monarchs were necessary in that restless, medieval period in which the din of arms was incessant. Fourthly, all those judging the Saint a theoretical absolutist who gave no circumscription of royal omnipotence, should have read the *De Regimine*, not as an isolated book, but in relation to other Thomistic works. Aquinas' theory of mixed government with which we shall deal presently, sanctions the re-

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<sup>423</sup> Feugeuray, op. cit., quoted by Crahay, p. 76.

<sup>424</sup> *De Reg.*, Lib. I, cap. 6.

<sup>425</sup> Op. cit., p. 77.

pression of royal power in a manner which an exacting modern and democratic mind would find reasonable and satisfactory.

It is in justice to the politics of St. Thomas to read autocracy into them, because he deems the government good which has a firm centre, and devotes so much attention to the subject of unity. This is no more dissonant with democracy than the voice of a staunch American. How much the nation will depend on a personal hub for its motion, Thomas democratically leaves it to the nation to determine. But without a pivot, politics is madness. If he suggests that the civil axis should sometimes be a strong one, so as to serve well the whirl of affairs, he is wise. Few rulers have ever been politically browner than the brainy ones behind the best democracies in history. It is St. Thomas' idea that, of the public servants of the State, one should be chief, which is most valuable and telling. Every ship should have a captain, though the crew and the passengers are much more precious and important. We repeat that Aquinas approves of monarchy only when and insofar as the best interests of the people are enchanced and advanced by it.<sup>426</sup> And therefore he is irreproachably democratic even in his monarchical approaches. He teaches that the excellent polity is that which accords with the wishes of the governed.<sup>427</sup>

St. Thomas' conception of tyranny sets in high light the democracy of his idea of monarchy. He resolves this wrong of government into three elements: first, self-seeking on the part of the sovereign; secondly, rule of the people not in conformity with their consent and in spite of their dissent; thirdly, the mailed fist.<sup>428</sup> A tyranny is, to him, the worst form of misrule; and he is at pains in his *De Regimine* (cap. III) to show how civil rights and ideals are wronged by it. He approves of limited monarchy on the obvious ground that the absolute brand, to be just, would require a sovereign of perfect virtue. And since such virtue is found in few, and hence the slip into tyranny would almost always be imminent, he is alert to find his ideal in some such form of government as we see realized in England

<sup>426</sup> *De Reg.*, Lib. I, cap. 2.

<sup>427</sup> *Com. Polit.*, Lib. II, lec. 1.

<sup>428</sup> *De Reg.*, Lib. I, cap. 1. et 10.



or America today.<sup>429</sup> There is little doubt that a world weary of political strife would welcome the advent of a sufficiency of of saint-scholars to assume the leadership of each nation, to relieve the people of political care, to govern in accord with the best rational experience of the best minds of the respective peoples, and to procure the reign of perfect justice. Who would object to investing such manifest personifications of efficiency and merit with plenipotentary powers? Aquinas means little more than this, when he praises the rule of one.<sup>430</sup>

As a prevention of governmental excess, the admonitions of Aquinas, though terse, are helpful today as when first couched. The people must take the appointment of their ruler seriously and try hard to place the right man in the right place.<sup>431</sup> Here Thomas touches the vice of civil indifference which explains most of our modern political corruption.

Secondly, the power of the sovereign is to be tempered.<sup>432</sup> This proposition is pregnant with the solutions of the problems of the proper exercise of sovereignty, which Fueguerey says he could not find. It must have fired the imagination of the thirteenth and succeeding centuries. It would not be too rash even to offer that the Thomistic doctrine on royal repression contains in embryo the idea which exalts Montesquieu: the separation of the departments of governments, whereby limitation of sovereign power is so effectually secured. We shall see more of this in the *Commentary on Aristotle*.

Thirdly, St. Thomas teaches that the vicious laws of the extravagant and unjust ruler do not bind the people in conscience. A man is directly answerable only to God, and to rulers only insofar as they represent and reflect in their own measures the goodness of His law. The Doctor mentions the three ways in which civil acts may be seen as fair and worthy of obedience: *ex fine*, when they are for the popular good; *ex forma*, when the burdens which they entail are distributed impartially; *ex auctore*, when they do not exceed the authority of the legislator.<sup>433</sup>

<sup>429</sup> *Summa Theol.*, 1a 2ae, qu. CV, a. 1, ad 2: Cf. Montagne, *Revue Thomiste* Vol. VIII, 1900, p. 688.

<sup>430</sup> Cf. Aristotle, *Politics*, VII, 14.

<sup>431</sup> *De Reg.*, Lib. I, cap. 6.

<sup>432</sup> *Ibidem*.

<sup>433</sup> *Summa Theol.*, 1a, 2ae, qu. XCVI, a. 4.

These norms, one or more, are violated in the unjust polity; and hence Aquinas, in such condition, would have the individual free, save insofar as the obligation of avoiding scandal or disturbance obtains.<sup>434</sup>

The texts of the *Commentary* in which monarchy is described, are not at all disproof of what has already been said anent Aquinas and theoretical absolutism. Therein he interprets Aristotle and describes governments as they were, rather than as they should be. The Philosopher put in his pages what he saw in his life, and Eastern autoeracy was certainly a large part of his intellectual vision. It is fair to remember that Aquinas offers description rather than apology when he writes that the out-and-out monarch is a self-sufficiency whose code is his own will.<sup>435</sup> He plainly refers to the absolute régime of a solitary sovereign not as monarchy itself, but as a certain type of monarchy;<sup>436</sup> suggesting again that he admits the popular form favored by modern political development. In fact he admits the admission.<sup>437</sup> The whole tenor of the thought of Aquinas on monarchy runs toward a wise liberalism. The advantages of a strongly centralized government, were clear and bright to him. The main fault of feudalism, that it thrust the king into the clouds and allowed a scale of isolated subordinates to press down the people, was evident too. Europe needed a vigorous rule by a two-handed man, Charlemagne-like, in those turbulent times when the colossal Empire was breaking up. Aquinas would have been fully justified in teaching explicitly the desirability of highly empowered royalty for this time. But possibly he foresaw what the political unrest of the area would mean for the people of the future, if it were permitted to yield its natural results. He realized that feudalism had two redeeming qualities: it was a step nearer to popular government; and, secondly, it could not last. He did not obviously try to kill an institution quite capable of dying by itself. But he *did* seek to keep alive the best advantage that feudalism offered, which was the check it placed on royal assumptions. Though kings were essen-

<sup>434</sup> *Ibidem.*

<sup>435</sup> *Com. Polit.*, Lib. III, lec. 15.

<sup>436</sup> *Idem.*, Lib. IV, lec. 4.

<sup>437</sup> *Ibidem.*: *Alia est politia polyarchica in qua plures principantur.*

tial to his day, and strong ones too, he preferred somewhat to sacrifice utility to a principle which he perceived would eventuate in greater future utility. Certainly he draws a significant circle around the throne, which marks a limit to monarchical power rather than a bar to the will and influence of the people. And here in the Middle Ages is the first doctrinal exposition of a brand of politics, limiting governors and freeing the governed, which grew into the richly democratic constitutions of later centuries. It cannot be over-emphasized that, when St. Thomas praises monarchy, he is speaking particularly for his own time when it had its advantages, and the world was not yet ready for a wave of democracy.

Referring again to his *Commentary on Aristotle's Politics*, we find many details on monarchy, the venerable form of government which is more maligned than understood in our age of freedom. Let us recall Aquinas' doctrine on the purpose of the State. Not merely livelihood, nor mutual service, nor wealth, is the rational objective of civil society, but a good and happy life for the people. Modern thought has fixed "liberty" as the guage of political success; and whatever portion of our enthusiasm has not been consecrated to the toppling of thrones, is devoted to socialistic programs of robbing rich Peter to pay his poor and extremely plural brother Paul. Aquinas shows that liberty and riches are neither fitting repositories for civil power nor meet purposes for it, and that the most satisfied citizens are not the unrestrained kind, who have quaffed the beaker of Life to the dregs, nor the sorrier type, who have been able to buy everything subject to the magic of money, only to be bored. He teaches that virtue can give truer and deeper satisfaction than all the hectic experiences in all the abandoned careers in the world. His politics pleads for an ordered and regulated existence, whereas modern thought pictures the millenium as the flight of all restraint. His stand is against the unwholesome struggle for wealth and novelty, and for the inspiration of simpler and saner motives. Shall we grant with him that the main labor of the State does not consist in making life more free for the individual? Surely, we must concede that the individual would be much more free, for that matter, if the State never existed, and that, therefore, lack of circumscription is not

exactly the supreme good of civil society. Besides, what is liberty? Different peoples have conceived it differently, as Montesquieu observes. Some place it in the power to depose a tyrant; others in the faculty of electing governors; others in the right to exercise force; others in rule by laws; still others even in the wearing of a long beard.<sup>438</sup> America finds it largely in self-expression. But reason tells us that we have no right to express the wrong that is in us. Montesquieu well asserts that, in a State, liberty properly consists in the untrammelled power of doing what one ought to will, and in not being forced to do what one ought not will, rather than of doing what one wills.<sup>439</sup> Shall we agree with him that, while the State should assure the individual of opportunity to secure the necessities of life, it does not exist essentially to make all its members wealthy? This should not be too difficult, in our dawning realization that "we must cease our efforts to make men comfortable and begin to make them better."<sup>440</sup> Then we can see the logic of his contention that the polity which knits a nation together best, supplying the unity which makes for peace and the order which promotes virtue, may not be the worst form of government after all, even if it does not admit of so many so-called liberties and harmful luxuries. But with Aristotle he ponders carefully whether monarchy is better adapted for practical purposes than any other régime. He follows the Philosopher's division of royalty into four types:

(1) The Spartan variety which was a sort of persistent generalship.<sup>441</sup> The kingly power descended from the skies, according to Müeller,<sup>442</sup> and did not rise up from the people. If so, the Doric regulation of regal power by law, in peace, seems somewhat inconsistent. We are brought to recognize a germ of liberalism even in Spartan rigor.

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<sup>438</sup> Cf. *L'esprit des lois*, Livre XI, ch. 2.

<sup>439</sup> *Ibidem*.

<sup>440</sup> See Dr. G. T. Patrick's *Psychology and Religion* (Houghton, Mifflin, 1920).

<sup>441</sup> As Müeller observes (*Dorians*, Vol. II, ch. 6.), the Spartan sovereigns were, in war both priests and princes like Homer's Agamemnon and Vergil's Anius.

<sup>442</sup> *Com. Polit.*, Lib. III, lec. 13.

(2) The extreme hereditary type. The Philosopher associates it with barbarism. In it, he declares, kings are invested with power almost to the point of tyranny; but the people are still safe-guarded, inasmuch as the monarch is bound by the laws and customs of the land. It is the polity most prevalent in the Orient. Aquinas, commenting, does not use the word "barbarian" in the conceited Greek sense of non-Hellenic, but with the natural meaning of non-awakened or intellectually-lacking. He again gives emphatic evidence that when he speaks of monarchy as ideal, he does not intend the Oriental type—constructed of a supine people and a solitary individual. He has much finer and more democratic aspirations for the Western world, esteeming it the fitting portion of the earth for the development of free-political institutions. The calibre of the Occident so requires.<sup>444</sup> The only rational explanation he can find for Eastern absolutism is the people themselves. He lays down the psychological principle: "That which is according to inclination is natural and voluntary."<sup>445</sup> And he applies it to politics. He charges the polity directly to the people.<sup>446</sup> The democracy of his thought shines forth even when Asia is his subject. Shifting the explanation and justification of a polity to the people, and out of the realm of autocracy, he does for politics, in company with the Philosopher, something akin to that which Copernicus accomplished for astronomy. The monarch is no longer the genuine force even in an oriental-political extravagance, but the people who accredit and empower him.

(3) Aquinas presents an elective system of monarchy which combines all the features of absolutism. The Greeks called it *Aesymneteia*. In this unusual polity, authority was not held by

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<sup>443</sup> *Com. Polit.*, Lib. III, cap. 13.

<sup>444</sup> *Ibidem*.

<sup>445</sup> *Ibidem*.

<sup>446</sup> *Ibidem*. "Et ideo isti barbari sustinent principatum dominativum sine tristitia, quia inclinationem habent ad sustinendum ipsum."

Cf. Thirwall's *History of Greece*, Vol. I, ch. X, in which he declares that the cause of the abolition of royalty in early Hellas is to be sought "in that same energy and versatility which prevented it from ever stiffening even in its infancy, in the mould of oriental institutions; and from stopping short, in any career which it had once opened, before it had passed through every stage."

the monarch for life, but until some necessary object of State was attained. The Greek Aesymneteia may be said to correspond to the Roman dictatorship. It combined the character of tyranny with that of monarchy: the former, because in the words of Saint Thomas, the leaders reigned *principatu dominativo*; the latter, because they thus ruled by consent and through election.<sup>447</sup> Now knowing that Aquinas held tyranny a corrupt form of government to be shunned, we at once realize that he lacked sympathy for this hybrid Graeco-Oriental type. He does not condone tyranny even when the people do; and, in this respect, his thought and sentiment bestride the crest of democracy. He deems it unworthy of a people to genuflect before their rulers and rise up—slaves. Like Aristotle, he could accept absolutism in the practical order only as a temporary exigency. He saw it as an abnormality and extremity, justifiable only as promissory of an extraordinary good to the State.

(4) The limited monarchy, such as obtained in heroic times, next engages his interest. It implies: first, a free people; secondly, submission to a royal rule; thirdly, the subjection of kingship to the laws and customs of the land. A consideration of this polity brings us back to the very morning of the race and the birth of the first states. Here at the basis of civil society Aquinas finds freedom, and opens a pure spring of democracy which bubbles through his political doctrine, keeping it fresh and wholesome. Leaders of men there were, from the start; yet their ability alone did not make them such, but their ability plus the consent of the people.<sup>448</sup> The proximate causes of their elevation were some signal services to the populace in arms or arts. St. Thomas mentions, for instance, the case of Saturnus who was the first to teach Italia to sow wheat and who thereby won the reputation of a god among his fellow-men. Again, these early heroes may have achieved eminence by collecting the people into states or procuring possessions for them. But Aquinas repeats that their power was the concomitant of popular consent and was limited. He even refers to them, despite their prestige and potency as *quasi* rulers; for he is not unmindful

<sup>447</sup> *Com. Polit.*, Lib. III, cap. 14.

<sup>448</sup> *Com. Polit.*, Lib. III, cap. 13.

that the people had customs and unwritten laws before the advent of their heroes, and, since these men were just benefactors, they ruled in accord with the best traditions and were duly subordinate to them. Aquinas mentions that their power shrank in the course of time to the most meagre proportions.<sup>449</sup> He is conscious from history of the mutability of politics and hence does not advocate a rigid régime in the face of shifting conditions. His ideal government would be firm but not adamant. Still, let us remember, he does not think that authority, once vested in a particular form, should be lightly withdrawn. So long as the chosen government remains just and is achieving the purposes of the State effectively, he sees popular unrest as unreasonable. In fact he even speaks of such a condition as the people usurping power. Though it comes from them, he evidently believes that they have no right to reclaim it, after explicitly or implicitly alienating it, unless it is abused or injudiciously wielded (see Chapter II).

(5) Finally he mentions the government which is absolutism full-blown.

These five forms, according to Aristotle and Aquinas, really fall into two: monarchy according to law, and monarchy according to the *virtue* of the ruler; in more modern words, constitutional and unlimited.<sup>450</sup>

There is no doubt that the latter kind, in the impossible case of a paragon of a king, wooed the imagination of the Angelic Doctor. It meant compactness, and unity. His thought was too synthetic to separate aesthetics even from politics.

Aristotle puts the question squarely for Aquinas and all the world to ponder: is it best to be governed by the best of men, or by the best of laws?<sup>451</sup> Neither the Philosopher nor the Doctor is arbitrary in his response. In favor of government by the just and efficient individual, we recall their observation that the language of law is general, whereas life is composed of partic-

<sup>449</sup> *Com. Polit.*, Lib. III, cap. 13.

<sup>450</sup> *Ibidem*.

Cf. de Haller's classification of monarchies: (1) Hereditary and territorial; (2) Military; (3) Spiritual. *Restauration de la Science politique*, t. II, ch. XXIV.

<sup>451</sup> *Politics*, III, 15. *Com. Polit.*, Lib. III, lec. 14.

ularities. Law lacks the delicate and sympathetic touch of humanhood. So that the best man, with prudence, good will, and judgment, would fill the requirement better.<sup>452</sup> Accordingly as law is defective, the personal element is needed to perfect the polity. The indication, then, is that a combination of monarch and law give a prudent régime.<sup>453</sup>

On the other hand Aquinas examines and admits the virtue of that form of government which is solely according to law. It is plain to him that the ruling force, whether personal or constitutional, should have a universal field and no favor.<sup>454</sup> He believes that the head should lead the heart in politics, and not *vice versa*. The law is as cold, firm, and unmistakable as an obelisk, obvious to all, alike for all. The Doctor finds a hardy element of democratic assurance in this fact which seems to strike his fancy.<sup>455</sup>

Still he does not see why this should cast the idea of human rule into the discard. For a man, though emotional, is also deliberative. He can control his prejudices and passions, investigate cases carefully, and make decisions justly. Aquinas does not care to have the State a complete political mechanism, as it would doubtless be, if an impersonal code were its only motor. He wishes the living brains which created civil society constantly to share in its conservation and advancement. It is not enough for the nation to set up a constitution and then sit back to rest indefinitely, as though the *ultima thule* of politics were attained. He holds that neither the best law nor the best man is nearly so rich an asset to the commonwealth as both together. In this he does not sacrifice democracy, so much as he safeguards it.

### 3.—ARISTOCRACY

With Aristotle, St. Thomas next considers whether it would be better to have several good men ruling according to law, than one, i. e., should aristocracy be preferred to monarchy? His

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<sup>452</sup> *Com. Polit.*, Lib. III, lec. 14.

<sup>453</sup> See Ch. IV.

<sup>454</sup> *Com. Polit.*, Lib. III, lec. 14.

<sup>455</sup> *Ibidem*.



answer is critical. In an aristocracy, dissention would readily arise in those cases not easily determinable by the established law; whereas the single ruler could carry the situation with more calm and expedition. Nevertheless, since two or more heads are better than one, an aristocracy should be able to effect wiser measures than a monarchy.<sup>456</sup> This, of course, would apply to the many much more pertinently than to the few; and democracy at this point scores heavily in the doctrine of the Stagirite and Aquinas. They point to another fact which enhances democracy: many are less liable to corruption than few or one. The broad ocean is more free from contagion than a brooklet could be. In numbers is safety. Moreover, while a single ruler could easily be conquered by his own distempers, it would be comparatively difficult for a whole community thus to be overcome.<sup>457</sup> Treading firmly on democratic ground, they agree that, if the people are the liberty-loving, intelligent, and virtuous type, there is no reason why their voice should not be dominant.<sup>458</sup> Though they were really discussing aristocracy, their thought at this juncture had taken a democratic turn. In answer to the objection that in a rule of many there would be much division and little unity, they state that men of quality are capable of finding, and agreeing on, a common basis, while their very character renders them superior to the petty.<sup>459</sup>

The Aristotelian and Thomistic doctrine informs us that monarchy was probably the first form of government, for the simple reason that, in the morning of humanity, it was impossible to find many persons pre-eminently qualified for general rulership, especially as the original commonwealths were small.<sup>460</sup> We are free to infer that St. Thomas looked upon monarchy as often more necessary than natural, and the more liberal forms of government as frequently more natural than necessary. The description of the passing of one polity into another under the impact of conditions of State is a prominent feature of the Saint's doctrine on political forms. Extreme monarchies, when

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<sup>456</sup> *Com. Polit.*, Lib. III, cap. 14.

<sup>457</sup> *Ibidem.*

<sup>458</sup> *Ibidem.*

<sup>459</sup> *Ibidem.*

<sup>460</sup> *Ibidem.*

just, being chiefly expediencies, were not to enjoy an exceeding duration. When many persons of equal ability would appear simultaneously and refuse to brook a superiority, the crown would vanish and an era of aristocracy would begin. Then aristocracy, losing its first fervor, would batten on the commonwealth and fall into an oligarchy. According as one of the rulers became richer and mightier than his colleagues, he subjugated them, and the tyranny of the few became that of one man. At this state, the people, awakened to a realization of their rights by their wrongs, would rise up and eject the tyrant and the day of democratic glory would break.

We have seen the objections of the Philosopher and the Doctor to absolute monarchy, in the practical order. So we may now pass directly to a view of the free forms, to which their approval of the limitation of sovereignty is such a fitting prelude.

Like Aristotle, Aquinas perceives the link between the nature of the people and the form of their government; just as nations differ, so do and should their politics. Those accustomed to the guidance of a family of eminent virtue and submissive by nature, are fitted for monarchy. Those who are quickened and keen to the desire and delight of freedom, and are naturally restive under royal reign, are better suited to aristocracy. While the fully aroused populace, with open minds and hearts, yet with a talent for obedience as well as for command, are ready for a democracy.<sup>461</sup> It is largely a question of national quality and character: a fact which ought not be ignored in our more vehement than well-advised campaigns to launch democracy wholesale on the world today. Nations should be free; but each should choose for itself its own kind of government. To force democracy on any people would be highly undemocratic.

In respect to the people, there are two kinds of government, from which the others are derived. Aquinas compares them to the pair of winds, Australis and Borealis, which sweep the earth; or again to the two species of music, Doric and Phrygian. Poli-

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<sup>461</sup> *Com. Polit.*, Lib. III, lec. 16.

ties of the many, and those of the few: this is the division beyond monarchy.<sup>462</sup>

Let us consider first the good government of the few, which is aristocracy. We may elide oligarchy; for though Aristotle, after stigmatizing it as a corrupt form of government, apparently does not reject it as such, Aquinas and history do.<sup>463</sup> The Philosopher and the Doctor are of the opinion that the state which is governed by the very best men, absolutely fit in every ethical and political sense, has a right to be called an aristocracy.<sup>464</sup> Not only the best men, but also the best principles, are essential to such a polity in its purity. Three types of aristocracy which decline from the ideal are mentioned: first, the kind in which wealth is mingled with excellence as the standard for civil position;<sup>465</sup> secondly, the Carthaginian species of aristocracy, admitting the elements both of wealth and democracy;<sup>466</sup> thirdly, the simple Lacedaemonian model, in which wealth did not figure, but virtue and the democratic strain.<sup>467</sup> Finally, whenever any free state tends to the domination of the few, its polity may in the broad sense, be called aristocratic. By a free state is meant one in which the democratic proclivity is pronounced.<sup>468</sup> Thus we come vis-à-vis to democracy in the politics of Aristotle and Aquinas.

#### 4.—DEMOCRACY

Though Aristotle places democracy in his list of inferior governments, it is not wholly objectionable. It is in contrast with a polity that it appears defective. But a polity is, in the Philosopher's mind, as well as the St. Thomas', merely democracy at its best: duly pared down to proportions of stability, safety, and success. It can be readily seen that a polity does not represent pure democracy; yet, according to the Philosopher, it

<sup>462</sup> *Com. Polit.*, Lib. IV, lec. 2.

<sup>463</sup> Cf. Thirwall, *History of Greece*, Vol. I, ch. 10.

<sup>464</sup> *Com. Polit.*, Lib. IV, lec. 6.

<sup>465</sup> *Ibidem.*

<sup>466</sup> *Ibidem.*

<sup>467</sup> *Ibidem.*

<sup>468</sup> *Idem.*, Lib. IV, cap. 7.

means the best democracy. This is significant. It advises that citizens with suffrage should know how to use it well, and have some leisure to devote to state-affairs; else the common good were constantly imperilled. The polity excludes the dregs of society.

Undiluted democracy is defined in the *Commentary* as a state wherein the freemen and the poor, as a majority rule.<sup>469</sup> Aquinas rejects as inaccurate that characterization of democracy as the form of government whereby the supreme power is lodged in the people. For, as we have already observed, the term "people" is catholic, and, in politics, may mean anything or nothing. A democracy in name might be far from democratic in reality. Power, the presence of which in a particular class of the State gives character to the rule, is a changing quantity, very sensitive to circumstance. Nominally, sovereignty in a democracy is popular; yet if, for example, the rich few should be able and permitted to sway the civil situation, democracy would be stultified to the extent of really amounting to oligarchy. It is sound advice in Aristotelian-Thomistic politics that democracy, to be genuine as a form of government, must not only regard the people as the ultimate source of power; it must also prevent any particular portion of the people, representing interests apart from the whole, to absorb the civil force.<sup>470</sup> The purest democracy, Aristotle declares, is that which is so called chiefly because of the equality which reigns in it.<sup>471</sup> Still this equality is political only; for men will always be unequal in reality. And it can be readily seen, since such is so, that under any other form of good government according to law, the same effect of civil equality is achieved. For law, to be such, must be alike for the whole citizenry and binding on all. A more distinguishing mark of democracy is the one which the Philosopher mentions farther on; that, if liberty and equality are to be found principally in a democracy, this requisite is best realized by every department of government being alike open to all.<sup>472</sup> Democracy, like monarchy, has

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<sup>469</sup> *Com. Polit.*, Lib. IV, lec. 1.

<sup>470</sup> *Com. Polit.*, Lib. IV, lec. 2.

<sup>471</sup> *Politics*, IV, 4.

<sup>472</sup> *Ibidem*.

diverse modes.<sup>473</sup> The Aristotelian division which Aquinas adopts, is of modern import:

(1) Democracy in which all the citizenry vote.

(2) Democracy in which suffrage is tied up with some slight property qualification.

(3) Democracy in which all the citizens are possibilities for the tenure of office, so long as their name lacks social or civil smirch. It appears to differ from the first type in that here the government is "according to law."

(4) Democracy in which all restriction to the seeking of office is swept away, and anyone within the State is liable to choice. In this case, too, the government is in the law.

(5) Democracy in which the people are superior to the law, and measures are determined and adopted by votes and not by statute. St. Thomas observes that this last form of democracy is really the same as the first and that Aristotle merely repeats himself in a more specific manner.<sup>474</sup> He inspects and presents the demerits of this extravagant species of popular government. Here, incidentally, is one of the most valuable bits of his and Aristotle's contribution to the subject of democracy. Primarily, such a government means a brood of demagogues. The State is strong with voices, and weak with the unsubstantiality of them. Very likely, Homer, whom Aristotle quotes, was struck with the terror of tongues when he sang that "ill it fares, when the multitude hold sway."<sup>475</sup> Freedom from fixed law, which indeed is not so much freedom, in the political sense, as it is license, means that the masses darken into many of the manifestations of despotism. The public ear is easily tickled by designing flatterers. And presently a full-fledged tyranny, all the more terrible by its great proportions and corresponding ruthlessness, is lumbering in the State, crushing the best individuals, who are the fewest, and thus destroying the means of escape from the bondage of itself.<sup>476</sup>

The ancient yet ever new trick of politicians, which seems

<sup>473</sup> *Com. Polit.*, Lib. VII, lec. 6.

<sup>474</sup> *Com. Polit.*, Lib. IV, cap. 4.

<sup>475</sup> *Politics*, IV, 4.

<sup>476</sup> *Com. Polit.*, Lib. IV, cap. 4.

to be in continental evidence today, is effectively suggested. The ambitious individual who would climb to the civil pinnacle may be a fire-breathing preacher of revolution. On the ruins of an old order, and in the new and popular day, he can quietly restore the old system by artfully assuming the place of the deposed monarch. And while the people are felicitating themselves that their freedom is absolute, their savior is becoming their tyrant and law is being re-established in his will.<sup>477</sup> Here the *Commentary* and the *De Regimine* repeat each other. Finally, Aristotle and Aquinas maintain that this extreme form of democracy is not democracy at all. For, if democracy is to be reckoned among the good forms of government, we cannot mean by it a system of inevitable abuse and anarchy. Law is essential;<sup>478</sup> without it, there is politically no freedom, for rights are unprotected and wrongs spring up on every side. It must be supreme, if the protection and perfection which civil society is to secure the people are not to be merely prospective. The acts of a lawless democracy would have no lasting value, nor universal application; they would be conceived and exercised only *hic et nunc* for particular exigencies and aims. Thus government would be unsettled, choppy, indefinite, and inharmonious, until some master hand would grasp the segments and crush them back to some semblance of unity, which would mean the end of democracy; or until the people themselves would revert to the necessity of law, which would be the rational limitation of democracy.<sup>479</sup> But, as we have already insinuated, law, written or unwritten, is an element of governmental forms other than democracy; and therefore the three species, monarchy, aristocracy, and democracy, when wielded by prudence and justice, are seen to look very much alike. Aquinas apprehends this fact, and explains how a monarchy may be clearly distinguished from an aristocracy or democracy, since they meet and apparently merge in the fact of law which is common to all. In a mon-

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<sup>477</sup> *Ibidem*.

<sup>478</sup> *Com. Polit.*, Lib. IV, cap. 4.

<sup>479</sup> Recall the Athenian Constitution, according to which the classical example of democracy operated. Tr. by F. G. Kenyon, London, 1891.

archy, he writes, the law is in the mind and heart of the ruler. (He is referring to the absolute brand.) In the others, it is concentered in code or constitution. Or to use his exact expression, it is written.<sup>480</sup> This elucidation, however, is not so very strong and is offered only to clarify the thought of the Philosopher. It merely throws the distinction back on an accident. Written or unwritten, law, according to Thomistic principles, must be just and advantageous to the people; else it is no law at all. And so all good governments in the politics of Aquinas are one, inasmuch as reason is their common soul and justice their object.

The next appropriate question, then, is: what form of government did St. Thomas prefer and prescribe for the majority of cases? Or rather, which one did he think would answer best the needs of the average nation? We find Aristotle teaching that the best polity is comparable to the best-tempered harmony.<sup>481</sup> Aquinas does not comment on this, but there is no doubt that he accepts it, since it expresses well the spirit of his politics. When the Philosopher, however, identifies democracy with the soft, and dulcet moods of melody, the Angelic Doctor perchance disagrees. And this would explain his silence with regard to the text. He knew that periods of national transition, so significant and critical, cannot be entrusted to the multitude but require genuine leaders and guides. Democracy is for periods of peace; but times of stress may dispense with the leadership of the right man or men no more than an army with a commander. It is simple fairness to the politics of the Saint to remember the activity of medieval arms when we are inclined to forget or to minimize the amount of democracy in his doctrine on the species of government.

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<sup>480</sup> *Com. Polit.*, Lib. IV, cap. 4.

<sup>481</sup> *Politics*, IV, 3.

## 6.—ST. THOMAS' FAVORED FORM OF GOVERNMENT: THE MIXED TYPE

To appreciate the new form of rule which we shall find in his *Summa*, let us re-consider his *De Regimine*, where he speaks so highly of monarchy, and recollect that he was writing to a monarch, and naturally regarding government from the royal point of view, conceding whatever merit it presented. Though the letter is frank as regards kingly duties, it is duly diplomatic in its strictly political references. When he extolls unlimited monarchy, he is star-gazing; for he knows that, in our world of flux and discords, a general reign of the single-sovereignty plan would be as unattainable as a universal and permanent peace, and that the only absolutely absolute ruler that ever was, or will be, is the God of Abraham, Isaac and Jacob. The golden shadow of his sanctity falls on his politics; and, even from a democratic view-point, does it not enhance and beautify his message? It is the office of the earth, as of the individual, to tend to the Creator. The interests of democracy are not injured, but advanced, by a yearning towards idealistic unity and peace, which are finally realized only in the Beginning of all things, Who is the End. Even the Pagans were awed with the divinity of monarchy. From Thales to Cicero, the belief in a supernal hegemony is intense.<sup>482</sup>

"The members of the body constitute a unity only by their submission to a principal organ," writes Erdmann; "the powers of the soul are united only by their subjection to reason; and the parts of the world form one whole only by their subjection to God."<sup>483</sup> Here is a pure echo of Aquinas. Submission to reason and to God; these are the motif of the Saint's politics. A spiritual estimation of the world will always reveal an absolute monarchy, in which God reigns by His august will and men, by reason, duly obey. It is a concept vast and yet simple.

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<sup>482</sup> Cf. Lactantius, *Epit.*, c. 4.

<sup>483</sup> Johann Edouard Erdmann, *His. of Phil.*, Vol. I, p. 438.

Cf. Plato's idea that there is no greater evil for a State than "that which tears it to pieces and makes it many instead of one," and no greater good than "that which binds it together and makes it one."—*Republic*, V, 5.



Aquinas could not but touch on ineffable unity in his political doctrine, since he was so conscious of the unity of a God, as present to the world as an artist to his instrument, and of the common gift of reason in man. With such thoughts, he would have been untrue to himself if he did not call monarchy the ideal form of government.<sup>484</sup> But, as usual, he is practical as well as idealistic and, Dunning declares, "his general discussion of the subject is characterized by great moderation and good sense."<sup>485</sup> Right here prosaic facts must have served to place his feet firmly on earth. Man is incomparably less than his Maker; and therefore in nowise is there a parity of reason why any individual should rule his fellow-men in the manner in which God rules the world.<sup>486</sup> Yet on the other hand, the kingship of the Creator, though absolute, is peerlessly democratic; for it regards and respects every individual, his freedom and his needs. Aquinas never tires of teaching the just and necessary tendency of all creatures to God. And, interpreting his politics in the light and spirit of this principle, we find the most admirable democracy in his doctrine. Men may be able in the course of mental and moral advancement, to rule themselves; but they must ever be as children in the tremendous hand of their Maker. Aquinas would be eager to welcome the day in which democracy could prevail, so long as, in it, the hearts of all individuals would acknowledge and turn in abjection and subjection to the one true King, acknowledging His absolute sovereignty. Then the kingdom of God would have truly come; and the Angelic Doctor's doctrine of absolute monarchy as the supernal ideal would have been magnificently vindicated. Such a dream is of poets, saints—and Christians. It is the breath of the Lord's Prayer. There is no evolution without an ideal. Christianity and Aquinas have served the cause of democracy pricelessly, by furnishing

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<sup>484</sup> *De Reg.*, Lib. I, cap. 12: "Inventum autem in rerum natura regimen universale et particulare. Universale autem, secundum quod omnia sub Dei regimine continentur, quia sua providentia universa gubernat; particulare autem regimen maxime quidem divino regimini simile est, quod invenitur in homine, qui ob hoc, minor mundus appellatur, quia in eo invenitur forma universalis regiminis."

<sup>485</sup> *Political Theories. Ancient and Med.*, p. 200.

<sup>486</sup> Cf. Antoniades, *Die Staatslehre des Thomas ab Aquino*, p. 39.

an ideal which is ineffably powerful in attraction and stimulation, not only spiritually, but also politically. For the creature will never fully enjoy his rights, until those of the Creator are fully revered. A flight from petty politics to divine! This is the turn which Thomistic doctrine takes, though the Angelic Doctor will not let himself disregard the very real impedimenta of a personal devil, a stinging flesh, and a clamorous world.<sup>487</sup>

It is evident in the *De Regimine*, when Aquinas praises monarchy, that he is really occupied with concern for the welfare of the State. One can readily see that he does not wish to disasparg democracy. All that he repudiates is political unrest. There is a great probability that the State will be afflicted with storms and the public good ship-wrecked if many rule and altogether disagree.<sup>488</sup> Thus St. Thomas does not make an absolute statement. He frankly posits the condition (*si omnino dissentirent*).<sup>489</sup> He does not deny that the government of the harmonious many is not the best. In emphasizing the utility and necessity of a focal personality in a polity,<sup>490</sup> he but recognizes what every modern representative democracy, without the slightest detriment to its character, admits. He feels that the State falls more naturally into oneness, if it has a single head. Unity is his object, not monarchy;<sup>491</sup> for unity means the peace and prosperity of the people. If this unity happens to obtain better in a democracy, Aquinas would grant his approval without stint to that particular form. Then again he is mindful that the corruption of a popular government is apt to be more dire in consequence than that of a personal polity,<sup>492</sup> and that a tyranny is not less but even more probable in the government of many than of one. It can be better hidden. And so we see that, whatever praise is meted

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<sup>487</sup> *Com. Polit.*, Lib. III, lec. 6.

<sup>488</sup> *De Reg.*, Lib. I, cap. 1.

<sup>489</sup> *Ibidem*: "Manifestum est quod plures multitudinem nullo modo bene regerent, si omnino dissentirent." N. B.—The Parm. Ed. brings out even better St. Thomas' regard for the people in his criticism of the government of the many; for there the reading of this text is "multitudinem nullo modo conservant, si omnino dissentirent."

<sup>490</sup> *De Reg.*, Lib. I, cap. 1.

<sup>491</sup> *Ibidem*.

<sup>492</sup> *De Reg.*, Lib. I, cap. 5.

out to monarchy, is inspired by something beyond and above it. The modern mind too readily identifies monarchy with tyranny and recoils. Aquinas would turn with equal disgust from tyranny, which he denounces as the worst form of government.<sup>493</sup> But he differs from us in that he saves his emotions not for a man of straw, but for a truly guilty reality. His monarchy is the kind in which charity and justice are triumphant and on which no one could reasonably carp. In the theoretical case, as Borrell observes, where a people are conscious of their incapability of governing themselves, it would be a much more democratic act to confide themselves to a sovereign than to sink into a republican demagogy.<sup>494</sup> This is the idea also of Saint Thomas, if one is to judge from his principles of popular worth and the common good.

Thomas' commendation of monarchy, it is fair to say, is not necessitated by his Catholicism. Montesquieu has thrown dust in the eyes of the world by teaching that the Catholic religion is more agreeable to a monarchy, and that Protestantism accommodates itself better to a republic. The thought of Aquinas is, of course, very representative here; and we cannot find any such a thesis in Thomistic pages either directly or indirectly. We have seen that his praise of pure monarchy is because of its rank in the ideal order. His attitude is practically different and abundantly democratic in the world of reality.

If Montesquieu means that the Catholic Church is more consonant with that form of government which best ensures the rights of God and man, he is at one with Aquinas. But since these blessed rights are as well and often better safeguarded in a less rigid but more enlightened régime, the choice of the Church and of her most intellectual son is indefinite. For them, all just governments are good until they prove themselves inadequate, weak, or generally bad. The best is the one which performs its mission best. The Church is as indifferent to the form as she is concerned of the success. Her scholars may speculate as to the respective and relative merits

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<sup>493</sup> *Idem*, cap. 2.

<sup>494</sup> *Revue de Philosophie*, XII, p. 119.

of monarchy, aristocracy, and democracy, but she herself thinks in practical terms of results, and approves or disapproves accordingly. Politics may be somewhat explained by climate. Aquinas and Aristotle, we remember, drew a contrast between the quiescent East, favorable to one-man rule, and the dynamic West, suitable to democratic approaches. But religion requires a loftier elucidation. It transcends temperature or political expedience and experience. It is, among other things, an ultimate attitude. It is universal, and can thrive just as vigorously, with the sceptre or the flag, or under the cross. Its external manifestation prospers wherever justice does not fail. Montesquieu ignores that Catholicism has found acceptance in every part of the world, and is as vital in our democratic era as it ever was in the monarchial past. The celebrated Frenchman is unconscious of the oddity of conditioning theology on geography. He describes the North of Europe, which broke away from Rome and embraced Protestantism, as possessing a spirit of independence and liberty which the more southern countries lacked;<sup>495</sup> somewhat oblivious of the burst of autoeracy which followed the Reformation in the very region of its birth, as well as of the pure democracy of the Italian cities in the very shadow of Rome and in the Age when the Roman Church was at the zenith of its prestige. Great movements are to be explained by essentials, not accidents. Character is something more than a creature of climate. Men can be Catholic, despite the latitude and longitude of their country. Of all possible reasons which could be advanced to explain the Reformation, geography is the least convincing, except, perhaps, Taylor's skull theory that "the dolichocephalic Teutonic race is Protestant, the brachycephalic Celto-Slavic race is either Roman Catholic or Greek Orthodox."<sup>496</sup> To argue that the Catholic religion is non-acceptable to the North or more adaptable to monarchy, because farenheit is lower in Berlin or because an Italian's head may be more egg-shaped than a German's, is to draw an exceedingly long bow. Imagination wounds prudence in the process.

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<sup>495</sup> *L'esprit des Lois*, Liv. XXIV, ch. 5.

<sup>496</sup> *The Origin of the Aryans*, p. 247; quoted by Ross in his *Social Psychology*, p. 6.

The government which St. Thomas proposes as ordinarily best, in his greatest work, not written to a prince but to posterity, which is the court of final appeal in determining his thought, is the moderated type, in which, Montesquieu avers, political liberty can alone be found.<sup>497</sup> It is a commixion of the three good forms: monarchy, aristocracy, and democracy.<sup>498</sup> There is no inconsistency between the teaching of his *De Regimine* and this different doctrine; for in the former, while he thoroughly accredits the monarchical phase in rule, he does not teach that it should be the only one. In the *Summa*, he lays down the governmental principle which the succeeding story of European politics has well vindicated and which has blazed the way to true liberty.

He teaches that, no matter what the form of government, all should have some part in it.<sup>499</sup> Here he shows how well he is thinking in the practical order and that he has indeed descended from the summits of sacred abstraction which he scaled in his letter to the king of Cyprus. We are more convinced than ever that his epistle had a predominantly pious purpose. He compares the earthly monarch to the divine; he wishes the former to gaze upon the super-terrestrial exemplar, and profit. This is the key to the idealism of the doctrine of the document. And now, in the *Summa*, he gives free play to the political wisdom which he has drawn from Christianity, Aristotle, and his own meditation, and the democracy of his mind satisfactorily manifests itself. In his declaration that all should have a share in the rule, St. Thomas brushes away the old property requirement which the Philosopher believed to be so important to the qualification of a citizen. His religion had taught him a nobler democracy than the superb Macedonian approved. The type of the latter could be stretched to include only two classes: the rich and the bourgeoisie. The Angelic Doctor

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<sup>497</sup> *Op. cit.*, Liv., XI, ch. 4.

<sup>498</sup> Feugueray, *op. cit.* Migne, III, Série 22, Dictionnaire de Théologie Scholastique: "Le gouvernement le plus parfait, selon Saint Thomas, n'est ni la monarchie, ni l'aristocratie, ni la république; c'est celui où ce trois formes de gouvernement sont mêlées de manière à réunir les avantages et à neutraliser les inconvénients de chacune d'elles."

<sup>499</sup> *Summa Theol.*, 1a 2ae, qu. CV, a. 1.

takes in the best of the poor class too.<sup>500</sup> Christ's dispensation had changed the idea of poverty. It was no longer an exact synonym for abjection, ignorance, and knavery. Medieval and monastic religion and zeal removed many clouds from the picture; and St. Thomas could behold virtues and possibilities in the lower ranks of society, which, continuing to develop, would fit them well for the duties of active citizenship. The broadness of his view is identical with American principle; though, as already suggested, he was more careful in the concession of suffrage than we have always been, requiring a higher degree of mental and moral qualification. His practical reason for prescribing the popular spirit in government is three-fold: peace appears more probable in such a polity; patriotism is more fervent; and there is no doubt that the people will rally to the civil defence whenever and however attack occurs.<sup>501</sup> Here Aquinas could be writing of our own country, so surely does he express the cause of her security from the menace of bolshevism, and the explanation of the love of her children. It is by her adherence to popular principle, that she has risen as a goddess of liberty to the nations and an earnest of political inspiration and hope. It is because our civics has adopted the generous view, of such as Aquinas', toward the people, and not the narrow Aristotelian concept, that we have a more or less satisfied lower class today.

The Angelic Doctor teaches that this respect and provision for popular participation in government should be primary. The question of the form of the polity is secondary.<sup>502</sup> As a matter of fact, his favorite practical government, from his own popular demand, just mentioned, is a democracy. In it, the people predominate; for all have a share. But he would add to it the best that the other good forms have to offer. The Greek city-state, we know, had politically widened into the medieval province; which in turn was overflowing into the modern kingdom or nation. Thomas brings to the attention of Europe

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<sup>500</sup> Though Aristotle, too, believed that "keeping quality in view, it is fit to make the franchise as extensive as possible, so that those who share in it shall not outnumber those who do not." *Pol.*, IV, 13.

<sup>501</sup> *Summa Theol.*, 1a 2ae, qu. CV, a. 1.

<sup>502</sup> *Ibidem.*

the possibility of representative government, which would mean the inversion of feudalism. Medieval rule, beyond the Italian independencies, was from the top down; Aquinas would have it, first from the bottom up; and then, and only then, down. He is in logical accord with his theory of the origin of the State and the transference of power.

In this mixed government, which he finds the most practical and the best, he would have the monarchical form represented by a single person who is chosen for his merit and presides in the State. It is to be noticed that Aquinas does not speak of such a one as ruling, so much as presiding. The monarch, in the strong sense, which we met in Aristotle's *Politics* and in the *Commentary*, is the sole regent and his rule is according to virtue, not law. But the influence of the chief in the Angelic Doctor's mixed government would be more moral than material, executive rather than legislative. Next, Thomas would have the aristocratic element present in a body of picked men. These are to be the practical rulers. He describes them as *principantes*. The real weight of the government is in their hands. Finally, democracy is genuinely and plentifully present in the fact that these rulers should be chosen from the people and by the people. This Thomistic teaching was very valuable to political science. Aquinas foresees, in the immensity of nations, the necessity of some scheme for handling the popular will. So his statement is of a nature to leave room for any suitable plan. The *viva vox* of Athens, or the Teutonic disapproval by a general murmur and approval by the clashing of javelins, would hardly suit the new democracy. The people could more conveniently express themselves through the lips of their representatives. Modern thought wholly agrees. The up-to-date indirect democracy of our own country is the kind which St. Thomas declares to be proper in his best practical form of government.<sup>503</sup> He does not teach the choice by lot, which was the feature of Greek democracy and was more or less practical in the unusual Hellen-

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<sup>503</sup> *Summa Theol.*, 1a 2ae, qu. CV, a. 1: "unde optima ordinatio principum est in aliqua civitate, vel regno, in quo unus praeficitur secundum virtutem, qui omnibus praesit; et sub ipso sunt aliqui principes secundum virtutem; et tamen talis principatus ad omnes pertinet; tum quia ex omnibus eligi possunt; tum quia etiam ex omnibus eliguntur."

ic situation. But neither does modern democracy teach or demand it. The size of the modern nation, and the variety which it includes, forbid.

The Angelic Doctor unfortunately does not mention explicitly the necessity of a constitution according to which the rule should operate. But piecing together the other sections of his politics, we see that he implies it. And we are sure of it, when we recall that his model, the Mosaic rule, had its written code. At any rate, he offers us an outline of an excellent polity, combining the best results of the world's civil experience and giving democracy its due. He was not blinded by Aristotle's aura and subdued by his authority into accepting aristocracy as the peerless practical régime. He reaches beyond culture and wealth to the popular heart and mind, and raises them to their proper place in an enlightened prospectus of government.

The idea of mixed rule was not new; but to Aquinas is the credit of having revived it in his age; thus making it a factor in modern political history. In accrediting it, we do not neglect the eminent thinkers who worked out a similar solution of the problem of government long before. Plato, in his treatise on *Laws* descends from the Olympian heights of his *Republic* and offers a practical political schema with popular respect.<sup>504</sup> He teaches that authority and liberty, the tenors of monarchy and democracy, should be preserved; because neither of them could subsist without the other. He prudently offers that the ruler and the ruled should make mutual concessions, in order that the two important principles of polity might live and thrive. But his mixed government is inferior to that of Saint Thomas, because he ignores the means by and in which this harmony is secured: the aristocracy.<sup>505</sup> There is no middle layer to his plan.

Aristotle, with his presentation of governments, works in and out, praising here, criticizing there, but failing to deliver such

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<sup>504</sup> *Laws*, IV, 712 sq. See Dunning, *Political Theories, Ancient and Modern*, p. 37.

<sup>505</sup> See Crahay, *op. cit.*, p. 98.



took in the ephoralty. The oligarchical element, Aristotle sub- could afford. Moreover, the people elected the senate and par- a clean-cut final opinion as we find in Aquinas. He lauds the to education; rich and poor were reared alike. The economic middle state, quoting Euripides:

“The middle state is best; that state be mine,  
What'er my city be.”<sup>506</sup>

Though favoring aristocracy, he evidently likes the balance and poise which a mingling of forms would effect. He devotes some space to political admixture and signals out the com- Democracy in that singular state was operative with regard (posite character of Lacedaemonian polity for consideration. line of social demarcation was quite removed; the public tables knew no favorites; the rich wore only such clothes as the poor permits as an opinion, consisted in the fact that officers were chosen by vote and not by lot. And the ruling body made up the aristocratic feature.<sup>507</sup>

The Philosopher is more concerned with the fact of mixed government than with its degree of desirability. Aquinas goes further, perfecting and prescribing the principle.

He owes more to Polybius and Cicero in his theory than to Aristotle. For these two writers were express apostles of the three-fold polity. The former adopts the Philosopher's view of six species of government, three good and three bad. He believes that one type should be used to off-set the other, according to the happy combination of Lycurgus, in whose republic the king, the nobles, and the people, had the sovereign power apportioned among them in a degree which produced equilibrium instead of sacrificing it. Each power respects the other. The Polybian principle would read like the Dumas motto of “one for all and all for one.” Our historian finds his ideal crystal-

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<sup>506</sup> *Politics*, IV, 11. Eurip., *Ion*, 632.

W. L. Newman declares: “In all probability his mind was under the influence of two conflicting views, that which he inherited from the Politicus and the Republic of Plato, and that which was more especially his own—the view that there is nothing in the supremacy of law which should make it out of place even in the best constitution.”—*Politics of Aristotle*, Vol. I, p. 281.

<sup>507</sup> *Politics*, IV, 9.

alized in the Roman constitution of the time of the Punic wars. There the three governments were so commingled that it was impossible to distinguish any one of them.<sup>508</sup> But the Roman consulate, or supreme magistracy, was split. And thus the State was somewhat abnormal with its two heads. Aquinas improves on Polybius and the Tiber city by advocating the more natural apex of a single leader.

Dunning has to say of Polybius' analysis of the Roman system that "it is interesting as the first formal exposition of the principle of check and balance in constitutional organization."<sup>509</sup> It is of interest, too, that St. Thomas should fasten on its merits, and add to them the symmetry which Dunning declares to be absent, in order to create the more perfect State.

Cicero, though favorable to royalty, is fascinated with the system of equilibrium which so pleases Polybius. He is impressed with the instability of any polity in its purity; though, like Aquinas, he believes the monarchy best for unity, the aristocracy for counsel, and the democracy for liberty.<sup>510</sup> All extremes are converted into their contraries.<sup>511</sup> As Janet remarks, the orator but appropriates and clothes in his own beautiful diction the main preoccupations of Polybius.<sup>512</sup> But Dunning insists that Cicero made some contributions to the theory of mixed government, e. g., that his idea of check and balance was less mechanical than his predecessor's and that he appealed more to political principles than to political persons (magistrates, senates, and assemblies) in the process of equi-posing.<sup>513</sup> With St. Thomas the leader is chosen *secundum virtutem*; and those beneath him rule *secundum virtutem*.

Crahay is loath to yield that Aquinas profited from the conclusions of the famous ancients. He believes that it is from Moses and the Old Testament that he draws his theory of mixed

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<sup>508</sup> Paul Janet, *Histoire de la philosophie morale et politique*, tome 1, pp. 193-194. Vide Polybius, Lib. VI.

<sup>509</sup> Op. cit., p. 117.

<sup>510</sup> *De Rep.*, I, 31, 32. Also I, 35: "Ita caritate nos capiunt reges, consiliis optimates, libertate populi, ut in comparando difficile ad eligendum sit quid maxime velis."

<sup>511</sup> Idem, 45: Vide I, 29.

<sup>512</sup> Op. cit., p. 191. *De Republica*, I, 45. Idem, II, 23.

<sup>513</sup> Op. cit., p. 123-4.

government.<sup>514</sup> This is the truth, though perhaps not the whole of it; for the article in which he proffers his conception is conclusively entitled "Utrum convenienter lex vetus de principibus ordinaverit."<sup>515</sup> And, in the body of it, he shows how well the type was attained among the Hebrews. The prophet and his successors were quasi-monarchs; under them were the seventy-two elders, who represented aristocracy. These in turn were chosen from and by the people. But there is apparently a slight difference between St. Thomas' idea of mixed government and its scriptural prototypy, which could perhaps be traced to his political musings on history and profane texts. He does not grant the sovereign the quality and quantity of power which the Hebrew leaders enjoyed. Naturally; for Moses, Josue, and the Judges, were cedars of Libanus. He tempers his theory to less spectacular periods and more ordinary people than those of the Old Testament. Besides, Jehovah reserved to Himself the right of selecting the sovereign prince; though regularly, according to Thomistic implication, it resided in the people.<sup>516</sup>

But whether he had recourse to pagan sources or not for any part of his message on mixed government, the fact is that he actually has seized, knowingly or not, the best that the past had to offer in this regard and, with a few pregnant and unmistakable phrases, has presented it as something slightly better. For the Angelic Doctor, Moses was, politically, of greater stature than any of the other ancients; and Holy Scripture superseded Greek science. Thomas was not the kind to ignore any valuable and available pagan utterance; but he was always at pains to place it in the service of a larger truth, and so to prove its worth. Question CV., art. 1, of the *Prima Secundae* of the *Summa* would give no indication that he owed anything to profane authors for his theory of mixed government. But his other articles and books, using so many quotations from the best minds of the past and indicating such familiarity with them, suggest that he was at least indirectly influenced by them.

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<sup>514</sup> Op. cit., p. 100.

<sup>515</sup> *Summa Theol.*, 1a 2ae, qu. CV, a. 1.

<sup>516</sup> Ibidem.

This theory of mixed government has been more praised in modern times than the scholar who improved and transmitted it to us. Its reasonableness could not but make a wide appeal from the start.

Gerson commended the French polity, inasmuch as it combined royal and aristocratic elements, but carped on the fact that it fell short of the ideal which, we have just seen, St. Thomas upheld: the Mosaic commonwealth.<sup>517</sup> "The clean-cut and acute, but never intemperate, pleas of Gerson and his allies," writes Dunning, "in behalf of limited government, the reign of law, and the subordination of strict law and tradition to the requirements of equity and the general welfare, received the completest ratification in the decrees of the council of Constans, and thus became merged in the intellectual consciousness of the time."<sup>518</sup> The theory of St. Thomas was bearing rich fruit. For this Council, says Figgis, "set forth a system of politics which was consistent yet scarcely doctrinaire, which saved the rights of the crown while it secured the liberties of the people;.....it paved the way for the constitutional reformers of future generations."<sup>519</sup> And the soul of Aquinas brooded over Constance and was felt and respected, as even Martin Luther, in his graphic parlance, admits. "The source and cess-pool of every error," he bitterly styles the Angelic Doctor. for his moral predominance at the deliberations.

Fortescue, in the latter half of the fifteenth century, carried Thomistic influence into his day. He taught that a mixed polity was proved by experience to merit special praise. He calls attention to Israel, Rome, and England.<sup>520</sup> It would have been highly appropriate for him to point a finger to the *Summa*.

Bellarmino (1541-1621) repeats Aquinas and advocates mixed government as the best form in the practical order.<sup>521</sup>

Althusius (1604-1638), severe Calvinist as he was, showed

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<sup>517</sup> *Tract. de Pot. Eccl.*, 8. See Dunning, *op. cit.*, pp. 269-270.

<sup>518</sup> *Op. cit.*, p. 270. Co. of Constans: 1414.

<sup>519</sup> *Politics of the Council of Constance*, in the *Transactions of the Royal Historical Society*, 1899, p. 103. Quoted by Dunning, p. 270.

<sup>520</sup> Cf. Dunning, *Polit. Theories. from Luther to Montesquieu*, p. 202.

<sup>521</sup> Cf. *Idem.*, p. 129.

himself Thomistic to the extent of teaching the naturalness of the composite polity.<sup>522</sup>

Harrington (1658) tied up his political theory insufferably with property relations. He regarded mixed government as natural only where the land was in the possession of a few people; and absolute monarchy, when some unconscionable Croesus owned everything.<sup>523</sup> Aquinas is no party to any such artificial concept. His theory is purer and far more promissory of the reign of true democracy; for he makes virtue, and not property, the entrance to political power. Harrington thinks that the prerequisite for the stability of the State is that supreme authority be placed in owners; Thomas, more sensibly and safely, would have the people place it in the best and fittest.

Bodin (1578) and Hobbes (1668) are inimical to the mixed form. Advocates of autocracy, twentieth century thought must dismiss them, if not with some contempt, at least with much pity. We can appreciate how far the Angelic Doctor had democratically advanced beyond these early thinkers of the modern age, when we read the dictum of the former that "sovereignty is supreme power over citizens and subjects, unrestrained by law,"<sup>524</sup> or the assertion of the latter that the power of the king or assembly must be unlimited.<sup>525</sup> Consistently they could not approve of a liberty-fostering polity. And so, from one point of view, they set back the cause of the people. From another, they advanced it. The very extravagance of their offering was an irritant which helped to stir up those whom they would clamp down. Aquinas has the merit of profiting the people by the directness of his doctrine and not by antithesis.

Bossuet (1677), it seems, was as captivated by St. Thomas' remarks on monarchy as unmindful of his sentiments on democracy. There was much more reason for Aquinas to be a royal enthusiast than the French orator, double related to nobility as he was, through both his parents, and contemporary

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<sup>522</sup> Cf. *Idem.*, op. cit., p. 67.

<sup>523</sup> *Idem.*, p. 250.

<sup>524</sup> "Majestas est summa in cives ac subditos legibusque soluta potestas." Quoted by Dunning, op. cit., p. 96.

<sup>525</sup> *Elementorum Philosophiae, De Cive*, cap. VI, par. 18.

and intimate of the illustrious Louis IX. But it was Bossuet who strummed out the most loyal of royal rhapsodies on his literary lyre, elating Louis XIV, but not representing medieval tradition.

Fénelon (1721), with his doubts that any single human being could be adequate to civil demands, and his preference for a sort of aristocratic monarchy, somewhat representative, better bodies forth the mind of the Angelic Doctor.<sup>526</sup>

Locke (1690) takes the theory of mixed government for granted. He writes: "The majority having, as has been shown, upon men's first uniting into society, the whole power of the community naturally in them, may employ all that power in making laws for the community from time to time, and executing those laws by officers of their own appointing, and then the form of government is a perfect democracy; or else may put the power of making laws into the hands of a few select men, and their heirs or successors, and then it is an oligarchy; or else into the hands of one man, and then it is a monarchy; if to him and his heirs, it is a hereditary monarchy; if to him only for life, but upon his death the power only of nominating a successor, to return to them, an elective monarchy. And so accordingly of these make compounded and mixed forms of government, as they think good."<sup>527</sup> This is practically an epitome of the Thomistic doctrine on governments. By Locke's time, the theory of mixed polity was sufficiently fixed and accepted; so that he was free to go beyond it and devise further means of ensuring the liberties of the people and the life of justice. He introduces the idea of a separation of powers.<sup>528</sup> But even here he is anticipated by St. Thomas, in whose mixed form of government the position of the political chief seems to be mostly of executive character, and the ruling or law-making power is in the hands of the subordinate body.

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<sup>526</sup> Cf. Janet, *op. cit.*, t. 2, p. 292.

See Bossuet, *Politique tirée de l'Écriture sainte*, I, IV, a. 1.

<sup>527</sup> *Two Treatises of Government*, II, ch. X, sec. 132. It will be noticed that he does not use "oligarchy" in the Aristotelian-Thomistic sense.

<sup>528</sup> *Idem*, II, ch. XII, sec. 144.

It is to Montesquieu, whose reputation de Haller sourly but significantly declares too great, that the credit goes for the tripartite division which has become a political commonplace. He changes Locke's enumeration of governmental departments (legislative, federative, and executive),<sup>529</sup> into legislative, executive, and judicial,<sup>530</sup> thus harking back to Aristotle and Aquinas, who are quite neglected in the effulgence of his fame. In the fourth book of his *Politics*, chapter XIV, the Stagirite sets forth the division of every republic as deliberative, executive, and judicial. It is hard to see much improvement on this presentation, and hence originality, in the offering which Dunning honors as appearing in, political philosophy, for the first time, from the pen of Montesquieu. Aquinas was cognizant of the classification some centuries before the Frenchman conceived it, and set himself the task of commenting on it.<sup>531</sup> As to the teaching that the separate powers should be exercised by different organs, Aquinas had gathered this also, from Aristotle, and presented it to the Middle Age. The doctrine of the Philosopher and St. Thomas is more comprehensive than Montesquieu's. They give us four alternatives for the disposition of the deliberative power: (a) to all the people; (b) to a few only; (c) to all in some matters; (d) to some in some matters. Magistrates are seriously considered, as to their number, their tenure of office, and the class from which they should be chosen.<sup>532</sup> They divide the judicial department into several sections: (a) a court of judicial scrutiny; (b) one to punish public malefactors; (c) to handle civil affairs; (d) to consider appeals of private citizens from the fines imposed by magistrates; (e) to settle disputes on contracts; (f) to judge between aliens; (g) to deal with the different kinds of murder cases.<sup>533</sup>

It looks as though the incomparable English system to which

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<sup>529</sup> Sec. 145-146. "There is another power in every commonwealth..... the power of war and peace, leagues and alliances, and all the transactions with all persons and communities without the commonwealth, and may be called *federative* if any one pleases."

<sup>530</sup> *L'esprit des lois*, Liv. XI, ch. 6.

Cf. Franck's *Reformateurs et Publicistes de l'Europe*, p. 280.

<sup>531</sup> *Com. Polit.*, Lib. IV, lec. 12: "Determinat de quibusdam partibus republicae, scilicet de consiliativo et dominativo et judicativo."

<sup>532</sup> *Politics*, IV, 15. *Com. Polit.*, Lib. IV, lec. 13.

<sup>533</sup> *Politics*, IV, 16. *Com. Polit.*, Lib. IV, lec. 15.

Montesquieu thrills, and which he traces back to the old Germans of Tacitus,<sup>534</sup> could be at least partly accounted for by the book that St. Thomas made powerful in the politics of the later Middle Age. The Angelic Doctor gave Europe a theory of State which appealed to the liberty-loving and order-respecting people of the West. England found that it agreed with her own yearning and aspirations. Langdon had begun the work of reform, which Montesquieu prefers to trace so much farther back to the shade of Teutonic forests. Aquinas gave the sanction of his political philosophy to a wholesomely popular concept of the State. And so the enterprises of reconstruction went on consistently, if not apace, culminating in the modern constitutions to which we refer with pride as evidence of the evolution of the race.

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<sup>534</sup> Op. cit., XI, 6.



## CHAPTER VI

## PURPOSE OF THE STATE

St. Thomas teaches that the common aim of states is something more than mere self-preservation. It would have to be; else self-preservation could never be assured. He finds the mission of the State to be general and particular. The general purpose is to supply a fuller and more perfect life for its members; the particular may be considered as four-fold: economic, ethical, social and, in a sense, ultramundane. His is a complete program, and one towards the realization of which the best democracy of today is groping. Other plans of states should be subordinated to these, which are essential.

## 1.—LIMITATIONS OF CIVIL SCOPE: FIRST, INDIVIDUALITY

First, let us consider what Aquinas regards as the limits of civil scope; then we can more correctly appraise his doctrine of civil purpose. Primarily, he refrains from committing a modern folly of making the State more real than those who compose it. He deafens himself to the Platonic siren-song against which Hegel's ears were not waxed. A conception of the State as "the highest evolution of the Absolute," "the realization of the moral ideal," "the concretization of the divine will," or "the substance of individuals," would not be acceptable to him. He guards against the fallacy of separatism. For him, men cannot be parted from the State; they constitute it. The State may not be parted from them, else it were an emptiness. In this, as ever, his view is realistically synthetic.<sup>535</sup> He does not sacrifice society any more than a Schelling, a Saint-Simon, or a Comte; nevertheless, he democratically does what they do not—he saves the individual.<sup>536</sup> Here then is his first limitation of the State: it must

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<sup>535</sup> *De Reg.*, Lib. I, cap. 14 et 15.

<sup>536</sup> *Com. Polit.*, Lib. I, lec. 1. Cf. Fouillée, *La science sociale contemporaine*, pp. 23-24; Schwalm, *Leçons de philosophie sociale*, I, p. 155.

not destroy individuality. It must not usurp the souls of its subjects.<sup>537</sup> Man is man, before he is citizen; and the State is in his mind, before he projects it into the external world and realizes it there. Humanity is superior to the civil society it creates. There is much of man which has not gone into the State at all; and, over this, the State has no direct control.

### INDIVIDUAL RIGHTS

The Doctor's first limitation of civil power being based on the principle of individuality, his second is inspired by the individual's rights, which are granted by the natural law, and according to which the State must always reckon.<sup>538</sup> With regard to them, the State may not interfere, as we have already noticed, save to define and defend.<sup>539</sup> Any measure in defiance of them or detriment to them, is not law but a corruption of it. We have only to recall the Angelic Doctor's theory of law, to see how firmly he attributes human rights to the reality of rational nature and not to any artificiality of civil concession.<sup>540</sup> We find him warding off aggression from those precious prerogatives which enter so largely into the constitution of a democracy, particularly liberty of conscience and liberty of education.

As regards the former, he holds that anyone outside the fold is not to be forced into it. Free-will is to be respected. Faith, he maintains, involves freedom.<sup>541</sup> However, by this he does not mean that deliberate opposition to religious truth, blasphemies, seductions, and frank affront, should not be repulsed. It may be that he was impressed with the ethical significance of liberty of conscience, more than with its political bearing. Cajetan comments on Aquinas' view, in effect, that, if it is an evil for

<sup>537</sup> Cf. Laveleye, *Le Gouvernement dans la Démocratie*, I, p. 109.

<sup>538</sup> Keesen, *La mission de l'état d'après la doctrine et la méthode de saint Thomas d'Aquin*, p. 17. Crahay, *op. cit.*, p. 138.

<sup>539</sup> *Summa Theol.*, 1a 2ae, qu. XCV, a. 2. Cf. Leo XIII's *Encyc.*, *De condit. opif.*: "est autem ad praesidium juris naturalis instituta civitas non ad interitum."

<sup>540</sup> Cf. Leo XIII's *Encyc.*, *De praecipuis civium christianorum officiis*.

<sup>541</sup> *Summa Theol.*, 2a 2ae, qu. X, a. 8. Cf. Deploige, *La question juive*, p. 9.

a Christian to live as a pagan, it is a greater wrong for a converted pagan to do in private what he has doffed in public. But the principle of freedom is there, for all that; and, for politics, this is the pearl of great price.

The Angelic Doctor further limits, or rather defines, freedom of conscience by assuming a different attitude toward those who have freely accepted but then rejected the Faith. For here a solemn pledge is broken and truth is outraged. They may be compelled to keep their Christian oath.<sup>542</sup> It is to be noticed that St. Thomas speaks explicitly only against heretics, or those who, with their message, rend the peace of the State, which, as we shall presently see, he considers primary. As for those who think for themselves<sup>543</sup> and whose thought has a portion of truth in it or at least is not fatal to the interests of the Christian State, he is quite tolerant.<sup>544</sup>

He believes it is at least as grave a matter to corrupt the Faith, which is the life of souls, as to falsify money, which procures the needs of bodies. And that exceptional monarch of his own day, Saint Louis, had ordained punishments for malefactors of the latter type. The spiritual life of men is nobler than the corporal. Yet, if we punish with death those who slay the flesh, who should object to a similar fate for murderers of the spirit?<sup>545</sup> Thomas further offers that, even though unsuccessful at corrupting others, heretics may be capitally punished or dispossessed, for their blasphemy and false faith; since their example has had a deleterious effect on the community.

All this doctrine is, of course, chargeable to the medieval viewpoint, which the modern thinker finds hard to comprehend and excuse, and still harder to reconcile with the idea of democracy. It is only when we project our thoughts into the mind, heart, and environment of the thirteenth century, that whatever virtue

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<sup>542</sup> *Summa Theol.*, 2a 2ae, qu. X, a. 8; et idem, ad 3.

<sup>543</sup> He teaches further that, when a person is capable of thinking for himself, he may choose for himself; that, at most, persuasion should be used on him, and never force; and that, even in the face of parental opposition, he may do what he considers right and just. *Summa Theol.*, 2a 2ae, qu. X, a. 12.

<sup>544</sup> *Summa Theol.*, 2a 2ae, qu. X, a. 9.

<sup>545</sup> IV *Lib. Sent.*, dist. XIII, qu. II, a. 3.

this particular and peculiar teaching possesses can appear to us. Then the Church and the State were united as never before nor since; and a revolt against religion practically amounted to treason and presaged bloody warfare. The Albigensian heresy was filling France with woe in the Doctor's own day. The dove of peace was wounded and bespattered. And the infamous sect, called the Brothers and Sisters of the Free Spirit, which repels us as the serpent of the century, was grievously offending the public with unclean excesses. The Waldenses and the Cathari continued and increased the confusion. Aquinas could not but see that the all-important political principle of the common good was far from being enhanced by this pandemonium and that the sponsors of these heresies were more carnal than spiritual, and more erratic than sincere—or, if not so, at least blind beyond belief to the logic of their own premises. With the exception of the Waldensian doctrine, each of them afforded an invitation and foundation to turpitude.

In St. Thomas' attitude, aside from his zeal for truth and the God of it, we can see two democratic facts. First, his championship of the spiritual rights of individuals. No more may a man be robbed of his religion than of his life. Burglars and murderers whose outrages are material, are admittedly outlaws; much more, the assaulters of souls. Aquinas stands against the principle of would-be dissenters seizing hold of the ignorance of the medieval masses, and administering their doctrinal poisons. He is no opponent of intellect, as his thoroughly reasoned tomes testify.<sup>546</sup> He would have the people able to argue for the Faith within them.<sup>547</sup> But he does not consider it just that any and every one who, like Peter Waldo, may have been stirred to sudden religious fervor by the death of a friend, or who may have

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<sup>546</sup> Blakey writes: "It must be borne in mind that the scholastic writers greatly aided the cause of religious and civil liberty and enlightenment by their claiming unreserved intellectual discussion."—*The History of Political Literature*. Vol. I, p. 219.

<sup>547</sup> St. Thomas does not consider the authority of any Father, whose doctrine may be contradicted, as superior and final; but the authority of the Church. *Summa Theol.*, 2a 2ae, qu. X, a. 12.

conceived a brainless passion for ripping the moral, political, and social fabric, should be given a free field to contradict authorities greater than himself and accomplish chaos. The masses of the Middle Age had to be safe-guarded all the more carefully, for the fact that they could not discern the true from the false. Education was general then, as now, but very weak with youth. To Aquinas, it was a most serious matter to attack a mind incapable of defending itself; just as violence committed on the body of a child would be much more criminal than in the case of an adult. He does not aim at the limitation of anybody's right to think freely, but rather at the protection of everybody's right to the truth.

And so, secondly, he seeks the good of the many. The right of the people to the truth and to be protected in its possession, is superior to that of any individual to free speech. The question is: where and what is truth? The Angelic Doctor pointed to an authoritative, divinely instituted Church. And for him the keenest and surest intellect could not soar beyond the principles which Christ, through the living voice of His Spouse, enunciated.

Aquinas repeats Augustine, that the extreme punishment of heretics is undesirable. But as in the house of David there could be no peace until impious Absalom, warring against his own father, was removed by fate: so in Christendom calm can be secured only by the ejection of the disturber. Many may be free, when one is bound.<sup>548</sup> Each individual has his rights; but these do not exceed the cumulative rights of the multitude and must not be sought at the expense of the whole people. True democracy does not teach that everyone should be allowed to do everything, but that verity and equity should have free access to all. Thomas takes no liberty from the people in guarding them against the enemies of the truth which makes all men free.

However, we must never forget that he was writing on this point for a world which was substantially a politico-religious unit; and, with this unique state of affairs vanished, his doctrine would not please modern mentality and sentiment. But the Church of St. Thomas realizes as well as her most intelligent

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<sup>548</sup> *Summa Theol.*, 2a 2ae, qu. X, a. 8, ad. 4.

enemies could inform her, that the twentieth century is not the thirteenth; that the principles of the Angelic Doctor are more valuable than his applications of them; and that, while his service to truth is great, his is not necessarily the last word on a subject. Aquinas himself believed that law should relax or contract, to further enlightenment and to new necessities; all the more would he admit advancement and development in doctrine. It is sufficient that he advocates spiritual freedom and even strenuous means of attaining and maintaining it, to evince the democratic essence of his thought.

### TOLERATION

The State is limited, too, by the demands of tolerance. Human government is derived from the divine, and should imitate it. Now God, omnipotent and good as He is, permits much in the world which, of course, could be prevented; lest in the prevention, greater good should be sacrificed or worse evil follow.<sup>549</sup> The State must not attempt to do everything. In many things, its action should be the last resource, rather than the first. But St. Thomas, apparently, intends this principle to apply to a civil society in which the cultural and spiritual influences of the domestic and ecclesiastical institutions are fully operative. It seems certain that he would concede a wider state action today, when religion has broken down so piteously in men's lives, and industrialism has so grievously damaged domesticity.

### THE SANCTITY OF THE HOME

Aquinas also closes the door of the home against the State, with his insistent teaching that the child belongs to its parents, and that to stand between them and it, is to violate natural justice.<sup>550</sup> Until the babe grows to the estate of reason, he is under parental care as in a certain spiritual womb. They who

<sup>549</sup> *Summa Theol.*, 2a 2ae, qu. X, a. 11.

<sup>550</sup> *Summa Theol.*, 2a 2ae, qu. X, a. 12.

brought him into the world have a right to think and do for him until he is able to think and do for himself. The hand of the State may not rob the cradle, as in the Platonic Republic and a Socialist's dream, to mould future citizens to its purposes. Still, the Thomistic principle does not mean that parents may not partially surrender to the State their privilege and permit their children to be educated at public expense, nor that the State may not step in when parental duty is not and cannot be fulfilled. It merely announces a great human right. It recognizes that individual claims may exceed a demand of State, and that the true individual good is not to be sacrificed to a too idealistic scheme of the common good.

Finally, the State must not force the minds of its subjects. Initiative is not to be crushed.<sup>551</sup> The individual spirit is not to be broken;<sup>552</sup> nor is the body ordinarily to be bound.<sup>553</sup> In other words, the State must respect all the sacred rights of man's nature and limit itself exactly to the sum and scope of authority which the people have given to it.

We can see, then, that St. Thomas did not over-estimate the mission of the State as universal.<sup>554</sup> He introduces enough circumscription to rescue individuality and domesticity. Heart and hearth hold the hope of progress in a state. "Reason and Ignorance," writes Thomas Paine, "the opposites of each other, influence the great bulk of mankind. If either of these can be rendered sufficiently extensive in a country, the machinery of Government goes easily on. Reason obeys itself; and Ignorance submits to whatever is dictated to it."<sup>555</sup> But Thomas Aquinas stands first, last, and always for reason. He makes the individual vivid and electric; a real force in civic development and

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<sup>551</sup> *Summa Theol.*, 2a 2ae, qu. CIV, a. 5: Here Seneca is quoted with approval: "mens quidem est sul juris."

<sup>552</sup> *Ibidem.*

<sup>553</sup> *Ibidem.*

<sup>554</sup> In accordance with the principle "Omnis ratio operationis variatur secundum diversitatem finis" (*Contra Gentiles*, Lib. III), Aquinas must have believed that the duty of the State essentially lay in accomplishing that of which groups, families, and individuals are incapable. As Crahay observes (*op. cit.*, p. 147): "une force supérieure ne doit jamais être employée là où une énergie moindre suffit."

<sup>555</sup> *Rights of Man*, p. 161.

political evolution.<sup>556</sup> Evidently the State must help the individual to help himself.

## 2.—THE GENERAL MISSION OF THE STATE

And thus we again face Aquinas' theory of civil mission. Let us first consider the general purpose of the State according to him. His doctrine amounts to this: that the State is an organized effort for the best interests of men.<sup>557</sup> Happiness is the magnet of hearts. Unalloyed, it cannot be attained here below;<sup>558</sup> first, because it involves the complete satisfaction of intellect and will; secondly, since such satisfaction implies the universal truth, as the object of the intellect, and the universal good, as the aim of the will; but, thirdly, the universal truth and good do not exist in any created thing, for every creature has some limitation. They are found only in God to Whom whatever reality they possess is due and to Whom they should lead.<sup>559</sup> Man is capable of an imperfect happiness on earth, however; and the duty of the State is to help secure it in as large a measure as possible. Explanation must be made as to what Aquinas signified by the happiness at which the State should aim.<sup>560</sup> He

<sup>556</sup> Such sentences as the following reveal the Saint's faith in the individual and the human nature which he represents: "bonum politicae virtutis commensuratum est naturae humanae; et ideo absque auxilio gratiae gratum facientis potest voluntas humana in illud tendere, licet non absque auxilio gratiae Deo."—S. T., 2a 2ae, qu. CXXXVI, a. 3, ad. 2. But he warns: "sed in natura corrupta praevallet inclinatio concupiscentiae, quae in homine dominatur; et ideo prouior est homo ad sustinendum malum propter bona, in quibus concupiscentia delectatur praesentialiter, quam tolerare mala propter bona futura...."

<sup>557</sup> Cf. *Com. Polit.*, Lib. VII, ch. 1: "Finis autem optimae reipublicae est optimus finis hominis, quia reipublicae non est aliud quam ordo civitatis...."

<sup>558</sup> *Summa Theol.*, 1a 2ae, qu. II, a. 1-8.

<sup>559</sup> *Idem*, a. 8.

<sup>560</sup> By happiness St. Thomas naturally did not mean pleasure. He was no utilitarian, and would have been duly shocked by Bentham's belief that "pushpin is as good as poetry, provided the pleasure be as great." Cf. William McDougall's *Social Psychology*, p. 161. St. Thomas does not confine himself to the psychological, like McDougall, in his conception of happiness. With Aristotle, he considers the psychological phase of happiness contingent on the ethical, and enhanced by the material.



means as much as Aristotle and more. The Philosopher sees happiness in a possession of spiritual, bodily, and external good.<sup>561</sup> By spiritual good, he signifies the moral virtues. A man could not be happy, he teaches, who had no justice, temperance, prudence, or fortitude, but would be afraid of the flies that whirred about him. Happiness is far from the wretch who is a slave to himself, or who would crimson his hands in the blood of his friend for a farthing.<sup>562</sup> No more than an infant or a maniac, can the individual scale the heights of temporal bliss, who deserves to be classed with them. Virtue is indispensable. They delude themselves who think a little virtue and much external property are the correct recipe for equanimity. Virtue can be provided to be more essential than external goods, both practically and theoretically. Practically, because men originally do not acquire it through external goods, but rather external goods through it. Theoretically, because external goods have a limit, which virtue lacks; secondly, because the soul is superior to the body, and qualities differ in importance according to the subjects in which they reside; and, thirdly, external goods exist for the sake of the soul, but the soul does not exist for the sake of them.<sup>563</sup> He is happiest whose morals are the most pure, whose mind is the best cultivated and whose material effects are in decent moderation. External goods are useful; but, in excess, they are largely inutile, and may be harmful. True happiness is proportionate to one's possession of mentality and morality and to the obedience with which their dictates are met. For the truth of this, we have the evidence of God Himself, who in Himself alone is perfectly happy.<sup>564</sup> The state which is and acts best, is the happiest.<sup>565</sup>

St. Thomas not only subscribes to Aristotle's three-fold division of natural desires, but unfolds the content of it. The following tabulation reveals the range of his thought and his human interests:

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<sup>561</sup> *Com. Polit.*, Lib. VII, cap. 1.

<sup>562</sup> Cf. *Com. Polit.*, Lib. VII, cap. 1.

<sup>563</sup> *Ibidem.* Cf. Aristotle's *Politics*, Walford, p. 232, n. 2.

<sup>564</sup> *Com. Polit.*, Lib. VII, cap. 1.

<sup>565</sup> *Ibidem.*

CLASSES OF GOODS		OBJECTS	
Goods of the Body.....		{ Food Pleasure (Con. Gen. 3, c. 27)	
		{ Sex Pleasure (ibid.)	
Goods of the Mind.....		{ Health (Con. Gen. 3, c. 32)	
		{ Beauty (ibid.)	
		{ Strength (ibid.)	
		{ Activity (2—2ae, Q. 65, a. 3)	
		{ Integrity (ibid.)	
Goods of the Mind.....		{ Knowledge (1—2ae, Q. 3, a. 7; ibid. Q. 32, a. 8)	
		{ Virtue (1—2ae, QQ. 58-67; 2—2ae, QQ. 23-171)	
External Goods	Body...	{ Things	{ Meat (Ia, Q. 78, a. 2, ad. 4; Q. 97, a. 3, a. 4)
			{ Drink (ibid.)
			{ Clothing (2—2ae, Q. 169, a. 1)
			{ Money (1—2ae, Q. 2, a. 1; 2—2ae, Q. 118)
			{ Houses (Joan 1 c. 4, lec. 1)
	Mind...	{ Persons	{ Friends (2—2ae; QQ. 23-46; 1—2ae, Q. 4, a. 8)
		{ Fame (1—2ae, Q. 2, a. 2)	
		{ Glory (Con. Gen. 3, c. 29)	
		{ Persons	{ Friends (2—2ae, QQ. 23-46)
{ God (ibid.; De Dilectione) <sup>566</sup>			

Such of these cravings, as can, should be kept in ken by the State. They are ingredients of the happiness which civil society should seek to secure and assure. They are to be inspected, when the question of natural rights and the definition of them arise. In their entirety they constitute the larger life for which St. Thomas teaches, the State was conceived. A glance through the list will show that nature and the individual himself have much to do with the presence of many of these goods. But it is clear that the State can serve materially in the attainment for the people of as many more. And its general purpose is to offer such service without stint, consistently with the individual's effort and ability.<sup>567</sup>

<sup>566</sup> Henry Ignatius Smith, O. P., *Classification of Desires in St. Thomas and in Modern Sociology*, p. 31.

<sup>567</sup> Cf. Aristotle, *Politics*, VII, 13.

On the basis of this classification, the Doctor's positive theory of civil purpose should be considered. The endeavor of the State to obtain benefits for the people constitutes, according to the nature of such benefits, a social, an economic, and an ethical aim; then again, since nothing is good except insofar as it reflects the goodness of God, and nothing is to be sought save inasmuch as it leads to Him, the State should possess and manifest a godly spirit in its entire enterprise.

### PREREQUISITE TO THE SOCIAL MISSION

Let us proceed to investigate, first, the social mission. It can never be achieved apart from the attainment of two conditions: peace and unity. Aquinas carefully expresses what he would recognize as peace. It is a more comprehensive condition than mere concord, which it includes and complements. Concord is among men; peace is a quality within men themselves. There may be concord where there is no peace; though, where there is peace, there is always concord.<sup>568</sup> The latter is superficial and may be false. Agreement can be forced, as when a tyrant superimposes his will on the people and they, through no option, acquiesce.<sup>569</sup> This certainly is not peace, which requires free and tranquil compliance. When St. Thomas teaches that the State must secure peace, he means that it must do so on the terms of the people; else, clearly from his conception, there could be no peace. Mere concord in civil society does not suffice; it may mask a state of smoldering hate on the part of the populace and be a mere prelude to internecine terrors: a point which our reconstruction program today cannot afford to ignore.

From his further development of the idea of peace, one can see how truly Aquinas defers to the psychology of the individual. He holds that peace entails not only assent but also consent; not only conviction but also persuasion; not only mind and will, but also feeling.<sup>570</sup> Evidently the State must present a reasonable attraction to the individual, with all that this

<sup>568</sup> *Summa Theol.*, 2a 2ae, qu. XXIX, a. 1.

<sup>569</sup> *Summa Theol.*, 2a 2ae, qu. XXIX, a. 1, ad 1.

<sup>570</sup> *Summa Theol.*, 2a 2ae, qu. XXIX, a. 2, ad 1.

democratically implies, in order that the peace of St. Thomas, which is unmistakably that of democracy, may prevail.

It is not enough for peace that the individual be satisfied in himself. He must be content with his neighbor, and his neighbor with him. The Gospel lesson breathes fragrant in the Saint's political philosophy. In the common love of God, all should be mindful of each other. Man must be willing to fulfill the just will of his neighbor, as well as his own.<sup>571</sup> Aquinas quotes Cicero, to the effect that it is the property of friends to seek and to spurn the same objects. But friendship, he echoes from Aristotle, does not mean harmony in mere opinions so much as in important issues. It does not preclude petty disagreements; for these indeed may but lend it zest, provided, of course, that charity is not lost and prudence is present.<sup>572</sup>

Briefly, peace is the proper act and expression of charity.<sup>573</sup> And so the State, to promote it, must first subject itself to the law of love. Directly an achievement of charity, peace is also, indirectly, a work of justice; for justice removes the obstacles which makes it possible, and gives every man his due.<sup>574</sup> It is significant that Aquinas makes charity the essential force in internal peace. For him, the State is not an impersonal machine, set up to grind out justice inhumanly. It is a throbbing thing of hearts—a living democratic unit.

Yet in Thomistic doctrine, the purpose of peace does not exclude the necessity of war. Those who assume arms desire to secure the peace which they judge themselves to lack. With grievances gnawing at the souls of nations, concord there may be, but peace never. In the throes of a just conflict, true peace may be born. While Aquinas would have men love one another, he apparently would not have them foster injustice by too meekly submitting to it. Aquinas no more sacrifices justice to love than love to justice; he surrenders ideals to practicality no more than he renounces practicality for ideals. He teaches that the State

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<sup>571</sup> *Contra Gentiles*, Lib. III, cap. 128.

<sup>572</sup> *Summa Theol.*, 2a 2ae, qu. XXIX, a. 3, ad 2.

<sup>573</sup> *Ibidem*.

<sup>574</sup> *Summa Theol.*, 2a 2ae, qu. XXIX, a. 3, ad 3. Cf. Taparelli, *Naturel Droit*, p. 134.

should guard the people well from the attacks of enemies. He sees little astuteness in attaining internal prosperity, and neglecting external menaces. A stream of invasion could destroy in a twinkling all the merits of a state which was strong within but weak without. St. Thomas is an apostle of preparedness.<sup>575</sup> It would seem, however, that he is speaking in this regard, especially for his own bellicose times. But that he would approve of the plan of universal disarmament today, is improbable; for, if permitted to stand among us in the twentieth century and view the international situation, he would adjudge Faith not sufficiently fervent to assure the observation of treaties. In an age when economics supersedes religion, expediency is the guide of human action. Pacts shrivel up to "scraps of paper" in the heat of selfishness. And Aquinas always sanctioned the use of prudence, and used it always himself.

Peace, in the Doctor's mind, implies unity, just as unity suggests peace. He identifies them when he writes that the benefit and even the salvation of civil society, demands that "its unity be preserved, which is called peace."<sup>576</sup> Without unity, civil purpose is impossible of attainment. Advantage fades from social life; the bond of love becomes a chain of hate.<sup>577</sup> The government must earnestly strive to secure this blessing of blessings, this unity of peace (*pacis unitatem*); and Aquinas tells how it can succeed. That polity will the more efficaciously provide it, which is the most beneficial to the popular interests; i. e., which more truly guides the people to the advantages for the attainment of which the State exists.<sup>578</sup> His belief that this unity is best achieved with one man at the head, need not arrest our attention here. His principle is what counts. It is of importance to note that Aquinas does not advocate unity through violence; for such a course would defeat its own purpose and fail by far to evoke the interior disposition without which peace is impracticable and unity itself a sham. He is not for a drastic, but for a prudent, centralization and unification.

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<sup>575</sup> *De Reg.*, Lib. I, cap. 15.

<sup>576</sup> *Idem*, Lib. I, cap. 2.

<sup>577</sup> *Ibidem*.

<sup>578</sup> *Idem*, Lib. I, cap. 15.

## THE SOCIAL PURPOSE

Within these great purposes of unity and peace, several attendant ideals must be sought. Thomas is explicit that the State should improve the people and make life lighter for them, implying that otherwise its existence is in vain; indeed, worse than in vain—unjust; for it takes much and makes meager return. The duty of government is three-fold: first, to see that the people have a good living; secondly, to make this fact permanent as well as paramount, and not permit it to fluctuate into periods of stress and want; thirdly, to be unsatisfied even with satisfactory civil conditions, and ever to strive to better them.<sup>579</sup> These necessities are full of suggestion; and, analyzed, they reveal the Angelic Doctor's consideration for all the social, economic, and ethical values which a democracy must secure, if it is to endure. But it should be emphasized that Aquinas does not esteem the goods of life as ends in themselves. He takes pains in his *Summa* and *Contra Gentiles* to show that happiness does not really consist in them and that they are at most only means to it. But without them, the "good life" which the State is to assure, cannot obtain. And certainly Thomas includes them, when he speaks of the civil mission.

Since much of his politics appears only transiently, it is necessary often to bring the scattered parts into relation, in order to discover his thought on a given political subject. The bare principles sometimes appear in one book, while in another the content, application, tone, and color of them are to be found. When Aquinas writes that the government should promote the general welfare, we must infer from his further statements what and how much he meant. The common good may first be treated under its social aspect. "It was not till Aristotle's *Politics* were rediscovered in the thirteenth century," Carlyle declares, "that St. Thomas Aquinas under their influence recognized that the State was not merely an institution devised to correct men's vices, but rather the necessary form of a real and full human life."<sup>580</sup> However uncertain the first half of this assertion may

<sup>579</sup> *Ibidem.*

<sup>580</sup> *His. of Med. Polit. Theory*, Vol. III, p. 5.

be, the second is firm. The Doctor did recognize the State as the means to a fairer and finer expression of individuality through communality. Civil society must clear the way and hold up the standards to greater progress. And its interest must not rest with the mass, but seek out the individual. We find in the *De Regimine* the democratic monition that every person in civil society is to be assured of his necessities "according to his condition and state" (*secundum uniusquisque constitutionem et statum*). Otherwise the State cannot last.<sup>581</sup>

Aquinas does not scorn, but rather accentuates, a material element in the purpose of civil society.<sup>582</sup> The State is to be vitally concerned with the health, labor, and enjoyments of the people; not entering unduly into their intimate affairs, however, but rather affording them the opportunity and stimulation to express the best that is in them. As regards health, Thomas requires that the State have care for creature-needs. His doctrine here deals with the founding of cities and is addressed to a king; but he expressly intends that the advice should hold true in the subsequent history of the city and that the government should see that it does.<sup>583</sup> When he speaks of the suitable site, elevated, unclouded, free from chills, open to the view of the heavens, neither hot nor cold, afar from the miasms of the marsh, and clean-swept by breezes, we immediately realize that he would be dissatisfied with congested conditions of our large cities.<sup>584</sup> Good air is essential.<sup>585</sup> He stresses the necessity of a decent water-supply, declaring that the health of the body depends exceedingly on such a common necessity. Next to the purity of the air, nothing is more necessary to the health of a city than good water.<sup>586</sup> The government should strive to provide and protect these needs. Aquinas was sufficiently modern to sense a certain relation between laws and lungs. One cannot but

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<sup>581</sup> *De Reg.*, Lib. I, cap. 13: "Demum vero providendum est ut singulis necessaria suppetant secundum uniusquisque constitutionem et statum: aliter enim nequaquam posset regnum vel civitas commanere."

<sup>582</sup> *Idem*, Lib. I, cap. 1.

<sup>583</sup> *Idem*, Lib. I, cap. 13: "Non igitur gubernationis officium plene cognosci poterit, si institutionis ratio ignoretur."

<sup>584</sup> *De Reg.*, Lib. II, cap. 2.

<sup>585</sup> *Ibidem*.

<sup>586</sup> *Ibidem*.

moon that, if the modern State had discerned and regarded it so well, the reign of the white plague among us would hardly have reached its present proportions.

He interestingly observes that the looks of the people are the index of a city; and who will gainsay that his method of gauge is quite as effective, more graphic, and much more human than statistics? The bright complexion, the sinewy arm, the well-knit frame, tell a tale, and fairly well answer whether the State is a success. Children, many and mirthful, and a goodly number of old people, also are excellent evidences.<sup>587</sup> On the contrary, the sunken cheek, the stooped back, the slender limb, silent childhood, and scarce old age, are a tragic indictment.

It is the Thomistic idea that the government should use its reason and imagination, see such conditions before they occur, and stave them off. If despite all efforts, or because of no efforts at all, the people find themselves in misery, Aquinas would have the government do its best to draw them out. The faces of the people are the glory or the shame of the polity.

Also the question of housing the people, he believes, should engage civil concern. A decent district is to be laid out for them.<sup>588</sup> The food problem gives him pause.<sup>589</sup> He mentions that when Xenocrates, the skilled builder, remarked to Alexander the Great that, on a certain mountain, a wondrous city could be constructed, the incomparable leader inquired whether there were near-by fields to supply the proposed city with food. Receiving nay for an answer, he spurned the project.<sup>590</sup> Aquinas believes that food is a foremost civil concern, and that the mind of the government should be devoted to the subject of its supply. His interest reminds one of that of Pope Gregory I, who is said to have done penance by keeping to his room for three days, because a person had died of hunger in Rome. He offers two plans. Let the State be interested in the soil, seeing that it is cultivated and not allowed to lie fallow. As an infant is de-

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<sup>587</sup> Ibidem.

<sup>588</sup> *De Reg.*, Lib. I, cap. 13: "Si autem institutioni civitatis opera detur, providere oportet . . . quis locus artificibus singulis deputandus."

<sup>589</sup> Idem, Lib. II, cap. 3.

<sup>590</sup> Ibidem.



pendent on the maternal breast for its nourishment and growth, so is the city bound to the bosom of nature.<sup>591</sup> The people are in relation to the food. The land must be made fertile and abundantly productive of the necessities of life.

Secondly, the State should encourage commerce, especially when the soil fails. But here Aquinas takes a stand for the simple life. He prefers that the wants of the people be of such a nature that they can be satisfied for the most part at home; and that only when the immediate supply is insufficient, should ships set sail. A state ought develop its own potentialities to the fullest and rely no more than necessary on others. It can often furnish enough enterprise right within its own confines for the people; and educated in time of peace to self-sufficiency, it will be triumphant in the event of war.<sup>592</sup>

His arguments against commerce are unique. The first of them is doubtless inspired to a degree by the sombre side of the Crusades which brought back oriental vice and the penalty of it a plenty into Europe. He indicates that, opening its gateways to the world, a state lets into its life a power of adulteration. Men of different laws and customs, afar from home, and free from restraint, pour in, and, attractive by novelty, they exercise a sinister influence on the people.<sup>593</sup> One cannot but be impressed with the practical truth of this observation, in a recollection of our own American fads of foreign origin.

Thomas offers as a second argument against a mercantile state that such a one is prone to luxury and vice.<sup>594</sup> Gold is god. Faith falls; fraud rises; the public good is slain by selfishness; virtue yields to advantage.

Thirdly, the people, under a commercial regime, are weakened spiritually and physically.<sup>595</sup> Delicacies produce delicacy; the firm hand and the strong heart, which make for civil success, are among the missing.

Finally, cities become too congested and new evils sprout.<sup>596</sup>

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<sup>591</sup> Ibidem.

<sup>592</sup> Ibidem.

<sup>593</sup> Ibidem.

<sup>594</sup> Ibidem.

<sup>595</sup> Ibidem.

<sup>596</sup> Ibidem.

Souls jostle each other, as well as bodies; friction, contention, and sedition dispel the peace which is so important to the State. No more than the thinking modern, can Thomas see the sense of a feverish pursuit of temporalities, wherein the winners so often lose what is best in life and purchase what is worst, while the losers are more deplorably circumstanced than before. He would have the State try to direct the gregarious instinct of the people, so far as possible, and inspire a love for the land. Nevertheless, the merits of moderate commerce and industry elicit his praise, and he considers the state imperfect which does not admit them.

Although his gaze could not penetrate the intensive era of modern industrialism, at any rate he somewhat saw it in medieval miniature, and knew whereof he spoke. The guilds and the commercial activities of the Italian cities foreshadowed the present day and furnished him much material for observation. He speaks with authority in his critical realization that a state, in which commercialism is altogether untrammelled and the political organization is of such a nature that no civil interference in the bustling campaign for money is made, does not fulfill its mission of the common good. He does not abet our present system of unbridled competition which creates the multi-millionaire and the pauper; but his remedy is not rancor. He sees that the clash of classes would be suicidal to the interests of the State. He holds that in the clear open-places, under the innocent skies of heaven, men could better find peace, and plenty, and God. The grind of industry must be; but it need not be first. The State should have a correct sense of values and assist the masses to act according to it. Farms first, factories second, and sea-ports third, would seem to be the right modern expression of Thomistic advice, and of the order which the interest and aid of the State should follow.

Aquinas teaches that the State ought to be solicitous that the refining effect of beauty reach the people.<sup>597</sup> He would have the lives of the multitude not only wholesome but also sweet. He

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<sup>597</sup> In his own words, "quoddam bonum et diligibile," "quoddam solatium et dulcedinem naturalem." *Com. Polit.*, Lib. III, lec. 5.

hears the cry of the soul as well as of the senses. The craving for beauty is important, just as the demand for food, and must likewise receive the attention of authority.<sup>598</sup> The Angelic Doctor expects the government to see that boulevards are laid,<sup>599</sup> and that houses are built a decent distance apart, so that refreshing bits of landscape may lie between. He is against the ruthless utilitarianism which swings an axe at every tree, considering it only so much wood for burning or building, instead of so much perfection for delighting. The State should attend that there are many of these leafy avenues of cool enjoyment for the people.<sup>600</sup> The natural charms of a city are to be enhanced and not concealed.

St. Thomas takes care to advise, however, that love of nature and the satisfaction of it be duly regulated. It may lead to defects. It is plain that he would not apotheosize Athens, who lived for beauty, rather than for virtue, and whose architecture proved purer than her ethics. He describes how this worship of nature may subtly soften judgment in an excess of heart,<sup>601</sup> and quotes Aristotle for confirmation. The sentiments, being blind, are to be led. Delight does not satisfy the appetite so much as it whets it. If he advocates that the government supply and protect public beauty, he does so because and only insofar as, æsthetics is a natural right and necessity of the people. And having in mind perhaps the extravagant spectacles with which the Roman emperors regaled the masses and cheaply bought their favor, pleasing their eyes but poisoning their brains, he denounces civic munificence in this regard. Men should be guided to abstain from superfluous pleasures, that they may comply with reason the better and enjoy the simpler joys the more.<sup>602</sup> Quality is the criterion, not quantity.

The State ought endeavor to dispel indigence rather than to increase wealth. St. Thomas traces the degeneration of opulence, through indolence and effeminacy, to poverty, and thence to the

<sup>598</sup> *De Reg.*, Lib. II, cap. 4.

<sup>599</sup> There is a chapter in the unauthentic part of the *De Reg.* devoted to the subject of public roads. Lib. II, cap. 12.

<sup>600</sup> *De Reg.*, Lib. II, cap. 4.

<sup>601</sup> *Ibidem.*

<sup>602</sup> *Ibidem.*

frequent exigence of crime.<sup>603</sup> He views concentration of wealth as a great cause of poverty, and legacies as a sometimes curse. The ideal he presents the State is much like that which was a reality in Longfellow's Acadia "where the richest were poor and the poorest lived in abundance."<sup>604</sup> The law-abiding individual has a right not only to a decent livelihood, but also to a certain amount of recreation and enjoyment. Pleasure is a condiment, and, used as such, it makes life more palatable and energy more apt. The people have a better claim to a fit and happy existence than any one of them has to a golden life of harmful luxury, to which indeed, from an ethical angle, no one has a right at all. St. Thomas observes how inefficient and useless to the purposes of the State are the idle rich,<sup>605</sup> and insinuates how pernicious. Civil society is perfect in ratio to its assurance to the individual of the requirements of a good livelihood.<sup>606</sup> Here the right of property is wholly respected, but its abuse in excessive amassment of wealth receives no sanction. Aquinas repeats the statement of Valerius Maximus anent the old Romans, to the effect that they preferred to be poor in a rich state than rich in a poor.<sup>607</sup>

### THE ECONOMIC PURPOSE

And thus we are led to the economic field of the State. One of the reasons why civil society arose was to ease the struggle for existence. Work is the law of men. It remains for the State not only to help regulate labor but also to see that it may be obtained; for, without it, society does not yield a sufficiency of necessities and the common good is seriously hurt. St. Thomas teaches not only that men should work, but proposes that each has a right to work. He offers four proofs:

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<sup>603</sup> *De Reg.*, Lib. II, cap. 4.

<sup>604</sup> *Ibidem.*

<sup>605</sup> *Ibidem.*

<sup>606</sup> *De Reg.*, Lib. I, cap. 1.

<sup>607</sup> *Summa Theol.*, 2a 2ae, qu. XLVII, a. X, ad 2. We find in the *De Regimine*, Lib. IV, cap. 15, a helpful distinction between voluntary poverty and necessary. Here the suggestion is that we should move away from poverty as a condition but toward it as an ideal.

First, and principally, mouths must be fed. The voice of Genesis still vibrates through human destiny, and "work" is written large on the wall of Life. Without it, man cannot comply with the law of self-preservation.

Secondly, idleness is as much the source of evils as work may be the means of blessings. Virtue is in close relation to industry.

Thirdly, by labor the call of the flesh is weakened. Concupiscence is restrained, and the spirit purged.

Fourthly, men must have work and wages, in order to fulfill the Christian law of charity. In this, Aquinas seems to recognize that the honest hard-serving person is entitled not only to the requisites of life but also to a surplus. Each man has a right to the thrill of helping those who cannot help themselves.<sup>608</sup> The possessors of wealth are the stewards of it; out of their abundance, they must succor the less fortunate. No greater luxury can be purchased with riches than the joy of charity.

From labor, the logical transition in the Thomistic doctrine of civic purpose is to the subjects of money and taxation. In the *De Regimine*, two sets of reasons are advanced for coinage. First, the image of the sovereign is stamped on the pieces of gold or silver, and nothing could keep the memory of the representative of law and order (and incidentally civil ideals) more green than this frequent passing from hand to hand of the inscribed coin of the realm.<sup>609</sup> Secondly, money is a convenience for the people, and, duly accredited by the stamp of the State, it saves them from fraud.<sup>610</sup> Thus in the time of Christ, when Roman ascendancy was supreme, there was only one kind of coin in the empire, and Cæsar's image frowned from it, for justice as well as domination.<sup>611</sup>

St. Thomas' views on money should be of interest to an age of finance like ours. For him, specie is primarily an instrument of exchange,<sup>612</sup> for the convenience of men but not at all

<sup>608</sup> *Summa Theol.*, 2a 2ae, qu. CLXXXVII, a. 3.

<sup>609</sup> *De Reg.*, Lib. II, cap. 13.

<sup>610</sup> *Ibidem.*

<sup>611</sup> *Ibidem.*

<sup>612</sup> *Summa Theol.*, 2a 2ae, qu. LXXVIII, a. 1. Cf. Aristotle's doctrine that usury is money born of money, not of work, and that, of all means of money-making, it is the most contrary to nature.—*Politics*, I, 10. Cf. Albertus Magnus' *Com. Polit.*, Lib. I, cap. 8.

for the making of magnates. He does not regard it as productive in itself, but solely as a symbol of production. For him it is criminal that anything should be sold fraudulently for more than a just price.<sup>613</sup> Money is an institution of the State for the common good and should be maintained as such. Abuse is not to be tolerated. Even in cases where cheating does not figure, it must be borne in mind that buying and selling are transactions for the benefit of both parties concerned, one supplying what the other lacks; and the equity of the process should be perfect. If the price exceeds the value of the object, or conversely, justice is injured; and, therefore, to sell too dearly or to buy too cheaply is illicit.<sup>614</sup> But Aquinas introduces also the instance in which a man suffers a loss over and above the intrinsic value of the transferred article, in supplying the purchaser, and declares that then something over and above the worth may be asked. And no one should sell what is not absolutely his own.<sup>615</sup> The law must forbid whatever injures the social life of men (*quae destruunt hominum convictum*); but he realizes that its influence is limited and that, if civil society had to depend on it solely, each man in the State would probably need to be personally policed. So he tells the profiteer of God's vision which pierces every injustice, and of His justice which exacts the last farthing. To be sure the State should do as much as it can to secure justice; but the final issue is with the individual himself, whom Thomas always refuses to sacrifice, and in whose powers for good he does not surrender confidence. Yet this does not prevent him from explaining the State's duty in the matter. Standardization must vary in different places, according to supply and demand; hence, in every polity the government should reflect on conditions and then determine the standard of justice. The rulings of just authority or of custom in this regard must not be transgressed.<sup>616</sup>

The Doctor mentions varieties of fraud in business—(a)

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<sup>613</sup> *Summa Theol.*, 2a 2ae, qu. LXXVII, a. 1.

<sup>614</sup> *Com. Polit.*, Lib. I, cap. 6, et *Com. Eth.*, Lib. V, cap. 5, et *Summa Theol.*, 2a 2ae, qu. LXXVII, a. 1.

<sup>615</sup> *Ibidem*: *Summa*.

<sup>616</sup> *Summa Theol.*, 2a 2ae, qu. LXXVII, a. II, ad 2.

adulteration of goods; (b) false measure; (c) misrepresentation of merchandise.<sup>617</sup> In these directions, the eye of the State must search and the force of law be wielded. Profit should be permitted only when its purpose is honest and necessary. This condition is met when the emolument is moderate, applies to the support of the home, benefits the needy, or results in public utility, so that those things which are necessary to the life of the State may not be lacking. Lucre is never to be sought as the end of business but as to the reward of honest labor.<sup>618</sup> As for multi-millionaires, St. Thomas would approve their benefactions but not always their methods. Their remarkable energy and genius might have been better devoted to the welfare of their native land and of humanity than to the accumulation of colossal wealth for themselves. He believes that every man should have opportunity to make enough money, by body or brain, for his own needs and his family's; but this is as far as he would have the savor of self to travel; all other profit should be inspired by, and devoted to, purposes of altruism. He judges a man by what he is, not by what he has; he insinuates that, if a man has more than he should, he is not what he ought to be. He does not deery capitalists, but rather greed, fraudulency, and inordinate selfishness.<sup>619</sup> Here again he inculcates the Christian principle and spirit of the stewardship of wealth. In the ideal State, strength must supplement weakness; and surplus gain should be devoted, not through civil coercion, indeed, the office of which is limited to social essentials, but, through the free and noble spirit of the opulent individual, to social improvement.

He further solves the problem of distribution with his doctrine that money should not, of itself, be esteemed fruitful. For him, interest is usury and frank injustice, because, by it, "that is sold which is not." No one should be required to pay for the use of a thing when the use means the loss of it; for then one would be paying for the same thing twice. This is the case with

<sup>617</sup> Ibidem.

<sup>618</sup> *Summa Theol.*, 2a 2ae, qu. LXXVII, a. 4.

<sup>619</sup> Cf. Aristotle's teaching that courage is intended to inspire fortitude, not to earn money; that the end of the soldier's and the physician's vocation is victory and health, not gain; that it is unjust and unseemly to make the higher motive less than the lower.—*Politics*, I, 9.

money.<sup>620</sup> His tenet is of course due to his conception of money essentially as sterile and a medium of exchange. Whereas, in modern times, it has become a thing-in-itself. Its purpose is subordinate to its possibilities. A symbol that can be handled and hoarded, it invites accumulation, readily loses its original innocence, and departs on a career of social crime.

St. Thomas believes that lack of state-action on the abuse of money is excusable only on the ground that human laws, as noticed, are limited in scope, because of human imperfection, and that much bad is often permitted in order that more good may not be impeded. A stricter stand for justice on the part of the State, however, would require drastic measures.<sup>621</sup>

The Angelic Doctor surely would champion civil intervention today, when the individual conscience is comparatively dull and justice so readily accedes to Mammon.

He concedes that he who makes a loan with risk, or with sacrifice, may exact a degree of interest. But his teaching is for free and ready lending, with humanity and benevolence for their own reward.<sup>622</sup> He would have social reinforcement possible to every worthy individual. He has confidence in every individual who has not forfeited the right to it, and even then the spirit of his writings evinces that he has hope; while in any event, his charity is certain.

To recapitulate his doctrine of the duty of the State in the economic question of a more equitable distribution of wealth:

(1) He accentuates man's right to life, and the means of securing sustenance for it, as well as the protection and perfection of it: work. Which necessitates that the State endeavor to provide opportunity equally for all; and since it does not defend without first defining, the right of the individual to a

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<sup>620</sup> See Von Roey, *La Mornaie d'après Saint Thomas d'Aquin*, Revue. Neo-Scholastique, XII, 1905. For Thomistic doctrine on money beyond the Summa, III *Sent.*, dist. XXXVII, qu. I, a. 6. *Quodlibeta*, III. a. XIX. *De Malo*, qu. XIII, a. 4. *De Emptione et Venditione ad tempus*, *In duo praecepta caritatis et in decem Legis praecepta expositio* (c. XXIV), *et in psalmos Davidis expositio* (ps. XIV) (Von Roey).

<sup>621</sup> *Summa Theol.*, 2a 2ae, qu. LXXVIII, a. 1, ad. 3.

<sup>622</sup> *Idem*, ad. 4.



profitable position should be made the subject of legislation.<sup>623</sup> Such is the legitimate conclusion from the Doctor's principles of the common weal, the protectorate character of the State, the guarantee of law, and the supremacy of right.

(2) The State must not assume the place of the individual, but enable him, insofar as it is fitting and necessary, to play his own part and play it well.

(3) Capitalism should be repressed to the proportions of justice, (a) by the civil action of fair and standard prices and (b) by a prudent limitation of interest.

(4) The spirit of charity and fraternity should be fostered and spread.

Under the economic mission of the State is to be considered also the question of taxation. The government is not to seek its own interest or glory, but the people's. The fire of Ezechiel's diction is hurled by St. Thomas against avaricious politics "like wolves ravening the prey to shed blood, and to destroy souls, and to run after gains through covetousness" (Ezech. XXII, 27). "Woe to the shepherds of Israel," he cries with the Prophet, "that fed themselves: should not the flocks be fed by the shepherds? You ate the milk, and you clothed yourselves with wool, and you killed that which was fat: but my flock you did not feed" (Ezech. XXXIV, 2, 3). Only in real necessity, such as the national defense, or the fitting support of the administrators of the government, are taxes to be levied; and then, the Doctor observes, it is only rational that the people render that with which their common utility is procured.<sup>624</sup> Aquinas democratically regards taxes from the view-point of those on whom they are laid, rather than from that of those by whom. If they result in ultimate advantage to the people, they are just;<sup>625</sup> if not, the State has stumbled in its mission.

Taxes must always be moderate. And if a ruler greedily exacts more than is meet, he is guilty of grave wrong, and is

<sup>623</sup> Cf. Karl Müller, *Die Arbeit* (nach den moral-philosophischen Grundsätzen des hl. Thomas von Aquin), p. 93. Also, S. Thomae *Contra Retrahentes Hom. a Relig. Ingressu*. Cf. Ratzinger, *Geschichte der Kirchlichen Armenpflege*, p. 541.

<sup>624</sup> *De Reg. Judaeorum ad Ducissam Brabantiae*.

<sup>625</sup> *Ibidem*.

bound to restitution.<sup>626</sup> In general the government should carry on with its ordinary and established revenues and trouble the people as little as possible.<sup>627</sup>

### ETHICAL PURPOSE

Throughout the social and economic phases of the State's mission, a trend of ethical necessity is observable. There could be neither peace nor unity, if the hearts of men were severed. There could be no lasting civil success, if selfishness were king. As for the economic storm, it could never be stilled save by the Christ-like principles of charity and justice.

Moral itself, the State must strive to render and keep the people so. The happiness which civil society should seek for the people, as we have already seen, is dependent on the things of the spirit. Happiness, Aquinas asserts in his *Commentary on Aristotle's Ethics*, is according to perfect virtue and the perfect exercise of virtue.<sup>628</sup> And in his *Commentary on the Politics*, we learn that felicity is more apt to be the portion of those whose morals are purest and whose intellects are best cultivated. External goods are essential, but only in moderation.<sup>629</sup> Virtue is the child not solely of sentiment, imitation, or custom. It requires a rational foundation. Its deep and consistent presence requires the education of the individual. Aristotle and Aquinas agree that virtue and education are the props and principles of well-living.<sup>630</sup> The great political good is justice; and this is the good of all.<sup>631</sup> It can never be realized and the State cannot be preserved, unless the people be trained;<sup>632</sup> particularly in a democracy. And so, of all the elements of State, education in the laws and purposes of the polity is chief. The psychological reason which Aquinas would offer is that one loves only what one knows, and knows to be fair. The more one knows, the

<sup>626</sup> *Summa Theol.*, 2a 2ae, qu. LXVI, a. 8, ad 3.

<sup>627</sup> *De Regimine Judaeorum*.

<sup>628</sup> Lib. I, lec. 2.

<sup>629</sup> Lib. VII, lec. 1.

<sup>630</sup> *Com. Polit.*, Lib. III, lec. 11.

<sup>631</sup> *Idem*, Lib. III, lec. 10.

<sup>632</sup> *Idem*, Lib. V, lec. 7.

more one may be expected to love; and the more one loves, the better one serves.<sup>633</sup> The logical reason which he would advance is that man is by nature intellectual and is therefore most natural, personal, and free, when he acts according to reason. By reason, a citizen can see the reasonableness of the State and of living as it directs. Therefore by education, which develops reason, the individual and the State are at once preserved;<sup>634</sup> for the educated individual must confess that to live in civil society is to his advantage rather than not, and is not slavery, but liberty.

It is explicit in the *Commentary on the Politics* that education may be within the province of legislation;<sup>635</sup> though elsewhere, as we have seen, St. Thomas teaches that parental and other rights, bearing on this point are to be respected. But education is so important that, when prior institutions are unable fully to supply it, the State rightly steps in, to supplement rather than assume or supplant. The Thomistic view of education is broad and well-ordered. With Aristotle, the Doctor sees the functions of man as divided into two parts, the rational and the irrational, the higher and the lower. The rational, or higher, is subdivided, as to object, into the theoretical and the practical, of which the latter is inferior to the former and hence sub-servient.<sup>636</sup> Man ought always be taught to seek the higher, and to accept the lower only as a means thereunto; e. g., war for peace, or the useful for the worthy. Law and government should follow out this idea. The people must be trained to work for their country and to defend it; not for labor and war in themselves, as with inhuman Sparta, but for rest and peace. They should be instructed in what is necessary and useful, but only for the purpose which renders it noble. The militaristic state is as censurable as the hedonistic, since both make a lower end their

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<sup>633</sup> Ibidem. Also *Com. Polit.*, Lib. VII, cap. 11.

<sup>634</sup> Ibidem.

<sup>635</sup> R. L. Poole, *Illustrations of the History of Mediæval Thought*, p. 246: "Nor can we omit to note the emphasis with which Thomas maintains that it is the duty of the state to provide for the education of all its members and to see that no citizen suffers want."

<sup>636</sup> St. Thomas considers speculative knowledge superior to practical, because its object is universal and immutable truth, and it soars above turmoil and matter, to the spiritual.—*Com. Polit.*, Lib. VII, lec. 11.

object. The ultimate object of human life, declares St. Thomas, does not consist principally in what appertains to the body, for the body and its perfections are on account of the soul (*propter animam*); but in what belongs to the soul, which is the more excellent part of man.<sup>637</sup> It is as important that the State should be imbued with a correct sense of values in education as that it should be interested in education at all. Freedom of thought, as we have elsewhere observed, does not mean that known error should be allowed free circulation. The Angelic Doctor would not have the State rule the minds of the people, any more than he would have it trammel their bodies; but he does believe that befitting direction of thought is no more servitude than is decent protection of corporal welfare and prevention of crime, and that society owes something to souls as well as to bodies. It is wrong for government to encourage systems of education in which what Revelation offers and mankind has so long held dear is sacrificed to a pseudo-liberty, and in which the interests of the people are truly imperilled, all the more so because they temporarily seem to be improved. Aquinas was not behind Aristotle in the conviction that government should consider the best for its present and future citizens (*Pol.*, VII, 14).

He traces with Aristotle a suitable line of education, in which spiritual and temporal significances are fitly regarded. In the order of time, the body demands care previously to the soul.<sup>638</sup> But the appetites must be trained for the sake of the mind, and the body for the sake of the soul. The cradle contains the future. Thomas and the Stagirite begin there, and offer their detailed instructions for the mental, bodily, home and civic training of future citizens.<sup>639</sup>

Naturally Aquinas gives morals a greater role in training

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<sup>637</sup> *Ibidem*.

<sup>638</sup> *Politics*, VII, 15.

<sup>639</sup> *Politics*, VII, 17; VIII, 1-3; *Com. Pol.*, Lib. VII, lec. 12, et lib. VIII, lec. 1. Cf. schema of education repeated by Aegidius Colonna, disciple of St. Thomas. *Li Livres du Gouvernement des Rois* (XIIIth Cen. French version—Molenaer), Bk. II, part II, chs. XV-XVIII. Cf. W. L. Newman, *The Politics of Aristotle*, I, pp. 372-73.

than does Aristotle.<sup>640</sup> His ideas on ethics, thanks to Christianity, are much fuller and more definite than the Philosopher's. His thoughts on the virtue of justice, which the State should exercise and uphold, are especially useful from a political as well as an educational point of view. The people, men, women, and children, are to be taught the significance of justice, and the government itself must be animated with the same realization. Without justice, unity or peace can hardly obtain.<sup>641</sup> An unjust régime insults the rational nature of man and arouses the passions. The State is to be swayed with the will to ensure the rights of all.<sup>642</sup> This entails an active, though not aggressive, interest and enthusiasm for the ascendancy of the moral virtues; since without them, civil justice were impossible.<sup>643</sup> The justice which Aquinas advocates is a combination of prudence, fortitude, temperance, love, and law. The government is not to be apart from the people and impersonal. It is to be a living expression of the best that is in them; and it must even make its appeal to the best, in order that the best may be ever further expressed. It reflects back what it receives. Fed by justice, it lives for it and advances it. Justice must be in the people, if it is to be in the democratic State; but a great purpose of the State is not only to exercise it, but also, insofar as possible, to inspire it among the people. St. Thomas teaches that the whole people, or he to whose guidance they have committed themselves, must decide, in sincere conformity with reason, what is to be considered just in set cases.<sup>644</sup> Rights must be carefully defined; not only the general ones, but those of particular classes of the people, such as the military, the magisterial, etc. Each man is

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<sup>640</sup> In the work *De Eruditione Principum* are many excellent chapters, as replete with Christian spirit as advice, on parental solicitude for the education of children, the reprehensibility of neglect; the value of an early start, the necessity of a religious element, the choice of a teacher, instruction in morals, discipline, the inculcation of humility, patience, obedience, the shunning of bad company, the chief evils of youth, the timely word of warning, etc., etc. See Lib. V, cap. 1-49.

<sup>641</sup> *De Reg.*, Lib. I, cap. 2.

<sup>642</sup> Cf. *Summa Theol.*, 2a 2ae, qu. LVIII, a. 1.

<sup>643</sup> *Summa Theol.*, 1a 2ae, qu. LX, a. 2.

<sup>644</sup> *Summa Theol.*, 2a 2ae, qu. LVII, a. 2.

to be accorded that which befits his office and station.<sup>645</sup> This requires the reign of good will. The virtue of giving every one his due cannot be traced to the sensitive appetite of man, and hence not to the emotional side of human nature, but to the rational appetite, and therefore to the will.<sup>646</sup> Sporadic sentiment and periodical reforms will not induce justice; the State must help to elevate and strengthen the inner life of the people. Christian education is imperative. Only with a permanent foundation can justice be a constant factor. It implies and resembles charity,<sup>647</sup> save that its aim is lower; love ordains all to the divine good, but justice (legal) to the common weal.<sup>648</sup> The latter ordination, however, is assured and reassured in the former; for the divine good demands the common, and men are most willing to grant others their due, when they are eager to give God His.

The people must not be content to have justice only in the abstraction of the State, but also in the reality of themselves. Legal justice indeed directs man immediately to the common good, but only mediately to the good of any particular person. Consequently there must be some particular justice which immediately stimulates a man to the good of his neighbor. Here again we meet the necessity of love.

Civil justice deals only with the external relations of men;<sup>649</sup> but since these are so largely dependent on the internal disposition of the individual, the requirement of charity is evident. Justice pertains to the will of the individual indeed,<sup>650</sup> but love perfects volition. St. Thomas conceives true justice as warm, inviting, and fruitful. Mercy, liberality, and other sterling virtues are its issue.<sup>651</sup>

Therefore, according to Aquinas, a system of education which does not include justice, and a family or state which takes no interest in the inclusion, are exceedingly defective. For justice

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<sup>645</sup> *Idem*, a. 4, ad 3.

<sup>646</sup> *Summa Theol.*, 2a 2ae, qu. LVIII, a. 4.

<sup>647</sup> *Summa Theol.*, 2a 2ae, qu. LIX, a. 4.

<sup>648</sup> *Summa Theol.*, 2a 2ae, qu. LIX, a. 6.

<sup>649</sup> *Summa Theol.*, 2a 2ae, qu. LVIII, a. 8.

<sup>650</sup> *Summa Theol.*, 2a 2ae, qu. LVIII, a. 8, ad 1.

<sup>651</sup> *Summa Theol.*, 2a 2ae, qu. LVIII, a. 11, ad 1.

is the chief of the moral virtues, striving for the good of all in society, and expressing the rational appetite of man, his reason and his will, which are his noblest possessions. It is essentially altruistic and democratic. St. Thomas repeats Aristotle (*I. Rhetor.*, cap. IX) that those virtues are the greatest which are the most beneficial to others and that, while such qualities as bravery are useful in time of war, justice, superiorly, is needed both in clangor and calm.<sup>652</sup>

The Angelic Doctor may be said to arraign injustice on the ground of its undemocratic character. It includes contempt for the public good, and injures the individual rights of others.<sup>653</sup> The inequality is intolerable, when one-man claims more riches and honors than another, and at the same time refuses to face as many labors and losses as his neighbor.<sup>654</sup> The opportunity which the State should offer equally to all, is not evident, if such assumptions are civilly countenanced. Though every individual in the State must have his rights, none is to be exalted beyond his deserts.<sup>655</sup> Such is the only kind of practical equality which genuine democracy may demand, which Aquinas sincerely proposes, and which his doctrine of justice, to be taught to all, plainly expresses.

#### ULTRAMUNDANE PURPOSE

Throughout these purposes of the State, social, economic and ethical, as presented by St. Thomas, runs a thread of finality glinting with religion. The State cannot be an end in itself. Its mission is bigger than itself, and beyond; just as a port exceeds the ship that sails to it. In fact, Aquinas uses this very simile and draws it out. The ship of State should protect well its precious cargo, the people, and bear on through this world to a further and final goal. If man's destiny were merely earthly, an epicurean polity would appear rational, and the State would

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<sup>652</sup> *Summa Theol.*, 2a 2ae, qu. LVIII, a. 12.

<sup>653</sup> *Summa Theol.*, 2a 2ae, qu. LX, a. 1.

<sup>654</sup> *Ibidem.*

<sup>655</sup> *Summa Theol.*, 2a 2ae, qu. LX, a. 2.

be hardly more than a squat and aimless house-boat.<sup>656</sup> Beyond food, drink, shelter, a little education, less ethics, and certainly much amusement, life would hold nothing. Under such a materialistic delusion, men seem to be laboring today.

The State which does not reach beyond itself will stoop to measures beneath its dignity. It will be either autocratic, and therefore intolerable, or lackadaisical, and hence useless. Fiber will either be feigned in it or frankly lacking. There is nothing solid to hold it up, if it lets go of the ideals which are so associated with another world, that they seem illogical, if severed from it, and lack intrinsic attraction.

The combined genius of Shaftesbury, Hutcheson, Adams, Hume, Bentham, and Mill could not give us a good substitute for the natural law which receives its universal and binding character from the God whom it expresses and to Whom, out of this world, it leads. The best that materialism, deism, phenomenalism, or associationism can do for morals is to make them the best policy. Religion alone renders them the prime necessity. The society which lacks a spiritual and ultramundane outlook is as unstable as human impulse itself, by which it is largely ruled.<sup>657</sup> Seeing no end above itself, it makes itself its own end. It focusses on terrestrial affairs without reference to aught higher, and renders the people low in ambition and aim. It champions progress, not upward, but on a plane surface, and considers its success commensurate with its territorial expansion; thus furnishing a fruitful cause of war. It stresses material things, and then trembles when the masses rise to demand what they have been taught to consider alone worth while. It permits ease to pile up on one side and misery on the other, for it lacks an immutable and compelling standard of justice. It glitters, but decay is within; for no system which withholds the souls of men from soaring and which blots out the view of a better world, the striving towards which spells genuine progress in this, can permanently satisfy. It would be easy for Aquinas

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<sup>656</sup> *De Reg.*, Lib. I, cap. 14: "Quod si homo non ordinaretur ad aliud exterius bonum, sufficerent homini curae praedictae (temporales)."

<sup>657</sup> Thus, as Erdmann puts it: "The aim of the (Christian) State is to bring its citizens nearer their highest goal, the condition of blessedness. . . ."



to explain the modern restlessness, which our romantic literature and the daily press feature. He would judge that the vision of the people has been limited and their ideals stunted; that racial energy has been turned back on itself to combat itself; that a higher outlet is wanting; in a word, that the potent principle of finality has been thwarted.

St. Thomas would have society enjoy, in a rational measure, all the reasonable good which a materialistic presentment could boast, but also more.<sup>658</sup> He would open up an infinite ideal to the race; teach it to fly as well as to creep; present solid principles for guides; place a conscience in the State that would direct the government and the people onward, rather than inward or backward. But he would give the people today, who have relinquished faith, credit for at least retaining logic.<sup>659</sup> If the end of man were earth and the purpose of the State were itself, ethics might rightly be repudiated; for certainly it is something of a hamper in the struggle for existence. But this fallacy, which today is being so extensively lived, if less intensively believed, is denounced by Aquinas. Neither men nor the State exist for themselves. The latter is for the sake of the former; the former gather into the latter that they may the more easily live well. But there is no good life save that which is lived according to virtue; every other kind is confusion. Now the question presents itself: will natural virtue suffice, or must the supernatural prevail? Aquinas answers that the former might, if man had no super-terrestrial destiny; we ourselves may respond that it does not, from our sufficiency of experience in a period which has snapped its relations with the divine. St. Thomas insists that, since man is intended for a higher state, his virtue must bear reference to sacred things.<sup>670</sup> For virtue, no more than the State, is an end in itself.<sup>671</sup> It is a means of attaining to the supernal life which signifies not only beatitude in the realm of soul-survival, but also the greatest amount of inner happiness here.

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<sup>658</sup> *De Reg.*, Lib. I, cap. 15.

<sup>659</sup> *De Reg.*, Lib. I, cap. 14.

<sup>670</sup> *Ibidem.*

<sup>671</sup> *Ibidem.* *Contra Gentiles*, Lib. III, cap. 34.

Thomistic politics now reaches the border line of the purely spiritual, where the mission of the State, in a manner, both begins and ends. If men could achieve, by merely human effort, their supernatural destiny, which is written partly in the stars and fully in Revelation, the duty of civil government would be to direct them to it.<sup>672</sup> But a supernatural object necessitates a supernatural guidance. Here the State itself cannot guide, but must itself be guided.<sup>673</sup>

In other words, there must be a spiritual magisterium, to keep the morals of the individuals in the State at their purest and best, to appeal to the individual conscience and responsibility, and to point an unfailing finger to the highest goal of humanity.<sup>674</sup>

Rightly understood, this part of Thomistic doctrine in which religion takes on where politics proper leaves off, is an asset to democracy. Aquinas would have the people secure from the tyranny of rulers by subjecting rulers to the principle of justice.<sup>675</sup> But justice is a vague thing, unless it is concreted and

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<sup>672</sup> *De Reg.*, Lib. I, cap. 14. Deploige, *La question juive*, p. 57: "La finalité essentielle de la vie sociale dans la conception thomiste, est de faciliter à l'homme la réalisation de sa destinée immortelle."

<sup>673</sup> *De Reg.*, Lib. I, cap. 14: "Perducere ad illum finem non humani erit, sed divini regiminis."

<sup>674</sup> Lib. I, cap. 15: "Quae autem sit ad veram beatitudinem via, et quae sint impedimenta eius, ex lege divina cognoscitur, cuius doctrina pertinet ad sacerdotium officium, secundum illud Malachiae II, 7: Labia sacerdotis custodient scientiam et legem requirent de ore eius." Cf. "(Démocratie) c'est l'organisation sociale qui tend à porter au maximum la conscience et la responsabilité civiques de chacun." Marc Sangier, *L'Esprit démocratique*, p. 167, Perrin, ed., 1905; quoted by Philippe Borrell, *L'Idée de Démocratie*, Revue de Philosophie, XII, p. 118.

<sup>675</sup> It is in this sense that we must interpret such assertions of St. Thomas as: "nisi forte potestati spirituali etiam saecularis potestas conjungatur, sicut in Papa, qui utriusque potestatis apicem tenet, sc. spiritualis et saecularis, hoc illo disponente qui est sacerdos in aeternum secundum ordinem Melchisedech. . . ." *Sent.*, Lib. II, dist. 44, ad 4. Aquinas admitted temporal rulers. His *De Regimine* is a paternal instruction to one of them. The leadership which he claims for the Church is essentially moral; if material, it is so *per accidens*. The Church represents morality, to which the State, whether it recognizes the Church or not, is always subordinate. If his sentences are sometimes too strong for the modern sense, it is because he writes, at times, more from fact than from theory. *De facto* the Church was mighty in both orders during the twilight of Europe's emergence. She had to be. Civil society was in the throes of formation and reformation, while ecclesiastical organization then alone was perfect and powerful enough to control the situation.

standardized in a living institution, capable of keeping its significance clear, endowed with authority to speak, and free enough to be impartial in its utterances. Where there is full justice, there is all that any democratic ideal in reason can demand. The Church, which now appears as the epi-phenomenon of the political philosophy of Aquinas, is the expounder of Christian equity to the world, and the doctrinal defender of true democracy.

St. Thomas credits not only the individual, but also Christ. He calls earnest attention to the fact that an inheritance of eternal beatitude has been won for each by the blood of the Savior; that every soul is precious, and requires spiritual care through which it may be directed to the haven of everlasting salvation.<sup>676</sup> He regards the whole man. Civil society deals with the people in their external relations and needs, and purposely seeks to regulate and perfect those conditions. The spiritual society provides for those innermost cravings of the individual's bosom, and feeds them with God-given truth and consolation. True, the Church is administered by human agents and so must partake in appearance of the elements of human form; but it is as spiritual and as democratic as the Savior whose "kingdom was not of this world" and whose blood was shed for all. It is more perfect than the State, for its purpose is more sublime.<sup>677</sup> The State promotes external morality; the Church renders the work of the State lighter and more fruitful by affording morals the highest sanction and motive,<sup>678</sup> and thus fostering them deep in the individual's mind and heart, whence their gratifying expression in social and political life is easy and natural. The State appeals to the individual from without; the Church from within, as well as without.<sup>679</sup> If a power is needed to superintend the bodily welfare of the people, much more is a factor required to attend to the spiritual concerns. The two

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<sup>676</sup> *De Reg.*, Lib. I, cap. 14.

<sup>677</sup> *Ibidem*: *Com. Eth.*, Lib. I, lec. 1.

<sup>678</sup> *Com. Eth.*, Lib. I, lec. 1: "Circa quod considerandum est quod finale bonum in quod tendit appetitus, est ultima perfectio."

<sup>679</sup> Cf. Taparelli, *Naturel Droit*, p. 156.

realms are distinct,<sup>680</sup> but their relations are intimate and, for the good of the people, should be cordial. This is clearer when we realize that a state can never separate itself from the principles of justice without forfeiting its honor and betraying its citizens. But the Church is much more qualified to interpret and inspire justice than any other body, being the special student of it for twenty centuries, and the spouse of the Author of it. Hers is, by right of excellency and divine commission, the art of goodness and equity.<sup>681</sup> Whenever a State is truly just, it is in accord with the soul of religion and, in fact, is expressing the Church, consciously or unconsciously, willingly or unwillingly.<sup>682</sup> Every truly fair civil enactment is precisely what the Church, in the sacred name of Him Whom it represents, would have to approve. But if the State is capable of ruling justly, without the aid of the Church, why is an ecclesiastical institution necessary in this respect? St. Thomas would answer that justice is more permanent and consistent, and less sporadic and uncertain, when it has an authoritative guide and stimulus.<sup>683</sup>

There is nothing in the Thomistic doctrine of the union of Church and State to affront the modern mind. For, first of all, it is not a union, in a certain sense, at all.<sup>684</sup> St. Thomas advocates no theocracy, but would have government just as free and unhampered as we find it today. He recognizes fully that the civil sphere is apart from the ecclesiastical, and, like Leo XIII, that "each is greatest in its own kind." The fourteenth chapter of the *De Regimine* strictly proves this. Man's existence is both temporal and eternal; the two aspects of his life are quite dis-

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<sup>680</sup> *De Reg.*, Lib. I, cap. 14: "Huius ergo regni ministerium, ut a terrenis essent spiritualia distincta, non terrenis regibus, sed sacerdotibus est commissum, et praecipue summo Pontifici summo Sacerdoti successori Petri, Christi vicario cui omnes reges populi Christiani oportet esse subditos sicut ipsi Domino Jesu Christo."

<sup>681</sup> As Dante remarks in *Dig. de Justitia et Jure* I, 1: "Jus est a justitia appellatum: nam ut eleganter Celsus definit, jus est ars boni et aequi."

<sup>682</sup> Cf. *Summa Theol.*, 2a 2ae, qu. LVIII, a. 1, ad 6.

<sup>683</sup> In the *Summa*, 2a 2ae, qu. CXXXVI, a. 3, ad 1, he shows that fallen humanity really requires spiritual aid, grace.

<sup>684</sup> Aquinas indicates clearly in his *Contra Errores Graecorum* (see chs. 21-27) that papal primacy is in the ecclesiastical, not the secular, circle.

tingent, demanding different attention. The temporal aim is an honest career and the earthly happiness which evenes from an harmonious development of faculties. The State can aid substantially here. But another society must guide man in his purely extra-mundane aspiration. That is all.

Secondly, Aquinas would have a *cor d'esprit* between the two, a moral union, but without the one being merged in the other (*ut a terrenis essent spiritualia distincta*). The two swords of power ought not clash.<sup>685</sup>

Thirdly, he looks upon the Church as an impartial power for fairness and good; and only as such has it a right to exist. It must and cannot but preserve the spirit of Christ, whose sacred democracy is indisputable and who was virtue incarnate. Only in such a role and service is the Church capable of holding aloft an ethical light for the State. *Unde homo christianus, cui beatitudo illa est per Christi sanguinem . . . idiget alia spiritualia cura, per quam dirigatur ad portum salutis aeternae.*

Fourthly, St. Thomas is speaking solely of the Christian State and the Christian Church, and hence is quite warranted in his teaching that perfect peace should exist between them. Insofar as a state has truly subjected itself to the dispensation of Christ,

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<sup>685</sup> There is mention in St. Luke's Gospel, XXII, 10, of two swords: "But they said: 'Lord, behold, here are two swords.' And he said to them: 'It is enough.'" It seems that this was allegorically explained as material and spiritual weapons, first by Goffredus (+ 1132). See Migne, Tom. 157, p. 220.

Bernard of Clairvaux excessively estimated the ecclesiastical interest. "Petri uterque est, alter suo mutu, alter sua manu."—Ep. 256. See Migne, vol. 182. But Bernard was a mystic and saw everything spiritualized and hence in spiritual power.

John of Salisbury taught that the prince received one of the swords from the hand of the Church, and that the Church used it "per principis manum."—*Polycrat.* IV, c. 3.

But St. Thomas' opinion doubtless coincides with the restrained view of his contemporary, Pope Innocent IV (1243-54), who held that what is Caesar's is Caesar's and that the swords are separate: "nam temporalia et spiritualia diversa sunt, et diversos judices habent, nec unus judex habet se intromittere de pertinentibus ad alium, licet sese invicem juvare debeant."

Thus the rigid theory of Gregory VII (1073-85) was mellowed by time and relieved of excess. Repugnance disappears from it, as enunciated in the thirteenth century.

would he relate it to the Church?<sup>686</sup> *Omnes Christi fideles, inquantum sunt membra.*

Fifthly, he sees, as must every reasoning man, that to be subject to Christ implies deference and obedience to His Own institution which is His mystical body.

Sixthly, he finds this subjection to be really an elevation. To be the bondsman of the Savior is to be most free. To serve God is to reign. To be faithful to His doctrine, as presented by His Own commissioned institution, which keeps His voice vibrant among us, is our honor as well as His due.

Seventhly, St. Thomas is not a protagonist of the machinations and intrigues which are so often read into the story of Church and State. He would be the first to denounce the prostitution of ecclesiastical authority to politics, and holds no brief for any churchmen who ever sacrificed their holiest of trusts.

Eighthly, he realizes what the world of thought today is again coming to suspect and respect, "in spite of pride, in erring reason's spite": that, above nations, allied to none of them, free from all, yet bound by equal ties of affection to each; impartial, superior to the sword and the clink of gold, sober, rational, altruistic, humane, ideal: some institution is needed. Christ worked out the problem on a human-divine basis two thousand years ago; and St. Thomas but repeated the Master's solution. A church of all nations, for all nations, above all nations, and founded by the God of all nations, is the most truly democratic of societies and the most competent institution in the world today, as it was in the time of Aquinas, to dictate where justice, without which peace is an impossibility, lies and how it to be obtained.

Ninthly, St. Thomas enhances the democracy of his politics

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<sup>686</sup> Both Bellarmine and Suarez upheld the indirect power of the Papacy in temporal matters. Bellarmine, *De Summo Pontifice*, Opera I, 888 a.; Suarez, *De Legibus*, Lib. III, cap. 6, 3. Nowadays, however, we realize more clearly that the power of the Church is moral. The historical situation which necessitated the Church's being material as well as spiritual mistress in the early Dark Ages, obfuscated the minds of many on this point. "The influence of the Papacy," says Rahilly, "in a world which has ceased to be a Catholic hegemony is an ideal rather than a fact or right."—*Studies*, Mar., 1918. Art. *Suarez and Democracy*.

by safeguarding it. He is not content to let it float aimlessly into men's minds and out again, clouding practical issues. He was writing for a very human period like our own, when nations were in contest and the people were paying the price. He knew that passionate parties are not qualified to pass judgment on themselves or on each other and that, of a necessity, countries, without ideals and principles, would be unjust. He therefore specified that society as arbitratix which, every scholar admits, efficiently fulfilled her mission, notwithstanding unspeakable handicap, in the Middle Ages.

Tenthly, he lifts the question of Church and State absolutely above all material consideration, by making the final object of any relation between these two great bodies not any glorification of either one of them, but God Himself. For Him, God is the Omega as well as the Alpha, and man must seek Him. To do so is true blessedness. He proves conclusively that man's ultimate end<sup>687</sup> and happiness<sup>688</sup> can consist only in the contemplation of his Maker. It is in the Christian and democratic spirit of wishing the supreme felicity of every individual, that his politics is conceived; and all his principles tend to this exalted issue, attaining it perfectly in eternity. His purpose for every individual is exactly that of every individual for himself; and the means which he prescribes are eminently reasonable, once his divine premise and conclusion (God is the end of all, *Deus sit finis omnium*) is conceded. One by one he examines the lesser objects on which the individual is apt to set such store, and shows the folly of making them an end, instead of a means to the greatest end of all. Bodily pleasures, according to nature, must always be referred to a purpose beyond themselves; as eating to living, etc.<sup>689</sup> Besides, they are enjoyed in common with the brute creation and therefore cannot be the distinctive good of man.<sup>690</sup> Glory is evanescent.<sup>691</sup> Riches are obviously valuable only as a medium; they are lost in exchange; they en-

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<sup>687</sup> See *Contra Gentiles*., Lib. III, cap. 16, 17, 18, 19, 25.

<sup>688</sup> *Idem*, Lib. III, cap. 37.

<sup>689</sup> *Idem*, Lib. III, cap. 27.

<sup>690</sup> *Ibidem*.

<sup>691</sup> *Idem*, cap. 29.

tail care and worry.<sup>692</sup> Power is always limited and uncertain.<sup>693</sup> Health, beauty, and strength have wings.<sup>694</sup> And so on. An analysis yields ashes. Good in themselves, the things of the body and the spirit are best only when they serve to lead to what is better. Aquinas would have them plentifully present, but also accurately estimated. If they are not sufficient in themselves, there should certainly be something beyond them. If there is something beyond them, it must be beyond the earth; for they are the best which the world has to offer. If that something is supra-terrestrial, we need a spiritual power to help us to order our physical and material possessions to its attainment. Aquinas sees such a power, highly organized and efficient, in the Church.

Let the State secure all the good it can for the people. But let the Church inspire the State with the sweet sanity of subordinating the lower aspirations to the higher; of moderating human appetites, that every man may have enough of life's necessities, and that each joy may yield its fullest; and finally, of referring all to the Source of all.<sup>695</sup>

Thus the Thomistic doctrine of political purpose is perfect, rising up to the Ineffable Good of all, for all, forever. Teaching that the State is not an end in itself but a means to man's true end, the Angelic Doctor does not stop there, as do some present-day writers, who themselves have come to see as much of the truth as this. He plainly states what and where that end is, and how it may be more certainly attained. He opens the door of a kingdom in which there is neither Jew, nor Gentile, bond nor free. He shows us the truest emblem of democracy, the Cross. He leaves us in awe, veneration, and love, at the feet of the supernal and supreme democrat of History, *Christ*.

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<sup>692</sup> Cap. 30.

<sup>693</sup> Cap. 31.

<sup>694</sup> Cap. 32.

<sup>695</sup> Cf. *Summa Theol.*, 2a 2ae, qu. LVIII, a. 1, ad 6.



## CHAPTER VII

## THOMISTIC AND AMERICAN RIGHTS AND LIBERTIES

The politics of Aquinas could be epitomized in his doctrine on rights. There we see his principles in their application, and realize the living value of his thought. When he traces rights to man's rational nature and the natural law, he places them securely above the arrogance of rulers who claim that the prerogatives of the subject come from the State and that the sovereign is the State. Laws are not rights, but the public expression of them and a direction to them.<sup>696</sup> Deducing rights from humanity, Aquinas esteems them as universal as humanity and as lasting as time. That is why his teaching has been, in so many respects, as pertinent in so many periods after his death as during his life, and why it could not be democratic.

To see just how modern this medieval mind was, let us consider some American bills of rights and, in parallel, the corresponding Thomistic teaching. Since Virginia and Massachusetts stand out as the earliest and best representatives of the spirit which won our American liberties, we shall turn to their Constitutions.

Back in 1776, a month before the signing of the Declaration of Independence, a list of rights was written "by the representatives of the good people of Virginia, assembled in full and free convention; which rights do pertain to them and their posterity as the basis and foundation of government." Its first section was as follows:

I.—"That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a State of society, they cannot, by any compact, deprive

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<sup>696</sup> *Summa Theol.*, 2a 2ae, qu. XLVII, a. 1. Cf. Laveleye, *Le Gouvernement dans la Démocratie*, t. I, p. 2. "Le droit se découvre par la raison, car il n'existe pas dans les faits. Les droits s'impose aux faits et aux hommes par l'autorité légitime. Saint Thomas a admirablement appelé le droit: *Ratio gubernativa totius universi in mente divina existens.*"

or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, pursuing and obtaining happiness and safety."

With regards to which, we find in the doctrine of Saint Thomas, 2 *Sent.*, d. 6, Q. I, a. 4, ad 5: "Men are not superior to each other according to the order of nature."

And, 2 *Sent.*, d. 44, Q. I, a. 3: "Nature made all men equal in liberty."

*Summa Theol.*, 2a 2ae, Q. CIV, a. 5:—"In two respects, the subject is not bound to obey his superior in all things: first, in the case of a command on the part of a greater power; secondly, if the latter orders something in which the former is not subject to him. Hence in such affairs as appertain to the inner volitional life, man is not beholden to man, but to God alone. His obedience is due in regard to his external, bodily activity; yet in those acts which belong to the nature of the body, God alone is his superior; for all men are equal by nature."

*Summa Theol.*, 2a 2ae, Q. XLVII, a. 2:—"The human will by common agreement can make a measure just in such cases as are not intrinsically repugnant to natural justice; thus creating a positive right. But if the measure is opposed to natural justice, human will cannot make it just."

Comment:

According to this teaching, men, when they enter into a state of society, cannot by any compact, commit the injustice of depriving or divesting themselves, let alone their posterity, of certain inherent rights. (Vs. Hobbes, Spinoza, etc.)

*Summa Theol.*, 2a 2ae., Q. LXVI, a. 2:—"Two offices pertain to man with regard to exterior things. The first is the power of precuring and dispensing them, and, in respect to this, it is lawful for man to hold things as his own. It is even necessary for human life....."

Comment:

Aquinas is plainly with the Virginians in their declaration of the right of property. Further, as we shall later see, he explains, rationalizes, and interprets the right in a way to attain the advantages, without any of the harms, of socialism.

II.—Section 2 of the Virginia Bill of Rights:—“That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.”

*The Doctrine of St. Thomas:*

*Summa Theol.*, 1a 2ae, Q. XC, a. 3:—“It is the property of the whole people or of the public person who has care of them, to make law.”

Comment:

Here the popular source of civil power is so strongly indicated that any other interpretation of the text would be weak.

*Contra Gentiles*, Book III, Ch. 31:—“Human power is very imperfect; for it is rooted in the wills and opinions of men, in which inconstancy is very considerable; and the greater the power, the greater the number of those on whom it depends; which is another source of weakness, since that which depends on many can be destroyed in many ways.”

Comment:

By this critique of power, St. Thomas surely suggests that the greatest power in the State originally resides not in any individual or individuals, but in the greatest number, i. e. the people. And he warns the possessors of power of their relation to the source of it.

*De Eruditione Principum*, Book I, Ch. 6:—“If the head is higher than the human body, nevertheless the body is greater; the body is ruled by the head, but the head is carried by the body; no less does the head need the body than the body the head ..... Thus the ruler has power from the subjects, and eminence; and in the event of his despising them, sometimes he loses both his power and his position.....”

Comment:

This simile of the body and the head fitly proposes the truth of Sec. 2 of the Virginia Bill, and has the merit not only of expressing the right of the people but also that of the ruler.

III.—Section 3 of the Virginia Bill of Rights:—“That govern-

ment is, or ought to be, instituted for the common benefit, protection and security of the people, nation, or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of mal-administration; and that, when any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, inalienable, or indefeasible right to reform, alter, or abolish it, in such a manner as shall be judged most conducive to the public weal."

*De Reg.*, Book I, Ch. 2:—"It is the duty of the captain to steer the ship to the port of safety, by keeping it safe from the perils of the deep. But the good and the salvation of the people consist in this: that their unity, which is another word for peace, be preserved; for when peace flies, the benefits of social life perish....."

Comment:

Here the Doctor clearly teaches that the object of government is the benefit, the protection, and the security of the State, and that rulers must take these purposes to mind and heart. He lays stress on the interior foes of social life; for he considers these even more ominous than enemies from without. A united nation can weather a storm like an iron-clad ship.

*De Reg.*, Book I, Ch. 15:—"The unity of the people, called peace, is to be procured through the assiduity of the ruler. Three things are requisite to the good living of the people. First that they be constituted as a harmonious whole; secondly, that, thus united in the bonds of peace, they may be directed to a fair existence..... Thirdly, it is required that, through the endeavors of the ruler, a sufficiency of those things which are necessary to a good life be available."

*Ibidem*:—"A good life for the people entails whatever particular goods are procurable by human effort; e. g.—wealth, profit, health, eloquence, learning."

Comment:

When we connect this text with the preceding one, we perceive even more clearly how much Aquinas considered the pur-

pose of government the benefit of the governed. He declares that the ruler must strive to provide a good life for the people; and by a good life he means bodily, mental, economic, and moral well-being for everybody—education and opportunity for all.

*De Reg.*, Book I, Ch. 1:—"In proportion as a government is efficacious in the preservation of unity, it will be the more useful."

Comment:

We have just seen what civil unity implies in the politics of Aquinas. Hence this principle can only mean that "of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety."

*De Reg.*, Book I, Ch. 3:—"According to the degree in which it departs from the common good, a government is unjust."

Comment:

This is the negative form of the positive principle that the polity which consults and secures the public good most is the best.

*De Reg.*, Book I, Ch. 6:—"The rule of a kingdom should be so disposed that the occasion of royal corruption is removed. The king's power should be so curtailed, that he cannot readily turn into a tyrant."

Comment:

St. Thomas was as duly concerned with "the danger of mal-administration," and security against it, as the Virginian sires of our Republic.

*Summa Theol.*, 2a 2ae, Q. CIV, a. 6:—"Man is bound to obey secular rulers only insofar as the order of justice requires; and therefore, if the government be not just, but usurped, or if the rulers command unjustly, the subjects are not held to obedience, save accidentally, to avoid scandal or peril."

*De Reg.*, Book I, Ch. 6:—"It seems that procedure against the excess of tyrants should be made not by the private presumption of some, but by the public authority. First of all, if it is the

right of the people to provide themselves a king, the monarch chosen by them can, without injustice, be degraded or restrained in power, if he tyrannically abuses the royal might. Nor are such a people to be thought of as faithless in their act of stripping the tyrant, even though they had previously subjected themselves forever, because he has his deserts for not comporting himself duly in the rule of the people, as his office demanded .....

Comment :

There can be little doubt that Aquinas teaches that a pernicious polity (and this should include an inadequate one) is justly at the mercy of the people, and that theirs is the right "to reform, alter, or abolish it" for the common weal.

IV.—Section 4 of the Virginian Bill of Rights:—"That no man or set of men are entitled to exclusive or separate emolument or privileges from the community, but in consideration of public services; which, not being descendible, neither ought the offices of magistrate, legislator, or judge be hereditary."

*Doctrine of St. Thomas :*

*Summa Theol.*, 2a 2ae, Q. 63:—"Favoritism is opposed to distributive justice; for the equality of such justice consists in the fact that different people are treated differently according to their deserts. Hence if consideration is given to the qualification in a person, on account of which the reward is but his due, then there is no preference of person but of cause; whence the Gloss on 'God is not an acceptor of persons' (*Eph.* 6) says that: 'God being a just judge regards deserts and not persons.' For example: if anyone should promote a man to office because of the sufficiency of his knowledge, here the correct cause is considered, and not the person. But if one should regard in the favored man, not whether the favor be fitting or meet, but simply the fact that this individual is, say, Peter or Martin, here is a clear case of partiality; since the gift is made not because of his merit, but because of his person. For some condition, not constituting a cause of worthiness, is referred to the person. For magistracy because he is rich or a relative, favoritism is evident instance, if anyone should promote a man to a prelacy or to a

..... It is plain that partiality is opposed to natural justice, because it implies excess. But nothing is opposed to virtue, save sin. Hence favoritism is a sin."

Comment:

St Thomas is in close accord with Section 4. He not only believes that "no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community," apart from their merits and deserts; but he positively teaches that to grant them such favors is sinful.

*Com. Polit.*, Book III, Lesson 14:—"The ruler should not be appointed by heredity but by election, because the qualities of the sire are never certainties in the son..... It must be understood that, of itself, election is always better than heredity."

Comment:

Aquinas is one with Aristotle and Virginia in the idea that honors should not be descendible, where work and worth are not, and that the key to civil office should be kept in the public hand.

V.—Section 5 of the Virginia Bill of Rights:—"That the legislative and executive powers of the State should be separate and distinct from the judiciary, and that the members of the two first may be restrained from oppression, by feeling and participating the burdens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain, and regular elections, in which all, or any part of the former members, to be again eligible, or ineligible as the laws shall direct."

*St Thomas' doctrine:*

*Com. Polit.*, Book II, Lesson 1:—"It is manifest that, since the State is a certain perfect whole, it should consist of specifically different parts. Hence it is said in the fifth book of the *Ethics*, that the State is preserved by a balance (of power)."

*Com. Polit.*, Book IV, Lesson 12:—"According to the condition of these parts (the deliberative, the executive, and the judi-

cal), the State prospers or declines. And according to the difference of their relations to each other, it is necessary that states differ, because through them the commonwealth, inasmuch as it is a thing of order and rule, is distributed. One of these parts is that which concerns itself with ordinary civil affairs. Another is that which regards rulership, e. g.—who ought to be rulers and of whom they should be rulers, and how they should be appointed, whether by lot or election. The third division deals with the judicial.”

Comment:

Thus, it seems, that Aquinas, under the spirit of Aristotle, would go even farther than the Virginian demand, and have not only the judiciary “separate and distinct” from the legislative and executive department, but would also have the latter two separate and distinct from each other. At least the idea was not alien to him; and through him, it passed into medieval Europe.

*Com. Polit.*, Book V, Lesson 13:—“Certain rulers are in office for six months; certain others last a year; still others, longer. Some are not forever, but for long. Some are neither forever nor for long, but it happens that the same man frequently rules. Sometimes the same man does not rule twice, but only once. Further thought must be given to the institution of offices—from what they should be instituted, who should institute them, and in what way.” (See *Politics*, Book VI, 2).

Comment:

The Angelic Doctor was aware of the value of the limited tenure of office and introduced the idea fairly from Aristotle into his political philosophy.

VI.—Section 6 of the Virginia Bill of Rights:—“That elections of members to serve as representatives of the people in assembly ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed or deprived of their property for public uses, without their own consent, or that of their representatives so elected, nor bound by any law to which they have not, in like manner, assembled for the common good.”



*St. Thomas' doctrine:*

*Summa Theol.*, 1a 2ae, Q. CV, a. 1:—"Two things are to be attended to, for the good ordination of rulers in any state. One of them is that all have some share in the government, whereby the popular peace is preserved, and all love and protect such a polity..... Such a régime (the mixed) belongs to all; now because the rulers can be chosen from all, again because they actually are thus chosen..... It is democratic, i. e. of popular power, inasmuch as the rulers can be elected from the people, and the election of rulers belongs to the people. This form of government was instituted according to divine law."

## Comment:

The fact and freedom of election are features in Thomas' idea of the best practical form of government. He places the right of election beyond doubt, by tracing the kind of government which must include it, to the divine plan.

*De Reg.*, Book I, Ch. 14:—"These alone are parts of the state who help each other in the object of well living."

## Comment:

We immediately discern from this and the foregoing that St. Thomas regarded all men, having sufficient evidence of permanent common interest with, and attachment to, the community as possessing the right of suffrage.

*De Regimine Judaeorum*:—"Rulers of the earth were intended by God not to seek their own benefit, but to secure the common benefit of the people. Wherefore the revenues of lands are so constituted that the rulers, living from them, may refrain from despoiling the people."

"But sometimes it happens that the government lacks sufficient revenue to protect the country and to pay reasonable current expenses. In such cases, it is just that the subjects yield that wherewith their common benefit is secured. The fact is that in some countries the rulers, in accord with a venerable custom, impose certain taxes on their subjects which, if not immoderate, can be exacted without sin. Thus the ruler, who serves in the interest of the community can have his living from the community and take charge of the common affairs,

from certain revenues or, if these are wanting or inadequate, from the taxes which are raised from each individual. The case is similar, if an emergency arises in which a great expenditure for the public good is necessary, or for preserving the honorable state of the ruler, to which his own resources, or the customary exactions are insufficient; e. g., in the event of the enemy invading the land, or some other such contingency. For them, over and above the usual demands, the rulers can licitly make a requisition for the common good. But if they wish to exact more than is customary, for their own avarice, or because of their own inordinate and immoderate expenses, this is absolutely unwarranted."<sup>697</sup>

Comment:

Here the Virginian view of taxation appears in medieval prototype. Aquinas sees custom behind just and ordinary taxation and custom implies consent. He teaches that taxation must be for the common weal; and this entails acquiescence, for the people cannot rationally be unwilling to be benefited. Ordinarily the people are not to be deprived of their property in any way.

*Summa Theol.*, 1a 2ae, Q. XC, a. 3:—"Properly law, first and foremost, has reference to the public welfare. But to ordain anything for the public welfare is the property either of the whole people, or of the representative of the whole people."

Comment:

That the people are the basis of just law, in themselves or in their representative, is as indubitable in Thomistic politics as in the Virginian Bill of Rights. Every civil enactment must in some wise come from them to be binding on them. The popular power in law is further evidenced in the following:

*Summa Theol.*, 1a 2ae, Q. XCVII, a. 3:—"If the multitude are free, and can make laws for themselves (which is Aristotle's and St. Thomas' idea of a democracy—*Politics*, Book

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<sup>697</sup> Cf. *De Reg.*, Lib. II, cap. XI, et *Summa Theol.*, 2a 2ae, qu. LXVI, a. VIII, ad 3.

IV, Ch. 2), the consent of the whole people to any measure, which custom manifests, is greater than the authority of the ruler.....”

VII.—Section 7 of the Virginia Bill of Rights:—“That all power of suspending laws, or the execution of laws, by any authority, without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.”

*Doctrine of St. Thomas:*

*Summa Theol.*, 2a 2ae, Q. LX, a. 6:—“As law cannot be established save by public authority, so judgment cannot be passed except by the same authority, which extends itself to those who are subjects of the community. And hence, as it would be unjust that anyone should force another to observe a law which was not sanctioned by public authority, so would it be unjust if anyone compelled another to bear judgment which is not borne by public authority.”

Comment:

Aquinas not only considers law to be of popular origin, but also the application of it. *A pari*, the suspension of laws or of the execution of them should be referred to the people or to their representatives.

*Summa Theol.*, 1a 2ae, Q. XCVII, a. 4:—“Now it happens at times that a precept, which is conducive to the common weal as a general rule, is not good for a particular individual, or in some particular case, either because it would hinder some greater good, or because it would be the occasion of some evil.... But it would be dangerous to leave this to the discretion of each individual, except perhaps by reason of an evident and sudden emergency. Consequently he who is placed over a community is empowered to dispense in a human law that rests upon his authority, so that, when the law fails in its application to persons or circumstances, he may allow the precept of the law not to be observed. If however, he grant this permission without any such reason, and of his mere will, he will be an unfaithful or an imprudent dispenser: unfaithful, if he has not the common good in view; imprudent, if he ignores the reason for granting dispensations.....”

## Comment:

The law-making power resides in the people or their representatives, but the power of withholding legal force is in the hands of the ruler of the community, for obvious reasons. However, he has not the right to exercise the power always and at will, but only when the law fails, and ever for the good of the people. Too, only in the case of a law which "rests on his authority" is he privileged to dispense; and we recall Aquinas' doctrine that law is of the people or of their representative. If the ruler represents the people in making the law, equally he must represent them in suspending it, or the execution of it. The Doctor is explicit that he must not act merely from his own will in the matter.

VIII.—Section 8 of the Virginia Bill of Rights:—"That in all capital or criminal prosecutions a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of twelve men from his vicinage, without whose unanimous consent he cannot be found guilty; nor can he be compelled to give evidence against himself; that no man be deprived of his liberty, except by the law of the land or the judgment of his peers."

*The Doctrine of St. Thomas:*

*Summa Theol.*, 2a 2ae, Q. LXVII, a. 3:—"A judge is an interpreter of justice; wherefore, as the Philosopher says (*Ethic. V.*), men have recourse to a judge as to one who is the personification of justice. Now....justice is not between a man and himself but between one man and another. Hence a judge must needs judge between two parties, which is the case when one is the prosecutor, and the other the defendant. Therefore in criminal cases the judge cannot sentence a man unless the latter has an accuser, according to *Acts XXV, 16*: It is not the custom of the Romans to condemn any man, before that he who is accused have his accusers present and have liberty to make his answer, to clear himself of the crimes of which he is accused."

*Summa Theol.*, 2a 2ae, Q. LXV, a. 3:—"It is unlawful to imprison or in any way detain a man, unless it be done accord-

ing to the order of justice, or as a measure of precaution against some evil."

Comment:

Here St. Thomas teaches the unlawful character of all civil measures against a man, beyond those which strict justice requires. In this the right of a speedy trial is implied, and is further suggested in the Doctor's sensible remark that, fettering a man, we hinder him "from doing not only evil, but also good deeds." Too, the need of promptitude and facility in the administration of justice is referred to as self-evident in the *Summa*, 1a 2ae, qu. CV, a. 2:—"Since the necessity of judgments frequently obtains, *access to a judge should be ready.*"<sup>698</sup>

*Summa Theol.*, 2a 2ae, Q. LXX, a. 3:—"Good is to be presumed of everyone unless the contrary appear, provided this does not threaten injury to another....."

Comment:

Here the right of the accused to be treated humanely and considerately prior to his trial, is unmistakably implied.

*Com. Polit.*, Book IV, Lesson 15:—"As regards the security of judges, the systems which admit all the community to be judges in all cases are most suitable to the popular state..... Those are most suitable to an aristocracy and a republic in which the judgments come partly from the people and partly from certain individuals."

Idem, Book III, Lesson 1:—"Nothing is more determinative of the ordinary citizen than that he somehow participates in the judgment of the State—that he has a share in the judicial power....." Or again, "Those who cannot participate in such offices (council and judicature) do not share in the polity at all and therefore do not seem to be citizens."<sup>699</sup>

Comment:

The cry from such texts to our modern idea of a jury of

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<sup>698</sup> *Praeterea* 7.

<sup>699</sup> St. Thomas naturally refers here to the type of active citizen explained in Ch. III.

men of the prisoner's own vicinage is not far. The thought that the people should in some wise be judged by the people was Aristotle's, and passed through the Angelic Doctor's *Commentary* into medieval influence. When Thomas teaches that a man can judge none other than his subjects, he is not counter to the jury idea; for the accused is always, in a manner, inferior to those who are appointed to pass judgment on him. In fact, Aquinas speaks of juridical authority as both delegated and ordinary.

*Summa Theol.*, 2a 2ae, Q. LXIX, a. 1:—"If the judge asks of him, (the accused) that which he cannot ask in accordance with the order of justice, the accused is not bound to satisfy him, and he may lawfully escape by appealing or otherwise."

IX.—Section 9 of the Virginia Bill of Rights:—"That excessive bail ought not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

*St. Thomas' Doctrine:*

*Summa Theol.*, 2a 2ae, Q. CLIX, a. 1, ad 1:—"A rational diminution of punishments belongs to the exception known as *epicheia*; but the wholesomeness of disposition, from which a man is inclined to this, pertains to clemency. A positive excess of punishments, insofar as external manifestation is concerned, means injustice; and inasmuch as it signifies a hard-heartedness which renders one swift to increase punishments, it is of the quality of cruelty."

*Summa Theol.*, 2a 2ae, Q. CLIX, a. 2, ad 1:—"Clemency is a human virtue; wherefore cruelty, which is a human malice, is directly opposed to it."

X.—Section 10 of the Virginia Bill of Rights:—"That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offence is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted."

*St. Thomas' Doctrine:*

It follows from his teaching that the home is a distinct in-

stitution, prior to the State, possessive of its own character and hence we must conclude, of its own rights,<sup>700</sup> that an undue invasion of it even with civil sanction is unjust. He considers the home the civil unit, and a moral person. *Summa Theol.*, 2a 2ae, Q. L, a. 3:—"The home is midway between the individual and the city or kingdom; for as one single person is part of the home, so is one home part of the city or kingdom." Hence he would have the inviolability of the home, as well as of the individual, duly acknowledged. Under the name "home," it would seem, all private houses and places may be grouped.

As for the second half of the Virginian claim, the Saint's doctrine that a man is innocent until he is proved guilty and must be faced by his accusers (*vide supra*), is a strong suggestion and justification of it.

XI.—Section 11 of the Virginia Bill of Rights:—"That in controversies respecting property, and in suits between man and man, the ancient trial by jury is preferable to any other and ought to be held sacred."

For the Doctrine of St. Thomas, *vide supra*. His *Commentary on the Politics* teaches that the practical judiciary in a democracy is, in all cases, fittingly, popular (Lib. IV, lec. 15).

XII.—Section 12: "That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments."

*St. Thomas' doctrine:*

To be sure, the Doctor, preceding Gutenberg and Faust in history by nearly two centuries, is silent about the liberty of the press. But he is eloquent on the right of conscience and speech. His thoughts on these subjects, conceived in a peculiarly religious age, are naturally bound up in the topic of non-Christians and recusants from the Faith. Here, particularly, his principle must be distinguished from its historical application. And his principle, democratically enough, is this:

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<sup>700</sup> *Com. Polit.*, Lib. I, lec. 1:—"Duplex est communitas omnibus manifesta, scilicet civitatis et domus."

“Those who have never accepted the faith are in no wise to be forced into it; for to believe is an act of the will.” (*Summa Theol.*, 2a 2ae Q. X, a. 8). His advocacy of freedom of conscience is hardly destroyed in principle by his additional teaching that those who have freely accepted the faith are bound to fulfill its obligations.

Of speech, he plainly admits the right; but he speaks rather on the abuse and misapplication of it, the better to keep it from brimming over into a license, and into that vulgarity which once caused Lord Morely to describe the Press as “a perpetual engine for keeping discussion on a low level.” *Summa Theol.*, 2a 2ae, Q. X, a. 7, ad 1, 2:—“The Apostle does not forbid disputation itself but the excess of it, which makes for much wrangling rather than sound thought.” And again, “That law (the law of Martianus Augustus, confirmed by canons and expressed thus: ‘It is an insult to the judgment of the most religious synod, if anyone ventures to debate or dispute in public about matters which have once been judged and disposed of’), forbade those public disputations, which arise from doubting the faith, but not those which are for the safe-guarding thereof.”

Comment:

In other words, Aquinas insists that constructive criticism should be the aim of free speech, and that disputants have no right to disrespect authorities greater than themselves.

Ibidem, ad 3:—“One ought to dispute about matters of Faith not as though one doubted about them, but in order to make the truth known and to confute errors. For, in order to confirm the faith, it is necessary sometimes to dispute with unbelievers, sometimes by defending the faith, according to I Pet. III, 15:—‘*Being ready always to satisfy everyone that asketh you a reason of that hope and faith which is in you*’. Sometimes again, it is necessary in order to convince those who are in error, according to Titus, I, 9:—‘*That we may be able to exhort in sound doctrine and to convince the gainsayers*’.”

Comment:

These monitions of Aquinas on the proper use and purpose



of free thought and speech assume the right of them; and assuming it, they teach it.<sup>701</sup>

XIII.—Section 13 of the Virginia Bill of Rights:—"That a well-regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defence of a free State; that standing armies, in time of peace, should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by the civil power."

*St. Thomas' Doctrine:*

*Summa Theol.*, 2a 2ae, Q. XL, a. 1:—"It is not the business of a private individual to start war.....likewise even to summon together the people, which has to be done in war." In this text is reflected his idea of a "militia, composed of the body of the people, trained to arms." The people are not to depend on a standing army, but are to be ready to rise up, not at the instigation of any dissenter, but at the just call of their government, to defend their State. Thomas writes in the *De Regimine*, Lib. I, cap. 13, that a place should be provided for military exercise (*ubi exercitia militum*). Finally, his principles on peace and his dominant regard for the common good, are instinct with the spirit of which this particular Virginian right is the spirit. It is patent that he teaches the subordination of the military power to the civil; for only at the command of the government may the army operate. *Summa Theol.*, 2a 2ae, Q. XL, a. 1:—"And as the care of the common weal is committed to those who are in authority, it is their business to watch over the welfare of the city, kingdom, or province committed to them. And just as it is lawful for them to have

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<sup>701</sup> With regard to freedom of speech and the press, a reviewer of Zechariah Chafee's book (*Freedom of Speech*, New York, Harcourt, Brace and Co., 1921) pointedly remarks: "Some literal-minded persons have thought that when the Constitution says 'Congress shall make no law,—abridging the freedom of speech or of the press', it confers a constitutional right to commit all manner of crime as long as the instrument employed is the spoken or written word. Upon this simple theory Congress could not punish a man who published the dates of sailing of troop ships during a submarine campaign, or who orally or in writing solicited another to assassinate the President." *The New Republic*, Mar. 23, 1921, p. 112.

recourse to the sword in defending that common weal against internal disturbers, when they punish evil-doers—so too, it is their business to have recourse to the sword of war in defending the common interest against external enemies.”

XIV.—Section 14 of the Virginia Bill of Rights:—“That the people have a right to uniform government, that no government separate from, or independent of the government of Virginia ought to be erected or established within the limits thereof.”

*St. Thomas' Doctrine:*

The right of uniform government is evident in the Doctor's definition of society and his teaching on unity. *Contra impugnates Dei cultum*, ch. III:—“Society is a gathering of men for a set purpose; and therefore according to the diverse aims which society sets itself, should societies be distinguished and judged.” *De Reg.*, Book I, ch. 1:—“We differ in our particular ends, but in the common good we are one.” *Idem*, ch. 2:—“The good and safety of a multitude dwelling together is that its unity, which is called peace, should be preserved; for, if it is removed, the service of civil life crumbles and the people, with their dissensions, become a burden to themselves.” *Ibidem*:—“The many are said to be united in proportion to their approach to a unit.”

When we juxtapose to these texts some of St. Thomas' remarks on patriotism, we see the better how little he inclined to any measure which would tear the unity of the State. *Summa Theol.*, 2a 2ae, Q. CI, a. 3, ad 3:—“We love our country, because it is a certain principle of our being.” *Ibidem*, a. 1:—“Next to God, a man is most indebted to his parents and his country. And therefore, if it is the office of religion to render homage to God, so, in a less degree is it a principle of piety to render homage to one's parents and one's country.”

*Comment:*

The Angelic Doctor views the State as a sacred whole which should never be severed, and hence should be administered by a single legislature. In fact, whatever tendency to monarchy he manifests, springs from a defence of this very Virginian right itself: uniform government.

XV.—Section 15 of the Virginia Bill of Rights:—"That no free government, or the blessings of liberty, can be reserved to any people, but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles."

*St. Thomas' Doctrine:*

*Summa Theol.*, 2a 2ae, Q. LVIII, a. 5:—"Justice directs man in his relations with other men. Now this may happen in two ways: first as regards his relations with individuals; secondly, as regards his relations with others in general, insofar as a man who serves a community, serves all those who are included in that community. Accordingly, justice in its proper acceptance can be directed to another in both these senses. Now it is evident that all who are included in a community stand in relation to that community as parts to a whole; while a part, as such, belongs to a whole, so that whatever is the good of a part can be directed to the good of the whole. It follows, therefore, that the good of any virtue, whether such virtue direct man in relation to himself, or in relation to certain individual persons, is referable to the common good, to which justice directs; so that all acts of virtue can pertain to justice, insofar as it directs man to the common good. It is in this sense that justice is called a general virtue. And since it belongs to the law to direct to the common good, it follows that the justice which is in this way styled general, is called legal justice, because thereby man is in harmony with the law which directs the act of all the virtues to the common good."

Comment:

Obviously justice, from St. Thomas' exposition of it, must be in causal relation to the common good, which includes all "the blessings of liberty." We have noted, elsewhere, the growing tendency in our day to identify democracy with justice. There can be no harmony, security, or consistency in human society unless each individual is granted his due. More than this, democracy could not ask nor a free government promise; and no less than this is the Thomistic demand and doctrine.

*Summa Theol.*, 2a 2ae, Q. CXLII, a. 4:—"Intemperance is

particularly opprobrious to man for two reasons: first, because it is opposed to his specific excellence, since it is concerned with pleasures which are shared in common with brute creation.....; secondly because it is antagonistic to brightness and to beauty, inasmuch as, in the delights which it entails, the light of reason is dimmed, whence all the brilliance and charm of virtue appear. And so pleasures of this kind are called extremely servile."

Idem, 1a 2ae, Q. XCII, a. 1, ad 3:—"It is impossible for the common good of a state to obtain, unless the citizens (at least those who have the government in their hands) be virtuous."

#### Comment:

These texts suggest the incompatibility of democracy with vice. Democracy requires a government of freemen; and, according to St. Thomas, intemperance renders the individual a slave. A man must be master of himself, to be a fitting citizen in a democracy, which is really at the mercy of the individual. For in such a form of government, every citizen has a hand.

As for the "frequent recurrence to fundamental principle," on which the Virginia Bill insists, the politics of St. Thomas in their totality are a corroborative doctrine. Not once does he snap connection with principles, to indulge a dizzy, spectacular flight. His majestic concept of the natural law is the beginning, the guide, and the end of his political thought. It is the consistent and immutable source of rights, as well as the vindication of duties. It perpetually prescribes reason, and approves all reasonable ideas of State. It teaches not only liberty, but law; not only culture, but service; not only justice, but charity; not only peace, but prudence. So earnestly does Aquinas cling to its principles, that he may be accused of impracticality. But such a judgment would be as unjust to him as to the Fathers of Virginia, who set their own State and our nascent Republic such noble political ideals.

XVI.—Section 16 of the Virginia Bill of Rights:—"That religion or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to

practice Christian forbearance, love, and charity towards each other."

*St. Thomas' Doctrine:*

See Sec. 12; "Those who have never accepted the Faith are in nowise to be forced into it, for to believe is an act of the will."

Again, *Summa Theol.*, 2a 2ae, Q. CIV, a. 5:—"In those things which appertain to the interior working of the will, man is not bound to obey man, but God only."

*Summa Theol.*, 2a 2ae, Q. XXVI, a. 4, ad 3:—"As Augustine asserts in his Rule, the saying 'charity seeks not her own' means that it prefers the common to the private good. Now the common good is always more lovable to the individual than his private good, even as the good of the whole is more lovable to the part, than the latter's own partial good."

Idem, Q. XXXI, a. 2, ad 1:—"Absolutely speaking, it is impossible to do good to every single one: yet it is true of each individual that one may be bound to do good to him in some particular case. Hence charity binds us, though not actually doing good to someone, to be heartily ready to do good to anyone if the opportunity presents itself."

Idem, a. 3, ad 2:—"The common good of many is more God-like than the good of one individual. Wherefore it is a virtuous action for a man to endanger even his own life, either for the spiritual or for the temporal good of his country."

Comment:

Aquinas teaches that one's Christian attitude must not be limited by one's social sphere. The helping hand should not be exclusive, but warm with democracy. The individual is to think and feel in large terms, breaking the husks of pusillanimity and recognizing that humanity is bigger than self. Here is not only democracy, but also the assurance and protection of it.

The Massachusetts Declaration of Rights (1780) is lengthier than the Virginian, but substantially the same. The original third article of the Bill mingles civics and religion in a manner to make the anti-medieval American frown; for right here in a document, couched by the very goddess of Liberty,

we see an admission of the moral influence of the Church on the State, and an admiration for it. We feel all the more certain that the rôle which Thomas assigns religion in the State does not limit his appreciation of liberty in the least. "As the happiness of a people," declared Massachusetts, "and the good order and preservation of civil government depend upon piety, religion, and morality; and as these cannot be generally diffused through a community but by the institution of the public worship of God, and of public institutions in piety, religion, and morality: Therefore, to promote their happiness, and to secure the good order and preservation of their government, the people of this commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require, the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of God, and for the support and maintenance of public Protestant teachers of piety, religion and morality, in all cases where such provision shall not be made voluntarily. And the people of this commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend."<sup>702</sup>

We find in the *Summa*, 2a 2ae, Q. XCIX, a. 3:—"The divine law is principally instituted to direct the relations of men to God; but the human law, chiefly to regulate the relations of men to each other. Therefore human laws have not the care of instituting anything with regard to divine worship, save in reference to the common good. They have indeed established many things with regard to sacred concerns, accordingly as

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<sup>702</sup> Article III. (Amendment, Art. XI, was substituted for this.) After proclaiming for "the support and maintenance of public *Protestant* teachers," the Article, more justly than consistently, reads:—"And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the commonwealth, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another shall ever be established by law."

it seemed expedient to them, in order to strengthen the morals of men, as appears in the rite of the Gentiles.”

Comment:

A comparison of St. Thomas' paragraph with the Massachusetts article evinces that the latter is the stronger and the bolder, though written in the very hey-dey of the spirit of American liberty. It was later mollified and became Article XI of the Amendments. Governmental attention to expenses and coercion in the matter of religious instruction are not mentioned in the new version. In its softer tones, the Article sounds even more Thomistic than before.

Articles I and II deal with the liberty, equality, and inalienable rights of man which, as we have seen, Aquinas concedes, and with the freedom of conscience, which his politics likewise teaches.

Articles IV and V express the popular origin of power and the amenability of the “magistrates and officers of the government” to the governed. The *De Regimine* speaks unequivocally: “If any society of people have the right of choosing a ruler for themselves, there is no injustice if he be deposed by them, or curbed in power, when, by a royal tyranny, he abuses his position. Nor is such a society to be accounted unfaithful in this deposition of the despot, even had it previously sworn to him perpetually; for he deserved to be deserted for not keeping faith in the ruling of his people. Fidelity is an obligation on the ruler's part, if the compact made with him by the subjects is to be maintained.”

Comment:

This text gives the *coup de grâce* to George the Third as effectively as any colonial effusion. It is the essence of the logic which gave birth to our republic. And if the superior executive in the State is bound to the brain and will of the people, much more are the inferiors. Articles IV and V are quite Thomistic.

Article VI is concerned with civic honors and heredity. We have already seen the opposition of Aquinas to political favoritism and inheritance.

Article VII, the "common good". This is the most recurrent phrase in St. Thomas' politics and well expresses its scope and object.

Article VIII, the limited tenure of office. Which is in unison with the teaching of the Stagirite and the Saint that, in a democracy, public service should be open to all who qualify, and that opportunity should be general.

Article IX, suffrage for "all the inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of government." This tenet, too, is Thomistic. Aquinas, as seen, teaches the popular vote: "From the people the rulers can be elected, and to the people belongs the election of them."<sup>703</sup>

Art. X and XI, the individual's right to protection. Now St. Thomas vindicates for the individual not only the needs of life, but the preservation and the improvement of them. He teaches that the government must interest itself in these objects. *De Reg.*, Book I, ch. 13:—"Provision must be made that each individual be supplied with necessities according to his condition and state, for, otherwise, a kingdom or state could not hold together at all." And in Chapter XIV:—"The ruler's mind should be bent on this special study: how the people subject to him may live well. And this study is tripartite: first, he must institute this good living among his subjects; secondly, started, he should preserve it; thirdly, preserved, he should improve it."

Comment:

Massachusetts guarantees protection to the individual. Thomistic politics does as much, and more. Not only protection, but subsistence, are the Saint's insistence. The Bay State proclaims the necessity of religion in the republic, if morality is to prevail. Aquinas says as much, and more. He believes and teaches that virtue is partly conditioned by temporalities and that the government should, therefore, seek to assure every worthy citizen of a sufficiency of bodily goods. *De Reg.*, Book I, ch. 15:—"Two things are required for a good

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<sup>703</sup> *Summa Theol.*, 1a 2ae, Q. CV, a. 1.



life: the principal one is working according to virtue (for it is virtue by which we live well); the other is secondary and in a way instrumental, viz. a sufficiency of bodily goods, the use of which is necessary to an act of virtue." Aquinas would no more have a hungry man in the State than a wronged one. His teaching makes the Massachusetts declaration look somewhat timid and tame.

Art. XII bespeaks the right of the accused to self-defence and trial. St. Thomas' doctrine on this point has already been indicated. But the Article additionally declares the right of judgment according to the law of the land. Of this the Angelic Doctor has to say, in the *Summa*, 2a 2ae, Q. XL, a. 5:—"It is necessary that judgment be passed according to the written law, else it would fall foul either of the natural or of the positive right."

Art. XIII prescribes a point of judicial prudence, rather than a right. It is a safeguard of justice to the accused, and, as such, it is not far from being a practical version or application of St. Thomas' principles: "The fact that the judge himself was an eye-witness, does not authorize him to proceed to pass sentence, except according to the order of judicial procedure" (*Summa Theol.*, 2a 2ae, Q. LXVII, a. 3, ad 2), and "Good is to be presumed of everyone unless the contrary appear" (*Summa Theol.*, 2a 2ae, Q. LXX, a. 3, ad 2). The Article reads: "In criminal presecutions, the verification of facts, in the vicinity where they happen is one of the greatest securities of the life, liberty, and property of the citizen." Aquinas teaches the requirement of rigid juridical proof and expresses himself in terms large enough to include and approve any reasonable plan for its attainment. His concern that "the life, liberty, and property of the citizen" be secured from untoward judgment, is plain in his monition that "it is better to err frequently through thinking well of a wicked man, than to err less frequently through having an evil opinion of a good man; because in the latter case an injury is inflicted, but not in the former." (*Summa Theol.*, 2a 2ae, Q. LX, a. 4, ad 1).

Art. XIV, security against unreasonable search or arrest. St. Thomas' corresponding thought on this subject has already

been disclosed. As is also the case with regard to Art. XV, which speaks of trial by jury; to Art. XVI, claiming liberty of thought and expression; to Art. XVII, concerning military provision; to Art. XVIII, maintaining the necessity of a frequent recurrence to fundamental principles.

Art. XIX:—"The people have a right, in an orderly and peaceful manner, to assemble to consult upon the common good, give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions and remonstrances, redress of the wrongs done them, and of the grievances they suffer."

*St. Thomas' Doctrine:*

*De Reg.*, Book I, ch. 6:—"If any society of people have the right of choosing a king for themselves, it is not unjust if he be deposed by the same.....But if it belong to the right of some higher power to provide the people with a king, the remedy for the cruelty of the tyrant is to be looked for from it."

Comment:

Here, by teaching the right of popular assertion against civil wrongs, the Doctor necessarily implies the right of the people to meet for that purpose. In the case where a civil body is a buffer between the multitude and the chief official, Aquinas apparently would have him dealt with through the agency of that body. The important fact is that he vindicates the right of the people to be in practical relation to their own welfare and to their legislature: which is the sum-total of the Massachusetts requirement.

Art. XX deals with the power of suspending laws. We have already noted the accordant thought of Aquinas in the matter. This is true of Art. XXI, on freedom of speech, which merely claims and applies the principle to the practical case of discussions in both houses of the legislature.

Art. XXII:—"The legislature ought frequently to assemble for the redress of grievances, for correcting, straightening, and confirming the laws, and for making new laws, as the common good requires."

*St. Thomas' Doctrine:*

*Com. Polit.*, Lib. III, cap. 9:—"Law is a universal affair,

and particular instances will arise. The legislator cannot foresee all the cases in which the law may be defective and consequently he sometimes errs."

*Summa Theol.*, 1a 2ae, Q. XCVII, a. 2:—"Human law is rightly changed, insofar as such change is conducive to the common weal. But, to a certain extent, the mere change of law is prejudicial to the common good: because custom avails much for the observance of laws, seeing that what is done contrary to general custom, even in slight matters, is looked upon as grave. Consequently, when a law is changed, the binding power of the law is diminished, in so far as custom is abolished. Wherefore human law should never be changed, unless, in some way or other, the common weal be compensated according to the extent of the harm done in this respect. Such compensation may arise either from any great and very evident benefit conferred by the new enactment; or from the extreme urgency of the case, due to the fact that either the existing law is clearly unjust or its observance extremely harmful. Wherefore the Jurist says (*Pandect. Justin. I.*) that in establishing new laws, there should be evidence of the benefit to be derived, before departing from a law which has long been considered just."

#### Comment:

St. Thomas realizes both the stability and the inadequacy of law, and teaches the necessity of remedying and perfecting. This includes the further necessity of the legislative body meeting as frequently as the duty of making new laws and the amelioration or confirmation of old ones requires.

Art. XXIII: "No subsidy, charge, tax, impost, or duties ought to be established, fixed, laid, or leveled under any pretext whatsoever, without the consent of the people or their representatives in the legislature."

#### *St. Thomas' Doctrine:*

*De Regimine Judaeorum ad Ducissam Brabantiae*: "If they (rulers) wish to levy any tax beyond that which is fixed, out of the lust alone of possessing, or on account of inordinate and immoderate expenses, this is absolutely illicit."

Again, "Rulers of the earth are established by God not to seek their own advantage but the common good of the people."

*Summa Theol.*, 1a 2ae, Q. XC, a. 3:—"To ordain anything for the common good is the prerogative of the whole people or of their representative."

Comment:

These texts teach all that Art. XXIII comprises: the odiousness of "taxation without representation." The substance of the shiboloth which blazed the way to the American Revolution had lain in the pages of St. Thomas for five centuries before the Boston Tea-Party.

Art. XXIV:—"Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive, and inconsistent with the fundamental principles of a free government."

*St. Thomas' Doctrine:*

*Summa Theol.*, 1a 2ae, Q. XCV, a. 1:—"Legislators judge in universal terms, and *for the future.*"

Comment:

Here the Angelic Doctor expresses his view of law as a guide and remedy toward civil betterment, and therefore as futuristic in operation and not as retroactive. According to him, it affords a remedy for the future and not a penalty for an isolated past. Law primarily is not punitive; it is secondarily so, but essentially directive. "Because we find certain violent individuals, prone to vice, who cannot easily be moved," he writes, "it was necessary that by force or fear they be withheld from evil, in order that, desisting from wrong-doing, they might grant a quiet life to others, and that they themselves in such wise should at length be induced to do freely what they have previously effected through fear, and so become virtuous." (*Summa Theol.*, 1a 2ae, Q. XCV, a. 1). Aquinas thus teaches that law naturally cures rather than destroys, and should keep its face to the future rather than to the past. Retroactive legislation seems antithetical to his idea and doctrine.

Art. XXV may be assimilated into Art. XXX.

Art. XXVI declares against excessive bail, fines, and punishments; on which we have already had the statement of Aquinas.

Art. XXVII proclaims the privacy of the home. This follows from the character of the home as a distinct institution, which St. Thomas teaches.

Art. XXVIII, dealing with court-marshal, and maintaining that only those are subject to that law who are employed in the army and navy, implies the right of the ordinary trial by jury. We have considered Thomistic texts in this regard.

Art. XXX speaks of the separation of the three departments of Government. The relation of this idea to Thomistic doctrine has been indicated.

These various texts sufficiently show that the master-mind of the Middle Age may not have been altogether remote from the birth of the American Republic. The seed of his politics sprouted in the centuries. He taught men what they could not forget. Besides, the Popes, all of them, from Urban IV, his contemporary, down to Benedict XV, have used their highest sanctions to keep his voice, so eloquent of true democracy, a living thing in world-thought; so that the final political harvest was a fore-gone conclusion.

One has but to turn to the Declaration of Independence and compare it with Thomistic doctrine, to be further convinced of the intellectual relationship of Aquinas to the liberty we enjoy. All the "self-evident truths" in the document are points of his politics.

#### THE DECLARATION

(1).—"That all men are created equal."

(2).—"That they have been endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness."

#### DOCTRINE OF ST. THOMAS

(1).—"Nature made all men equal in liberty." 2 *Sent.*, d. XLIV, q. 1, a. 3.

(2).—"In those things which pertain to the inner volitional life, man is amenable only to God.....In those things which pertain to the nature of the body, man is accountable only to his Creator." *Summa*, 2a 2ae, Q. CIV, a. 5.

(3).—"That, to secure these rights, governments are instituted among men....."

(4).—"deriving their just powers from the consent of the governed."

(5).—"That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it."

(6).—"And to institute a new government, laying its foundations on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness."

(7).—"Prudence, indeed will dictate that governments long established shall not be changed for light and transient causes; and, accordingly, all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed."

(3).—"It is necessary that besides that which moves to the particular good of the individual, there should be something that moves to the common good of the many." (Ergo, government). *De Regimine*, Book I, ch. 1.

(4).—"Legislature belongs either to the whole people or to the public person who has the care of the whole people." (Ergo, the popular source of power and the free transference of it). *Summa*, 1a 2ae, Q. XC, a. 3. Also, "if a multitude of freemen be directed by a ruler to the common good of all, that will be a right ruling and just, such as is fitting for free men." *De Reg.*, Lib. I, ch. 1.

(5).—"If any society of people have the right of choosing a king for itself, it is not unjust if he be deposed by the same, or if his power be curbed, when by a royal tyranny he abuses his power." *De Reg.*, Book I, ch. 6.

(6).—"Then the government of the kingdom is to be so arranged as to leave the king when instituted no occasion for tyranny. At the same time also his power should be so tempered that he may not easily fall into tyranny." *De Reg.*, Book I, ch. 1.

(7).—"If indeed a tyranny is not excessive, it is better to bear it for a time than, by acting against the tyrant, to be involved in many perils, which are worse than tyranny. For it may happen that they who rise against a tyrant do not prevail against him; and so the tyrant, being incensed, rages the more violently. And if one should be able to

prevail against the tyrant, from this there very often arise grave dissensions among the people, either while he is striving against the tyrant, or after the deposing of the tyrant, whilst the multitude is separated in parties with regard to the ordering of the rule. It happens, also, sometimes, that when by the help of anyone the multitude expels the tyrant, he himself, having accepted the power, takes to himself the tyranny, and, fearing to suffer himself what he wrought against another, he oppresses his subjects with a more burdensome slavery." *De Reg.*, Book I, ch. 6.

(8).—"But when a long train of abuses and usurpations pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security."

(8).—"Nor is such a society (of free men) to be regarded as acting unfaithfully in thus deposing the tyrant, even if it have previously sworn to him forever; for he deserved to be deserted, in not keeping faith in the ruling of his people, since this is an obligation on his part, *if the compact made with him by the subjects is to be maintained.*" *De Reg.*, Book I, ch. 6.

We conclude that the mind of Thomas Aquinas was not far from Thomas Jefferson when the document, powerful enough to free America, was couched. The Declaration of Independence already lay Latinized in the books of the ablest general scholar in the history of the Catholic Church, and the best representative of her spirit and traditions: a satisfying proof that the thought of Roman Catholicism is inimical to tyranny and friendly indeed to the people, their rights, and the rational reign of liberty.

We may even extend the parallel of Thomistic with American ideas, to show that the Angel of the Schools taught the very principles which projected the existing Constitution of the

United States, and which Peletiah Webster embodied in his "epoch-making tract" of February 16, 1783.

#### THE PHILADELPHIAN'S DOCTRINE

(1).—"The Supreme authority of any State must have power to effect the ends of its appointment, otherwise these ends cannot be answered, and effectually secured; at best they are precarious. But at the same time,

(2).—"The supreme authority ought to be so limited and checked if possible, as to prevent the abuse of power, or the exercise of powers that are not necessary to the ends of its appointment, but hurtful and oppressive to the subject, but to limit a supreme authority so far as to diminish its dignity, or lessen its power of doing good, would be to destroy or at least to corrupt it, and render it ineffectual to its ends.

(3).—"A number of sovereign States uniting into one Commonwealth, and appointing a supreme power to manage the affairs of the Union, do necessarily and avoidably part with and transfer over to such supreme power, so much of their own sovereignty as is necessary to render the ends of the union ineffectual, otherwise their confederation will be an union without bands, like a cask without hoops, that may and probably will fall to pieces, as soon as it is put to any exercise which requires strength."

#### ST. THOMAS'

(1).—"It is the property of the office of government to preserve the states it governs, and to use them for that purpose for which they were constituted." *De Reg.*, Book I, ch. 13.

(2).—"The government of the kingdom is to be so tempered as to leave the appointed ruler no occasion for tyranny." *De Reg.*, Book I, ch. 6.

"A power that is united is more efficacious in producing its effect than a dispersed or divided power. For many, congregated together, achieve that which dividedly, by single units, could not be secured." *De Reg.*, Book I, ch. 3.

"So much the more perfect is a state by how much it provides, of itself, the necessaries of life." *De Reg.*, Book I, ch. 1.

(3).—"The imperfect is ordered to the perfect. But every part is ordered to the whole, as the imperfect to the perfect: And therefore every part is naturally on account of the whole.....Now, every single person is compared to the entire community as the part to the whole." *Summa Theol.*, Q. LXIV, a. 2.

"The good of the people is better than the good of one who is of the people." *Summa Theol.*, 1a 2ae, Q. XXIX, a. 2, ad 2.

"There is a certain good proper to any man inasmuch as he is an individual;.....but there



is a certain common good which belongs to this or that man insofar as he is part of some whole; as to the soldier inasmuch as he is part of an army and the citizen inasmuch as he is part of the state." *Quaest. Disput., De Caritate, Q. I, a. 4, ad 2.*

"There are diverse grades and orders of communities; the last is the civil community, ordained to a *per se* sufficiency for human life. Hence it is the completest of human unions.....to which all other human unions are referred." *Com. Polit., Book I, lec. 1.*

Comment:—These texts show the relation of the less to the greater and the necessity of the less becoming even lesser in the greater, in order to preserve itself the better. Which is precisely the thought of Webster.

Clearly Aquinas would have withheld his approval from a national condition which wrung from George Washington the complaint, "We are one nation today and thirteen tomorrow." His principles made for the civil synthesis which, without destroying the individuality of the states any more than that of the individuals composing them, would "form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessing of liberty." In a word, he was an advocate of "the perfect community," which Peletiah Webster envisaged and our Constitution secured.

Two centuries before Columbus discovered America geographically, it would seem that Aquinas had located it politically. In his politics, our country is in embryo. He differs from the founders of our republic and their achievement, only as summer from spring-time, or the full-blown blossom from the humble seed. To admit the merit and democracy of the United States, is to concede the same of the presaging Thomis-

tic thought. In the right-bills of our sovereign states, in the document of our Declaration of Independence, in the *rationale* of our Constitution, his finger appears. An invisible guest, he was present at the founding of our nation; as he is also present through its preservation. So long as she is true to justice and reason, the spirits in which she was conceived, our country cannot die. But justice and reason express the political apostolate of Aquinas, and are the very substance of his message. Ideally and practically, they are his theory of State. And in justice, the people must find their due: which is democracy. In reason, they must accept duty as well as claim right; which is the salvation of democracy.

## CHAPTER VIII

## CIVIL MENACES AND PROBLEMS

## 1.—EXTERNAL EVIL: WAR

The panorama of St. Thomas' political philosophy now spreads before us. We see the State of his construction, firm with justice, united with love, happy with liberty, hopeful with religion, interested with labor, ideal, yet non-Altrurian. But menaces ever darken within and without; and the politics of Aquinas is complete only when his doctrine of the method whereby these visitations to civil society are to be met and removed, is duly expressed. The external danger is war; the internal—sedition, vice, and poverty.

His thoughts on war are precise and pithy. A just campaign, he tells us, aims at peace. "We do not seek peace in order to be at war," he repeats from St. Augustine, "but we go to war in order to secure peace. Be peaceful, therefore, in warring, so that you may vanquish those whom you war against, and bring them to the prosperity of peace."<sup>704</sup> The peace to be attained by war must be two-sided; the conqueror should share it with the vanquished. Hate must not still reverberate when the thunders of the fray have rolled away. Vindictiveness is thrice petty, in a nation that has been big and brave unto victory. Magnanimity alone is fitting. The fight must not continue to rage in hearts, after it has been finished on the field.

By making peace the final cause of war, and by placing charity in the effect, Aquinas answers the moralist's and pacifist's objection: "Nothing but sin is contrary to an act of virtue. But war is contrary to peace. Therefore war is always a sin." And here again we find the characteristic and democratic Thomistic consideration for the common good; which will more clearly appear in an exposition of the Doctor's three requisites to a just war:

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<sup>704</sup> *Summa Theol.*, 2a 2ae, qu. XL, a. 1, ad. 3. Machiavelli's doctrine is in striking contrast. *Il Principe*, XIV.

(1) Such must be declared by proper authority. The logic of this necessity lies in the fact that rulers are the elected custodians of the common welfare; and when it is threatened from within or without, theirs naturally is the duty of calling a defense.<sup>705</sup> No private person, under a just régime, has the right to ignore the government and stir up the masses. The presumption is that the sovereigns in the State, poised above civil affairs, see more accurately than could any citizen, however ardent and earnest, the course to be adopted or avoided in a crisis. Prudence, as well as order, demands that the call to arms come from above.

(2) A just cause is essential.<sup>706</sup> The restlessness, ambition, and recklessness of some of the famous commanders of History were without excuse, and replete with criminality in the blood they spilled. The caprice of a sovereign is not the slightest reason why the dogs of war should be unleashed. St. Thomas would tie the nervous hands of bellicose autoeracy as truly as did our modern purpose of "making the world safe for democracy." Though he leaves the declaration of war to the government, he places the purpose and the propulsion of it with the people. It is their honor or good which must be considered, and not the sovereign's. It is their rational will, not his, which should be consulted. However, wars for territorial expansion appear, according to St. Thomas, as unjust as wars for the personal aggrandizement of the ruler. Inordinate ambition is no more pardonable in a nation than in an individual. Aquinas believes that a just cause for war is to be found not within a nation but without. Not interior psychology but exterior fact. The psychology may follow the fact, and be just; but, preceding, it will in all probability either project or imagine the "fact" and so be unjust. A nation, tingling for combat, would not be long in finding or making a cause for it. The frankly militaristic state, filled with that patriotism which is hate of another country more than love for one's own, is a political abomination; though the decently prepared one is an example of prudence.

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<sup>705</sup> *Summa Theol.*, 2a 2ae, qu. XL, a. 1. Cf. Machiavelli. *Discours Politiques*, X, p. 327.

<sup>706</sup> *Summa Theol.*, 2a 2ae, qu. XL, a. 1.

True patriotism must be prior to swords; the better defense of a country is the hearts of the people, and these are won by the justice of the government. But the State—people and rulers—must love peace; and only when peace is unduly assailed by extrinsic force, is war, involving the nation as a whole, justifiable. Aquinas, after Augustine, mentions two of these extrinsic, justifying causes: the refusal of an offending nation to make amends for the wrongs inflicted by its subjects, or to restore what it has seized unjustly. It is gratifyingly clear that his thought had quite outstripped the logic and ethics of regent medievalists—and of how many moderns?—who believed that, with the material powers of the State, their own personal whimsies might be served. Hitherto war had been only by the people; Aquinas made it essentially for the people. Whatever merit it possessed, lay in the popular as distinct from the personal advantage; justice for all, or for the State in which all were represented.

(3) A rightful intention of advancing good and avoiding evil is necessary to the belligerents.<sup>707</sup> This third requirement grows out of the second. A just cause should be prosecuted only in and by justice. Aquinas warns that under the cloak of reasonable and righteous purpose, untoward, un-Christian feelings may beat. Augustine vividly calls them the “passion for inflicting harm, the cruel thirst for revenge, and unpacific and relentless spirit, the fever of revolt, the lust of power.” These vitiate the justification of a war, and trail the national banners in the mire. They may accelerate material victory; but they signify moral defeat. No matter what it gains, the state is inglorious which loses itself. Only two aims propose themselves to the state that would be just: the advancement of good and the avoidance of evil.

A peculiarly interesting page in the Angelic Doctor's article on war concerns what would amount, today, to trench-fighting, with its preponderant dependence on strategy. Aquinas considers whether it is just only for men to meet eye-to-eye in open contest on the battle-fields, or whether ambush and other artifices are permissible too. Likely no one ever dreamed of questioning

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<sup>707</sup> *Summa Theol.*, 2a 2ae, qu. XL, a. 1.

the ethics of our modern military method, when the khakied millions were pouring into Flanders' field; it was accepted as a fact, and a decided improvement on the old mass-men tactics. Here then is another instance in which a medieval mind was more alert than our own, to inspect and justify a course which we were superficially content to accept without moral thought. The possible objections to clandestine tactics, which the Saint reviews, are: first, their character of deception, and hence their apparent pertinence to injustice; secondly, their seeming opposition to faithfulness, which we must observe even with our enemies; and thirdly the necessity of refraining from doing to others what we would not have them do to us. His disposition of them is summary. He teaches that strategems which involve deliberate falsehood or the infraction of a pledge are always unlawful. From Ambrose (*De offic.*, I), he quotes that there are "certain rights of war and covenants which ought to be observed even among enemies." But, on the other hand, it is not required that one belligerent party declare its design to another. St. Thomas believes that a soldier, and therefore an army, should learn the art of concealing as well as of fighting; and he refers to the *Book on Strategems* by Frontinus for confirmation. Such concealment, he maintains, is not opposed to justice or a well-ordered will.<sup>708</sup> It is proper to the offensive and the defensive in warfare, and is practiced by both. Air-raids and submarine attacks, of course, would be in the ambush category which St. Thomas legitimatizes, but not the kind which ruthlessly destroy non-combatants. He declares that the object of military artifice is to deceive the enemy;<sup>709</sup> and only in this regard does he exculpate them.

Finally, he is not without a retort for the would-be objector who sophisticates himself thus: War has for its purpose the peace of the republic; but peace is the occasion of many evils (luxury, delicacy, indolence, etc.); and it does not seem that one should expose himself to the peril of death for such a pernicious purpose; ergo, deafness or deftness when the call to the colors comes. To which the Angelic Doctor replies by distin-

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<sup>708</sup> *Summa Theol.*, 2a 2ae, qu. XL, a. 3.

<sup>709</sup> *Ibidem.*

guishing between an accidental occurrence and an essential fact. The peace of the State is good in itself and hence worthy of defense. It is not rendered bad by the chance that some use it badly; and, besides, against such unhappy cases could be proposed a greater number of instances in which citizens use civil calm for the practice and advancement of virtue, and the repression or suppression of such vices as homicide, sacrilege, and immorality.<sup>710</sup> Thus he lifts a veil of nobility to reveal a countenance of cowardice. He teaches that the virtue of fortitude, a readiness to fight and even die for one's country, is necessary, and pure conscience approves. For him, objectively, there is no such being as a conscientious objector.

Frightfulness has no sanction in war, he maintains. Rulers are not to use violence and coercion save according to the tenor of justice, and then only in so far as they possess and represent the public authority and therefore the public will. The custodians of justice, they must accord with it and not exceed it even in their dealings with the enemy. Much less is the individual at liberty to be wanton in a taken territory. Rioting and pillage are unjustifiable excesses, and he who indulges in them is a robber, rather than a soldier of his country. Both the government and the individual are bound to restitution for their respective crimes in such excessive regard.<sup>711</sup>

St. Thomas is careful, however, to show that he does not believe the victor should have to go without his spoils. If the war is just, it is just that the righteous side should be indemnified; and exaction of indemnity, in this case, is quite free from any smirch of rapine, provided, of course, that gain does not pervert justice nor usurp its place as the chief motive.<sup>712</sup> He agrees with St. Augustine that to fight for plunder is a sin. However crude the nature of war may be, the motivation of it must be pure and noble; and if this is so, the chances are that the crudity will be mitigated or at least kept from increasing into out-and-out cruelty and cupidity. A high ideal stays the passions from falling too low. Men should fight only for right, Aquinas teaches; and, accordingly, they must be content when

<sup>710</sup> *Summa Theol.*, 2a 2ae, qu. CXXVII, a. V, 3. praeterea; et ad 3.

<sup>711</sup> 2a 2ae, qu. LXVI, a. 8.

<sup>712</sup> *Ibidem.*

right is decently secured. Mercy must be the hand-maid of victory and the companion of justice. Moderation means double victory: for the nation which exercises it has conquered not only its enemy but itself.

## 2.—INTERNAL EVILS: SEDITION AND VICE: POVERTY

Aquinas also has a voice for the internal civil menaces which are among the strongest enemies of democracy. First, let us scan his doctrine on sedition. He differentiates this form of antagonism from war and strife, the former of which is waged against external foes, and the latter of which is between one individual and another, or between a few people on one side and a few on the other; while sedition is between dissentient parts of a people, as when one section of the State rises against another. The seditious man is the sower of discord, whose specialty is hate. Sedition and the inspirer of it are, according to St. Thomas, gravely guilty: for they rend the unity of the people and wound the common good. The gravity of sedition is great in proportion as the general weal which it assails surpasses the private good which is jeopardized by ordinary strife.<sup>713</sup> We remember that Aquinas, while recognizing self-expression, does not ignore prudence and patriotism, which should limit or rather perfect it. The absence of these and the presence of their opposites, culminating in seditious incitement, make a terrible wrong, which the Doctor brands mortal sin.

The culpability of sedition is first and foremost in the authors themselves, and secondly in those who hearken to them. As to those who withstand the uprising, defending the State and the common good, they are not seditious but righteous.<sup>714</sup>

Thus Aquinas ethically closes the door to civil disturbance. He does not accept that discord is the inevitable and essential prelude to harmony and that protest is always necessary to progress. So long as a government remains true to its purpose and achieves it in reasonable degree, the civil disturber has no

<sup>713</sup> *Summa Theol.*, 2a 2ae, qu. XLII, a. 2.

<sup>714</sup> *Ibidem.*



apology for his existence. However, the case is quite different when the polity perverts itself by repudiating the general welfare. In his *Summa*, Aquinas repeats his doctrine of the *De Regimine*, that to up-set such a régime is not sedition at all. Indeed, he declares, it is the evil rulers themselves who are guilty of the action. They are a deeper cause of their own down-fall than their antagonists.<sup>715</sup>

The Angelic Doctor, like Ruskin, approves a qualitative standard of government. The rule is to be judged by its amount of success rather than of failure;<sup>716</sup> and there is no logic in pulling down the pillars of State because the roof leaks. He believes that revolt should be the last, rather than the first, resort, for he is coolly cognizant that the people may suffer more harm from disturbance than from endurance.<sup>717</sup>

It is only because sedition is counter to the common good that Aquinas condemns it. If it is not so, it is not sedition. It is not only lawful, but it may be a duty, to fight for the certain advantage of the Commonwealth. Discord from what is not evidently good, he teaches, may not be wrong; but opposition to what is patently good, e. g. the unity of the people, is patently bad.<sup>718</sup>

And so his doctrine is synthetically conservative and progressive. He would be neither the first nor the last "to lay the old side." The Church of St. Thomas, sober in his doctrine, which is hers, looms up to remind us that the past is to be revered and that the future promises only the fruition of the present. The secret of political prosperity does not consist in hurling a monarch from his throne, nor in substituting overalls for crowns. It lies in a democracy deeper than even our own day has yet become clearly conscious of; it is not in civil up-heavals, but in the awakening of the individual soul, not to strife and rancor, but to virtue and right. This is the Thomistic contribution to the problem, modern, as well as medieval. It is

<sup>715</sup> *Summa Theol.*, 2a 2ae, qu. XLII, a. 2, ad 3.

<sup>716</sup> Aquinas speaks of the good government as one which is *ordered* to the public welfare. He does not refer to it as one which always *secures* this welfare; e. g. in ad. 3, he writes "regimen tyrannicum non est justum: quia non ordinetur ad bonum commune."

<sup>717</sup> *Summa Theol.*, 2a 2ae, qu. XLII, a. 2, ad 3.

<sup>718</sup> *Idem*, ad 2.

as old as Catholicism and as new. No sedition is stirring or is likely to stir there, where the spirit of Aquinas is still a living factor and merges into the sentiment of true Americanism. Patriotism, for the true son of the old religion, is an absolute duty; and the practical lack of it, expressing itself in sedition, is a sin. The reasonably just government must always find Catholicism as gentle as a lamb or as the Good Shepherd himself. This is a truth that sparkles in the sentences of *Summa* and in the *De Regimine*.

We have already proposed St. Thomas' belief that the individual mind and heart have much to do with the merit and success of a polity. Vice is the evil expression of individuality or the expression of evil individuality. It is an autocracy not against many but against one. The individual does not command it, after it has passed into a habit; on the contrary, it commands him. Then it is not self-determination, but a determination of self. And yet Aquinas would not have the State remove every vice out of society. His preoccupation is as that of Gilbert K. Chesterton who expresses himself practically: "Take the policeman. He is there to punish crime. When you and I indulge murder, he takes charge of us and deals with us according to law. But just imagine what you would say if told that the policeman was there to encourage virtue. What would happen if you and I were always followed by a policeman, and we heard his voice over our shoulder telling us when to do this and not to do that? I think we should soon begin to look upon it as rather a bore."<sup>719</sup> But the Angelic Doctor looks upon it as worse—an imposition. Though the individual has no right to do wrong, the State ordinarily has no call to obtrude itself directly on the individual's purely personal affairs. So long as sin does not attain social proportions and significance, the State, as we have already seen in his doctrine, has the duty of passivity. The good which might accrue from preventing minor evils would be exceeded by the harm which would result from a civil violation of personal liberty.<sup>720</sup> To save the individual by preventing him from

<sup>719</sup> His lecture on the "Perils of Health" as reported by the Boston Transcript and quoted in the Literary Digest, Feb. 5, 1921.

<sup>720</sup> *Summa Theol.*, 2a 2ae, qu. CI, a. 3, ad 2.

injuring himself is not altogether to hasten the day of democracy; for such a procedure creates bonds which chafe; and, bound, the individual is not a positive but a negative quantity, useless to the democratic need and spirit. Besides, Aquinas is able to point to a morally superior institution whose method is not coercion but persuasion; which appeals to the best in man, instead of curbing the worst; and which reaches the heart, where the civil arm is shortened. In this it again appears what an asset to democracy the Church, which the Doctor champions, really is. What the State lacks and should lack, if the individual conscience is to count for aught, the Church supplies and applies in a manner perfectly harmonious with personal liberty.

Aquinas does not teach that the State is limited to the merest essentials for the maintenance of society. On the contrary, we recall his ideas on a necessary governmental interest and aid in many social, economic, and ethical concerns. Hence his curtailment of civil power in the matter of vice-prevention is all the more remarkable and important.

Even towards the larger social evils, Aquinas holds that the law should be wisely restrained. Saint as he is, he seemingly sanctions toleration in such a painful regard as prostitution. He reflects the shrewdness of another holy man, who, like himself, knew earth as well as heaven, and the sordid human clay as well as the amazing potentiality palpitating in it: "Take away your scarlet women and you shake everything with lust." At least until the dispensation of Christ is more generally accepted and lived, the segregated district is a necessary evil, however deplorable. Spreading the poison, St. Thomas believes, does not heal the sore.<sup>721</sup> Just as the greater good is not to be sacrificed to the lesser, so the lesser evil is to be preferred to the greater. Not that Thomas would not have the war on vice incessant; but he would have the manner of it much less crudely coercive than civil measures. Aquinas never forgets that the deeper secret of reform is in the individual himself, and that a multiplicity of laws, without a corresponding amount of good will and self-conquest, may be a mass of civil débris. Attempting too much, law effects too little. It should be the expression

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<sup>721</sup> *Summa Theol.*, 2a 2ae, qu. X, a. XI.

of the higher nature of the people rather than the oppression of the lower. It may be perfectly right in itself, but wrong in its application. Ideals err when they violently seek to make themselves practical. As each individual has the right and duty to do good, but not always to force his creed and discipline on others, so the government should ever hold up high ideals but not always press down the people with the butt of them.

The doctrine of St. Thomas on the treatment of vice is readily seen to be a political application of the parable of the wheat and the cockle, and so rests on an authority much loftier than his own: another evidence of the sanity of Christianity. In the passion for reform by civil means, which a portion of the people are indulging against all, in our own country at present, a consideration of Aquinas would be very appropriate; and, of Christ, more so. When the State usurps the place of the Church, there is tyranny indeed; for the former can use only the material and anti-democratic means of force, while the power of the latter does not antagonize the individual, being love. Too, Thomas, the Christian, remembered what even the pagan Seneca did not forget, and, nevertheless, many emotional Americans are ignorant: the better part of a man is free—the mind has its own rights.<sup>722</sup>

The inference is again obvious at this point of the Doctor's teaching, that democracy can be secure only when the State recognizes its own limits and the proper sphere of another society. Vice must somehow be curbed to a quantity which will not imperil civil society. If the State represses it with the only weapons at its disposal, grave danger is apt to threaten liberty. Law, as we saw in Chapter II, is more a direction than a force. But if the majority of the people are not of the moral education and calibre to follow it, it must be more a force than a direction; and if it is such, it is ill-conceived, oppressive, and perilous.<sup>723</sup> To prepare the people for law and

<sup>722</sup> *Summa Theol.*, 2a 2ae, qu. CIV, a. 5.

<sup>723</sup> Cf. T. B. Maroney, *The Idea of Personality*, p. 104: "Law is but the deposit, the fixed result of the operation, of that native power of intuition, which, 'while still hearing shapelessly, is called morality. In the actual world they are never wholly separate; one without the other is dangerous to the community.'" (Wallace, Wm.)

the observation of it, the spiritual society is essential. If efficient in service, it is of inestimable value to the individual and the State, and, accordingly, to the possibility of democracy. It cleanses public opinion which is the real power behind law in a free government. It perpetuates equity, by conviction, in the many; while the State preserves justice, by jails, in the few. It reigns by affection, while the State depends on fear.

However, it must not be disregarded that Thomas by no means intends to hold the hands of the government from every repressive enactment. He only stands for the principles of toleration, moderation, prudence, and respect for personal rights. These are compatible with legislation: limiting it indeed, but, at the same time, enlarging its prestige and influence. His is the extremely sensible view that more and more statutes are not the State's need, but more and better observation of those already existing. A country may be reformed on paper, while fact laughs. And if nations are to be regenerated only in prison, democracy outdistances the millennium.

In our chapter on the Purpose of the State, we touched the subject of poverty. Here we shall regard it again, but now chiefly from the view-point of its remedy. Poverty is, with sedition and vice, one of the "enemies within the gate." In fact, it is a prolific cause of its accompaniments.<sup>724</sup> Its aspects are many. Economically, it signifies a dearth of the necessities of life; ethically, the decline of morals and the flourish of ignorance; socially, a stunted existence. Communism, a modern panacea which happens to be as ancient as the Broad-Browed himself, would dispel all the phases. Throw care into the State, and problems dissolve. But Aristotle and Aquinas, preferring fact to fancy, perceive that the State is no more than a figment when it is considered apart from the people who compose it, and their political and social nature which it expresses. It can do no more than its constituents; that it can do so much, is due to its organization. But one must not forget its deficiency in an estimation of its power.

We find in the Angelic Doctor's *Commentary on the Politics*

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<sup>724</sup> *Com Polit.*, Lib. II, cap. 6.

a suggestive critique of the glorification of the State and its ability to turn all kinds of poverty and need into the airy nothingness of a memory or a dream. The thoughts expressed are Aristotle's; but Aquinas masters and presents them in a manner suitable to his age.

He punctures the conceit of common ownership, conceived by Socrates and published by Plato. The premise of the Philosopher's predecessors was that whatever promotes unity in the State, advances the civil purpose. Believing that common possession would do exactly this, they preached it. Their argument is abstract rather than concrete or economic, and ideal rather than practical. And the extremeness of it is evident from its unnatural inclusion of the common possession of wives and children as well as aught else. The response of the *Commentary* to this extravagance is that absolute unity is not quite so much of an essential and a possibility as may be imagined. The Stagirite and the Saint hold:

(1) That with an excess of unity, there would be no State. By its very nature a State consists of numbers, and these are opposed to oneness. The blessedness of unity, yes; but the undue possession of it, no. The State can no more be a full-fledged individual than an individual the perfect State.<sup>725</sup> And if the latter gathers up all the duties of the hearth and appropriates them, it is no longer the State but a mammoth home. The ingrowing State is the disappearing one.

(2) That the State must be composed not only of many individuals, but of many classes of individuals.<sup>726</sup> The indication is threefold: first, because all cannot do everything in a State: there are diverse tasks, differently from the case of a mere confederacy which is entered into for the purpose of mutual defense. Secondly, the ear-mark of a State is the disparities within it. Indeed, the more perfect equality would obtain in the less perfect state, where the individuals live apart from each other and reduce community of goods and spirit to a minimum. Thirdly, perfection implies variety. Sameness is imperfection.<sup>727</sup>

<sup>725</sup> *Com. Polit.*, Lib. II, lec. 1.

<sup>726</sup> *Ibidem.*

<sup>727</sup> *Ibidem.*

(3) There must be a distinction between rulers and ruled; for if all synchronously are rulers, then there are no rulers at all.<sup>728</sup>

(4) A family is more self-sufficient than an individual; a state, than a family. To make the State too individualistic, is to reduce its self-sufficiency in ratio.<sup>729</sup>

The effect of these arguments on the Doctor's mind could be traced in the *De Regimine*. Still he is not prevented from strongly urging the necessity of civil unity in that book. But unlike Plato, he would have this object secured through a sensible degree of centralization in government rather than through community of possession and a level of population which could not but be dull and dead.

Advancing in this refutation, Aristotle and Aquinas show (1) that goods which are possessed by all are possessed by none. The abstraction of the State is the real possessor. The individual cannot say of anything, "This is mine"; though Plato fondly believed that this sentence on everyone's lips would mean perfect civil unity. When any citizen claims what really belongs to all, the fallacy of Composition and Division is in evidence.<sup>730</sup> By pointing out this fact, Aristotle and Aquinas suggest the incompatibility of communism with democracy. If the individual be denied the right of property, he is, in this respect, a political nonentity. And democracy despises zeros.

(2) What is common to all, is a care to none. What is everybody's business is nobody's. What one thinks another should do, everyone neglects.<sup>731</sup>

(3) The confusion on the score of children would be incalculable.<sup>732</sup>

(4) The prosperity of a state really depends on an amicability among its individuals and classes, which naturally results in unity. But in a socialized polity, where no one is beholden to anybody, and neither parent nor child can refer to

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<sup>728</sup> Ibid.

<sup>729</sup> Ibid.

<sup>730</sup> *Com. Polit.*, Lib. II, lec. 2.

<sup>731</sup> Ibid.

<sup>732</sup> Ibid.

his own relation, there is little foundation for friendship, and, consequently, less possibility of unity.<sup>733</sup>

(5) Sacred rights and relations would be sacrificed in a socialization plan; and violence and vice, hitherto restrained by domestic reverence, would receive a great impetus.<sup>734</sup>

(6) Unnatural sin, frowned upon by all nations, would be inevitable in the Platonic plan, if women and children were the property of the State. Such a fearful excess could hardly be obviated by a law which might strongly prohibit it, but yet, in a communistic régime, could not prevent the libidinous love which would be the cause of it.<sup>735</sup>

Aquinas repeats that friendly relations would accomplish what communism, which would destroy such bonds, could not. Friendship, he declares, is commonly admitted to be the greatest good in a state. With it, sedition is impossible. By it, unity is attained. He again observes that there are two sources of inspiration to a man as to the care and affection for persons and things: the fact that they are his own and the consciousness of their exclusive possession.<sup>736</sup>

These facts, impoverishing the Platonic theory, enrich the individual and thus are highly democratic. There is such a thing as spiritual poverty (different, of course, from the Christian virtue of poverty in spirit); and communism, while affecting to dispel the material brand, would be drawing down this still more deplorable species. If the individual is robbed by misguided political theory of those tenderest and best influences and relations in his life which consanguinity, domesticity, and friendship constitute, he is poor indeed, no matter what the substitutes may be. Aristotle and Aquinas, refusing to let their heads reel at the contemplation of civil woes, seek to save the wealth of higher quality which Plato, with his personally innocent but practically calamitous imagery, would sacrifice. They further unmask the allurements of the Broad-Browed's theory by indi-

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<sup>733</sup> *Ibid.*

<sup>734</sup> *Ibid.*

<sup>735</sup> *Com. Polit.*, Lib. II, cap. 3.

<sup>736</sup> *Ibidem.*



eating that, after taking away the better wealth from the individual, it might not secure for him the lesser.

Primarily, it is convincingly shown that common ownership of lands and goods would create problems in place of those it would solve. Who would do the work, if all were equally owners? Either alien labor would have to be introduced or some of the people would have to step out of the leisure class. And here the State is tossed on the horns of a dilemma. But hard as it would be to get a sufficient amount of outside help, the second alternative would be more difficult still. All could not till the soil; some would have to attend to the loftier concerns. However, those who would work least in one respect would receive more in another: whence accusations and recriminations would heaten the air and unity would melt away.<sup>737</sup> The obvious conclusion for us to draw is that individualism should, because it will, have its play. That is, to a much more reasonable degree than communism could conceive. The problem of poverty can hardly be solved by thrusting misshapen humanity into a well-tailored, yet bad-fitting, ideal.

The advice of the *Commentary* is that the natural system of ownership prevail, but that some things be possessed in common: the solution which has been widely accepted in these later years. Morals and laws can do more towards easing the condition of the poor than impractical prescriptions. Let the good spirit of a people develop. Let individuals be knit by friendship and common interests and ardor. Let benevolence be diffused. (It would be only right to recall at this point in the *Commentary* the Saint's doctrine on the spiritual society and its beneficent service to the State.) Then, though private property is the rule, mutual help and spirit make many things common. Private property is naturally requisite: for it attracts every man's attention to his own particular concerns and so makes for civil peace; it more cordially invites improvement, and thus increases the prosperity of the State: it satisfies a compelling instinct in man.<sup>738</sup> But while it is best to permit private possession, the use of it should be, in some sense, common; and the legislative

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<sup>737</sup> *Com. Polit.*, Lib. II, cap. 4.

<sup>738</sup> *Ibidem*.

body of the State ought to concern itself with ways and means of bringing property-holders to this realization.<sup>739</sup> Therefore, Aquinas apparently would have the State, if it must use its voice on property matters, do so in a democratic way: appealing to the possessing class but not clamping down a Platonic artificialism on the people whereby the richest would be made poor and the poor, deprived of the experienced leadership and interest of their whilom superiors, would probably become poorer. The unmistakable opinion of the Philosopher and the Doctor is that a nation's customs cannot be changed *instanter* and *in globo*, and that social salvation rather begins at the stand-point of the individual. Aquinas would have received this idea from Christianity, without any benefit from Aristotle at all; and, in its radiance, he would likewise have perceived the unsubstantiality of Plato's city in the air. The Philosopher only confirms the Saint's conviction and reassures his democratic out-look.

They both see the individual sadly injured in a socialized polity. It does not occur to many moderns that the individual may be injured by receiving, as well as relieved. The *Commentary* uncovers certain directions in which extreme communism would be criminal to the individual and hence highly anti-democratic. First, it would imperil the virtue of self-restraint in the all-important regard of sex.<sup>740</sup> The dykes which religion and civilization have reared to repress the surge of passion would be broken, if women were made common objects. And, of course, Christianity, conscience, the moral law, and common decency would be wofully impugned. Much less than the Philosopher could Aquinas or any other Christian subscribe to Plato's peculiar prescription. The second sombre fact, which the Doctor stresses, is the removal from the people of the opportunity to practice the altruistic virtues, which communism would entail.<sup>741</sup> If all goods were possessed in common, there would be no call for generosity, neighborly assistance, interest, or concern. Pagan as he was, Aristotle detected the barbaric effect of a theory which would prevent the individual from that beautiful expression of

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<sup>739</sup> Ibidem.

<sup>740</sup> Ibidem.

<sup>741</sup> Ibid.

self which humanitarianism signifies and without which true democracy is inconceivable. And Aquinas, who taught not only the expedience and charm of charity, but also the duty, must have been much more repulsed. Since giving sanctifies the giver, a design which would take charity absolutely out of the hands of the individual, would be injudicious and unjust. That one of the finest means of self-development would thereby be undemocratically denied the individual, is certain; and spiritual poverty would spread, blacker than any tenement district.

Thomas lightly places an intelligent finger on the real sore of society when he declares that poverty, economic and otherwise, is not due to the absence of common possession, but to the presence of malice among men.<sup>742</sup> Once more one feels the pulse of religious and ecclesiastical yearning in his politics. For what could more efficiently dispel malice than the Christian dispensation of "peace on earth to men of good will," and the institution in which it is embodied?

The State can never be any more than a moral unit; hence moral means must operate behind it. It follows that education is imperative.<sup>743</sup> Here we find the democratic idea that civil change should work its way up out of the people and not be forced down on them. Their customs and tendencies, their nature, their enlightenment and aspirations, are to be the elements of law. The individual is to have his opportunity to unfold. Education, the key of democracy, is to be placed within everybody's reach. Social advancement will then be more automatic and democratic than a ready-made and static platonic fiction could admit. And accordingly as the thoughts of the individual increase, his sympathies will spread, and the devoutly-to-be-wished civil unity will be the sequence. There is no necessity to sacrifice the individual to the universal, if the individual is universalized by education. Both universality and individuality are thus preserved. Plato with his array of separate ideas, encircling paradise, for the gods and the souls of the blessed to contemplate, could not, on principle, appreciate individuality,

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<sup>742</sup> *Ibid.*

<sup>743</sup> *Ibid.*

much less conceive it as the germ of his beloved and resplendent universals. Aristotle and Aquinas could and did, vanquishing the extreme idealism which considered the individual merely as a shadowy something, and treating the alleged shadow as a man of flesh, bone, blood, sinew, soul, and incalculable possibility. In adding to this concept of individuality the doctrine that education, by means of which the individual practically enters into his own, is a part of civil life, Aristotle and Aquinas are democratic indeed. And the immaterial wealth of the State is greatly enhanced by their teaching.

The *Commentary* decries a tendency which is common enough in our own day of evolution and biogenetic law, to look to animals for what is natural.<sup>744</sup> Because the brutes lack property and are gregarious, is no reason why man, the higher animal, should emulate them. The human being is different, lives so, and should. His object must be much loftier than a return to the prehistoric. The solution of the problem of poverty, at least of the spirit, is not to be found in the Darwinian dawn. Democracy and its riches are the climax of man's development and not the beginning.

The difficulties of a communistic plan multiply, decreasing the value of the theory as a solution of the problem of poverty. How much of the common goods would be permitted to an individual? Enough for a temperate livelihood, as Plato holds? Aristotle observes that a man could live moderately, yet quite miserably at the same time. Aquinas declares that "to live well" is the righteous object of the individual in civil society; and so, asking less in the line of theory, he demands more as a matter of fact. Not food and other necessities, but a chance to earn them, is his normal demand for the people. Therefore he preserves their independence, without which individuality is emasculate, and fosters liberty. He saves spontaneity, initiative, self-expression, creativeness; in a word, all the individualistic

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<sup>744</sup> St. Thomas reproves this tendency in its application to women. They should not have to till the soil and otherwise share the unsheltered life of men, as Plato prescribed, drawing an example from the beasts with whom male and female work alike. Civilized beings have a domestic life which brutes lack. *Com. Polit.*, Lib. II, lec. 5.

qualities which endow Life with color and verve. The "good life" which the State should help the individual to secure for himself, rather than secure for him, involves much that communism would take away and more than it could give.<sup>745</sup> Indeed the temperance which Plato prescribes is out of the question in a communistic State; for one can be temperate only in the use of goods which he himself possesses and not in that of those which belong to the State. Or again, if a man holds only what the civil authority hands him, he has little chance to practice virtue in reference to it. Receiving just so much, he can hardly be accredited with temperance because he does not possess any more.<sup>746</sup> In other words, virtue in a Platonic polity, would be transferred from the individual to the State, from the reality to the abstraction, from the human will to the civil mechanism, from the personal conscience to the general expedience. And, naturally, in this unnatural transfer, it would quite lose its character of virtue and become a mere political form.

Another snag in a communistic state consists in the fact that the government would have to interfere in the matter of births. Equal distribution would be problematic among a constantly increasing population.<sup>747</sup> The greater the number of citizens, the smaller the allotment of goods to each would have to be. From one point of view, this would approach a return to poverty; from any angle, it would be an undesirability. And so, from a violation of the right of property, the State would turn to the limitation of the still more sacred right of procreation.

Finally, there could hardly be any distinction between rulers and subjects in this artificial State, since all are perfectly equal. And yet even Plato admits the necessity of such a distinction, declaring that just as the warp is made out of one sort of wool and the woof out of another, so are some fit for governance and others for obedience in the civil design.<sup>748</sup> The fact is that Plato, driving Nature out through the gate of his Republic,

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<sup>745</sup> *Com. Polit.*, Lib. II, cap. 6.

<sup>746</sup> *Ibidem.*

<sup>747</sup> *Ibidem.*

<sup>748</sup> *Ibid.*

finds it climbing back in again over the wall. Theories may be untrue to Nature, but they can never make her untrue to herself. Because Aquinas is so natural in thought, he is opposed to far-fetched remedies for the problems of State, and democratically seeks in the nature of the individual, or at least accordingly with it, the solution which others look for in some glistening mirage.

For Aquinas, it is certain that man has a right to property. He does not believe that this right was alienated in the formation of civil society, and, furthermore, he does not see any reason why it should be surrendered afterwards. But his stand is a satisfactorily reasoned one. The purpose of society is the common good; what favors the common good is serviceable to society; but private property favors the common good, which is evinced by the several proofs to be found in the *Commentary* and in the *Summa*. In the latter work (2a 2ae, qu. XLVI a. 2<sup>o</sup>), Aquinas reduces them to three. First, man has a motive to elicit his energies and render him a vital, important, producing member of society, if he is permitted to toil for his own concrete self rather than compelled to strive for the generality of the State.<sup>749</sup> Secondly, civil society could not but run much more smoothly, when each individual is busy with his own possessions and with the care and increase of them. Thirdly, there cannot be much civil calm, unless there is individual contentment; and, Aquinas notes, it is to be observed that quarrels arise more frequently where there is public possession than where there is private.

By thus vindicating the right of property, the Angelic Doctor again proves his regard for the individual. He gives the individual an opportunity to expand and cover environment with his personality, and expects the State to do the same. He would not make society the richer by rendering the individual the poorer; realizing that there can be no genuine social wealth if individuality is compressed to mediocrity or worse. He saves the individual, not to destroy the State, but to perfect it.

However, he is not averse to whatever justice the plea for community of goods possesses, and he is at pains to show where

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<sup>749</sup> *Summa Theol.*, 2a 2ae, qu. XLVI, a. 2.

the fallacy of the communistic contention lies. That the natural law does not specify private ownership, he admits. But, he declares, neither does it dictate that all things should be held in common. Hence private ownership is not counter to the natural law, and certainly it is in accord with human reason and necessity. In other words, private property is an institution of the positive law, but is not a violation of the natural.<sup>750</sup>

His fairness in dealing with this question of property inspires respect. We can turn then with a deal of confidence to his remedy for the relief of poverty, which the modern mind conceives as a correlative idea.

Elsewhere we have noticed his monitions as to the distribution of wealth. Here we shall view them more amply.

He interprets the property right in a manner to attain the advantages of public ownership without incurring the demerits. His thoughts on external goods,<sup>751</sup> around which the modern storm of socialism is raging, are distinctive. He does not deny that man has a right to possess them; could they be used, unless one had them to use? But he does insist that they be possessed not as one's own, but as common, so far as the use of them is concerned. In other words, the possessor ought to be ready to share them with others in need. The modern mind has grasped this advice not as an ordinary and normal solution of the problem of want, but as an extraordinary and occasional one. But Aquinas teaches that men ought not wait till misery waxes strong and stalks through the land, before they open their heart and extend their hand. Besides, he recognizes that our common humanity gives each of us a certain right to a saving portion of the world's goods, and indicates that there is no shame in one's accepting one's due. As for benefactors, he deprives them of a too selfish and ill-merited glow, by teaching that the goods which they share with others, in real need, are, in a sense, as much the property of those others as of themselves.<sup>752</sup>

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<sup>750</sup> *Summa Theol.*, 2a 2ae, qu. XLVI, a. 2, ad 1.

<sup>751</sup> Such as food, clothing, houses, etc. See Dr. Henry Ignatius Smith's classification, quoted in Ch. VI.

<sup>752</sup> *Summa Theol.*, 2a 2ae, qu. LXVI, a. 7, et a. 8.

He divides his doctrine, in another part of the *Summa*, into three points: first, that there should be private possession; secondly, that the use of the things possessed should be partly common;<sup>753</sup> thirdly, that they should be partly granted to others by the good will of the possessors. Therefore we can see that he would not care to have the fist of the State constantly poised over a man to force him, as needs be, to share his larder with his neighbor. He still saves a decent amount of freedom for the individual. But it is for us to remember, that he was writing in a period when the Church enjoyed the influence which the State lacked and ecclesiastical charity was more efficient than any other kind of organized charity has been since. So that, even without civil interference, the poor were properly provided for. It is apparent that, in the present constitution of society, with the Church shorn of her medieval prestige and opportunities, the Saint would advocate a greater intervention of the State in the matter of social service and relief.

He reverts to Holy Scripture for guidance in solving this elusive problem of poverty, and finds more enlightenment there than a modern would derive from *Das Kapital*. He does not fear to turn from the pages of the pagan Aristotle to those of the inspired writer, being confident that truth cannot contradict truth. And he finds that the principles of the *Politics* (Ch. II) have already received a practical application in the *Book of Numbers*.<sup>754</sup>

While the Hebrews, according to divine direction, stood by the right of private property, Aquinas notes that, according to custom, possessions might not be alienated forever, but that after a certain lapse of time they should return to their former owner.<sup>755</sup> And he remarks that a regulation of possessions would lend much to the preservation of a state or nation.<sup>756</sup> One cannot but discern that he is not friendly to the principle of unbridled accumulation which, reigning in

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<sup>753</sup> Cf. Aristotle's assertion that "to have nothing in common is evidently impossible, for the social state itself is a species of community"—*Politics*, II, 1.

<sup>754</sup> *Summa Theol.*, 1a 2ae, qu. CV, a. 2.

<sup>755</sup> *Ibidem*.

<sup>756</sup> *Ibid.* ad 3.



modern times, has piled up luxury and indigence in our states. He holds that poverty is better obviated not by injuring the right of property, but by prudently directing its exercise. The seventh book of the *Commentary* proposes a system which combines the vim of modern progressive theories of property-regulation with a very satisfactory degree of conservatism. Briefly, the plan is that, in the best state, the land should be divided: the one part for common purposes and expenses, the other for private ownership and for objects that are at least as much to the private advantage as to the public. Each of these sections, in turn, must be subdivided. Of the first, the one portion will supply revenues to sustain religious worship and its accompanying necessities; the other will defray the cost of public meals. Of the second section, the first half should yield each individual his private necessities; the other, the revenues for the needs of the State, such as arms, defense, and oration.<sup>757</sup>

This plan must have been close to the heart of Aquinas, for it appears to answer best his ever-present political purpose of the common good, and to ask least. He realized from his own reason, as well as from Aristotle, that the six essentials of the State, without any one of which society would be abject, were: food, artisanship (work), defense, revenue, religion, and courts.<sup>758</sup> Though he would hardly have acceded to the item of public meals, which were possible in the Philosopher's city-state but would be vast inconveniences in the medieval order, he must have perceived how well the great Greek's semi-socialistic plan, so to speak, covered and promised to secure these several requirements.

But, on this interesting matter, we must content ourselves only with indications. The part of the *Commentary* in which this old, yet novel, plan of distribution is sketched, was not written by the Doctor's own hand.<sup>759</sup> And there is a possibility that the artificiality of the idea, which, though much less than that of Plato, nevertheless was evident to Aquinas, somewhat

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<sup>757</sup> *Com. Polit.*, Lib. VII, lec. 8.

<sup>758</sup> Aristotle's *Politics*, VII, ch. 8.

<sup>759</sup> See *Introduction*.

repelled. But this is certain: that he believes some things should be in public possession and control. And his second unmistakable tenet is that private ownership should not be so hard and fast as to occasion dire want. It is not expedient in a State, the *Commentary* asserts, that any person should lack food or any other necessity of life.<sup>760</sup> He holds with St. Ambrose that "to spend more than enough is to take by violence," and that "no man should call his own that which is common" (*Serm. LXIV.*, de temp.), so far as the use of things, which should be general, is affected.<sup>761</sup> He recalls the familiar manner of possession of goods among the Jews: that all alike were allowed on entering a friend's vineyard to eat of the fruit, though not to take any of it away: that especially, with regard to the poor, it was prescribed that the forgotten sheaves and clusters of grapes, should be relinquished to their fingers (*Lev. XIX. 9*) (*Deut. XXIV. 19*); and that all the fruit of the earth in the seventh year was common property. He goes on to answer an objection against this free and easy possession, which the Jews practiced. Men cannot live together peaceably, the difficulty ran, if one takes what belongs to another; but this appears to have been approved by the Law (*Deut. XXIII, 24*); therefore the Old Law did not acceptably provide for peace. And the Saint responds in the voice of Christianity and the Church, "He that loveth his neighbor hath fulfilled the Law" (*Rom. XIII, 8*). And love, he insists, has a practical social bearing.<sup>762</sup> "He that . . . shall see his brother in need," he quotes, "and shall shut up his bowels from him: how doth the charity of God abide in him?" (*I John III, 17*); and also the positive text of St. Paul in the first epistle to Timothy (*VI, 18*), commanding the rich "to give easily and to communicate to others." He reveals what an integral part of human life charity is and must be, and indicates its value as a power of self-development and a form of self-expression, for it gives to the giver that which is inestimably more valuable than that which is given: the sense of duty done

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<sup>760</sup> *Com. Polit.*, Lib. VII, lec. 8. Cf. Mgr. de Concilio, *Doctrine of St. Thomas on the Right of Property*, p. 48.

<sup>761</sup> *Summa Theol.*, 2a 2ae, qu. LXVI, a. 2, ad 3.

<sup>762</sup> *Summa Theol.*, 1a 2ae, qu. CV, a. 2, ad 1.

and of closer kinship with Christ. But charity, he maintains, does not consist alone in giving. It could and should be practised also in a passive way, which is more delicate and much less liable to the evil and censure of patronage which often robs one of the ghostly merit of a good deed and makes the beneficiary feel that he has paid for it at extortionate rate. A man does not give easily to another, as Holy Writ demands and Aquinas reiterates, if he will not suffer another man to take some little thing from him without any great injury to himself.<sup>763</sup> And, for that matter, the Doctor asserts, the taking of a little does not disturb the peace, among a well-behaved people, but rather confirms friendship and accustoms men to give to one another.<sup>764</sup> In such a view he expresses the spirit of his own native Italy, with her sunny hospitality and decent liberty from the thrall of things; but, more especially, he breathes the spirit of the Gospel. When things are too rigorously possessed, they possess the possessor; they are his master and he is their slave. And for this reason the Savior warned of the difficulties which wealth offered to salvation, and with a realization of which Aquinas is imbued and would have men equally so. He knows that, if permitted, Christianity could solve the problem of poverty, by drawing men together in mutual regard and saving the best of their energy and effort from a consecration to the coarser possessions of life.

For him, Catholicism is not only an asset to social welfare but the best assurance of it; and of all the "isms" which may be preferred to solve and dissolve the problem of poverty, spiritual and material, he would place it first.

He proclaims man's right to work<sup>765</sup> and the duty of society to ease the financial circumstances of his life. The wealthy must be willing to lend and unwilling, ordinarily, to exact interest. They ought not accept the necessities of life in security, and should not be importunate in exacting payment. Too, debts should cease altogether after the lapse of seven years; for, as

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<sup>763</sup> *Ibidem.*

<sup>764</sup> *Summa Theol.*, 1a 2ae, qu. CV, a. 2, ad 1.

<sup>765</sup> *Summa Theol.*, 2a 2ae, qu. CLXXXVII, a. 3.

Thomas remarks, it is probable that those who could conveniently meet their obligations would have done so before the seventh year and would not defraud the lender without cause; and if they are altogether insolvent, there is the same reason for remitting the debt from love of them, as there was for renewing the loan on account of their need.<sup>766</sup> He is of the conviction that the old Hebrew regulations suitably direct human interrelations; but he is conscious that this would not be so, unless religion, which is an essential element of his political thought, were in men's lives. The necessity of the Church and its influence is axiomatic in his doctrine. To forget this, would be to smile at his monitions, which are so alien to the hard business wisdom of the world. But to remember it, is to ponder.

In fine, we may sum up his solution of the problem of spiritual and temporal want in the State in two words: the Church and justice. The former holds aloft the latter as a light to the world; to speak with authority; and to advise how the principle may be best realized in the practical affairs of life; to save the individual and his rights from unnatural theory; to teach him to live and let live, to give and to receive, to help and be helped, to rejoice and be glad, to suffer and be patient, to realize the liberty of law, the equality of our common nature, and the fraternity which is founded on the paternity of God and the catholic redemption of His Son. The Doctor's first service consists in the fact that he not only prescribes justice, but also tells us where and how it is to be found; his second, in the further fact that his doctrine, far from injuring democracy, like our theories of relief today, truly advances it. Whereas the individual, the sacred symbol of democracy, would be wholly absorbed in the socialistic sea, he rises full-formed, efficient and panoplied with natural rights, from the brow of the medieval scholar-saint.

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<sup>766</sup> *Summa Theol.*, 1a 2ae, qu. CV, a. 2, ad 4.

## 3.—NATIONALITY AND SELF-DETERMINATION

Now that we have inspected, not only the complete State of Aquinas' planning, but also the remedies against its maladies, it would be pertinent briefly to consider the elemental question underlying every civil society: what makes it a distinct nation and why?

The subject of nationality looms large as a result of the war. The task of readjustment of boundary lines, before the Peace tribunal; the case of Fiume, and the thrice-piteous plea of Ireland: these invest an interrogation which is answered in St. Thomas' *Commentary or Aristotle's Politics*, with a living interest. The Doctor is psychological, and approves of no merely external and materialistic standard of making and judging a nation. Walls of brick—or pacts on paper, for that matter—do not make a state.<sup>767</sup> Hence he believes that one should look deeply into the people for the principle of nationality, rather than into geography, expedience, or any other externality. If a people are a distinct race, they ought to have a distinct state, for many reasons. First, they constitute a moral personality,<sup>768</sup>

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<sup>767</sup> *Com. Polit.*, Lib. III, lec. 2: "non potest dici, quod homines inhabitantes civitatem conservant identitatem civitatis propter muros eosdem." It must be recalled in interpreting this sentence, however, that St. Thomas, commenting Aristotle, is speaking of the Philosopher's supreme city-state. He adds that a circumvallation of the Peloponnesus would not make a single state, no more than did the walls of Babylon, which enclosed such an area and population that, not until three days after the down-fall, did some of the very inhabitants receive the news. Such an expansiveness exceeded the political ken of Aristotle who believed that a state should be small. But Aquinas did not teach such a necessity (See Ch. I); in fact, he regarded the kingdom as more self-sufficient than the city-state. He would see a nation within Babylon's walls (though not because of the walls themselves) where Aristotle would behold only a discrete collection of city-states (in qua magis comprehenditur una gens, quam una civitas). So that his thoughts on nationality are more akin to the modern-mind, to which the city-state is a legend, than are the Philosopher's.

(2) *Summa Theol.*, 1a 2ae, qu. LXXXI, a. 1: "in civilibus omnes homines qui sunt unius communitatis reputantur quasi unum corpus et tota communitas quasi unus homo." *Summa*, 2a 2ae, qu. CIV, a. 5: "'mens quidem est sui juris'" (Seneca, *De Benef.*, Ch. XX). See Chapter VII on Rights.

<sup>768</sup> *Com. Polit.*, Lib. III, cap. 2; et *Summa Theol.*, 1a 2ae, qu. LXXXI, a. 1.

and accordingly have rights, among which are life, liberty, self-preservation, and determination. (Though Aquinas does not exploit this idea of civil personality to the degree favored by Spencer, Bluntschli, Schaeffle, Fouillée and Espinas.) Secondly, their manners and customs are the same, assuring a unified personality and hence enhancing its rights. Thirdly, the people are bound together by affection and tradition, which, in themselves, ought not be violated. Fourthly, hate and wrangling are the result of a greater state swallowing a lesser one, which naturally and rightly refuses to be digested. The inference is legitimate that the imperial policies of modern times, in so far as they have opposed the personalities of *capable* small nations, could not be justified on Thomistic grounds, and that the restrained attitude of the United States toward territorial acquisition is in accord with Aquinas' teaching.<sup>769</sup> While rising above Aristotle's petty idea of the city-state, he avoids the fallacy of the super-state and would no more have the identity of a nation sunk in an empire, than the human individual lost in the civil sea; though, to be sure, he is not and could not be adverse to an amicable alliance between the countries for the common good of each and all. The rights of small nations are of as much importance to him as those of the large; for they all rest on the common and sacred basis of the natural law. He saves the individual, the family, and lastly the State, from the top-heavy political concepts which crush, and considers each predecessor in this civil series as superior to the successor, inasmuch as it is a source. His democracy, therefore, rings true, through the State and around it.

Different nations there must be, as there are different individuals, temperaments, and aspirations. The lack of sameness is natural and necessary to a richness of world achievement. But all can and ought to be united at least in the "one necessary thing": the service of the Father of all, which implies fealty

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<sup>769</sup> Poole, *Illustrations of the History of Medieval Thought*, p. 246: "the express preference which Thomas displays for nationality as the basis of the state, shows that he had learned, what the civilians remained ignorant of, that the world had outgrown the imperial conception."

and adoration in the Church of His Divine Son. Aquinas saw, six hundred years ago, that the old Catholic faith had made a kind of unit out of the vigorous ethnic varieties of the times, and presumed that religion alone would be capable of such a service throughout the future. It alone could fully promise the inner unity without which all external expedients would be brittle.

#### 4.—INDIVIDUALITY AND INDIVIDUAL CONCERNS

From the broadest ideals, the politics of Aristotle and Aquinas can and do contract, easily and naturally, to the concern of the individual. The characteristics of their doctrine are expansiveness and pointedness: a combination of qualities which generally signifies truly great thought. Aquinas began his political philosophy with the instincts of the human individual; it is fitting that we draw our treatise to a close with certain Thomistic ideas of which the individual in relation to civil life is again the direct subject. The seventh book of Aristotle's *Politics*, replete with practical civil advices, must have made a deep impression on Aquinas; for he borrows heavily from it in the latter part of the authentic portion of his *De Regimine*. We are led to believe that he made its thoughts peculiarly his own,<sup>770</sup> and hence we do not hesitate to present Lesson XII of the Seventh Book of the *Commentary* as an expression of his own political acceptance and conviction.

The particular reference of civil life to man's material condition is again emphasized. Though the things of the spirit are certainly superior in their own order, the fact remains, from which Thomas' sanctity could not deter him, that the body comes first in some very important respects. Man's life is to be rationally directed; but, first of all, we must have the man and have him as a fit and normal subject for rational existence.<sup>771</sup>

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<sup>770</sup> For example, cf. Bk. VII, ch. XI, with the *De Reg.*, Lib. II, cap. II. The latter uses the thoughts of the former on health, water-supply, etc. Also cf. Bk. VII, ch. V, and the *De Reg.*, Lib. II, cap. III: the latter borrows the advice of the former on the necessary self-dependency for provisions, which a state should have.

<sup>771</sup> *Com. Polit.*, Lib. VII, lec. 12.

Aquinas does not approve of the civil policy, which has too long been modern, of dealing only with the individual failures in society. He believes that society, insofar as possible, should forestall failures. The work of prevention should exceed the task of cure.<sup>772</sup> Constructive of good lives even more than punitive of bad, the civil endeavor should be.

Elsewhere we reviewed the education of the individual according to the Aristotelian-Thomistic schema. But now the Doctor's thought reaches behind education to an earlier and deeper duty. Farther back even than the cradle, the beneficent service of civil society to the individual should extend. The child has a right to be well born. And the State should strive to supply the conditions requisite to a realization of the right.

The principle which the *Commentary* offers is that practical necessity deals with means rather than ends; details and stages, rather than totalities and results.<sup>773</sup> The child feels before he thinks; eats before he talks; sleeps before he walks; he is more sense than soul before his rational life begins.

The body is more important, because the mind is not yet awakened. But the body of the child being primarily referable to the parents, the assurances of good birth are to be sought in them.<sup>774</sup> Without injuring individual rights, which, as we have seen, St. Thomas considered inviolable, when they appertain to the soul of the individual or to the nature of his body, the prudent State can and should lay down some regulations. For the individual, in certain circumstances, involving harm to others, lacks the right to exercise his rights. Wherefore the *Commentary* considers the age of the contracting parties, the time of marriage, and kindred topics, as possible subjects for civil concern and provision.<sup>775</sup>

The parties should not be too young, nor too old, nor of too great disparity in years. This question of parental age has much to do with the bodily welfare of the child. The average duration of sex-potency in a man being seventy years and in a

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<sup>772</sup> *Ibidem.*

<sup>773</sup> *Ibidem.*

<sup>774</sup> *Com. Polit.*, Lib. VII, cap. 12.

<sup>775</sup> *Ibidem.*



woman fifty, marriage regulations should be made within these periods. The time of the latter is less than the former, the *Commentary* explains, because woman's nature is more delicate and less aggressive than man's.

The baneful effects of youthful marriages on offspring are emphasized. The imperfect and immature cause means the same manner of effect.<sup>776</sup> Undersized and weak are the children of such ill-advised unions; to say nothing of the peril to the mother and the deleterious result to both parents of a too early taste of the secrets of life.<sup>777</sup> According to Aristotle, the proper age for the wife would be about eighteen years, and for the husband about thirty-seven; for then their physical perfection is attained. But the Scholastic regard for individual rights here asserts itself in a sort of opposition to the Philosopher's stand. While Aquinas freely admits and approves a limited degree of civil interference, he holds that it should always be directed along natural lines. To set the minimum age for marriage at seventeen and thirty-seven, would be an arbitrary and artificial procedure. Individuals differ so much in their intimate concerns, capabilities, and tendencies that, to force a common rule upon them in a matter so personal as to call for a large degree of freedom, would be unseemly. Aquinas would present as advice what Aristotle would make a law. He believes that nature determines the time of marriage more suitably than the Philosopher, and that her rulings, as far as man's rights are concerned, are to be followed; but that the Philosopher better determines the best time for the alliance.<sup>778</sup> As we have seen before, he does not think that civil law should command a man to do everything good nor forbid him to do anything bad. So long as the individual's autonomy does not interfere with the rights of others, he has a right to be unmolested by civil power. But when a youth and maiden marry at the time of their desire, know their own minds and are qualified by nature for the step, there will hardly be serious harm to the fruit of the womb, or, at least, not

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<sup>776</sup> *Ibidem.*

<sup>777</sup> *Ibidem.*

<sup>778</sup> *Com. Polit.*, Lib. VII, cap. 7. N. B. But Aquinas teaches that marriage before the age of puberty is invalid. See *Summa*, 2a 2ae, qu. CLXXXIX, a. 5.

sufficient to warrant the trepidation of the State. Their parents have no right to stop them,<sup>779</sup> much less the law. There is perhaps, too, a prudential trend in the Doctor's thought. Nature is stronger than statutes. The sex instinct will assert itself outside the law, if it may not within. The law must, as far as possible, be in accord with nature, and not counter to it; else it lays an intolerable burden on the people, discredits the government in their eyes, and is fore-doomed to failure.

However, from the general Aristotelian principle that care should be taken that the bodies of the children may be such as will answer the expectations of the legislator,<sup>780</sup> we may infer that Aquinas favored every reasonable precaution which the State should see fit to take. He believes that the contracting parties ought to be in good health; and the expedience of a doctor's certificate to that effect appears in harmony with his trend of thought. The *Commentary* states plainly that prospective parents should consult the physician and abide by his advice.<sup>781</sup> But the greater probability is that Aquinas, more zealous of individual rights than the Philosopher, would still ward off the encroachment of the State and have the safety of the unborn assured by a reign of intelligence, religion, and common decency in society. If these are present, law may well be absent; if they are not, law will be only nominal. For, even if it ought, the State could not reach deeply enough into personal lives to heal a situation which is so far from superficial. Not to permit marriage, is not to prevent intercourse. Evidently appeal would have to be made to higher sanctions than the State can boast. Aquinas supplies them in the religious citadel of his politics. Still, if the influence of the Church fails, as is today so evidently the case in districts where neo-paganism is rising and peculiar varieties of Christianity are preached, there is little doubt that Aquinas would approve of a civil enactment to assure parental fitness. Here there would not really be a violation of individual right; for the individual naturally loses his right to

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<sup>779</sup> *Summa Theol.*, 2a 2ae, qu. CIV, a. 5: "non tenentur nec servi dominis, nec filii parentibus obedire de matrimonio contrahendo, vel virginitate servanda, aut aliquo alio hujusmodi."

<sup>780</sup> *Politica*, VII, 16.

<sup>781</sup> *Com. Polit.*, Lib. VII, lec. 12.

matrimony, if he is disqualified for it. Again, however, an amendment must be made in adjudging the mind of St. Thomas in this matter. He would not regard it just for the State to be excessive in its ruling. No poetic plan of producing a race of supermen and a consequent legislation to the effect that marriage be permitted only to the physically perfect, would receive his approval. Only when a person is unfit for the marriage state beyond peradventure of a doubt, as in such cases as venereal disease or impotency, could he be restrained, on Thomistic principle, by civil force.

The *Commentary* teaches that the State should have special concern for women in pregnancy. They should be assured of proper nourishment and competently directed.<sup>782</sup> Aristotle suggests that discreet exercise be imposed on them by a civil command that they repair once a day to the worship of the gods of matrimony.<sup>783</sup> The *Commentary* repeats this advice, leaving it to be accepted, if at all, in a Christian sense.

The treatment which the State should exercise toward defective children is, according to Aristotle and his paganism, drastic. Let it be a law, he writes, that nothing imperfect or maimed be brought up.<sup>784</sup> The *Commentary*, however, to be sure, is too Christian to acquiesce. It seeks whatever element of reason there may be in the Philosopher's injunction and accredits it. It is only natural that the more perfect should be more prized than the less perfect. They are of more significance to the State, for they are a decided asset; while the imperfect are doubtless a liability.<sup>785</sup> And in a political theory like Aristotle's, in which the State is less than Plato's indeed, but more than St. Thomas', it would be at least cold logic to thrust aside all hampers to civil progress. Nature herself is more solicitous for her well-endowed children than for her *minus habentes*. There is the virtue of naturalness to the Philosopher's view; but this fact, from a Thomistic viewpoint, would be the defect. The

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<sup>782</sup> *Com. Polit.*, Lib. VII, cap. 12.

<sup>783</sup> *Politics*, VII, 16.

<sup>784</sup> *Ibidem*.

<sup>785</sup> *Com. Polit.*, Lib. VII, cap. 12.

Doctor's politics leads to the supernatural and is conceived in its light. The hard Aristotelian monition is intolerable of itself; and Aquinas is patient with it only because of the pre-Christian period of the Philosopher, and its relative reasonableness on naturalistic premises. The *Commentary* is careful to mention that whatever justification it offers for Aristotle's view is based on a consideration of the present life and man's natural end alone.<sup>786</sup> The supernatural facts of Christianity give an entirely new complexion to the problem.

But in spite of the obvious attempt at fairness to the Philosopher, we find Aristotle's idea considerably toned down. Whereas he maintained that defectives ought not be fostered, the *Commentary* declares that care should indeed be taken of them, though not to the extent with which the perfect-born are tended.<sup>787</sup> The idea of exposing the unfortunates is not even mentioned. It is too alien to Christianity even to be couched. And, in his own right, rather than in the capacity of a commentator on Aristotle, we know that Aquinas would have the State care the more tenderly for the less favored children who would require it the more; and that he would regard as a duty to be embraced, that which the Philosopher spurns as a civil stumbling-block. A saint, he could not forget the request of the Master: "Suffer the little children to come unto Me." No matter how ill-equipped for the struggle of life the child may be, he would give it a Christian chance, and not tear the fragile tendrils of its fingers from the life which God Himself inscrutably saw fit to bestow. He would guard the individual in the helplessness of infancy from the sophisticated procedures of paganism. In this, his democracy is true to a detail which only religion could assure.

The stormy question of birth-control, which lulled during the war, when the call for men was so loud and the fallacy of any theory for stopping the source of them was most felt, is again with us today. It was with Aristotle and Aquinas. The latter responded with Christianity. But Aristotle holds that the State should check population and that, if any parents are in the way

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<sup>786</sup> Ibidem.

<sup>787</sup> Ibidem.

of having more children than the number allowed, an abortion must be committed before life and sensation begin in the foetus;<sup>788</sup> while the modern idea would press back the impossibility of births so far that the State need not be solicitous at all. Now, though Aquinas is as vehement for individual rights as anybody, he realizes that nature has some rights too, and that, if the individual begins by perverting it, he will end by wronging himself. He would save the individual from selfish as well as from civil aggression. But the *Commentary* strives to present the Philosopher's position gracefully and condone it insofar as it can be condoned. Since a state is a self-sufficient community, it is fitting that there be no poor citizens and, therefore, that any condition which would make for poverty should be dispelled.<sup>789</sup> But to this, the Saint could retort with the Gospel with which he was imbued: "Consider the lilies of the field." He knew of a Providence to which the brilliant mind of the Philosopher was blind. God supplies enough for all; poverty should be traced to human causes and not divine. Its remedy should be natural and not unnatural, moral and not immoral. Normally there is enough for all, if all are willing to refrain from hoarding and to grant each his share. Christ spoke with greater authority than His minister Malthus, when He told of the care which His heavenly Father has for mankind. Aquinas knew that nature was not the great cause of paupers, but external circumstances; and that these, not nature, should be the civil and individual target. He was not the one to solve a problem by canceling the subjects of it.

Besides, to meddle in the processes of generation, was, to Aquinas, a direct action against God, the Author of those processes. Nature is far too sacred in his opinion to be profaned by the clumsy fingers of the State. It has its ways; it is reasonable to accede to them. And any law, in defiance of them, would be unreasonable and irreligious.<sup>790</sup> Not fulfilling the definition of law as an *ordinatio rationis*, such a measure could not be a law

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<sup>788</sup> *Politica*, VII, 16.

<sup>789</sup> *Com. Polit.*, Lib. VII, lec. 12. Cf. Albertus Magnus, *Com. Polit.*, Lib. VII, cap. 14.

<sup>790</sup> *Summa Theol.*, 2a 2ae, qu. CLIV, a. 12, ad 1.

at all. It might be a temporary expedient; but it would surely be a boomerang. It is obvious to Aquinas that there can be no real gain when and where the civil enactment loses sight of either God or of His reflection in nature.<sup>791</sup>

There are sentences in the *Summa* to answer the flippant birth-control propaganda which we plentifully hear and see today. It is amusing, we are informed by our *ultra* moderns, any longer to hold that infants arrive as necessarily as rain-drops and that we have no more command over their coming than over the clouds in the sky. In still deeper sophistication, it is hinted that the sex function is on a level with eating and drinking.

But Aquinas teaches that the order of reason requires means to be employed for the manifest and good purposes of nature, and that means may be used and enjoyed only in view, explicit or implicit, expressed or tacit, of their proper end.<sup>792</sup> If made to be absolute aims in themselves, they fall short of the natural plan, and amount to perversions of it. It is good that the body of the individual be preserved; it is better that the race be perpetuated. Just as food is the means of saving the body, so is sexual intercourse the method of saving the race. Thomas uses St. Augustine's observation, exactly to express the truth: "What food is to the body, so sexual intercourse is to the race" (*in lib. de Bono Conj.*, cap. 16). And the Angelic Doctor adds, sex-indulgence may indeed be as sinless as eating, provided it be exercised in due manner, conformably to its object of human generation.<sup>793</sup> But he emphatically asserts that there is no comparison between an excessive gratification of the appetite for food, and a deordinate satisfaction of sex. For the potentiality of the latter act is great; a new life could be the result of it, if nature were not thwarted. Aquinas sees two glaring guilts: opposition to nature, and inordinate concupiscence. Thus he views the subject from an angle which the modern birth-controller has forgotten or ignored: ethics.

The points which he scores are these:

(1) The interference with nature which birth-control involves

<sup>791</sup> *Summa Theol.*, 1a 2ae, qu. XCV, a. 2.

<sup>792</sup> *Summa Theol.*, 1a 2ae, qu. CLIII, a. 2.

<sup>793</sup> *Idem.*, qu. CLIV, a. 2, ad 6.

means dishonor to nature itself and especially to its Author.

(2) It depraves the purpose of sexual intercourse to a selfish satisfaction of concupiscence.

(3) It sacrifices the common good.

(4) It is economically inspired by a disregard for God's Providence which is one of the great messages of Christianity. There is enough in the world for all, if there were enough energy, enterprise, justice and charity. And these should be sought and stimulated; nature ought not and need not be sacrificed.

(5) The individual has no right to counterpose himself to nature, accepting the pleasures and refusing the responsibilities and effects of intercourse. Much less has the State the right to tell the individual how many children he may have. Man is and must always be free in such a private interest, with an accountancy which is only to his Maker.<sup>794</sup> In other words, if ever there is to be a limit to the land of infancy, the individual, and not the law, must make it; and, in the making, life is not to be profaned. Self-control is the constant insistence of Christianity.

Aquinas teaches an ideal of sex-life which yields not a jot to the pseudo-ethics of expedience, but is reasonable and natural to the noblest degree. He believes that the higher faculties of man should rule the lower.<sup>795</sup> He was doubtless impressed by the expressive teaching of Albertus Magnus that God once destroyed the earth by water to quench the flaming lust which leaped in the souls of the children of men. The Maker intended man's reason to govern his appetitive life and not be its slave. The cross was the symbol of the triumph of the Logos—the divine Reason—over the flesh. St. Paul, like the Nazarene, chastised his body and brought it into subjection. Aquinas likewise, in the troubled days of his youth, strenuously fought and conquered concupiscence once and for all. He could not coolly take it for granted that men would and must be sexually excessive. The teaching of Christianity and the endless examples of the saints who exercised not only temperance but preserved absolute virginity, were against such an uncomplimentary view of human

<sup>794</sup> *Summa Theol.*, 2a 2ae, qu. CIV, a. 5.

<sup>795</sup> Cf. Plato, *Laws*, VI, 782.

strength. Besides, he possessed a Catholic's regard for the wealth of sacramental life in the Church and the long stream of graces flowing from Calvary and its unbloody repetition in the Mass. The Redemption, for him, was not a remote execution on Golgotha or a chapter in a book. It was a tremendous event of significance to the whole race for all time. It affected every phase of human life; it empowered every individual; it opened up a new world, a new sense of values, and a new hope. What was impossible to pagans, was a sweet yoke and a light burden to the followers of Christ. And so Aquinas could not for an instant admit the darkling presumption on which the Aristotelian advice with regard to race-limitation seemed to turn. He respected the individual too sincerely to injure him even in thought. His democracy was as genuine in the ideal order as in the political and practical.

But to turn from religious considerations. St. Thomas adverts to the subject of sex from a socio-political angle. He remarks its intense relation to the public good;<sup>796</sup> for what could be more immediate import to civil society than the perpetuation of itself? And therefore, Aquinas infers, all the restraints of reason should be thrown by the individuals in the State around their tendency to sexual excess. Whatever exceeds reason is wrong, he contends; and what is wrong has no right to be enacted. Depraved concupiscence, which seeks gratification without reference to the natural purpose of generation is opposed to reason.<sup>797</sup> It has no justification. Hence Aquinas believes that not a limitation of the list of births, but an inspiration of the virtues of temperance within the marriage state,<sup>798</sup> would be the solution of a condition which Aristotle and the moderns are

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<sup>796</sup> *Summa Theol.*, 2a 2ae, qu. CLIII, 3 a.

<sup>797</sup> *Idem.*, qu. CLV, a. 1, ad 2; et Supplementum, qu. XLIX, a. 5.

N. B.—The Saint distinguishes between the false reasoning of the world and the true reasoning which looks above for its standards; between expediency and ethics. When man obeys the commandments of God, he cannot act contrary to reason, although he may appear to be counter to the ordinary course of it. (*Summa*, 2a 2ae, qu. CLIV, a. 2, ad 2.)

<sup>798</sup> By continence (in his second meaning of the word) he signifies a resistance of reason to unseemly desires (*resistentiam rationis ad concupiscentias pravas*). Temperance, he teaches, is even a greater virtue than this kind of continence. (*Summa*, 2a 2ae, qu. CLV, a. IV.)



pleased to deem a problem. Again, the State would have to join hands with the Church.

But, as we have already mentioned, the *Commentary* tries hard to erase the stigma of unnaturalness in its interpretation of the Aristotelian thought; and so it strains, if indeed it does not quite sacrifice, the truth of the text. A correct and direct translation of the Philosopher's sinister sentence would be: "But if any parents have more children than the number prescribed, before life and sensation begins, an abortion must be brought about; for what is right and contrary to right in such a case is determined by sensation and life."<sup>799</sup> The *Commentary*, then, appears to err by charity when it declares that Aristotle did not express his own personal convictions in the matter. Still more so when it essays the opinion that he did not prescribe abortion absolutely, but only held that, if it must be, it ought to be prior to the development of sentient life in the womb. That is to say, the lesser of two evils should be chosen.<sup>800</sup> The Thomistic doctrine is all the more evident, for partly reading itself into the writing of the Philosopher. It is strong with a conviction which comes from sound ethics. And it saves the individual from the very instant of his actual and even possible existence, just as the sublime religious truths to which the Saint's politics leads, would secure the salvation of the individual for all eternity. And surely a political theory which is broad and detailed enough both to proclaim the common good, and still champion the single member of society in every reasonable respect; whose stand for right and justice, from womb to tomb, is unfaltering; which would stimulate civil society to yield abundant aid and advantage to the individual: cannot but be democratic in the best sense of the word.

There is a connection between the question of eugenics and that of divorce. Sound births can hardly result from loose marriage-ties.

The sacredness and indissolubility of the marriage bond form a strong part of the Doctor's teaching. On principle he would

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<sup>799</sup> Walford's translation, *The Politics and Economics of Aristotle*, p. 267.

<sup>800</sup> *Com. Polit.*, Lib. VII, lec. 12.

deplore the fact of divorce in modern civil society, and the facility with which it is granted.

For Aquinas, marriage is an institution of three-fold purpose: first, the generation of children; secondly, the education of them, and thirdly, the joys of the home.<sup>801</sup> Divorce evidently injures all three of these aims. It shatters the most sacred of human pledges.<sup>802</sup> Crueler than death, it tears children alive from either parent, and robs them of the ennobling influence of a real home; it encourages silly alliances by promising ready relief; it stimulates further folly by fulfilling its promise; it causes sex to degenerate by furthering folly; it opens the way to crime by removing the obstacle of honor. And thus, describing a sordid circle, it frequently ends at the point where it began: the law. And so law punishes in the blossom what it promotes in the seed: an inconsistency which is no weak indication of the soundness of St. Thomas' acceptance that civil ruling has no ordinary right to make the dissolution of matrimony its subject at all. The civil law in its positive measures must be based on the natural law, else its foundation is injustice; and the natural law, Aquinas teaches, is against the gregariousness which divorce fosters. His reasons are as follows:

1. In all cases where the offspring is naturally delicate and requires the care of both the male and the female, transient relationship (*ragus concubitus*) is not practiced. Should man be less human than the very brutes, and law more brutal than naked instinct?<sup>803</sup>

2. It is plain that the child needs not only its mother to nurse it, but, even more so, its father to protect and provide for it. Thomas would be bitter against the modern parental lackadaisical attitude whereby the son and sire are either strangers to each other or remote acquaintances. He holds that their souls should be knit in the closest intimacy, and that the heart of the boy must be an open book to the loving and experienced eye of

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<sup>801</sup> *Summa Theol.*, Supplementum, qu. XLIV, a. 1.

<sup>802</sup> Marriage, according to Aquinas, is not only of bodies, but of souls. "Conjunctio autem corporum, et animorum ad matrimonium consequitur."—Sup., qu. XLIV, a. 1.

<sup>803</sup> Cf. Hume, *Essays and Treatises*, Vol. II, p. 244.

the father.<sup>804</sup> With the superior knowledge of the evils and ways of the world which his advanced contest with life has afforded him, the father must forestall the indiscretions of the young life opening under his care. The inference is that today we should not need sex-hygiene in our schools, if we had Thomistic principles in our parents. For the Angelic Doctor, the father cannot for one moment be the supernumerary in the education of the child, into the rôle of which modern civilization has allowed him to slip. The paternal direction is more important to youth even than the maternal milk to infancy.

3. Therefore it is contrary to the nature of man that he should, or should be permitted by positive law to, indulge a romantic wanderlust and reckon his wives by his fancies. He must be true to the mother of his children. Even if his wife is without child, the implication is that he is to be faithful to the sacred potentiality within her. And even if he makes some provision for the education of his family, he is not free to seek another mate; for his paternal duties are essentially personal and cannot be transferred.<sup>805</sup>

It is seen that St. Thomas views monogamy in its masculine aspect; but it is plain that his doctrine secures fairness for the feminine side too. It does not provide for that bane of "incompatibility" which is a monotony in our court-records today; for it considers that the children are more important concerns than the petty psychologies of the parents. And perhaps it rises on an astute premise that "incompatibility" is apt to be absent when the husband and wife have present the musical coo, the pink appeal, the warmth and innocence of the infant, that is the product of marriage and the proof of its success.<sup>806</sup> The fact is overt in modern life that childless marriages, which are voluntarily so, turn sour. The sweetness of a child and, better by far, of children, is the remedy with which Thomistic teaching on Matrimony is instinct. For him, the whole institution revolves around the figure which the Savior, to lead back a world to peace, sanity, and salvation, assumed. For him, the

<sup>804</sup> *Summa Theol.*, 2a 2ae, qu. CLIV, a. 2.

<sup>805</sup> *Summa Theol.*, 2a 2ae, qu. CLIV, a. 2.

<sup>806</sup> Cf. Egidius Colonna, *Li Livres du Gouvernement des Rois*, II, 3.

fashionable and fatal modern union which is deaf to the tiny fingers of the unborn knocking at the door of Life for admittance, would be ugliness topped by falsehood; prostitution with a license in one hand and a wedding-ring in the other. Again, the Saint, with a doctrine which the wisdom of modern thought would consider archaic, unprogressive, intolerant, and unsuited to present-day exigency, but which the modern conscience would secretly approve, strives to protect the individual from the error which decreases his worth and makes him less a factor for his own and the common good; and likewise from a civil sanction which would rouge the complexion of divorce into a fresh but false attractiveness. We have recurrently seen his idea that the State ought not be assumptious, and should tolerate much; but in its explicit enactments, it must always harmonize with the moral law. If it cannot, it ought to be silent; for its voice is not fit to be heard. He grants that civil law is quite within its province when it prohibits the more flagrant and unspeakable violations of the marriage right.<sup>807</sup> But his insistence is that law cannot legitimatize what is intrinsically immoral.

Aquinas cautions that, if the gate-way of divorce is opened at all, a torrent of abuse will pour into society. It will be as easy to find reasons to shake off the hymeneal fetters as to breathe; for, as he observes, rare is the case in which both husband and wife are quite impeccable;<sup>808</sup> an observation, the shrewdness of which is attested by the tangled state of connubial affairs in our own country today.

While decriing divorce, however, he recognizes separation, which does not preclude future reunion, but invites it rather. Yet, he would have no trivial matter tamper with the marriage bond at all, and would permit separation only as an extremity; and, even then, he would prefer that it be neither total nor permanent.<sup>809</sup> He believes that recourse should be had to the Church, which possesses a tribunal of her own in which matrimonial difficulties are investigated with quiet dignity and earn-

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<sup>807</sup> *Summa Theol.*, 2a 2ae, qu. CLIV, a. 9.

<sup>808</sup> *Summa*, Sup., qu. LIX, a. 6.

<sup>809</sup> *Summa Theol.*, Sup., qu. LXII, a. 3.

estness.<sup>810</sup> Of course, he was writing for an age in which the Church was duly recognized; but his thought causes a wistfulness today. Why should the most intimate secrets of souls be aired to the public, and the right of the individual to privacy so wantonly ignored? Aquinas could point to a capable institution which could see more deeply into human lives than the State, and much more delicately. He makes us conscious of the modern lack of a fitting tribunal, and the agonizing dependence on a court-room filled with prurient reporters and vulgar titterers.

From the foregoing, we must admit that the Doctor deals prudently toward misalliances, advocating the separation of individuals when they should not be bound, keeping them bound when they ought to be, and, in either event, preserving intact the strength and beauty of the matrimonial ideal, and calmly answering the heated nonsense of such as Voltaire who wrote that the indissolubility of the Catholic marriage is highly beneficial to certain couples who cannot agree, "for thus they are enabled to torment each other for the whole length of their lives, and to obtain the kingdom of heaven."

Ellwood proposes several remedies for the divorce evil, all of which but two, depend on law.<sup>811</sup> But the cures of Aquinas are more in accord with democratic propensity; for they appeal more and force less. The first measure which Ellwood advocates is "that there might be a uniform divorce and marriage law" all over the country. St. Thomas stands for the uniform policy of a unified Church, leading all men alike by the same principles, instead of compelling them *ab externo* by the same policy.

The second of the sociologist's suggestions is "a reform in judicial procedure in trying divorce cases." Haste, insufficiency of evidence, flagrant fraud and collusion: all these are apt to be characteristic of the modern trial, in our free and easy system. And, therefore, Ellwood goes so far, in fact, as to recommend that the matter of divorce should be consigned to special Courts of Domestic Relations. Whereas Aquinas would entirely take it out of the domain of civil authority, which is hardly a sphere for the sacred and intimate concerns which Matrimony and all

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<sup>810</sup> *Ibidem*.

<sup>811</sup> *Op. cit.*, 159-166.

that is relative to it signify. He would have a distinctly spiritual tribunal examine naked souls, and not a bar of justice whose specialty is mere externality and whose associate is sensationalism.

Thirdly, Ellwood believes that the number of legal grounds for absolute divorce should be lessened. Aquinas, more astutely, perceives that here is a case where any means many, for nearly all possible cases could be readily assimilated into the legitimized few.<sup>812</sup> He quotes the Master: "But I say to you, that whosoever shall put away his wife, excepting for the cause of fornication, maketh her to commit adultery" (Matt. V, 32). And he holds that even the exception, which Christ makes, means divorce not in the sense of permission to marry again, but rather in the sense of separation.<sup>813</sup> He grants that the State may nod to much; but, as we have already noticed, he would deny its power to furnish "legal grounds" in the strict sense for that which "from the beginning was not so." In this he would free the individual from the false philosophy of irrational civil measures and lead him in the pure ethical light of the Savior's teaching.<sup>814</sup>

Fourthly, Ellwood prescribes "restrictions on remarriage of divorced parties." Catholicism and Aquinas are more positive and definite, in teaching that remarriage is out of the question in any and every case, while either party to the separation is alive.<sup>815</sup> This is not harsh to the present individual, so much as it is considerate of the future. It aims at fostering the domestic life which means for the child his earliest and noblest association, stimulation, and education. As for the husband and wife themselves, it compliments them by accepting as the simple truth the solemn promise which they make in wedlock to cleave to each other until death parts them. The modern State, on the other

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<sup>812</sup> *Summa*, Sup., qu. LIX, a. 6.

<sup>813</sup> *Ibidem*.

<sup>814</sup> Cf. Costa-Rossetti, *Philosophia Moralis*, p. 440: "Haec sententia est S. Thomae (4 dist. 33, q. 2, a. 2. c.) et aliorum Theologorum gravissimorum auctoritate comprobata, quae minime rejicitur in prop. 67 in Syllabo Pii IX rejecta: 'Jure naturae matrimonii vinculum non est indissolubile, et in variis casibus divortium proprie dictum auctoritate civili sanciri potest.'"

<sup>815</sup> *Summa*, Sup., qu. LXII. a. 5.

hand, refuses to take this marriage pledge seriously and, therefore, underestimates the individual to a very unflattering degree. But Aquinas and his Church treat both man and woman as responsible entities, capable of making and keeping a real promise. They inspire the proper spirit by expecting it; the State incites the absence of it by providing for it. There is as much difference between the two attitudes as between a rare principle and a common resource. It is easy to see which of them appraises the individual more highly: the doctrine which looks for him to keep his word, or the law which counts on him to break it. When it is recalled that the parties, on their honor and in the presence of witnesses, promise in marriage to rise above all the possible troubles of life and cling to each other until the very end, it is evident that no injustice is done in expecting them not to forget the troth they plighted when the very difficulties, which their promise anticipated, appear. In claiming a fitting response from the individual, Aquinas grants him a noble credit.

Fifthly, the marriage evil is behind the divorce problem. The wiser the weddings, the fewer the disasters. But this manner of personal wisdom is evidently beyond the power of the State to procure. Marriage laws, says Ellwood, "can prevent to some extent unwise marriages, but can do but little to secure wise ones."<sup>816</sup> Here, then, the logic of the Doctor's reference to the spiritual society which touches souls, shines. Catholicism has worked out the solution which Ellwood seeks, in its doctrine on espousals. Aquinas taught a period of engagement prior to the marriage step;<sup>817</sup> and the Church requires that the banns of the approaching nuptials be published for three consecutive Sundays, in order that any existing obstacles to the validity or blessedness of the union may appear. Then she has the Sacraments of Penance and Holy Eucharist, in which the spirits of the contracting parties are cleansed and strengthened for the solemn reception of a further Sacrament. Her system is dignified, and does not admit of the hasty modern tempo which is the prelude to "repentance at leisure." Too often the State marries mere emotions; but the Church, accordingly with Aquinas, provides

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<sup>816</sup> *Op. cit.*, p. 163.

<sup>817</sup> *Summa*, Sup., qu. XLIII, a. 1.

that the individual be at his freest and best to undertake the serious and momentous obligations of married life. For this reason, Catholic marriages are, for the most part, pure, happy, fruitful, and assets to the commonwealth.

Sixthly, public opinion should be enlightened on the subject of wise marriages. Aquinas could and does bespeak an institution especially designed to help the individual (and hence the State) by stirring up the noblest sentiments within him, by opening his mind to the truth, and by bringing the experience of centuries into relation with his affairs.

Seventhly, moral education is absolutely necessary. Thomas heartily agrees with this democratic advice, which places the possibility of reform back where it belongs: in the individual. He believes that we cannot have present in the State what is quite lacking in the individualities of which the State is composed. And so he grasped, over six centuries ago, what is being realized through sad experience today: that the condition of civil society and of the individual is directly relative to that of the home. Over and over again in his *Summa*, he mentions the education of the children as a prime duty of parents. He declares that this loving task is life-long. And so he would have the old nest remain even after the young have developed a sort of self-sufficiency; for he is impressed that a person really ought not, and cannot, outgrow his parents, and should be guided through life by their moral influence.<sup>818</sup> No matter how far sons and daughters may roam, Aquinas would have the scene of their childhood and the old father and mother, hand in hand, waiting to receive them back: tireless in heart until death stops the throbbing, beautiful in their example of faith. The individual who is fortunate enough to begin life in a home of Thomistic planning, would prize its purity and charm too highly ever to be inveigled by divorce. He would be strongly inclined to grant his own children, all that his own parents gave him.<sup>819</sup>

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<sup>818</sup> *Summa*, Sup., qu. LXVII, a. 1.

<sup>819</sup> *Ibidem*.



## 6.—WOMAN

Saint Thomas appreciates that the home and woman are as correlative terms as husband and wife. So, let us turn to a consideration of his doctrine in regard to a topic which has become intense in our day and is styled Feminism. We may expect little enthusiasm from the monk-scholar, whose bias, if he had any, was against the allurements of the sex and whose historical encounter with a depraved female in the days of his youth was one of the painful spots of his life. But he presents much which the impartial would have to recognize as good sense. If we bring his thoughts into relation with our modern "Woman's Movement," however we find that he could hardly be reckoned among the supporters. Proof would he be against the claim of the Feminists that the success of their campaign would mean the transformation of woman from a drudge to a partner, a plaything to a friend, a servant to an equal; knowing, as he does, that Christianity, if anything could, would secure these blessed advantages of the sex and, in fact, has. He believes that woman has her sphere and that it is not man's. If she assumes the duties of a larger life in addition to those of domesticity, she would be more of a "drudge" than ever. While he, of course, admits that woman is intended to be man's help-mate, he guards against the magnified estimation which Feminists make of this fact. Properly interpreted, the sentence from Genesis, according to Aquinas, means that woman is man's co-partner in generation; certainly not his aid in every other operation, since, the Doctor significantly remarks, man is more conveniently helped by other men in aught else.<sup>820</sup> And so he concludes that woman has her own sphere of activity and should remain in it. He cannot well conceive of her as breaking into the outside world, ante-dating the era of industrialism as he does, and believing that by nature she has a right to be exempt from the sterner demands of the struggle for existence. No doubt he pondered too, if the question arose in his super-active mind at all, that, if woman should turn from the home to the forum, she would be less efficient as a

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<sup>820</sup> *Summa Theol.*, 1 a. qu. XCII, a. 1.

wife and mother; if she should turn from the forum to the home, her value in the political world would depreciate; or turning to both, she would excel in neither, and the world and herself would be little the loser if she stayed where she was. At any rate, he submits that she is most superior when she is subject to her natural circumstances; for the subjection which he prescribes for her is really the kind that elevates.

Reviewing his doctrine on woman, her nature, and her relative inferiority and superiority, we may adjudge what political significance it holds. First of all, he expresses the broad scriptural characterization of her as man's "help-meet like unto himself."<sup>821</sup> And so he tacitly concedes that, being like man, she may be capable of much of his spirit and many of his acts. But the point for him is one of "ought" and not of "able." Not, could she advance into the masculine sphere? but, should she? is the question which interests him. His reasons for a negation are:

1. Her physical inferiority. Man is better helped in the struggle for existence by his own sex than by hers.<sup>822</sup> Here the Doctor does not foresee the gauche modern transformation in industry which would draw woman from the home and often place her shoulder to shoulder with her mate, in a manner to prove her physical inferiority not so pronounced after all. Abnormal times have placed her in an abnormal situation, and she has shown herself capable of responding lightly to heavy demands. Still it is as true today, as when Thomas wrote, that women as a class are naturally intended for something better than the masculine daily grind, and that they have certain physical limitations which are periodically increased by the advent of motherhood.

2. Her biological inferiority. Aquinas, prescinding from all higher considerations, grants that man is a more perfect product of generation than woman, inasmuch as he contains the active principle of reproduction. But, as regards the universal plan of nature, the Doctor is careful to attest that woman is no

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<sup>821</sup> Ibidem.

<sup>822</sup> *Vide supra*.

incidental, but is of essential importance in the great life-function, God-willed and given from the beginning.<sup>823</sup> Yet, since the passive is, in a metaphysical sense, always less than the active, Aquinas, from the abstract point of view, holds man superior.

3. Her origin in man, who is indeed the principle of the whole species. All things come from God, but He permitted the whole human order to come from Him through His Own image and likeness—man.<sup>824</sup>

4. Her inseparability from man. Aquinas holds that the love and faithfulness which man owes woman is dependent on the fact that he is, in a sense, her source and she is his care, and both are each other's complement.<sup>825</sup>

5. Her amenability to his domestic headship. Thomas cannot admit of a two-headed home. He declares that man does not relinquish his identity as an active principle, nor woman hers as a passive, outside of generation. Their characters as such remain throughout their mutual life. Woman has her duties; man, his. His may be superior in one regard; hers in another. She is supreme in her own sphere, and, by moral influence, she may rule also in his. To all appearances and purposes, though, he is, and should be, normally the head.<sup>826</sup>

6. Aquinas sees in the Sacrament of Matrimony a beautiful figure of the "union of Christ and His Church."<sup>827</sup> The latter, sweetly submissive to the Savior, expresses His doctrine and spirit, and reigns in glory as the mother of His children. The exalted nature of this simile discovers in the Angelic Doctor a deep regard and reverence for the sex, and hope for its advancement. He would not have the Church lead a cramped and crippled life. Neither, we judge, would he have woman, whom he compares to the Church, socially impoverished. But just as he

<sup>823</sup> *Summa Theol.*, 1a, qu. XCII, a. 1, ad 2. Also, *Quodlibeta*, 3-11-25.

<sup>824</sup> *Summa Theol.*, 1a, qu. XCII, a. 1.

<sup>825</sup> *Ibidem*. Cf. Aristotle's *Ethics*, VIII, 12.

<sup>826</sup> *Summa Theol.*, I a., qu. XCII, a. 1. Cf. Cato's famous remark: "all men rule over women, we Romans rule over all men, and our wives rule over us."

<sup>827</sup> *Ibidem*. Figgis observes with as much pertinence as point: "If Blunclhi's much canvassed statement that the State is male and the Church female be accepted, we must regard the Middle Ages as the period *par excellence* of woman's rights. . . ." *From Gerson to Grotius*, p. 81.

sees the Church advanced by Christ, its Head, so would he have woman improved by him to whom she is a help-meet. This would not mean that woman, of herself, would have nothing to do toward her own success; but whatever she does, ought not to be in opposition to man, any more than what the Church does should be in opposition to its Founder. Man must work for woman; woman for and with man.<sup>828</sup> The progress of both sexes would then be better assured.

7. Her comparative lack of hardihood in temptation. As an indication, Aquinas naturally points to the error of Eden, and applies its circumstances to a general idea of temptation.<sup>829</sup> Psychologically, his thought would be that woman is weaker in the sense of being more emotional and impulsive than man; more generous too, perhaps, and less inclined to reckon the cost.<sup>830</sup> She succumbs too readily to suggestion. If so, however, Aquinas, with a mind which always turned in many directions, must have seen that here was a truth which would work both ways: capable of failures, woman would also be equally capable of achievement. He seems to grant this; but he still holds that she requires the more prosaic direction of the male.

8. Her power to inflame the worst in man, as well as the best. Thomas states the fact, but does not blame her for it. She may be quite unconscious of her effect on man, and her beauty and charm, independently of her, may be used by the arch-tempter to ensnare the male.<sup>831</sup> The point is well chosen by the Saint, and would appear to be especially serviceable for consideration today when women are jostling men in exposed careers. The necessary inference from the Doctor's idea is that, proportionally as women should become common-place and lose their appeal on men's ideals, they would, wittingly or not, unleash his brute passions. Then equality would violently pass into inferiority. Stirring up the volcano of man's lower nature, women

<sup>828</sup> *Summa Theol.*, 1 a., qu. XCII, a. 3.

<sup>829</sup> *Summa Theol.*, 2a 2ae, qu. CLXV, a. 2; et *ibid.*, ad 1.

<sup>830</sup> *Summa Theol.*, 2a 2ae, qu. CXLIX, a. 4.

<sup>831</sup> For he describes the first temptation thus: "in actu tentationis diabolus erat sicut principale agens: sed mulier assume batur quasi instrumentum. . . . (*Summa Theol.*, 2a 2ae, qu. CLXV, a. 2, ad 1). See also 2a 2ae, qu. CLXVII, a. 2.

would have to suffer from the ensuing eruption. Only by being as true to their sex as possible, apparently does Thomas believe that they can be safe from man, worshipped by him, and helpful to him; not by being politically equal.<sup>832</sup> Modern equality would likely mean, to his medieval mind, a considerable step back to ancient inferiority.

But he is careful to express just what kind of subjection woman should tolerate. And it is not at all the kind which could be called outrageous even by the advanced representative of the sex today. Far from slavish is the docility he describes and prescribes. He would have woman no more a minion to her household and her husband, than a free citizen to his government. He distinctly draws the line between servitude and wifehood. Woman's correct submission is the kind which really assures the best benefit and the most advancement; for it is akin to the civil subjection by which the ruler uses his subjects for their own advantage and good.<sup>833</sup> Aquinas remembers what it would not be well for the modern woman to forget: that the masculine brain has done the bulk of the world's business thinking for centuries, is capable of doing so for centuries more, and consequently, though it may not be exempt from the charge of bias and much else, there is strong probability that its judgments in social, civil, and economic matters, may be a whit more beneficial than woman's. Flatly Aquinas declares that man has a greater stock of rational discretion.<sup>834</sup> If experience teaches, man indeed should. But the Angelic Doctor is merely expressing a fact. He does not deny the possibility of woman's attaining the masculine amount of practical wisdom; though the improbability of it, if she remains faithful to domesticity, as she should, is certainly one of his impressions. The home and woman

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<sup>832</sup> *Com. Polit.*, Lib. II, lec. 5: "vita oeconomica, in qua quidem vita mulieres habent quaedam propria opera, quibus oportet eas intendere, et *abstinere semper ab operibus civilibus.*" It may be worthy of note here, however, that the Saint does not deny the right of woman to mingle in civil affairs, but emphasizes the inadvisability. Besides, suffrage is a civil right, not a natural. The grant of it is always subject to prudence.

<sup>833</sup> *Summa Theol.*, 1 a., qu. XCII, a. 1, ad 2.

<sup>834</sup> *Ibidem*: Cf. *Li Livres du Gouvernement des Rois*, Bk. II, part I, chs. XI-XII.

thrive better, he believes, when man keeps guard, and himself alone weathers the tempests without, in order that his loved ones may be exempt from doing so and able to develop the more delicate and beautiful phases of civilization. Saint Thomas does not over-estimate man in giving him the prose of Life, nor underestimate woman by allotting her the poetry. Modern existence, with its ruthless exactions, has perhaps turned his prescription back into an ideal; or, again, what was ideal for the Middle Ages, may in these new and cogent circumstances of today, fall foul of the distinction. Still, the Thomistic doctrine has an insistent appeal, which suggests merit. The Saint does not admire the qualifications of the sex the less, because he perceives the fitness of men for the duties of political life the more. He is not really unkind to woman, because he is keen to her psychology, and honest in his opinion. His is a doctrine which should stimulate woman to her best; for it is frank enough to show her her worst, and Christian enough to accredit her dignity and tender powers. That she should not have her place in the State, Aquinas is far from contending; but he is convinced that that place is in the all-important unit of society, the cradle of its hope, and the measure of its success: the home. She gives most to the State, when she gives all to the home.

Is the Doctor's opinion on woman's political position, or lack of it, a mark against his democracy? Hardly. Or, at least, not formally. For his earnest belief is that her best advantages and her truest individuality are developed within the domestic and not the political circle. She is not the less free in being wholly faithful to her peculiar duties. An up-to-date contention, which would antagonize Aquinas, is that woman could not be free under feudalism, patriarchy, nor priestcraft, but only in an era of democracy. Yet Aquinas, when he wrote, was conscious that the sex was not being exactly retarded. Woman's step from servile inferiority to gleaming stardom, perfected in his own day, was decidedly more important than her trip from domesticity into the humdrum world, accomplished in our modern period of cheap schemes and expensive failures. Aquinas' doctrine is an implicit expression of her right to be relieved of the necessity of encountering the coarser aspects of life with which man is nat-

urally more able and fitted, and, therefore, ought, to cope. He would keep her hands free from the outside world, that they may be better prepared to serve in the sheltered domain where she is, in her own peculiar right and duty, indisputably superior. He would enshrine her in the homes of the State as his Church has enshrined the Blessed Mother in the hearts of the faithful. He would have her dear and precious to man as the Church to Christ, and man beneficent and tender to her, as Christ to the Church. The Angel of the Schools, he is also the Angel of the Home. He planned more brilliantly for the woman of all times, than the modern woman has succeeded in planning for herself.

Thomistic principle stimulates political measures to ease woman's conditions. Through no fault nor desire of their own, millions of modern women are compelled to toil outside the home. Now the Angelic Doctor teaches that the State should help each of its children to secure a sufficiency of life-necessities. Decent salaries for men, widows' pensions, and all kindred plans to relieve the economic stress and free woman from baneful necessity, would be quite in line with his doctrine and are its implicit suggestion. Only that Aquinas does not depend too much on laws written on paper; he sets more store on those which are lived and loved in hearts. Again, his great specific is Christianity; and his great confidence is in its administrator, with whom Christ promised to be all days, even to the consummation of the world: the Church.

## CONCLUSION

Thomistic politics begins with the individual and its scope is commensurate with the natural expansion of his sympathies and needs. Macksey harks back to Thomistic thought when he writes, "society implies fellowship, company, and has always been conceived as signifying a human relation, and not a herding of sheep, a hiving of bees, or a mating of wild animals. The accepted definition of a society is a stable union of a plurality of persons co-operating for a common purpose of benefit to all. The fullness of co-operation involved naturally extends to all the activities of the mind, will, and external faculties, commensurate with the common purpose and the bond of union; this alone presents an adequate, human working together."<sup>835</sup> Aquinas finds the individual not as an egotist, nor an altruist, nor a solitary with the "desolate freedom of the wild ass," but as a being together with others of his kind to whom humanhood and society relate and obligate him.

To the native rights of the individual, the Angelic Doctor adds civil rights for some of the people and civil advantages for all. As regards natural rights, his teaching amounts to this: that the state in no wise assists at their birth, cannot legislate them away, must not attempt to do so, and should ever seek to protect them.<sup>836</sup> Still, because of the close relation of individual to individual in society, and the consequent and constant danger of misunderstanding, selfishness, and turmoil, a reasonable limitation of the exercise of natural right is necessary and may be the subject of civil enactment.<sup>837</sup> Aquinas demands a "full" life for the individual in the State; but not one full of discords, such as a continual and unregulated encounter with other in-

<sup>835</sup> *Cath. Ency.*, XIV, p. 74: Art. on *Society*.

<sup>836</sup> Cf. John A. Ryan's *Distributive Justice*, p. 56: "Since a natural right neither proceeds from nor is primarily designed for a civil end, it cannot be annulled, and it may not be ignored, by the State."

<sup>837</sup> Cf. Williamson, Art. *Democ. and Revolution*, *Irish Ecclesiastical Record*, Jan., 1921, p. 55: "The crux of the discussion today is as to the possibility of restriction of individual liberty leading ultimately to liberty all round."



dividuals would mean. Even Fichte, with all his "ego," taught that the individual's liberty should be so limited that others might be free along with him. The individual is enlarged by his social relations. This is the compensation for whatever limitation civil society may be compelled to impose. And the individual, despite Kropotkine, has obviously the better part of the bargain.<sup>838</sup>

As regards civil rights, e. g. voting or holding office, the Doctor would have the State grant them to those who are intellectually, ethically, and otherwise fitted to exercise them. He saw slaves withheld from such rights because of their mental or moral lack; women, because of their domestic encumbencies. But civil rights are only accidental perfections of the individual; and Aquinas escapes blame because of his consistent claim for essential, i. e. natural, rights for all. He does not stultify the value of civil society like Rousseau; for, even though it places certain circumscriptions on all its members and denies civil rights to some, on the other hand it supports the natural rights of all and affords inestimable opportunity for the development of each with its discipline, peace, aid, economy, and purposiveness.

The power in the State rests in no individual but is primarily an attribute of the whole body, and derivatively the possession of the ruler. Thus the people as the *corpus communitatis* are highly reputed in Thomistic politics; and in this appraisal, the subject is enriched as an integral part of a powerful whole, while the ruler is seen to be but the official and trusted servant of the body politic, the ultimate power.

The right of revolt, within rational and prudential confines, is championed; in suggestion that power, despite alienation, is ever related to the people, and, if arrogant sovereigns stretch it too far, it may snap back to its source. Power rightly shifts to the side of justice; otherwise it is illegitimate force or tyranny

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<sup>838</sup> *Quaestiones Disputatae, De Caritate*, qu. I, a. 4, a. 2: "Est quoddam bonum proprium alicujus hominis in quantum est singularis persona;.....est autem quoddam bonum commune quod pertinet ad hunc vel illum in quantum est pars alicujus totius: sicut ad militem in quantum est pars civitatis." Cf. Kropotkine, *L'anarchie, sa philosophie son idéal*, pp. 58-59.

Right is might. The people are mightiest when most guided by the principles of morality which are founded on man's rational nature and reflect the nature of the God of all power.

The amount of popular morality is but the total of individual morality. St. Thomas did not see society mechanically drifting into the millenium. It must be propelled from within; and, within, there are only individuals. The success of the State therefore, lies with them; and these are no better nor worse than their morals. Whatever beauteous mantles of law, project, or theory the State chooses to fling around herself, she will be, underneath, much the same as before. "Planning a perfect State," declares Dr. E. T. Shanahan, "is not so much like novel-writing that one may manage the characters at will, and make all the future citizens of Altruria automatically good and moral, merely by the literary expedient of arranging all the circumstances to that end beforehand, and by killing off the marplots and undesirables before the last and crowning chapter is reached. ....Morality is not transferred to the individual from the external conditions under which he lives. It does not exist ready made in any surroundings.....Custom and circumstances may indeed *modify* morality for good or ill, but it is beyond their power to *create* it. Character is something we have to work for in any institution, not a magically bestowed gift. And until the social optimist of the day can show that custom and circumstance may create morality, as well as modify it, he has not advanced a single step in the direction of proving his Utopian thesis."<sup>839</sup> Aquinas would approve this modern expression of his own conviction.

The external form of government is not nearly so important as the spirit within. Every polity, to be just, must grant civil rights to all who qualify for them. The greater the number of able and active citizens, the less powerful personally the presiding officials need be, and the nearer would be the approach to popular rule.<sup>840</sup> Accordingly as the members of civil society

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<sup>839</sup> Art., *The Unconsidered Remainder*, Catholic World, Feb., 1914, p. 585.

<sup>840</sup> Cf. Hooker, *Laws of Ecclesiastical Polity*, Bk. VI, ch. 18: "Authority is a constraining power; which power were needless, if we were all such as we should be, willing to do the things we ought to do without constraint."

reach the degree of perfection which ensures the same amount of benefit to all from "liberty" as was erstwhile secured by restraint, restrictive law may pass. The flow of virtue is to be the ebb of force.<sup>841</sup> However, directive legislation will always be more or less necessary in even the most democratic state, and the potentiality of coercion will ever have to be implicit in it: the difference from the non-democratic régime being that coercion will be exercised less, the laws themselves will be fewer, and the observance of them better. The more morality takes definite shape in the consciousness and affection of the people, the less it will have to be deposited in an extrinsic law which whips until it subdues.

All these views of Aquinas, explicit in his writings or logically deducible, constitute a trove of democratic principle. They discover, criticize, and stimulate the individual in the State. They exalt him as the symbol of politics, and measure the common good by his contribution to it. They teach with Herbert Spencer that "while each individual is developing, the society of which he is an insignificant unit is developing too."<sup>842</sup> Without making him all or the State all, they give due credit to each person and a meet share of both responsibility and power. "They are called wise," runs the first sentence of the *Contra Gentiles*, "who put things in their right order."<sup>843</sup> This Aquinas endeavors to do with regard to the individual and the State; and who may deny that he has done so, to the complete satisfaction of true democracy? His is not the individual of Hobbes' and Rousseau's hypothetical State of nature, but the individual as solidary with his fellows.

The conclusion which the appraisal of his politics relatively to democracy thrusts upon us is interesting and significant: there can be no true democracy without morality; there can be

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<sup>841</sup> Cf. Montesquieu, *op. cit.*, Livre III: "Il ne faut pas beaucoup de probité pour qu'un gouvernement monarchique ou une gouvernement despotique se maintiennent ou se soutiennent. La force des lois dans l'un, le bras du prince toujours levé dans l'autre, règlent ou contiennent tout.

"Mais, dans un état populaire, il faut un ressort de plus, qui est la vertu."

<sup>842</sup> *First Principles*, p. 559.

<sup>843</sup> Proemium.

little consistent morality without religion; but religion finds its highest expression and assurance in the Church. In his own way, Aristotle, the pagan, realized this. Strongly he asserted that the chief necessity of the State was the care of the service of the gods.<sup>844</sup> Cicero was of similar opinion.<sup>845</sup> A Christian country and era ought concede no less. The proposition is of evident truth to those who think more than they feel. And, too, even from a purely natural view-point, it has a sentimental appeal as well as the ring of reasonableness. ~~If all the churches of as well as the ring of reasonableness.~~ If all the churches of the land were closed and all religion erased from the hearts and minds of people to-day, the amount of beauty and wholesomeness Life would lose would be exceeded only by the horror it would find. Even with all the spiritual helps at hand, the race is often a dark ethical spectacle; what would it be if the Star of Bethlehem were indeed extinguished and the gospel of peace and good will lost forever? Only a cord of religion kept the pagan world from falling apart through sheer rottenness, centuries before the end; and when decay finally ate into the cord itself, disintegration was rapid. Greece began to be lost when its intellectuals laughed at Olympus; or earlier still, when Hellenic irreverence made Zeus and his divine household aesthetic exponents of vice. Yet poets and philosophers tried to nail the shadow of religion to the floor of the State; for even that had beauty and healing, and Hellenicism could not bear to see it go. Could the Christian world stoop to a measure which Paganism, even in its giddiest moments, somehow saw as folly? Should Christ be obtruded from the momentous deliberations across the sea? Should the thousands of churches in our country constitute but a cob-webbed corner of our nation, and claim a wearied attention only on Sundays? Our independence was claimed on a religious basis. The illustrious document of 1776 contains four references to the Deity as Creator, Providence,

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<sup>844</sup> *Politica*, VII, 8.

Though Aristotle places it as fifth in his list of state-needs, he considers it first in intrinsic importance.

<sup>845</sup> *De Natura Deorum*, I, 2: "Haud scio an pietate adversus deos sublata, fides, etiam, et societas humani generis, et una excellentissima virtus, justitia, tollatur."

Supreme Judge, God. Washington kissed the bible on which he swore fealty to his country. From him to Mr. Harding, the words of Holy Writ have consecrated the lips of our leaders, on the day of their entrance to high office. A paragraph from our present President's inaugural address still lingers in memory: "I accept my part with single-mindedness of purpose and humility of spirit and implore the favor and guidance of God in His heaven. With these I am unafraid and confidently face the future." We have been able to preserve a goodly degree of democracy, because we have not been altogether wriggled out of the bond of brotherhood, and respect for each other's rights, which Christianity inspires and "the divine inspiration of the founding fathers" expressed. But how much higher that degree can and will be, when we fully awake again to the message of the churches! Every church, insofar as it is at all true to the teaching of Christ, must be beneficial to virtue and democracy. But Aquinas spoke for one that dated back to apostolic times, was buffeted by Roman Emperors, survived Arianism (which comparatively surpassed modern Protestantism as a blow), and civilized Europe. It never occurred to him to doubt the efficiency and divinely appointed mission of the barque of Peter. His eyes were fully open to the unworthiness of many ecclesiastics in high places; but, for him, their demerits were no more an argument against Catholicism than Iscariot was a syllogism against Christ. The Savior did not make men saints automatically. He democratically helped them to bestir themselves. He wished the individual to be conscious of his own capabilities and, in correspondence with grace, to exercise them. He respected human nature. He developed character. And so a regenerate Magdalen and a sad-eyed Peter appear as eloquently human passages in His divine story. His Church, as Himself, was to have experience with sin. His mystical body could be lacerated and crucified; but its resurrection was eternal. Not in their religion, but in themselves, St. Thomas saw the cause of the acts of medievalists who associated the Church with shame. His words on scandal and holiness, if read and pondered by the monk of Wittenburg, might have tended to prevent the misfortune which has kept modern Christianity nailed to a cross. Those who are truly good and perfect, the Angelic Doctor

taught, firmly cleave to the Rock of Ages; and if they adhere to their superiors, it is only inasmuch and insofar as these superiors are friends and followers of the Savior.<sup>846</sup> "Be ye followers of me," quotes the Saint from the first Epistle to the Corinthians (IV, 16), "as I also am of Christ." For the faithful, the Redeemer is always the same—perfect, immovable, *God*. No breath of human vice can tarnish his lustre. The unworthiness of His minister but manifests the beauty of His patience or the quality of his meekness. Hence, with those who perfectly trust in the Master, the Saint asserts, no scandal is to be found. Furthermore, according to Aquinas, the person who is easily scandalized will often find that the cause is not so much in the offending instances as in himself:<sup>847</sup> an observation, to the validity of which the honest and discerning mind will readily assent. Thomas peers behind the mask of piety which scandal ordinarily wears and finds pruriency or some other personal weakness. From his doctrine, we should infer that he would view the Reformation mainly as the issue of the psychology of its leaders, so far as scandal figured as a projective. As such, it could not in the least injure the intrinsic value of the old Church. Modern thought is coming to appreciate that personalities swayed the great religious movement more elementally than principles, and that there really never was anything in the Catholic doctrine itself to arouse fear, resentment, or disedification, much less revolution. While the study of St. Thomas reveals that there was much indeed in the old Faith to incite, sanction, and inspire the very best of modern achievement, especially in the political order. This must at least be granted by the critics: that the thought of the Angelic Doctor, so characteristically Catholic, is abundantly democratic in the quiet and reasonable manner which our present-day thinking too often lacks, and our best thought seeks. His devotion to the ecclesiastical institution did not diminish his estimation of the individual or the people at all, but heightened it. He beheld the Church as the powerful guide to individual perfection, which is the prelude to fitness for a place in a free state; and

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<sup>846</sup> *Summa Theol.*, qu. XLII, a. 5.

<sup>847</sup> *Summa Theol.*, 2a 2ae, qu. XLIII, a. 6, ad 1.

to the best Christian ideals, without which democracy would mostly be trying to raise itself by its own petards. Athens, with its little religion, and that mostly naturalistic, was able to be democratic because of its small size: one citizen could watch the other, and each all. But the large representative democracies of to-day depend very heavily on faith and trust, which do not and cannot widely reign, when moral principle is known to be absent, or not known to be present. Religion is the best security the world knows of, for its presence. The promoter of religion would obviously be the Church founded by Christ Himself; and that for Aquinas was unquestionably the Roman Catholic.

Despite the hopeless difficulties of getting it into the heads of antagonists of the Faith, Catholics really do restrict their allegiance to the Pope to spiritual matters. What they bring of their belief into civil affairs is the purity of intention and the virtue which it inspires; and these are positive assets to democracy. Pope Pius VII, even before he achieved the eminence of Peter, expressed the service of religion to democracy perfectly, just at the junction of the eighteenth and nineteenth centuries, which were so fraught in political significance. "The form of democratic government, adopted by you," he declared to the Cisalpine Republic, which was recognized in 1797, "is not in opposition to the maxims which I am going to express to you; it is not repugnant to the Gospel. On the contrary, it demands those sublime virtues which are acquired only in the school of Jesus Christ. If you practise them religiously, they will be the pledge of your happiness, your glory, and the splendor of your Republic..... Virtue, the need of which is indicated to us by natural light and completely manifested by the Gospel, is alone capable of perfecting man, of conducting him to supreme happiness. It alone should be the firm foundation of our democracy. The moral virtues which consist in the love of order will render us good democrats, but of that pure democracy, which redounds incessantly to the common good, and which, abjuring hates, perfidies, ambition, is also as quick to respect the rights of others as to fulfil the duties of one's own. In such wise will equality be confirmed, which in its just acceptation, manifests the law, rising above all the members of the social body, to di-

rect, protect, punish; which, ordered after the plan of the divine and human laws, preserves to each the faculties necessary to the accomplishment of duty, and which, a guarantee of the happiness of the individual, as well as the happiness of all, traces for each interger of the democratic state the just measure of that which he owes to God, himself, and his fellow-men. Civil equality, derived from natural law and enriched by the moral, makes a harmonious polity, when each works for the common good according to his physical and moral ability, and, in return, receives from social protection all the advantages which he has a right to receive from it.....Make yourself attain the very height of virtue, and you will be true democrats; faithfully fulfill the gospel precepts, and you will be the joy of the Republic.....Christian obedience to those in authority, accomplishment of duty, zeal for the common good, will be, with divine grace, a new source of merit.....Be all Christians, and you will be excellent democrats.”<sup>848</sup> These thoughts and sentiments are no less Thomistic than dew is water. They express the Church in her true rôle and service: as the purifier of the forces behind politics, but not a meddler; as a positive help, and by no means a hindrance, to equity; as an internal agent, whose effect on civil society could at most be only indirect and must always be, if successful at all, for the best. Littlejohn construes Aquinas incorrectly in offering: “He did not conceive of a Christian politics or a Christian state, on parallel lines with a Christian theology and a Christian Church, each equally independent. His politics becomes a department of theology, and his state a part of the Church.”<sup>849</sup> As well accuse a pupil of being a portion of his teacher; or mark the moon, reflecting the light of the sun, as a bit of the blazing body itself. The Doctor plainly expressed the spheres of Church and State as distinct in themselves; but he did not and, in the interest of ethics, could not withhold the influence of the former from the latter. Neither does Littlejohn, despite his criticism; since he goes on to say, “Had he (Thomas) adopted the idea of a Christian State purified as the Church from ancient errors, of a Christian politics ele-

<sup>848</sup> Tr. from the quotation in R. P. Maumus, *L'Église et la Démocratie*, pp. 1-3.

<sup>849</sup> *The Political Theories of the Schoolmen and Grotius*, pp. 198-199.



vated above partisanship, tyranny and bigotry, and made socially, as well as morally just, without transferring these *in toto* to the sphere of religion and the Church, his view would have been complete."<sup>850</sup> Yet as the foregoing pages show, Aquinas prescribed such a state as the gentleman describes and did not deluge it in ecclesiasticism. His politics would have been an elaborate uselessness, if he regarded the Church as the only institution; and no one had a much better sense of the value of time than this medieval monk who lived only about half a century and wrote, in his *Summa* alone, three thousand articles and answered ten thousand objections. A religious and an intimate friend of the papacy, he would have wasted no energy nor ink on the subject of the State, if he believed that the Church alone mattered. And when he expressly disclaims any such extravagance of thought, his reviewers ought to pay him the courtesy of believing him. Sounder thinker than John of Salisbury before him and Tommaso Campanella after him, he merely means that the Church, as an institution spiritually superior to the State, should be its light and leader in distinctly ethical and religious concerns. Neither he nor his theory was to blame that it took both these great societies a long time to adjust their claims, and that bickering and bitterness were betimes occasioned. These facts are incidents and accidents which do not affect the validity of his idea in the least, and only denote the effort which human-kind must always exercise to gain a correct realization of values. Adverse critics like Littlejohn might advert with profit to the simple but significant truth, which Aquinas apprehended, that the same men and women in a truly Christian nation belong to the Church and the State. And so the two societies meet in the individual. The one arouses virtue in him; the other seeks the common welfare, which is conditioned on his virtue. Unless we should be willing to eliminate this rather essential detail of virtue, we must have a certain union between religion and civics, and hence between the institutions which are the embodiment of them—the Church and the State.

From the preceding pages, no one can doubt the democracy of Thomistic principles; and His Holiness, Leo XIII, by con-

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<sup>850</sup> Op. cit., p. 199.

stituting Aquinas the prime representative of Catholic thought, manifests how favorable the Church is to prudent popular government and how little she believes in power as an end in itself. She would have the State attend to temporalities and externalities, while she devotes herself to spiritualities and interior regeneration. As to those of her duties which lap over into the civil province and those of the State's obligations which turn into hers, she would make them the subject of a concordat. She would diffuse "the glow of supernatural sanction" through civil society, but no more possess the State than the breath of spring possesses the meadow on which it blows, the star the sky in which it shines, or the flower the air which it perfumes. Aquinas does not betray his politics for silver pieces of ecclesiastical praise; nor does the Church dishonor him by thinking so. He but perfects it with religion, which, after all, is the best emollient of human passions, which are the worst enemies of any political theory. He renders democracy more possible, by making virtue more probable. He suggests to us moderns that we have sought to silence, and succeeded in ignoring, our best teacher of ethics; even as frivolous Athens exiled its Anaxagoras and slew its Socrates, to continue the pseudo peace of a narrow mind and a closed heart. The State with a clean conscience, an active sense of justice, an inclination "to live the truth," to bend the knee, and to make the sign of the Cross: that is the Thomistic Utopia, which is as ideal as any which lesser scholars have conceived, but much more practical. The world of wishes must always float far above men, if the very means by which they try to grasp it push it away. Who would be so fatuous as to pursue a toy-balloon with a pitch-fork? Aquinas was not. He knew that godless, materialistic methods could never gain such spiritual prizes for the State as justice, peace, and mercy. He did not place the worse half of man, the body, above the better, the soul. Much less did he indulge the modern intellectual pastime of ripping the soul altogether out of psychology and sewing up ethics without a heart. His politics, by favoring the religious element, made an appeal to the bosom as well as to the brain, and so doubly prepared the

individual for his political birth-right.<sup>851</sup> Dunning has not begun to understand the Saint, when he dismisses the latter's doctrine on religion in politics as "the long familiar case for ecclesiastical hegemony, thinly venerated with Aristotle."

Seeing that Europe succeeded in progressing from savagery to civilization through the Church of Christ, Aquinas also saw every reason to conclude that she could and would ascend from culture to social and political perfection, if she remained spiritually true to the traditions which raised her from the mire; and so he built a fair and slender Gothic steeple on his politics to point to the supernatural. The Catholicism of Aquinas gave humanity wings; the modern spirit, locomotives. We have indeed gone fast without the Church which the Angelic Doctor thought so essential; but has not our travelling been in a circle, leaving us still on earth with the creeping things? Instead of soaring above our modest little globe, we have been skimming the surface, learning about the many things of creation but unlearning the things of creation's God. Matter has meant more to us than morals. There is little wonder that modern life is so intensely "of the earth, earthly," teeming with material questions and concerns, which make socio-political regeneration more imperative than possible. Souls are, for political theory, ultimate. Panaceas throw a covering about them; but the restlessness of immorals is practically certain to throw it off. If calmed with religious sentiments and schooled in religious truth and practise, souls are plastic to idealistic planning; and the millenium would be aeons nearer—though its orthodox location will always be across the "great divide," where the One who knew most about it placed it. If men would take up the thread of religion at the point, not where a certain fiery friar four centuries ago broke off, but where the reverent fingers of a son of St. Dominic and of the Roman Catholic Church were forced by the end of a brief but devout and devoted life to leave

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<sup>851</sup> Cf. Bossuet, *Exhortation aux nouvelles catholiques*.

Also Schwalm, *Leçons de philosophie sociale*, t. I, p. 191: "ce n'est pas l'Église catholique qui a donné aux Franks de la conquête l'amour de la vie rurale et de l'indépendance, ni aux Yankees l'initiative personnelle. Mais c'est elle qui a donné aux Franks plus de respect pour le colon et le serf, et qui peut empêcher l'individualisme américain de se tourner en égoïsme dur."

off, they would have something to guide them out of their distress, social, spiritual, and political. Claspings the hand of Christ; heedful of His voice sounding through His one, holy, catholic, and apostolic Church; filled with the reverence which Plato called the special gift of a philosopher;<sup>852</sup> aquiver to conquer self first and then help others to do the same: they would be well qualified for the democracy they crave. For, as Croiset remarks, if democracy differs from other régimes, it does so in the fact that it demands more virtue in individuals, since it supplies each of them a grander rôle in communal activity.<sup>853</sup>

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<sup>852</sup> *Theaetetus*, 155, D.

<sup>853</sup> *Les démocraties antiques*, pp. 333-334

## INTRODUCTION

- I.—*Idea of Democracy.*
- II.—*Rise of Modern Democracy in Catholic Sources.*
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      - bb) *Economic.*



III.—*Relation of St. Thomas' Views to Democracy.*

IV.—*Comparison of them with later Doctrines:*

- a. Calvin;
- b. Machiavelli;
- c. Grotius;
- d. Hobbes;
- e. Locke.

## CHAPTER V

### FORMS OF GOVERNMENT

I.—*Governments:*

A.—*Division:*

- 1.—*Ancient Meaning of Democracy.*
- 2.—*Thomistic Indifference to Governmental Form:*
  - a. *Exposition of all Forms;*
  - b. *Their Corruptions.*

B.—*Criticisms of Division:*

- 1.—*Passy.*
- 2.—*Laveleye.*
- 3.—*Blunchli. = Bluntschli*

II.—*Monarchy according to St. Thomas:*

A.—*St. Thomas' Belief in the civil Need of a central Personality, whose office is*

B.—*Non-hereditary and elective:*

1. *Pros and cons for Arguments for and against Election;*
- 2.—*Thomistic Idea of Democracy even in Form of hereditary Monarchy.*

C.—*Should the sovereign Power be limited?*

1.—*Caution in adjudging the Saint Thomas' Opinion:*

- a. *Difficulty from Etymology;*
- b. *From Concession to Sovereign;*
- c. *Feuquieray's Difficulty:*
  - a) *Its Inconsistency with Thomistic Principles.*
  - b) *Its Answer in Thomistic Circumstances and Doctrine.*

2.—*Democracy of St. Thomas' Response:*

- a. *Evinced especially by his Doctrine on Tyranny;*
- b. *On Limitation of Power;*
- c. *Non-binding Character of Mis-enactments of rulers.*

3.—*Difficulties in Commentary explained.*

4.—*Reasons for St. Thomas' Laud of Monarchy.*

5.—*Doctrine of the Commentary on Monarchy;*

- a. *The Idea behind it as Compared with the Spirit of Modern Civil Society;*
- b. *The Varieties of Monarchy:*
  - a) *Spartan;*
  - b) *Extreme hereditary;*
  - c) *Elective (acsymnetia);*
  - d) *Limited;*
  - e) *Absolutism.*

- c. *Their two-fold Division into:*
  - a) *Monarchy aced. to Law;*
  - b) *Monarchy aced. to personal Virtue of Ruler;*
  - c) *The Thomistic synthesis.*

III.—*Aristocracy—Rulership by the Few:*

A.—*Introduction:*

- 1. *Disadvantage.*
- 2. *Advantage.*
- 3.—*Expedience in a given Case.*

B.—*Three Types or Aristocracy.*

IV.—*Democracy—Rulership by the Many:*

A.—*The Polity.*

B.—*Pure Democracy.*

C.—*Five Species of Democraey.*

V.—*St. Thomas' favored Form of Government:*

A.—*His monarchical Interest:*

- a. *Based on his Piety but tempered by*
- b. *His Knowledge of Human Fact, and democratized by*
- c. *His Concept of God and*
- d. *His civil Concern.*
- e. *His Catholicim not necessarily causal in his monarchical Favor.*

B.—*The mixed Form:*

- a. *Apparent Inconsistencies in the Saint's Teaching explained;*
- b. *His Advance on Aristotle's Idea;*
- c. *Elements in his Theory;*
- d. *Critique;*
- e. *Other Doctrines of mixed Government:*
  - a) *Plato;*
  - b) *Aristotle;*
  - c) *Polybius;*
  - d) *Cicero.*

C.—*Sources of St. Thomas' Idea:*

- a. *Scriptural;*
- b. *Profane.*

D.—*Idea of mixed Government in modern Age:*

- a. *Gerson;*
- b. *Fortescue;*
- c. *Bellarmino;*
- d. *Althusius;*
- e. *Harrington;*
- f. *Bodin and Hobbes;*
- g. *Bossuet;*
- h. *Fénélon;*
- i. *Locke;*
- j. *Montesquieu.*

## CHAPTER VI.

### PURPOSE OF STATE

I.—*Introduction—The Limitation of civil Scope by:*

- 1. *Individuality.*
- 2. *Rights of the Individual, particularly:*

- a. *Liberty of conscience;*
- b. *The Right of the Parents over the Child.*

II.—1. *The General Mission of the State. The State must aid in the Securing for its Subjects of:*

- a. *Goods of the Mind;*
- b. *Goods of the Body;*
- c. *External Goods.*

2. *The particular Mission, based on the Thomistic Classification of human Desires, is social, economic, ethical, and to a Degree, ultramundane.*

A.—*Social Purpose:*

- a. *Prerequisites:*
  - a) *Peace;*
  - b) *Unity.*
- b. *Assurance of Life-Necessities:*
  - a) *Health:*
    - aa) *Good Air;*
    - bb) *Decent Water-Supply;*
    - cc) *Houses.*
  - b) *Food:*
    - aa) *Agriculture;*
    - bb) *Commerce:*
      - 1. *Necessity of;*
      - 2. *Arguments against.*
- c. *Wholesomeness and Beauty of Life:*
  - a) *State should see that the Beauties of Nature are not destroyed;*
  - b) *It should guard against Indiscretion and Excess in public Spectacles.*
- d. *Indigence to be dispelled:*
  - a) *By aiding the Individual;*
  - b) *By withholding the Climbers from outraging the Rights of others.*

B.—*Economic Purpose:*

- a. *Work:*
  - a) *Its Necessity;*
  - b) *Its relation to Virtue;*
  - c) *Its restraining Power;*
  - d) *It yields the Laborer the Means not only of securing his own Good but of helping others.*
- a) *Reasons for Coinage:*
  - aa) *It represents the Government;*
  - bb) *Convenience;*
  - cc) *Surety against Fraud.*
- b) *Just Price.*
- c) *Fraud:*
  - aa) *Adulteration;*
  - bb) *False Measure;*
  - cc) *Misrepresentation.*
- d) *Interest:*
  - aa) *Legitimacy and Illegitimacy of it;*
  - bb) *State Action vs. it.*
- e) *Taxes:*
  - aa) *Justice and Injustice of them;*
  - bb) *Moderation.*

C.—*Ethical Purpose:*a. *Education:*

- a) *Necessity;*
- b) *How it is within the Province of the State;*
- c) *Character and Program of Education.*

b. *Christianity and Democracy in Thomistic Idea of Education.*D.—*Ultramundane Purpose:*a) *The Inexpediency of the Ethics of Expediency:*b) *The Instability of Civil Society without Principle;*c) *The Necessity of a great Ideal;*d) *The Insufficiency of merely natural Virtue in the Face of Man's super-terrestrial Destiny.*b. *The Church as the Guide to the True End—God:*a) *Aids to Democracy, of this part of the Saint's Teaching;*b) *The Thomistic Theory on Church and State need not be repugnant to modern Sense.*

## CHAPTER VII

## THOMISTIC AND AMERICAN RIGHTS AND LIBERTIES

I.—*Parallel of St. Thomas' Teaching with the Virginian Bill of Rights on:*

1. *Equality, Life, Liberty, Property;*
2. *Popular Sovereignty;*
3. *Common good;*
4. *Fairness;*
5. *Separation of Civil Powers;*
6. *Free Election and Suffrage;*
7. *Taxation;*
8. *Speedy Trial by Jury;*
9. *Exemption from Excessive Punishment;*
10. *Sanctity of Home;*
11. *Freedom of Thought;*
12. *Popular Militia;*
13. *Uniform Government;*
14. *Civil Virtue;*
15. *Liberty of Conscience.*

II.—*Parallel of St. Thomas' Teaching with the Massachusetts Declaration of Rights:*

1. *Civics and Religion;*
2. *Amenability of Governors to the Governed;*
3. *Right of Individuals to Protection;*
4. *Self-defense;*
5. *Judicial Procedure;*
6. *Redress of Grievance;*
7. *Deposition of Ruler;*
8. *Adjustment and Remedy of Law;*
9. *Taxation without Representation;*
10. *Retroactive Law;*
11. *Court-Martial.*

III.—*Parallel of St. Thomas' Teaching with the Declaration of Independence:*

1. *Equality;*
2. *The Creator and inalienable Rights;*
3. *Government;*
4. *Consent;*
5. *Revolt;*
6. *Reconstruction;*
7. *Endurance;*
8. *Freedom.*

IV.—*Parallel of St. Thomas' Teaching with the projective Principles behind our Constitution:*

1. *Civil power;*
2. *Limitation without Loss of Dignity and Efficacy;*
3. *Alienation of petty State-power.*

V.—*Conclusion.*

## CHAPTER VIII

### CIVIL MENACES AND PROBLEMS

I.—*External Evil: War:*

1. *Justification in se:*
  - a. *Final Cause;*
  - b. *Conditions:*
    - a) *Declaration by proper Authority;*
    - b) *Just cause;*
    - c) *Right Intention.*
2. *Just in Method:*
  - a. *vs. Objectors;*
  - b. *Frightfulness.*

II.—*Internal Evils; Sedition, Vice, Poverty:*

1. *Sedition:*
  - a. *Difference from War and Strife;*
  - b. *Culpability;*
  - c. *Unwarrantableness;*
  - d. *Condemnation on democratic Basis.*
2. *Vice:*
  - a. *Limitations of State in its Regard;*
  - b. *Supplementary Service of Church;*
  - c. *Instances;*
  - d. *Democratic Significances.*
3. *Poverty:*
  - a. *Solution in Commentary on Aristotle:*
    - a) *Negative—vs. Plato and Communism:*
      - aa) *Necessity of Variety;*
      - bb) *Necessity of Classes;*
      - cc) *Necessity of Rulers and Ruled;*
      - dd) *Necessity of civil Self-Sufficiency;*
      - ee) *Inconsistencies;*
      - ff) *Democracy of the Contention.*
    - b) *Positive:*
      - aa) *Let natural Ownership prevail;*
      - bb) *Let Morals and Law remedy the Abuses;*
      - cc) *Injuries to the Individual of opposite Course;*

1. *Prevention of best Self-Expression;*
2. *Incitation of Worst.*
- dd) *Training of the Individual to the true Course;*
- ee) *Objections:*
  1. *To brute Models in sociological Theory;*
  2. *To Unnaturalness in Theory; Instances of this Quality in Communistic Plan.*

b. *Solution in Summa:*

- a) *Vindication of Rt. of Property:*
  - aa) *Property as a Motive;*
  - bb) *Common Good;*
  - cc) *Civil Calm.*
- b) *Limitation:*
  - aa) *Possessors of External Goods should be ready to share;*
  - bb) *Scriptural Source of St. Thomas' Doctrine—Moses;*
  - cc) *Profane—Aristotle.*
- c) *Christianity in St. Thomas' Solution:*
  - aa) *In itself;*
  - bb) *In its sociological Significances.*

III.—*Nationality and Self-Determination:*

1. *Psychological Criteria and Warrants.*
2. *Moral Personality of a State.*

IV.—*Individuality and individual Concerns:*

1. *Marriage:*
  - a. *Limitations of Civil Action in its Regard;*
  - b. *Field of civil Action in its Regard.*
2. *Children:*
  - a. *Defectives:*
    - a) *Aristotle's Doctrine on Treatment of them;*
    - b) *St. Thomas'.*
  - b. *Birth-Control:*
    - a) *Aristotle's Teaching;*
    - b) *St. Thomas':*
      - aa) *Unnaturalness of Practise;*
      - bb) *Ideal of Sex-Life;*
      - cc) *Religious Fact;*
      - dd) *The Common Good.*
  - c) *Quasi-Justification by Aristotle.*
3. *Divorce:*
  - a. *In Modern Society;*
  - b. *In Thomistic Doctrine:*
    - a) *Purpose of Marriage;*
    - b) *Reasons for Permanency of Bond;*
    - c) *Unnaturalness and Danger of Divorce;*
    - d) *Recognition of Separation.*
  - c. *Remedies:*
    - a) *Modern;*
    - b) *Thomistic.*
4. *Woman:*
  - a. *Her Place;*
  - b. *Her Powers;*

- a) *Dependency on Man;*
- b) *Relative Inferiority in some Respects, and Equality and Superiority in others;*
- c) *The Manner of her Subjection;*
- d) *The Doc. of St. Thomas on Woman not un-democratic.*

## CONCLUSION

### *I.—Vindication of the Individual in St. Thomas' Politics:*

- 1. *Politics based on Psychology.*
- 2. *Rights of Individ. championed.*

### *II.—Vindication of the People:*

- 1. *Mediate Source of Power.*
- 2. *Right of Revolt.*
- 3. *Popular Foundation of Virtue in the State.*
- 4. *The Spirit of the People more significant than the Form of Government.*

### *III.—The Political Message of Aquinas:*

#### *No true Democracy without Religion:*

- 1. *Intrinsically Religion awakens the Individual and the Race to a Knowledge and a Sense of Justice.*
- 2. *Extrinsically it prevents Rulers from Excesses against the People.*

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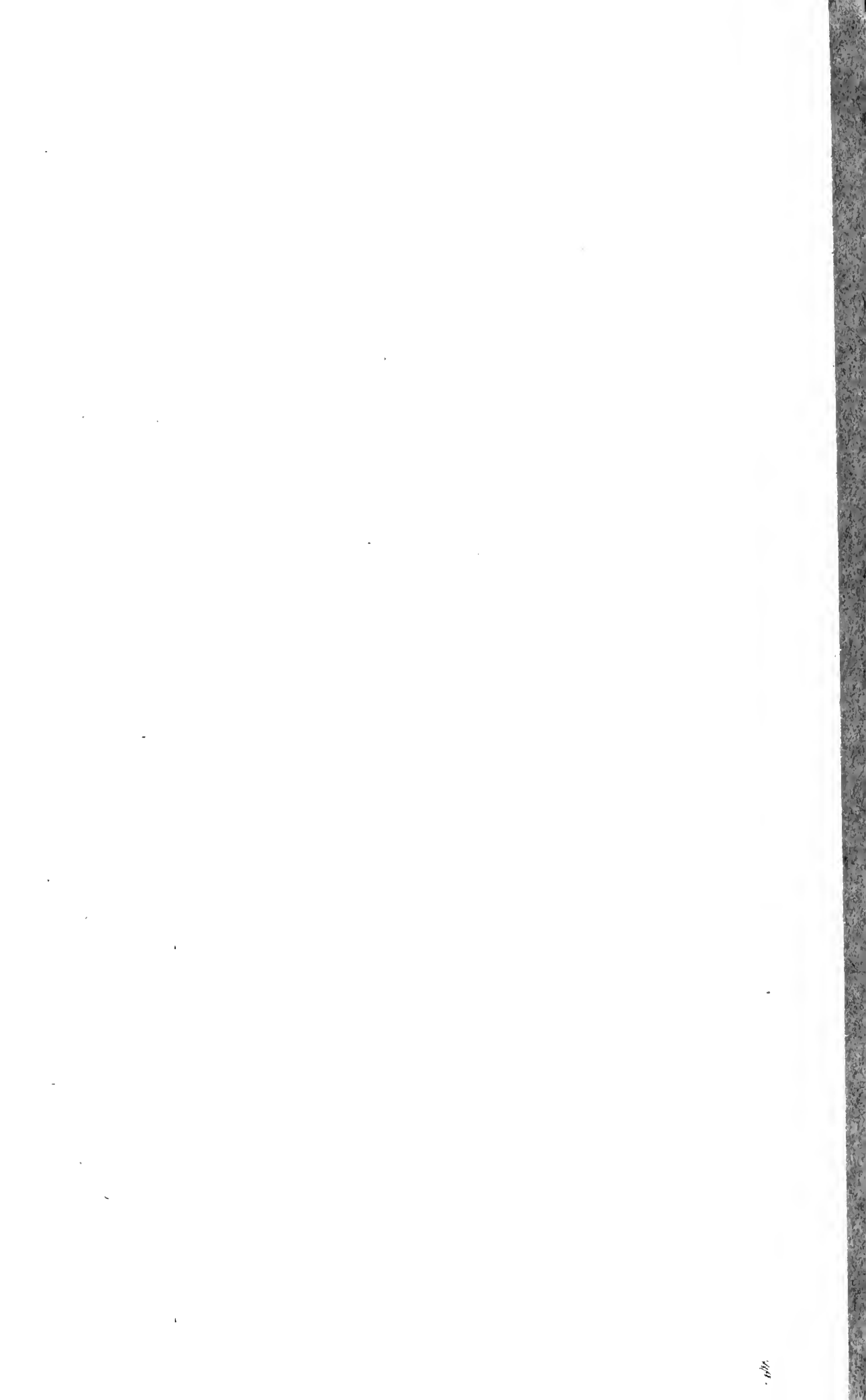
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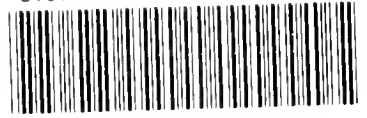
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