

with full power, but judges and protectors. Only later, on their petition, did he allow them a king, somewhat angrily, as is clear from what he said to Samuel: "They have not rejected thee, but me, that I should not reign over them" (1 Sam. 8:7).

He did, however, from the very beginning, make certain provisions regarding the king, and, in the first place, the mode of election. As to this, he made two conditions: that they should wait for the Lord's judgment, and that they should not make king someone of another people, since such kings have usually little liking for the people over whom they are placed, and so are unconcerned for their welfare. In the second place, he prescribed for the kings their mode of life: they were not to have a number of chariots and horses, or wives, or immense wealth, since the desire for these leads rulers to become tyrants and abandon justice. He also prescribed their conduct towards God: they should continually read and meditate on the law of God, and ever fear and obey him. He laid down, in addition, how they should behave to their subjects, not despising them out of pride, or oppressing them, or departing from justice.

*Translations:* Thomas Gilby, O.P. (London, 1966), 90-97; David Bourke and Arthur Littledale (London, 1969), 98-105. Used with permission.

#### From *Summa Theologiae* 2a2ae.23-46 (On Charity)

40, 1 *Reply:* For a war to be just three conditions are necessary. First, the authority of the ruler within whose competence it lies to declare war. A private individual may not declare war; for he can have recourse to the judgement of a superior to safeguard his rights. Nor has he the right to mobilize the people, which is necessary in war. But since responsibility for public affairs is entrusted to the rulers, it is they who are charged with the defence of the city, realm, or province, subject to them. And just as in the punishment of criminals they rightly defend the state against all internal disturbance with the civil arm; as the Apostle says (Rom. 13:4): "He beareth not the sword in vain. For he is God's minister: an avenger to execute wrath upon him that doth evil." So also they have the duty of defending the state with the weapons of war against external enemies. For this reason rulers are told in Psalm 82:4 to "Rescue the poor; and deliver the needy out of the hand of the sinner." And St. Augustine says in his book, *Contra Faustum* (23.73): "The natural order of men, to be peacefully disposed, requires that the power and decision to declare war should lie with the rulers."

Secondly, there is required a just cause: that is that those who are attacked for some offence merit such treatment. St. Augustine says (*Quaestiones in Heptateuch* 6.10): "Those wars are generally defined as just which avenge some wrong, when a nation or a state is to be punished for having failed to make amends for the wrong done, or to restore what has been taken unjustly."

Thirdly, there is required a right intention on the part of the belligerents: ei-

says in the book *De verbis Domini* [wrongly attributed; the text known from Gratian, D. 2.23.1]: "For the true followers of God even wars are peaceful, not being made for greed or out of cruelty, but from desire of peace, to restrain the evil and assist the good." So it can happen that even when war is declared by legitimate authority and there is just cause, it is, nevertheless, made unjust through evil intention. St. Augustine says in *Contra Faustum* (22.74): "The desire to hurt, the cruelty of vendetta, the stern and implacable spirit, arrogance in victory, the thirst for power, and all that is similar, all these are justly condemned in war."

*Translation:* J. G. Dawson (Oxford, 1959). Used with permission.

#### From *Summa Theologiae* 2a2ae.57-122 (On Justice)

57, 1 *Reply:* The proper characteristic of justice, as compared with the other moral virtues, is to govern a man in his dealings towards others. It implies a certain balance of equality, as its very name shows, for in common speech things are said to be adjusted when they match evenly. Equality is relative to another. The other moral virtues, however, compose a man for activities which befit him considered in himself. So then that which is correct in their working and which is the proper object of their bent is not thought of save in relation to the doer. Whereas with justice, in addition to this, that which is correct is constituted by a relation to another, for a work of ours is said to be just when it meets another on the level, as with the payment of a fair wage for a service rendered.

So then something is said to be just because it has the rightness of justice; it is this that engages the activity of justice, even abstracting from the temper in which it is done; by contrast, the rightness of the other moral virtues is not determined apart from the frame of mind of the person acting. This is why for justice especially, in comparison with other virtues, an impersonal objective interest is fixed. We call it *the just thing*, and this indeed is a right. Clearly, then, right is the objective interest of justice.

57, 3 *Question:* Is the *ius gentium* the same as natural right?

1. So it would seem. For all men do not agree save in that which is natural to them. Now all agree on the *ius gentium*, for a jurist observes that it is adopted by all nations (Dig. 1.1.1). Therefore it is natural right.

2. Further, among men servitude is natural; according to Aristotle some are congenital slaves (*Politics* 1254a15). But servitude is part of the *jus gentium*, as Isidore notes (*Etymologies* 5.6 [cf. above, p. 210]). Therefore it is natural right.

3. Moreover, we have agreed on the division between natural and positive right [57.2]. Now the *jus gentium* is not positive right, for the nations have never come together to lay down anything by common agreement. So then the *jus gentium* is natural right.

On the other hand, there is the teaching of Isidore, "Right is either natural or