St. Thomas Aquinas

The Summa Theologica

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Translated by
Fathers of the English Dominican Province

ON JUSTICE (Questions [57]-62)

OF RIGHT (FOUR ARTICLES)

Whether right is the object of justice?

Ad primum sic proceditur. Videtur quod ius non sit obiectum iustitiae. Dicit enim Celsus iurisconsultus quod ius est ars boni et aequi. Ars autem non est obiectum iustitiae, sed est per se virtus intellectualis. Ergo ius non est obiectum iustitiae.

Objection 1: It would seem that right is not the object of justice. For the jurist Celsus says [*Digest. i, 1; De Just. et Jure 1] that "right is the art of goodness and equality." Now art is not the object of justice, but is by itself an intellectual virtue. Therefore right is not the object of justice.

Praeterea, lex, sicut Isidorus dicit, in libro Etymol., iuris est species. Lex autem non est obiectum iustitiae, sed magis prudentiae, unde et philosophus legispositivam partem prudentiae ponit. Ergo ius non est obiectum iustitiae.

Objection 2: Further, "Law," according to Isidore (Etym. v, 3), "is a kind of right." Now law is the object not of justice but of prudence, wherefore the Philosopher [*Ethic. vi, 8] reckons "legislative" as one of the parts of prudence. Therefore right is not the object of justice.

Praeterea, iustitia principaliter subiicit hominem Deo, dicit enim Augustinus, libro de moribus Eccles., quod iustitia est amor Deo tantum serviens, et ob hoc bene imperans ceteris, quae homini subiecta sunt. Sed ius non pertinet ad divina, sed solum ad humana, dicit enim Isidorus, in libro Etymol., quod fas lex divina est, ius autem lex humana. Ergo ius

Objection 3: Further, justice, before all, subjects man to God: for Augustine says (De Moribus Eccl. xv) that "justice is love serving God alone, and consequently governing aright all things subject to man." Now right [jus] does not pertain to Divine things, but only to human affairs, for Isidore says (Etym. v, 2) that "'fas' is the Divine law, and 'jus,' the human law." Therefore right is

non est obiectum iustitiae.

Sed contra est quod Isidorus dicit, in eodem, quod ius dictum est quia est iustum. Sed iustum est obiectum iustitiae, dicit enim philosophus, in V Ethic., quod omnes talem habitum volunt dicere iustitiam a quo operativi iustorum sunt. Ergo ius est obiectum iustitiae.

Respondeo dicendum quod iustitiae proprium est inter alias virtutes ut ordinet hominem in his quae sunt ad alterum. Importat enim aequalitatem quandam, ut ipsum nomen demonstrat, dicuntur enim vulgariter ea quae adaequantur iustari. Aequalitas autem ad alterum est. Aliae autem virtutes perficiunt hominem solum in his quae ei conveniunt secundum seipsum. Sic igitur illud quod est rectum in operibus aliarum virtutum, ad quod tendit intentio virtutis quasi in proprium obiectum, non accipitur nisi per comparationem ad agentem. Rectum vero quod est in opere iustitiae, etiam praeter comparationem ad agentem, constituitur per comparationem ad alium, illud enim in opere nostro dicitur esse iustum quod respondet secundum aliquam aequalitatem alteri, puta recompensatio mercedis debitae pro servitio impenso. Sic igitur iustum dicitur aliquid, quasi habens rectitudinem iustitiae, ad quod terminatur actio iustitiae, etiam non considerato qualiter ab agente fiat. Sed in aliis virtutibus non determinatur aliquid rectum nisi secundum quod aliqualiter fit ab agente. Et propter hoc specialiter iustitiae prae aliis virtutibus determinatur secundum se obiectum, quod vocatur iustum. Et hoc quidem est ius. Unde manifestum est quod ius est obiectum iustitiae.

Ad primum ergo dicendum quod consuetum est quod nomina a sui prima impositione detorqueantur ad alia significanda, sicut nomen medicinae impositum est primo ad

not the object of justice.

On the contrary, Isidore says (Etym. v, 2) that "'jus' [right] is so called because it is just." Now the "just" is the object of justice, for the Philosopher declares (Ethic. v, 1) that "all are agreed in giving the name of justice to the habit which makes men capable of doing just actions."

I answer that, It is proper to justice, as compared with the other virtues, to direct man in his relations with others: because it denotes a kind of equality, as its very name implies; indeed we are wont to say that things are adjusted when they are made equal, for equality is in reference of one thing to some other. On the other hand the other virtues perfect man in those matters only which befit him in relation to himself. Accordingly that which is right in the works of the other virtues, and to which the intention of the virtue tends as to its proper object, depends on its relation to the agent only, whereas the right in a work of justice, besides its relation to the agent, is set up by its relation to others. Because a man's work is said to be just when it is related to some other by way of some kind of equality, for instance the payment of the wage due for a service rendered. And so a thing is said to be just, as having the rectitude of justice, when it is the term of an act of justice, without taking into account the way in which it is done by the agent: whereas in the other virtues nothing is declared to be right unless it is done in a certain way by the agent. For this reason justice has its own special proper object over and above the other virtues, and this object is called the just, which is the same as "right." Hence it is evident that right is the object of justice.

Reply to Objection 1: It is usual for words to be distorted from their original signification so as to mean something else: thus the word "medicine" was first employed to signify a rem-

significandum remedium quod praestatur infirmo ad sanandum, deinde tractum est ad significandum artem qua hoc fit. Ita etiam hoc nomen ius primo impositum est ad significandum ipsam rem iustam; postmodum autem derivatum est ad artem qua cognoscitur quid sit iustum; et ulterius ad significandum locum in quo ius redditur, sicut dicitur aliquis comparere in iure; et ulterius dicitur etiam ius quod redditur ab eo ad cuius officium pertinet iustitiam facere, licet etiam id quod decernit sit iniquum.

edy used for curing a sick person, and then it was drawn to signify the art by which this is done. In like manner the word "jus" [right] was first of all used to denote the just thing itself, but afterwards it was transferred to designate the art whereby it is known what is just, and further to denote the place where justice is administered, thus a man is said to appear "in jure" [*In English we speak of a court of law, a barrister at law, etc.], and yet further, we say even that a man, who has the office of exercising justice, administers the jus even if his sentence be unjust.

Ad secundum dicendum quod sicut eorum quae per artem exterius fiunt quaedam ratio in mente artificis praeexistit, quae dicitur regula artis; ita etiam illius operis iusti quod ratio determinat quaedam ratio praeexistit in mente, quasi quaedam prudentiae regula. Et hoc si in scriptum redigatur, vocatur lex, est enim lex, secundum Isidorum, constitutio scripta. Et ideo lex non est ipsum ius, proprie loquendo, sed aliqualis ratio iuris.

Reply to Objection 2: Just as there pre-exists in the mind of the craftsman an expression of the things to be made externally by his craft, which expression is called the rule of his craft, so too there pre-exists in the mind an expression of the particular just work which the reason determines, and which is a kind of rule of prudence. If this rule be expressed in writing it is called a "law," which according to Isidore (Etym. v, 1) is "a written decree": and so law is not the same as right, but an expression of right.

Ad tertium dicendum quod quia iustitia aequalitatem importat, Deo autem non possumus aequivalens recompensare, inde est quod iustum, secundum perfectam rationem, non possumus reddere Deo. Et propter hoc non dicitur proprie ius lex divina, sed fas, quia videlicet sufficit Deo ut impleamus quod possumus. Iustitia tamen ad hoc tendit ut homo, quantum potest, Deo recompenset, totaliter animam ei subiiciens.

Reply to Objection 3: Since justice implies equality, and since we cannot offer God an equal return, it follows that we cannot make Him a perfectly just repayment. For this reason the Divine law is not properly called "jus" but "fas," because, to wit, God is satisfied if we accomplish what we can. Nevertheless justice tends to make man repay God as much as he can, by subjecting his mind to Him entirely.

Whether right is fittingly divided into natural right and positive right?

Ad secundum sic proceditur. Videtur quod ius non convenienter dividatur in ius naturale et ius positivum. Illud enim quod est naturale est immutabile, et idem apud omnes.

Objection 1: It would seem that right is not fittingly divided into natural right and positive right. For that which is natural is unchangeable, and is the same for all. Now nothing of the kind

Non autem invenitur in rebus humanis aliquid tale, quia omnes regulae iuris humani in aliquibus casibus deficiunt, nec habent suam virtutem ubique. Ergo non est aliquod ius naturale.

is to be found in human affairs, since all the rules of human right fail in certain cases, nor do they obtain force everywhere. Therefore there is no such thing as natural right.

Praeterea, illud dicitur esse positivum quod ex voluntate humana procedit. Sed non ideo aliquid est iustum quia a voluntate humana procedit, alioquin voluntas hominis iniusta esse non posset. Ergo, cum iustum sit idem quod ius, videtur quod nullum sit ius positivum.

Objection 2: Further, a thing is called "positive" when it proceeds from the human will. But a thing is not just, simply because it proceeds from the human will, else a man's will could not be unjust. Since then the "just" and the "right" are the same, it seems that there is no positive right.

Praeterea, ius divinum non est ius naturale, cum excedat naturam humanam. Similiter etiam non est ius positivum, quia non innititur auctoritati humanae, sed auctoritati divinae. Ergo inconvenienter dividitur ius per naturale et positivum.

Objection 3: Further, Divine right is not natural right, since it transcends human nature. In like manner, neither is it positive right, since it is based not on human, but on Divine authority. Therefore right is unfittingly divided into natural and positive.

Sed contra est quod philosophus dicit, in V Ethic., quod politici iusti hoc quidem naturale est, hoc autem legale, idest lege positum.

On the contrary, The Philosopher says (Ethic. v, 7) that "political justice is partly natural and partly legal," i.e. established by law.

Respondeo dicendum quod, sicut dictum est, ius, sive iustum, est aliquod opus adaequatum alteri secundum aliquem aequalitatis modum. Dupliciter autem potest alicui homini aliquid esse adaequatum. Uno quidem modo, ex ipsa natura rei, puta cum aliquis tantum dat ut tantundem recipiat. Et hoc vocatur ius naturale. Alio modo aliquid est adaequatum vel commensuratum alteri ex condicto, sive ex communi placito, quando scilicet aliquis reputat se contentum si tantum accipiat. Quod quidem potest fieri dupliciter. Uno modo, per aliquod privatum condictum, sicut quod firmatur aliquo pacto inter privatas personas. Alio modo, ex condicto publico, puta cum totus populus consentit quod aliquid habeatur quasi adaequatum et commensuratum alteri; vel cum hoc ordinat princeps, qui curam

I answer that, As stated above (Article [1]) the "right" or the "just" is a work that is adjusted to another person according to some kind of equality. Now a thing can be adjusted to a man in two ways: first by its very nature, as when a man gives so much that he may receive equal value in return, and this is called "natural right." In another way a thing is adjusted or commensurated to another person, by agreement, or by common consent, when, to wit, a man deems himself satisfied, if he receive so much. This can be done in two ways: first by private agreement, as that which is confirmed by an agreement between private individuals; secondly, by public agreement, as when the whole community agrees that something should be deemed as though it were adjusted and commensurated to another person, or when this is decreed by the prince who is

populi habet et eius personam gerit. Et hoc dicitur ius positivum.

placed over the people, and acts in its stead, and this is called "positive right."

Ad primum ergo dicendum quod illud quod est naturale habenti naturam immutabilem, oportet quod sit semper et ubique tale. Natura autem hominis est mutabilis. Et ideo id quod naturale est homini potest aliquando deficere. Sicut naturalem aequalitatem habet ut deponenti depositum reddatur, et si ita esset quod natura humana semper esset recta, hoc esset semper servandum. Sed quia quandoque contingit quod voluntas hominis depravatur, est aliquis casus in quo depositum non est reddendum, ne homo perversam voluntatem habens male eo utatur, ut puta si furiosus vel hostis reipublicae arma deposita reposcat.

Reply to Objection 1: That which is natural to one whose nature is unchangeable, must needs be such always and everywhere. But man's nature is changeable, wherefore that which is natural to man may sometimes fail. Thus the restitution of a deposit to the depositor is in accordance with natural equality, and if human nature were always right, this would always have to be observed; but since it happens sometimes that man's will is unrighteous there are cases in which a deposit should not be restored, lest a man of unrighteous will make evil use of the thing deposited: as when a madman or an enemy of the common weal demands the return of his weapons.

Ad secundum dicendum quod voluntas humana ex communi condicto potest aliquid facere iustum in his quae secundum se non habent aliquam repugnantiam ad naturalem iustitiam. Et in his habet locum ius positivum. Unde philosophus dicit, in V Ethic., quod legale iustum est quod ex principio quidem nihil differt sic vel aliter, quando autem ponitur, differt. Sed si aliquid de se repugnantiam habeat ad ius naturale, non potest voluntate humana fieri iustum, puta si statuatur quod liceat furari vel adulterium committere. Unde dicitur Isaiae X, vae qui condunt leges iniquas.

Reply to Objection 2: The human will can, by common agreement, make a thing to be just provided it be not, of itself, contrary to natural justice, and it is in such matters that positive right has its place. Hence the Philosopher says (Ethic. v, 7) that "in the case of the legal just, it does not matter in the first instance whether it takes one form or another, it only matters when once it is laid down." If, however, a thing is, of itself, contrary to natural right, the human will cannot make it just, for instance by decreeing that it is lawful to steal or to commit adultery. Hence it is written (Is. 10:1): "Woe to them that make wicked laws."

Ad tertium dicendum quod ius divinum dicitur quod divinitus promulgatur. Et hoc quidem partim est de his quae sunt naturaliter iusta, sed tamen eorum iustitia homines latet, partim autem est de his quae fiunt iusta institutione divina. Unde etiam ius divinum per haec duo distingui potest, sicut et ius humanum. Sunt enim in lege divina quaedam praecepta quia bona, et prohibita quia mala, quaedam vero bona quia praecepta, et mala

Reply to Objection 3: The Divine right is that which is promulgated by God. Such things are partly those that are naturally just, yet their justice is hidden to man, and partly are made just by God's decree. Hence also Divine right may be divided in respect of these two things, even as human right is. For the Divine law commands certain things because they are good, and forbids others, because they are evil, while others are good because they are prescribed, and others

quia prohibita.

evil because they are forbidden.

Whether the right of nations is the same as the natural right?

Ad tertium sic proceditur. Videtur quod ius gentium sit idem cum iure naturali. Non enim omnes homines conveniunt nisi in eo quod est eis naturale. Sed in iure gentium omnes homines conveniunt, dicit enim iurisconsultus quod ius gentium est quo gentes humanae utuntur. Ergo ius gentium est ius naturale.

Objection 1: It would seem that the right of nations is the same as the natural right. For all men do not agree save in that which is natural to them. Now all men agree in the right of nations; since the jurist [*Ulpian: Digest. i, 1; De Just. et Jure i] "the right of nations is that which is in use among all nations." Therefore the right of nations is the natural right.

Praeterea, servitus inter homines est naturalis, quidam enim sunt naturaliter servi, ut philosophus probat, in I Polit. Sed servitutes pertinent ad ius gentium, ut Isidorus dicit. Ergo ius gentium est ius naturale.

Objection 2: Further, slavery among men is natural, for some are naturally slaves according to the Philosopher (Polit. i, 2). Now "slavery belongs to the right of nations," as Isidore states (Etym. v, 4). Therefore the right of nations is a natural right.

Praeterea, ius, ut dictum est, dividitur per ius naturale et positivum. Sed ius gentium non est ius positivum, non enim omnes gentes unquam convenerunt ut ex communi condicto aliquid statuerent. Ergo ius gentium est ius naturale.

Objection 3: Further, right as stated above (Article [2]) is divided into natural and positive. Now the right of nations is not a positive right, since all nations never agreed to decree anything by common agreement. Therefore the right of nations is a natural right.

Sed contra est quod Isidorus dicit, quod ius aut naturale est, aut civile, aut gentium. Et ita ius gentium distinguitur a iure naturali.

On the contrary, Isidore says (Etym. v, 4) that "right is either natural, or civil, or right of nations," and consequently the right of nations is distinct from natural right.

Respondeo dicendum quod, sicut dictum est, ius sive iustum naturale est quod ex sui natura est adaequatum vel commensuratum alteri. Hoc autem potest contingere dupliciter. Uno modo, secundum absolutam sui considerationem, sicut masculus ex sui ratione habet commensurationem ad feminam ut ex ea generet, et parens ad filium ut eum nutriat. Alio modo aliquid est naturaliter alteri commensuratum non secundum absolu-

I answer that, As stated above (Article [2]), the natural right or just is that which by its very nature is adjusted to or commensurate with another person. Now this may happen in two ways; first, according as it is considered absolutely: thus a male by its very nature is commensurate with the female to beget offspring by her, and a parent is commensurate with the offspring to nourish it. Secondly a thing is naturally commensurate with another person, not according as it is considered

tam sui rationem, sed secundum aliquid quod ex ipso consequitur, puta proprietas possessionum. Si enim consideretur iste ager absolute, non habet unde magis sit huius quam illius, sed si consideretur quantum ad opportunitatem colendi et ad pacificum usum agri, secundum hoc habet quandam commensurationem ad hoc quod sit unius et non alterius, ut patet per philosophum, in II Polit.

absolutely, but according to something resultant from it, for instance the possession of property. For if a particular piece of land be considered absolutely, it contains no reason why it should belong to one man more than to another, but if it be considered in respect of its adaptability to cultivation, and the unmolested use of the land, it has a certain commensuration to be the property of one and not of another man, as the Philosopher shows (Polit. ii, 2).

Absolute autem apprehendere aliquid non solum convenit homini, sed etiam aliis animalibus. Et ideo ius quod dicitur naturale secundum primum modum, commune est nobis et aliis animalibus. A iure autem naturali sic dicto recedit ius gentium, ut iurisconsultus dicit, quia illud omnibus animalibus, hoc solum hominibus inter se commune est. Considerare autem aliquid comparando ad id quod ex ipso sequitur, est proprium rationis. Et ideo hoc quidem est naturale homini secundum rationem naturalem, quae hoc dictat. Et ideo dicit Gaius iurisconsultus, quod naturalis ratio inter omnes homines constituit, id apud omnes gentes custoditur, vocaturque ius gentium.

Now it belongs not only to man but also to other animals to apprehend a thing absolutely: wherefore the right which we call natural, is common to us and other animals according to the first kind of commensuration. But the right of nations falls short of natural right in this sense, as the jurist [*Digest. i, 1; De Just. et Jure i] says because "the latter is common to all animals, while the former is common to men only." On the other hand to consider a thing by comparing it with what results from it, is proper to reason, wherefore this same is natural to man in respect of natural reason which dictates it. Hence the jurist Gaius says (Digest. i, 1; De Just. et Jure i, 9): "whatever natural reason decrees among all men, is observed by all equally, and is called the right of nations."

Et per hoc patet responsio ad primum.

This suffices for the Reply to the First Objection.

Ad secundum dicendum quod hunc hominem esse servum, absolute considerando, magis quam alium, non habet rationem naturalem, sed solum secundum aliquam utilitatem consequentem, inquantum utile est huic quod regatur a sapientiori, et illi quod ab hoc iuvetur, ut dicitur in I Polit. Et ideo servitus pertinens ad ius gentium est naturalis secundo modo, sed non primo.

Reply to Objection 2: Considered absolutely, the fact that this particular man should be a slave rather than another man, is based, not on natural reason, but on some resultant utility, in that it is useful to this man to be ruled by a wiser man, and to the latter to be helped by the former, as the Philosopher states (Polit. i, 2). Wherefore slavery which belongs to the right of nations is natural in the second way, but not in the first.

Ad tertium dicendum quod quia ea quae sunt iuris gentium naturalis ratio dictat, puta ex

Reply to Objection 3: Since natural reason dictates matters which are according to the right of

propinquo habentia aequitatem; inde est quod non indigent aliqua speciali institutione, sed ipsa naturalis ratio ea instituit, ut dictum est in auctoritate inducta.

nations, as implying a proximate equality, it follows that they need no special institution, for they are instituted by natural reason itself, as stated by the authority quoted above

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Whether paternal right and right of dominion should be distinguished as special species?

Ad quartum sic proceditur. Videtur quod non debeat specialiter distingui ius paternum et dominativum. Ad iustitiam enim pertinet reddere unicuique quod suum est; ut dicit Ambrosius, in I de officiis. Sed ius est obiectum iustitiae, sicut dictum est. Ergo ius ad unumquemque aequaliter pertinet. Et sic non debet distingui specialiter ius patris et domini.

Objection 1: It would seem that "paternal right" and "right of dominion" should not be distinguished as special species. For it belongs to justice to render to each one what is his, as Ambrose states (De Offic. i, 24). Now right is the object of justice, as stated above (Article [1]). Therefore right belongs to each one equally; and we ought not to distinguish the rights of fathers and masters as distinct species.

Praeterea, ratio iusti est lex, ut dictum est. Sed lex respicit commune bonum civitatis et regni, ut supra habitum est, non autem respicit bonum privatum unius personae, aut etiam unius familiae. Non ergo debet esse aliquod speciale ius vel iustum dominativum vel paternum, cum dominus et pater pertineant ad domum, ut dicitur in I Polit.

Objection 2: Further, the law is an expression of what is just, as stated above (Article [1], ad 2). Now a law looks to the common good of a city or kingdom, as stated above (FS, Question [90], Article [2]), but not to the private good of an individual or even of one household. Therefore there is no need for a special right of dominion or paternal right, since the master and the father pertain to a household, as stated in Polit. i, 2.

Praeterea, multae aliae sunt differentiae graduum in hominibus, ut puta quod quidam sunt milites, quidam sacerdotes, quidam principes. Ergo ad eos debet aliquod speciale iustum determinari.

Objection 3: Further, there are many other differences of degrees among men, for instance some are soldiers, some are priests, some are princes. Therefore some special kind of right should be allotted to them.

Sed contra est quod philosophus, in V Ethic., specialiter a iusto politico distinguit dominativum et paternum, et alia huiusmodi.

On the contrary, The Philosopher (Ethic. v, 6) distinguishes right of dominion, paternal right and so on as species distinct from civil right.

Respondeo dicendum quod ius, sive iustum dicitur per commensurationem ad alterum.

I answer that, Right or just depends on commensuration with another person. Now "an-

Alterum autem potest dici dupliciter. Uno modo, quod simpliciter est alterum, sicut quod est omnino distinctum, sicut apparet in duobus hominibus quorum unus non est sub altero, sed ambo sunt sub uno principe civitatis. Et inter tales, secundum philosophum, in V Ethic., est simpliciter iustum. Alio modo dicitur aliquid alterum non simpliciter, sed quasi aliquid eius existens. Et hoc modo in rebus humanis filius est aliquid patris, quia quodammodo est pars eius, ut dicitur in VIII Ethic.; et servus est aliquid domini, quia est instrumentum eius, ut dicitur in I Polit. Et ideo patris ad filium non est comparatio sicut ad simpliciter alterum, et propter hoc non est ibi simpliciter iustum, sed quoddam iustum, scilicet paternum. Et eadem ratione nec inter dominum et servum, sed est inter eos dominativum iustum. Uxor autem, quamvis sit aliquid viri, quia comparatur ad eam sicut ad proprium corpus, ut patet per apostolum, ad Ephes. V; tamen magis distinguitur a viro quam filius a patre vel servus a domino, assumitur enim in quandam socialem vitam matrimonii. Et ideo, ut philosophus dicit, inter virum et uxorem plus est de ratione iusti quam inter patrem et filium, vel dominum et servum. Quia tamen vir et uxor habent immediatam relationem ad domesticam communitatem, ut patet in I Polit.; ideo inter eos non est etiam simpliciter politicum iustum, sed magis iustum oeconomicum.

other" has a twofold signification. First, it may denote something that is other simply, as that which is altogether distinct; as, for example, two men neither of whom is subject to the other, and both of whom are subjects of the ruler of the state; and between these according to the Philosopher (Ethic. v, 6) there is the "just" simply. Secondly a thing is said to be other from something else, not simply, but as belonging in some way to that something else: and in this way, as regards human affairs, a son belongs to his father, since he is part of him somewhat, as stated in Ethic. viii, 12, and a slave belongs to his master, because he is his instrument, as stated in Polit. i, 2 [*Cf. Ethic. viii, 11]. Hence a father is not compared to his son as to another simply, and so between them there is not the just simply, but a kind of just, called "paternal." In like manner neither is there the just simply, between master and servant, but that which is called "dominative." A wife, though she is something belonging to the husband, since she stands related to him as to her own body, as the Apostle declares (Eph. 5:28), is nevertheless more distinct from her husband, than a son from his father, or a slave from his master: for she is received into a kind of social life, that of matrimony, wherefore according to the Philosopher (Ethic. v, 6) there is more scope for justice between husband and wife than between father and son, or master and slave, because, as husband and wife have an immediate relation to the community of the household, as stated in Polit. i, 2,5, it follows that between them there is "domestic justice" rather than "civic."

Ad primum ergo dicendum quod ad iustitiam pertinet reddere ius suum unicuique, supposita tamen diversitate unius ad alterum, si quis enim sibi det quod sibi debetur, non proprie vocatur hoc iustum. Et quia quod est filii est patris, et quod est servi est domini, ideo non est proprie iustitia patris ad filium, vel domini ad servum.

Reply to Objection 1: It belongs to justice to render to each one his right, the distinction between individuals being presupposed: for if a man gives himself his due, this is not strictly called "just." And since what belongs to the son is his father's, and what belongs to the slave is his master's, it follows that properly speaking there is not justice of father to son, or of master

to slave.

Ad secundum dicendum quod filius, inquantum filius, est aliquid patris; et similiter servus, inquantum servus, est aliquid domini. Uterque tamen prout consideratur ut quidam homo, est aliquid secundum se subsistens ab aliis distinctum. Et ideo inquantum uterque est homo, aliquo modo ad eos est iustitia. Et propter hoc etiam aliquae leges dantur de his quae sunt patris ad filium, vel domini ad servum. Sed inquantum uterque est aliquid alterius, secundum hoc deficit ibi perfecta ratio iusti vel iuris.

Reply to Objection 2: A son, as such, belongs to his father, and a slave, as such, belongs to his master; yet each, considered as a man, is something having separate existence and distinct from others. Hence in so far as each of them is a man, there is justice towards them in a way: and for this reason too there are certain laws regulating the relations of father to his son, and of a master to his slave; but in so far as each is something belonging to another, the perfect idea of "right" or "just" is wanting to them.

Ad tertium dicendum quod omnes aliae diversitates personarum quae sunt in civitate, habent immediatam relationem ad communitatem civitatis et ad principem ipsius. Et ideo ad eos est iustum secundum perfectam rationem iustitiae. Distinguitur tamen istud iustum secundum diversa officia. Unde et dicitur ius militare vel ius magistratuum aut sacerdotum, non propter defectum a simpliciter iusto, sicut dicitur ius paternum et dominativum, sed propter hoc quod unicuique conditioni personae secundum proprium officium aliquid proprium debetur.

Reply to Objection 3: All other differences between one person and another in a state, have an immediate relation to the community of the state and to its ruler, wherefore there is just towards them in the perfect sense of justice. This "just" however is distinguished according to various offices, hence when we speak of "military," or "magisterial," or "priestly" right, it is not as though such rights fell short of the simply right, as when we speak of "paternal" right, or right of "dominion," but for the reason that something proper is due to each class of person in respect of his particular office.