

Theological Constants in Tommaso d'Aquino's Theology of Justice¹

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The thirteenth century, the time when Tommaso d'Aquino (1225-1274) lived and walked the earth, was not at all an "era of harmonious balance, stable order, and of free flowering of Christianity."² There was a romantic notion that it was so, especially because it was during this time that Christian architecture flourished with the construction of huge cathedrals all over Europe and also the first universities were founded with the gigantic names of Catholic thinkers these institutions produced. However, a closer look at the facts leads to the formidable conclusion that it was rather a time of crisis not only in the political arena but also in the intellectual life. The political stability and theocratic unity of Christian Europe was being shaken both, externally with the threat of invasion by the Moslems and internally with the struggle of power between the imperial power and the pope.³ With the military advances of the Arab world into Europe, more particularly with its occupation of Spain (711-1492), the Christendom was made to realize its limits in a forceful way. Christian Europe realized that

¹ Part of the research project undertaken by the Team on *Contextualizing the Theological Constants of Justice* under the direction of Prof. José M. de Mesa, Ph.D. This article is co-authored also by Ronald Cortel, OP and Joel C. Sagut.

² Joseph Pieper, *Introduction to Thomas Aquinas* (London: Faber and Faber, 1962), 3.

³ Cf. Maurice Keen, *The Pelican History of Medieval Europe* (England: Routledge & Kegan Paul, 1968), especially chapter 12.

it was not at all the center of the world and that there were other powerful nations which could challenge its rule. Moreover, the Arabs brought with them the philosophy of Aristotle which penetrated the intellectual world of Christian Europe and challenged the established neo-platonic philosophical orientation of the majority of the medieval schoolmen.⁴

The chaotic political situation of the time was a factor why Tommaso d'Aquino became a Dominican friar instead of a Benedictine monk. At the young age of five, Tommaso d'Aquino was committed by his parents to study at the nearby Benedictine abbey of Monte Cassino in order to prepare him to become a monk. But the conflict between the pope and the Hohenstaufen emperor halted his Benedictine formation. Together with the other interns he was forced to leave the abbey as it was occupied by the imperial forces since its given location, being founded in between the imperial and papal territories made it a vital military strategic position. The soldiers of the emperor converted it into a watchtower to alert them of advancing troops coming from the papal territory. This was the period in the life of Tommaso d'Aquino when he went to the urban city of Naples to continue his study at the university. It is considered a very important turn of event in his life for it was at the university in Naples that he first got hold of the works of Aristotle⁵ and also met the mendicant friars of the Order of Preachers. Both the life of a mendicant friar dedicated to the preaching of the evangelical truth and the philosophy of Aristotle enamored the young Tommaso d'Aquino. Thus he would resolve to join the Order of Preachers even against the wishes of his influential family.⁶

⁴ Initially, the philosophy of Aristotle was strongly objected because it was brought by Islam to Europe and hence was identified with it. Then anything non-Christian was subject to suspicion. Only later on the medieval mind was able to discover the *ratio* in the philosophy of Aristotle.

⁵ The university at Naples was founded by the Hohenstaufen emperor to promote intellectual and cultural development in the empire. Thus the university was beyond the control of ecclesiastical censure which made it possible for the works of Aristotle to be taught there.

⁶ While on the way to Paris, accompanied by his superior, to have his formation in the Dominican way of life, his family had him kidnapped and locked isolated in one of their owned castles if only to prevent him from becoming a friar. But, a year later his family realized how resolute Tommaso d'Aquino was to become a friar and so he was released and allowed to join the mendicant order.

Moreover, his decision to become a Dominican provided him the opportunity to study the philosophy of Aristotle – as the works of the Philosopher were used in the Order for the intellectual formation of the friars – under a competent master in the person of Albert the Great.

His knowledge of the works of Aristotle would occupy foremost function in the exercise of his ministry as he would employ it to aid him articulate the truth of God which, as a Dominican, he vowed to preach. While he was largely indebted to the works of Aristotle, it was not the ultimate foundation of his theological system as he knew very well that mere reason alone, without the supernatural⁷ aid of divine revelation, would not suffice to render an adequate explanation for the existence of created beings and their relation of dependence to the divine. He would acknowledge that while Aristotelian metaphysics could account for the reason why people tended to what is proper to human nature still it fell short in identifying what it was precisely that can truly satisfy all human longings. This proper end for human essences which philosophy discovers is revealed in the Sacred Scriptures as the sharing in divine life with God. Tommaso d'Aquino termed this human condition of having fulfilled its proper end as happiness (*beatitudo*).

Happiness is the ultimate end of all human striving.⁸ According to Tommaso d'Aquino all are formally inclined to seek happiness for it is normative that in life one pursues only those things that offer optimum satisfaction to the desire of the will. Moreover perfect happiness consists in the vision of divine essence⁹ for it is only

⁷ "Supernatural" and "natural" are technical theological terms used to refer to what pertains to Christian faith and human reason.

⁸ ST I-II, q.1, a.8.

⁹ For Tommaso d'Aquino this means the state of beatific vision when the blessed sees God face to face as promised in the Sacred Scriptures. In the beatific state the blessed will see God as He is in glory, that is, in the same vision as God sees Himself. However, the reception of divine essence will vary according to the capacity of the blessed to receive divine reality – *Quidquid recipitur per modum recipientis recipitur*. (ST III, q.92, a.1). Now the difference in the disposition of the measure of one's union with God will be according to the degrees of charity. And this rests on two principles, namely proximate and remote. The proximate principle is the various degrees of disposition of the blessed which

God who can satisfy all desires of the human will.¹⁰ However, the angelic doctor was mindful of the problem that not all are cognizant that "true happiness can only be found in the vision of God, and consequently not everyone desires happiness in the sense of desiring that in which happiness truly consists."¹¹ There are those who are inclined to want the created goods in the form of wealth, honor, power and pleasure believing that these will procure them the contentment that they search for in life, but only to find out later in life that they only offer short-lived and imperfect enjoyment.¹² It is for this reason that Tommaso d'Aquino proposes the notion of justice (*iustitia*) understood as the right ordering of one's will to its proper end as requisite for human beings to attain happiness. It is to this notion of justice that our discussion will now turn to.

Tommaso d'Aquino's specific understanding of God as the Lord of Order

To know how Tommaso d'Aquino perceived God is important in understanding his teaching on justice inasmuch as his theology is founded on the basic belief that God is the principle of every being and activity.¹³ Beside the textual sources from the Sacred Scriptures, the Fathers of the Church and the newly found science in the work of Aristotle, Tommaso d'Aquino, given his Aristotelian background which put emphasis on the instrumentality of concrete reality in arriving at a truth claim, could not deny the insight coming from the data of the peoples' experience of the feudal lords in articulating his doctrine of God as sovereign.¹⁴

results in the different degrees of clarity with which one sees divine essence. The remote principle refers to the merit by which the blessed obtained the beatific state and this goes back to the mode by which they exercise charity while still living on earth. (ST III, q.93, a.3)

¹⁰ ST I-II, q.3, a.8.

¹¹ Jean Porter, "Desire for God: Ground of the Moral Life in Aquinas" *Theological Studies*, No. 47, 1986, p. 54.

¹² Cf. ST I-II, q.2, aa.1-6.

¹³ ST I, q.44, a.1.

¹⁴ Often the theology of Tommaso d'Aquino is allegedly taken as the product of an armchair speculation without reference to the concrete situation in which

Tommaso d'Aquino was born in Europe during the age of feudalism. Feudalism was the political system that emerged as a result of the decline of the imperial power when the central government could no longer provide for the basic needs of the citizens and protect them from the threat of outside attacks. The inability of the imperial power to provide the people with security and a means of livelihood motivated them to look for protection and leadership in the local princes, becoming their vassals and holding their lands as fiefs for them. The feudal lords owed his vassals protection and maintenance and in return the people offer manorial labor and military service to them. However the idea of kingship did not vanish altogether only that the government and administration of justice was exercised by the feudal princes who, more often than not, implemented it independently from the emperor. In feudalistic Europe the imperial power was decentralized inasmuch as the various powers of the state were conceded to nobles and ecclesiastical authorities which took hold of the different regions of the empire, sometimes even against the will of the emperor, and owned the responsibility of governing and providing for the people under their jurisdiction.¹⁵

The image of the feudal lord whose responsibility included the maintenance of harmony and the fostering of stability in societal life so that the people might live in peaceful tranquility safeguarded from the threat of attacks from invading elements reflects the will of God who created and establish order in the universe. Man would be hindered in the exercise of his proper action in situation where chaos and conflict is an ordinary happening. Evidently, in the thought of Tommaso d'Aquino, a dis-

he lived. But the fact that Tommaso d'Aquino employed the methodology of Aristotle in his theological investigations already dispels such assertion. Aristotle as opposed to Plato and his rationalist philosophy emphasized concreteness thereby deriving his philosophical conclusions from empirical investigation of reality. The same method of arriving at a truth claim which commences from observation of the given data of experience is to be found in the work of Tommaso d'Aquino. Hence, it is not unsubstantiated to assume that his theology & writings were born out of the experience that emerged from the context in which he lived.

¹⁵ Cf. Fred Hamil & D.J. Matthew, "Feudalism" *Collier's Encyclopedia*, Vol. 9. Laurence Bahr, ed., (New York: Collier's Publications, 1997), 679-682. Cf. James Alexander, "Feudalism" *Lexicon Universal Encyclopedia*, Vol., 8, (New York: Lexicon Publications, Inc., 1990), 64-65.

ordered state is contrary to the design of the divine will since God wants that human beings actualize their inherent goodness in such way that they attain the perfection demanded by their nature. The angelic doctor will take up this medieval understanding of the concept of lord as the sovereign who ruled by maintaining order and making sure that the people are given what they need for their welfare to convey his doctrine of God.¹⁶

The Christian innovation he injected to the popular understanding of the feudal governor is apparent in his treatise on the best balanced political regime where he taught that the various local lords sharing in the authority of the one king derived their right to govern the people not from their noble birthright, as was the practice at that time, but from their moral goodness which the people acknowledge through popular election.¹⁷ Hence, the medieval concept of lordship as interpreted by Tommaso d'Aquino makes explicit the notion of a righteous governor who, while maintaining peace and order in the society, makes possible the occurrence of an orderly life by providing the people with needs necessary to live befitting their dignity. Applying this concept to God, it proclaims the image of the Sovereign Lord who, out of his infinite goodness, bestows order on all created beings so that they tend towards what is good for their well being.¹⁸

Taking cue from the biblical story of creation, Tommaso d'Aquino writes that out of formless matter, God created the universe adorning it with a sense of order and beauty.¹⁹ Primarily,

¹⁶ However, the apophatic dimension of theology has to be noted here. The title "king" used by Tommaso d'Aquino should not be taken as exhaustive of who God is. Tommaso d'Aquino was well aware that God is far greater than a temporal king or lord.

¹⁷ According to Tommaso d'Aquino the best form of government is a combination of the different forms of constitutions, namely, monarchy for this is the form of government set by God himself for his chosen people, aristocracy, the political set-up in his time, which he found necessary only if these governing elites were virtuous men, and finally democracy which dictates the manner by which these leaders were to be chosen by the whole populace, an insight coming from his formation on Dominican government (Cf. ST I-II, q.105).

¹⁸ SCG III, ch.21.

¹⁹ Following Augustine, Tommaso d'Aquino maintains the position that the formless matter or the confusion in corporeal creation was not prior in time

the notion of creation highlights the absolute dependence of the created world in God. This relation of dependence of corporeal reality in divine goodness does not merely refer to the fact that it has originated from God as it also precludes the fundamental reality that all beings continue to exist because of the generous will of the Creator who sustains them. Tommaso d'Aquino labels this divine initiative of preserving the world in its continued existence as divine providence (*providentia divina*). Positively speaking divine providence makes explicit the notion of God guiding his creatures towards the fulfillment of their proper end, who is God himself.²⁰ Hence, "by God's initiative, the human creature not only exists, but – by the same divine action – reaches towards and organizes its own existence so as to continue and to complete the procession out from God, its Source."²¹ In the act of creation God did not only create the world out of nothing but he also put a law of order which secured created things to act towards the fulfillment of their ends which constitute their perfection. Included therefore in the concept of divine providence is the idea of "order to the end." "In fact, to order to the end, to direct, is the very *ratio* of divine providence."²²

It is imperative to understand here that "order" as conceived by Tommaso d'Aquino is not a static reality which connotes things arranged in their proper places somewhat like the arrangement one can find in a pleasant house where furniture and other fixtures are situated neatly. Rather it is a dynamic principle intrinsic to created essences which disposes them to act according to the perfection proper to their natures.²³ When he speaks of "order" he refers to a kind of ordination which directs created beings to the exercise of function whose ultimate justification is the attainment of their ultimate end. In the doctrine of Tommaso d'Aquino there is

in its formation, but only in the order of origin and nature just as potentiality precedes actuality. (Cf. ST I, q.66, a.1).

²⁰ Cf. ST I, q.22, aa.1-4.

²¹ Cf. Marie-Dominique Chenu, *Aquinas and His Role in Theology* (Minneapolis: The Liturgical Press, 2002), 98.

²² Oscar Brown, *Natural Rectitude and Divine Law in Aquinas* (Toronto: Pontifical Institute of Medieval Studies, 1981), 8.

²³ "*Agere sequitur esse.*" ST I, q.75, a.3.

a correlation between "order" and "power" with the understanding of the latter as the tool which brings into fruition the end of the former. This teaching is particularly explicated in his account of the hierarchical order of beings found in the actual world where he teaches that the authority of those on top of the hierarchical ladder is exercised for the purpose of elevating their inferior subjects to the level of the superior one. Clearly, it is a teaching inspired by the biblical understanding of power as service to the establishment of the kingdom of God. It is but proper for those in the ecclesiastical and political hierarchy to serve those who are under their care by leading them to that which will bring about the perfection of their being in God.²⁴

Another important point that needs to be considered is that in the mind of Tommaso d'Aquino there exists a mode of likeness between God and man since the creator is not only the efficient cause but also the exemplary cause of all created beings. It is because "in his self-communication God in his absolute being is related to the created existent in the mode of formal causality, that is, that he does not originally cause and produce something different from himself in the creature, but rather that he communicates his own divine reality and makes it a constitutive element in the fulfillment of the creature."²⁵ Since the almighty creator is a God of order, it necessarily follows that human beings should be creatures of order. Human beings ought to be just in human relationship on account of the just God who created them and designed them to be such "that they may conform to the rule of his Divine wisdom, which is the law of his justice."²⁶ Put simply, "justice has its origin in God and justice on the part of humans is but a response to, and a reflection of, God's justice."²⁷

It is clear from the foregoing that justice in Tommaso d'Aquino presupposes both the notion of a formal cause and an

²⁴ Cf. Etienne Gilson, *The Elements of Christian Philosophy* (New York: Doubleday & Company, Inc., 1960), 294-297.

²⁵ Karl Rahner, *Foundations of Christian Faith: An Introduction to the Idea of Christianity*. (York: The Crossroad Publishing Company, 1995), 120-121.

²⁶ ST I, q.21, a.1.

²⁷ Quirico Pedregosa, OP, "Toward a Christian Spirituality of Justice" *Philippiniana Sacra*, Vol. XLI, No. 123 (September-December 2006), 584.

efficient cause.²⁸ This is an important note that one has to bear in mind in order to bring about a thorough comprehension of the said doctrine. There is the idea of the formal cause inasmuch as justice is a formal reality disposing human nature towards the divine creator who is just himself. It also includes the concept of efficient cause implying that the formal reality embedded in the very essence of the human person demands that it be fulfilled through the performance of concrete just acts.²⁹ In other words, there are two, but not disparate, senses of justice in Tommaso d'Aquino, namely, justice understood as the formal principle from which just actions proceed and justice referring to the actual just actions performed by the person. These two notions of justice, first as the formal principle of action and second as referring to just actions, shall be further explained in the succeeding sections of this work.

Action involved on the part of God: God's justice as putting order in the world

Tommaso d'Aquino posits the observation that all beings tend towards their proper end.³⁰ The movements of created beings are governed by a kind of order which inclines them to tend towards something because it contributes to the perfection of their nature, or to shun away from it because it destroys the very integrity of their existence. A person who is in possession of right reason would not take a poison to end his life, just as a brute instinctively eats only those things that will not cause to terminate its life. Furthermore, Tommaso d'Aquino makes a dis-

²⁸ Following the metaphysics of Aristotle, Tommaso d'Aquino teaches four causes of being, namely, material cause which refers to the material that makes up the thing, efficient cause which pertains to the agent that carries out the work causing the thing to exist in actuality, final cause which indicates the purpose for which a thing is made, and finally the formal cause which is the principle that defines the essence of a particular reality or the cause that makes the thing what it is.

²⁹ Cf. ST I, q.5, a.4.

³⁰ The study undertaken by Peña dealing with Tommaso d'Aquino's concept of nature and its influence on the ethical criterion of human behavior reveals that order is an intrinsic manifestation of nature. [Cf. Braulio Peña, *The Bearance of the Concept of Nature on the Ethical Criterion of Human Behavior* (Manila: UST Press, 1979), 37-40].

inction between the manner by which irrational creatures tend by their action towards their end and the way intelligent beings move to achieve their perceived goal.³¹ Creatures lacking rational faculty act by way of natural necessity. Part of animal constitution is this natural instinct which gives them the propensity to tend only to those goals that preserve and never endanger animal existence. On the other hand, human beings are cognizant of the ends which they pursue and that, knowing the value of these ends, they resolve themselves towards its achievement because they know that their possession shall contribute to their well being.

The established order in nature is nothing else than the design intended by God to guide the created universe.³² It is unthinkable to assume that God, the supreme and most intelligent being, is without a plan with which to govern the world that he created.³³ This divine plan, conceived in the mind of God, is called eternal law (*lex æterna*). Tommaso d'Aquino understands it as archetypes analogous to the world of forms of Plato which are found in the divine mind serving as model for existing realities in the temporal world.³⁴ However, unlike the eternal ideas of

³¹ "It must be observed that a thing tends to an end, by its action or movement, in two ways: first, as a thing, moving itself to the end, as man; secondly, as a thing moved by another to the end, as an arrow tends to a determinate end through being moved by the archer who directs his action to the end. Therefore those things that are possessed of reason, move themselves to an end; because they have dominion over their actions through their free-will, which is the faculty of will and reason. But those things that lack reason tend to an end, by natural inclination, as being moved by another and not by themselves; since they do not know the nature of an end as such and consequently cannot ordain anything to an end, but can be ordained to an end only by another. For the entire irrational nature is in comparison to God as an instrument to the principal agent, as stated above. Consequently it is proper to the rational nature to tend to an end, as directing and leading itself to the end: whereas it is proper to the irrational nature to tend to an end, as directed or led by another, whether it apprehend the end, as do irrational animals, or do not apprehend it, as is the case of those things which are altogether void of knowledge" (ST I-II, q.1, a.2).

³² Cf. ST I, q.22, a.1; ST I-II, q.93, a.1.

³³ ST I, q.2, a.5 demonstrates God as intelligent creator; See also, Karl Peschke, SVD, *Christian Ethics: Moral Theology in the Light of Vatican II* (Manila: Divine Word Publication, 1999), 119.

³⁴ Cf. Marie-Dominique Chenu, *Aquinas and His Role in Theology* (Minnesota: The Liturgical Press, 2002), 88.

Plato, the eternal law also functions as the exemplary cause³⁵ that effects the coming into being of all things created.³⁶ It is not some eternal ideas that float in the mind of God without any causal relation to actual realities. The divine eternal design influences creatures as a principle that governs their process of becoming the creature that they ought to become. Tommaso d'Aquino argues that individuals in the created universe are patterned after the contents of the divine archetypes and that they are oriented to approximate their respective blueprints in the divine mind by living and acting as God would have them do.³⁷ As long as the created universe is true³⁸ to its nature, that is, it conforms to the archetypal models in the divine mind, justice and order will prevail in the world. Injustice and chaos however would creep in if the world is not in harmony with the ideals set by God.

Human beings are of rational nature³⁹ with the propensity to intellectual activity and the need to live in a society. They are

³⁵ The exemplary cause which refers to the model after which a thing is patterned by its creator is a subcategory under formal cause.

³⁶ Cf. ST I, q.15, a.3.

³⁷ Cf. Anthony Lisska, *Aquinas' Theory of Natural Law: An Analytic Reconstruction* (Oxford: Clarendon Press, 1996), 91-95.

³⁸ Important here is the understanding of Tommaso d'Aquino's doctrine of truth as correspondence between the mind and the reality. He distinguishes three kinds of truth, namely, *logical* truth, which is the adequation of the mind to the external reality; *moral* truth, which is the oneness of the outward actions and words to what the mind conceives; and *ontological* truth, which is the faithfulness of created beings to the ideals in the mind of God. We refer here to the ontological truth in that what is being suggested is that natural being should become the idea of it in the mind of God. Moreover Tommaso d'Aquino writes that, "God's justice, which establishes things in the order conformable to the rule of His wisdom, which is the law of His justice, is suitably called truth" (ST I, q.21, a.2).

³⁹ In the *Summa Theologiae*, Tommaso d'Aquino argues that central to the concept of human nature is the understanding of it being composed essentially of a set of dispositional properties, namely, living, sensitive and rational, which develop through the process of possessing the end proper to each. Tommaso d'Aquino views these three essential properties in hierarchical order with the understanding that the one on top of the hierarchy contains that which beneath it. Thus presupposed in rational nature are the properties and functions of the sensitive and living natures. (Cf. ST I-II, q.4, a.2); See also the discussion of Anthony Lisska on human nature which, of its very essence, is composed of dispositional properties metaphysically oriented towards development" (See Lisska 1996: 108).

able to discern through their intellectual endeavors the right activity needed to advance the development of human nature. This aptitude to know what one ought to do and to avoid those detrimental to humanity is a manifestation of natural law (*lex naturalis*).⁴⁰ Natural law is part of God's provident design placed in human nature to govern the proper ordering of rational creatures towards their proper end in God.⁴¹ This end proper for human nature is not something dependent on arbitrary human decisions but rather it is determined by the essential properties of human nature emerging from it as its own. What is good for man is something created not by man but by God who pre-ordained it as that which constitutes human perfection.

However, the dictates of natural law are not easily grasped by all and so God initiates by helping men understand more particularly what suitable injunctions are apt for human nature with his supernatural revelation. Divine law (*lex divina*) is the further specifications of the divine precepts found in the mind of God and implanted in human nature as applied to moral situations. For instance, "Tommaso d'Aquino argues that the Ten Commandments are basically sound rational moral principles derivable from an analysis of human nature. However, since it is difficult to undertake this enquiry through reason alone, Tommaso d'Aquino suggests that it is in some way incumbent upon God to make knowledge of the moral system and of the supernatural end part of revelation."⁴² Through natural law man is able to learn about his natural end which consists in the pursuit of human perfection.

⁴⁰ "Now, among all others, the rational creature is subject to Divine providence in the most excellent way, in so far as it partakes of a share of providence, by being provident both for itself and for others. Wherefore it has a share of the Eternal Reason, whereby it has a *natural* inclination to its proper act and end: and this participation of the eternal *law* in the rational creature is called the *natural law*" (ST I-II, q.91, a.2).

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⁴² Lisska 1996: 113.

But through the aid of supernatural revelation man is made aware of his supernatural end in God through the bestowal of grace in the reception of the sacraments and in the faithful obedience to the gospel values preached by Jesus.

Therefore justice, understood in the sense discussed above, involves the act through which human nature develops according to the divine design as decreed by God's eternal wisdom. Human development is not without aid from a provident God who takes interest in the proper ordering of His creatures. It is part of God's providence to implant in man a law through which man receives everything he needs necessary to achieve his destiny in God.⁴³ The natural law, "supplemented and completed by participation in a supernatural economy of revelation and grace,"⁴⁴ directs human activity so that human beings may become sharers in the divine mystery. The ultimate purpose of moral action is the achievement of fellowship with God.⁴⁵ Through it human beings are made God's instruments helping maintain order in the world of experience by contributing through their efforts to provide for oneself and for others so that the world and humanity might find their way back into the embrace of the provident creator who causes and preserves them in being. In this regard, it can be said that God is not only the source of justice but also is the end of justice. The *terminus a quo* and the *terminus ad quem* of justice then are in the final analysis coincident.⁴⁶

On the part of the human person: Conformity to the divine natural order

As a virtue, Tommaso d'Aquino defines "justice as a habit whereby one renders to each one his due by a constant and per-

⁴³ The biblical story of creation mentions that God created man according to his image and likeness thereby laying out idea of a human nature having a relation of dependence in God. The image of God is the principle impressed in human nature disposing human activity towards the attainment of divine likeness (Chenu 2002: 87; Porter 1986: 52).

⁴⁴ SCG III, chs. 19-21; Porter 1986: 48.

⁴⁵ ST I-II, q.3, a.8.

⁴⁶ Brown 1981: 12.

petual will.”⁴⁷ Put in the negative it implies that one should not be deprived of anything that rightfully belongs to him. Right is a presupposition of the act of justice. No discourse on justice can be made without talking first about what rightfully belongs to a person. The concept of “the due”⁴⁸ (*ius*) is understood as those material and spiritual goods that belong to a person. It may be a possession of external things like inheriting a house property from one’s parents, or an activity which one is entitled to, such as executing a private action like worshiping the deity, writing, etc. Or, it may be a claim that calls for the termination of an act performed by another which violates one’s freedom as in the case of activities that involve maligning a person’s name.

The examples given above are but concrete instantiations of the three senses of “right” that Tommaso d’Aquino speaks of. The commentary made by Farrell on the Thomistic doctrine of the concept of right makes a clear description of these three senses of right:

First the objective right, which is a thing as tangible as a basket of groceries, the solid wall of a house or the gay sunshine of spring day. The second is the subjective or moral right, the moral faculty of doing, having or omitting something; it is by this that we lay claim to the objective right. Finally the third is law as we understand it today.⁴⁹

These three senses of right are intimately integrated just like three elemental phases constituting one and the same reality. To speak of only one sense to the exclusion of the other two would give an incomplete description of right. Therefore it is imperative that the three senses are considered all together in order to give a fuller understanding of what is due to a person. The objective

⁴⁷ ST II-II, q.58, a.1.

⁴⁸ The Blackfriars edition of the *Summa Theologiae* (edited by Thomas Gilby, OP) translates the Latin term *ius* or *iustum* as “the due” since the word right(s) is not a suitable translation for it connotes subjective claims. On the other hand, the concept of “the due” is something that belongs to the very nature of things. However, for lack of a better expression this work will use the expression “right” as interchangeable with the concept of “the due”.

⁴⁹ Walter Farrell, OP, *A Companion to the Summa: The Fullness of Life*, Vol. 3 (New York: Sheed and Ward, 1940), 167-168.

right is in relation of dependence on the subjective right, and the basis of the subjective right is traced back to the law.⁵⁰

Now passing from the objective external goods to the individual's subjective right to such goods, and finally to the law that legitimizes such moral claim, presents the concept of right in ascending manner, that is, from effect all the way to the cause. On the other hand, having as point of departure the law to the subjective claim that it accords to a person and down to the objective external goods the person may collect on the basis of this claim understands the concept of right in descending manner, that is, from cause to effect. Hence, a land property cannot be said to belong to a certain individual if he has no moral claim to it, a claim that must have foundation in the law; otherwise it would not bind others to concede to him such estate. Similarly a person can demand that he be allowed to offer worship to his deity because freedom of religion is a fundamental right rooted in the very nature of the person. Thus for Tommaso d'Aquino, one is allowed to take possession of goods, either material or spiritual, only if one has legitimate claim to it as provided for by the law.

Clearly, the basis upon which something becomes an inalienable right of a person is its foundation on the law. And this, according to Tommaso d'Aquino, is achieved in two different ways. It might be accorded to a person by reason of agreement or by common consent⁵¹ or by "positive law" (*lex positiva*) and in another way it may arise from the very nature of the thing itself or by "natural law" (*lex naturalis*).⁵² Besides making this important distinction between natural right and positive right, he also teaches that positive right is not independent but rather flows

⁵⁰ Farrel 1940: 168.

⁵¹ This can be done either by private agreement, as that which is confirmed by an agreement between private individuals, or by public agreement, as when the whole community agrees that something should be deemed proper to belong to every person, or when this is decreed by the prince who is placed over the people, and acts in its stead (Cf. ST I-II, q.57, a.2.).

⁵² ST I-II, q.57, a.2.

from the natural right.⁵³ It means to say that human will is not authorized to establish and declare something as a human right if it is in conflict with natural law. People ought not to forge an agreement, either private or public, sanctioning an act that runs contrary to right reason.⁵⁴ It is impermissible, for example, that those entrusted with the governance of the state promulgate a law that will legitimize the violent usurpation by the state of the property rightfully owned by the citizen since it is a breach of the right that is due to the latter. In other words, if a thing or an activity runs contrary to natural right, then no human will can make it good. Rightness of an act is not dependent on human consensus but based on what is in conformity to the objective standard determined as appropriate and suited to the design of the nature of things.

The precept of the law, either natural or positive, accords human beings with rights. The acquisition of rights, perceived by the human mind and pursued by the will as end, is not something that is added into human nature but rather its attainment is constitutive of the development of the human person. This divinely established order which bestows rights on men, the fulfillment of which fulfills human nature, is the content of moral duty. Inasmuch as some things rightfully belong to the person then they can be demanded from another as owing them to the individual who possesses these rights. This thought allows Tommaso d'Aquino to say that right and obligation always go together. One, having acknowledged the values that make-up and define human nature, is compelled by the inner realization of one's moral obligation to render what is due to another. This is the meaning of debt (*debitum*) in Tommaso d'Aquino, the moral duty not to intervene in the pursuit of someone to claim his own rights and to assist on the same pursuit when necessitated. Thus one cannot speak of

⁵³ In his article "Aquinas a Natural Law Ethicist?" Vernon Bourke makes a distinction between the concept of right and law in the doctrine of Aquinas relying on his exegesis of a selected passage in ST II-II, q.85, a.1, ad.1. However, this reading of Tommaso d'Aquino which maintains a bifurcation between the concept of right and law has been proven in the study of Oscar Brown as untenable. In the same article in the *Summa Theologiae* cited by Bourke, Tommaso d'Aquino uses right and law synonymously and interchangeably (Brown 1981: Appendix 1).

⁵⁴ ST II-II, q.57, a.2.

a right to privacy without speaking of the obligation of others to grant such right to a particular individual, or the obligation of the same individual to accord the same right to others.

Moreover, human persons achieve perfection within the context of human relationships in a given society. In this respect justice as that virtue which disposes an individual to act righteously in all matters in relation to others directing him to give to what properly belongs to another and to do nothing that will cause another injury can be divided into two, namely commutative and distributive justice. The first relationship of order "is directed by commutative justice, which is concerned about the mutual dealings between two *persons*. In the second place there is the order of the whole towards the parts, to which corresponds the order of that which belongs to the community in relation to each single *person*. This order is directed by distributive justice that distributes common goods proportionately."⁵⁵ These two divisions of justice make sure that in human transactions the right due to persons is safeguarded and is fairly distributed.

Commutative justice is regulated by the criterion of equality. Tommaso d'Aquino says, "it is necessary to equalize thing with thing, so that the one person should pay back to the other just as much as he has become richer out of that which belonged to the other."⁵⁶ It is to be noted that in commutative justice the persons involved in the transaction are not given much thought as the "just price of a thing, which is measured not by the demand for that thing but rather by the thing's own worth."⁵⁷ The equality spoken of here is equality in quantity: "the just is nothing other than having the same amount after transaction as before."⁵⁸ Hence, if Mr. X has fifty pesos and Mr. Y has seventy-five pesos and in the process of their transaction Mr. Y gives twenty-five pesos to Mr. X but getting nothing in return, then one can speak of a breach of justice there inasmuch as they will not have the same amount as in the beginning. To restore their

⁵⁵ ST II-II, q.61, a.1.

⁵⁶ ST II-II, q.61, a.2.

⁵⁷ Eleonore Stump, *Aquinas* (London: Routledge, 2005), 318.

⁵⁸ Stump 2005: 317.

property Mr. X has to pay back Mr. Y with the same amount he receives from him. This is what Tommaso d'Aquino terms as restitution in the act of commutative justice, an act of returning what belongs to another.⁵⁹ With commutative justice, there is a "return of the thing unjustly taken, since it is by giving it back that equality is re-established."⁶⁰ This maintenance of the order demanded by justice takes the form of properly restoring whatever is unjustly taken from another.

In another way the rights due to the person are secured by distributive justice. Distributive justice is concerned with the distribution of the goods of the state to the individual citizens and is determined by the criterion of proportionality. There is here an apparent dilemma as regards the manner of determining the right due to the different members of the society prompting Tommaso d'Aquino to forward a caveat that the due regulated by the distribution of the common goods should not be confused with what he calls as the 'respect for persons'⁶¹ which is opposed to distributive justice. Accordingly, there is a respect for person when "in conferring something on someone, you consider in him not the fact that what you give him is proportionate or due to him, but the fact that he is this particular man... You give him something not for some cause that renders him worthy of it, but simply because he is this person."⁶² But in distributive justice it is the worthiness of the

⁵⁹ ST II-II, q. 62, a.1.

⁶⁰ ST II-II, q. 62, a.2.

⁶¹ In contemporary speech, respect is associated with honor and the repute given to people who hold position of authority in the society and in the family. Clearly this is not what Tommaso d'Aquino means of "respect for person" in that he labels it sinful. It must be clarified that "respect of person" is considered sinful in so far as it opposes distributive justice. This is so because distributive justice is concerned with the giving of various things to various persons inasmuch as they are worthy of them. It means to say that the circumstances of the person should be considered in judging his or her worthiness of the deserts. The circumstance of the person is the proper cause for rendering the due proper to the person. Example is in promoting someone to a professorial chair, one regards a candidate who is knowledgeable and with good moral character. On the other hand, a judgment based on the "respect for person" does not take into account the circumstance of the person. And so, the basis of promotion is not one's qualification but rather the fact that he or she is this particular person.

⁶² ST II-II, q. 63, a.1.

person that is considered when selecting who is the right person to receive the distributed goods. It means to say that the worth of the person is determined by his own contribution to the community. In distributive justice a person receives all the more of the common goods as he holds a more prominent position and contributes more for the well being of the community. It is with this context that he makes this comment, "a just judge regards causes, not persons."⁶³

Fidelity to the norm: justice as rendering the person's due

It has already been noted that the theology of Tommaso d'Aquino is grounded on the norm which views God as a ruler or a lord. As pointed out, Tommaso d'Aquino patterns the image of God from the cultural concept of the feudal lord, but modifies this by stating that God is a lord who is totally concerned for the people and is not chosen by birthright but is lord by right. God's function is presented as first and foremost the establishment of order. The feudal lord, as noted earlier, serves as the principle of order in a society that has already been distanced from the monarch. In effect, God is also thought as the author of order in the world. In the same vein, the human person, who is created in the image and likeness of God, is also accorded with that mission of putting order into the world.⁶⁴ In this regard, it has been fittingly mentioned that order can be established in the

⁶³ ST II-II, q. 63, a.1.

⁶⁴ Tommaso d'Aquino consistently taught that man's freedom is not just about mastery of the self. In addition to self-mastery, man's freedom is strengthened by his mission to become stewards of creation because he is commanded to become a 'master over things.' [(ST II-II, 96, 2); cf. Janko Zagar, "Aquinas and Social Teachings of the Church" *The Thomist*, Vol. 38, No. 4 (1974): 834]. Man's mastery over things makes him responsible over the order of the created realm. The encyclical *Pacem in Terris* reiterated this by mentioning the inherent bond between rights and responsibilities when it says, "each individual man is truly a person. His is a nature, that is, endowed with intelligence and free will. As such he has rights and duties, which together flow as a direct consequence from his nature. These rights and duties are universal and inviolable, and therefore altogether inalienable" [John XXIII, *Pacem in Terris*, 9 (http://www.vatican.va/holy_father/john_xxiii/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem_en.html)]; cf. Zagar 1974: 834-835.

world through the practice of justice.⁶⁵ Man only becomes faithful to his vision of God as the lord of order if he himself brings about that order into the world.

Tommaso d'Aquino, following Aristotle, explicitly argues that the human person is a social being.⁶⁶ In fact, he says that to come to a society is something natural for man. Tommaso d'Aquino says that human persons are by necessity social beings precisely because they cannot survive on their own.⁶⁷ Since birth, a human person is at the mercy of others like the family, immediate community, and later on, the society as a whole. It is evident that the human person is in no way self-sufficient. In his *Commentary on the Ethics* of Aristotle, he says, "well-adjusted home and social relationships are indispensable for the proper welfare of each singular person."⁶⁸ Furthermore, Tommaso d'Aquino argues that man needs others in order to live well. He says, "as regards the conveniences without which life cannot be lived well, he is helped by the civil group, both for material benefit and for moral advantage."⁶⁹

A human person certainly needs others in order to survive and to live well. The human person is a *social* animal,⁷⁰ and such

⁶⁵ Lisska explains, "In a similar manner, if human beings are, by nature, 'social and political animals, as both Aristotle and Tommaso d'Aquino suggest, then human persons have a disposition as part of their nature to live together. *But to live together demands some account of just relations between the members of the social unit.* Hence, while Tommaso d'Aquino's theory of natural law does not entail what the exact nature of society must be, nonetheless *there must be some sense of justice* – giving to each his or her due – in the structure of the social unit" (Lisska 1996: 238 – emphasis is mine).

⁶⁶ *Summa Contra Gentiles*, III, 85.

⁶⁷ Tommaso d'Aquino, *Commentary on the Nicomachean Ethics of Aristotle*, trans. C.I. Litzinger, OP. (Chicago: Henry Legnery Company, 1964), I. – Henceforth, this work will be referred to as *CNEA*.

⁶⁸ *CNEA*, VI, 7 as quoted from Thomas Gilby, *Philosophical Texts*, trans. and ed. (Oxford: Oxford University Press, 1950), 373. Further, Tommaso d'Aquino says, "One solitary man cannot discover everything for himself. He must combine in a team, so that one may help another and different men be reasonably engaged in different jobs, one in medicine, another in this, and another in that" (STII-II, 57, 4).

⁶⁹ *CNEA*, I; see Gilby, ed. 1950: 372.

⁷⁰ It is notable that Tommaso d'Aquino add the modifier 'social' (ST I, 96, 4; II-II 109, 3 ad 1) to Aristotle's 'political' (*Politics* I, 2) animal as a description

nature necessitates his/her entrance into a kind of relational structure.⁷¹ The human person has to restructure his/her existence in order to peacefully live with others and to enter into a society whereby a person's relationship with others is regulated. Tommaso d'Aquino says, "With many individuals each seeking what suits himself, the mass would disintegrate were there not one power within it caring for the common good. Any organism would disintegrate were there no unifying force working for the common good of all the members."⁷² Arguing further Tommaso d'Aquino says, "A ruling cause therefore is required, standing apart from interests of private gain, to act for the common good of the many."⁷³

As anticipated by the preceding paragraphs, the need for the human person to come to an association with others validates the practice of justice. For Tommaso d'Aquino, justice aids the orderly relationship between men.⁷⁴ To reiterate, Tommaso

of man. Edgar Scully says, "the texts containing this rendition (*man is a social animal*) taken collectively, reveal that he considers the social realm to be grounded in man's *physical, intellectual and moral need for assistance* from his fellow man and in a basic love that one man has for another." [Edgar Scully, "The Place of the State in Society According to Thomas Aquinas" *The Thomist* 45, no. 3 (1981: 407) – emphasis and parenthetical notes are added].

⁷¹ Walter Farrel says, "because men are not tied down to one necessary path to the goal, it is possible for man to crash into each other like stars gone wild. Men must have some order other than the merely physical, to govern their mutual relations precisely because of the great potentialities inherent in their nature." (Farrel 1940: 166).

⁷² Gilby, ed. 1950: 380.

⁷³ Gilby, ed. 1950: 380.

⁷⁴ Edgar Scully for example says, "In bringing to society, therefore, the *rule of justice and law*, the State is seen to hold a distinctive place within society, but its role remains integral to society and its concerns, specifically in this instance, concern for the moral welfare of society, ranging from the State to the individual" (Scully 1981: 407). This statement reiterates the importance of a political structure to maintain good social relations. But a political structure could perform its functions well through its administration of justice and law. Scully also noted here that Tommaso d'Aquino builds on the Aristotelian definition of "man as a political animal" and says "man is a social and political animal" (ST I-II, 72, 4). The conjunction was purposely done in order to give emphasis for the importance of the political structure in a society. It was noted that in the original rendition of the Aristotelian definition, the word 'political' implies both the "social and political" organization, whereas in Tommaso d'Aquino's context, the word "political" has been increasingly identified with the government, as one

d'Aquino defines justice as the "perpetual will to render to others that which is their due."⁷⁵ With this then, it is worthwhile to examine Tommaso d'Aquino's proposal for the practice of justice in the society.

Justice is not meant for oneself. Tommaso d'Aquino himself says that there is no justice about the self.⁷⁶ He argues that justice has a social value. Justice is always other-oriented.⁷⁷ To talk about justice then is to talk about relationship with another person. It appears that Tommaso d'Aquino has taken for granted

specific body, meant to govern the society. To capture the original Aristotelian context, Tommaso d'Aquino employs both the words "social" and "political" to imply both that man needs others in order to survive and to live well, and that man also needs to establish and recognize the political structure (the government) that serves as the arbiter in all human relations through the enforcement of justice and law. Tommaso d'Aquino himself expresses, "But because man is by nature a political and social animal, as is proved in *Politics* I, it is necessary that there be a third order by which men is directed in relation to other men with whom he has to live." (ST I-II, 72,4). This was explained by Edgar Scully as: "the third order, to which Tommaso d'Aquino refers as that 'by which man is directed in relation to other men with whom he has to live' is the social realm as governed by justice and law." (Scully 1981: 421)

⁷⁵ ST II-II, q. 58, art. 1, I answer that.

⁷⁶ Commenting on Aristotle's *Ethics*, Tommaso d'Aquino noted the Aristotelian distinction between political and natural justice. In the *Commentary to the Nicomachean Ethics*, Tommaso d'Aquino did not raise any objection against the Aristotelian claim that there cannot be a talk of justice, in an unqualified sense, between one person and himself, and between him and those which he owns, like his children and slaves. Tommaso d'Aquino noted Aristotle's claim that "towards one's own things injustice does not exist... there is no injustice done to oneself." (Aristotle, *Nicomachean Ethics*, Book V, lecture XI:C, 1013) In the same vein, there is no talk of justice, properly speaking, between the father and his son or chattel, because the son belongs to the father, until he comes to age and can act on his own accord, since the father looks after his son as he does himself. [Josef Pieper, *The Four Cardinal Virtues: prudence, justice, temperance, fortitude* trans. Richard and Clara Winston (New York: Harcourt, Brace and World, 1965), 54].

⁷⁷ Tommaso d'Aquino agrees to the Aristotelian teaching about justice as a concern for the good of another. Aristotle is quoted saying in his *Nicomachean Ethics*, "Therefore, it is said that justice is the good of another." (As quoted in Aquinas' *CNEA*, Lect. 11 (1010), 434) Tommaso d'Aquino further says in the *Summa* "But on the other hand, that which is correct in the works of justice, in addition to the direct reference to the agent, is constituted by a reference to the other person." (ST II-II, 57, 1 – emphasis added; cf. Lisska 1996: 229). Pieper further says, "Justice reaches out beyond the individual subject, because in a certain sense it is itself the *bonum alterius*, the good of another." (Pieper 1965: 65).

that the administration of justice produces good human relationships for he seems to argue in some places that there can only be a harmonious community living if each person relates with one another justly. But how can a person relate to other persons justly?

Fundamental to the talk of justice is the recognition and rendering of each person's *due*. In Tommaso d'Aquino's *Commentary on the Nicomachean Ethics of Aristotle*, the former noted the latter's notion of natural justice as contrasted to legal justice or positive justice, which is defined as the one agreed upon by societies or one that is posited by rulers.⁷⁸ In the Aristotelian Ethics, though there are some actions that are considered just because they are faithful to the arbitrary laws established by societies, or pronounced by rulers, there are also actions which he claims to be just because they are established by nature.⁷⁹ These are the actions that are accepted or taken for granted as the proper way of relating with one another. Tommaso d'Aquino however built on this conception of natural justice but he argues further by saying that such natural justice has to be faithful to the natural law, which is a reflection of Divine providence in the world.⁸⁰ In other words, when Aristotle contends for the common sense acceptance of certain practices as just, Tommaso d'Aquino is willing to argue that there are things that are proper to each being because of their nature as a creature of God.⁸¹ Since the human person is created in the image and likeness of God, it is but proper that each person is indebted to recognize the dignity of any human person. This is what would constitute as a *due* to each person in the Thomistic discourse on justice.⁸²

The recognition of the *due* of the person as bearer of the image of God, who is ultimately the distributor of all the good

⁷⁸ Cf. Stump 2005: 310.

⁷⁹ Cf. CNEA, Lect. 11 (1000-1015).

⁸⁰ Cf. Lisska 1996: 131-137.

⁸¹ In accordance with his Christian belief about man, Tommaso d'Aquino teaches that the human person is endowed with inherent dignity because the human person is created in the image and likeness of God. (Gen. 1:27; ST I, 93, 2 and ST I, 93, 4).

⁸² Pieper argues, "It is through creation that the created being first comes to have rights. By virtue of creation first arises the possibility of saying: Something is my due." (Pieper 1965: 46)

things of this earth, is the source of the person's claim for his *inalienable* rights.⁸³ By reason of his being a creature of God, a human person poses that moral demand⁸⁴ to people around him.⁸⁵ Any disregard of these inalienable rights is a clear instance of injustice.

As further consequence of the human person's stature as having been created in the image and likeness of God, the human person is also incommunicable and autonomous. Every human person is incommunicable, which means that the human person is subsistent and absolutely distinct, and every person is also autonomous, that is, he can be the master of his own actions. Justice requires that we do not violate the incommunicability and autonomy of the human person because these belong to that person's very core as God's *creatura*.⁸⁶

Lastly, to regulate the individualized pursuit for their respective ends, there is a practical need for the society to pursue the common good. Any act of one individual affecting another, when it is veering away from the common good,⁸⁷ becomes unjust.

⁸³ Pieper claims, "man has inalienable rights because he is created a person by the act of God, that is, an act beyond all human discussion. In the ultimate analysis then, something is inalienably due to man because he is *creatura*." (Pieper 1965: 51)

⁸⁴ "Whatever is due to a person is something that *one man may demand of another as owing to him*." (Pieper 1965: 47 – italicization is added)

⁸⁵ Pieper speaks of the obligation to recognize the right of the another person by describing the person's due as something which the person "can plead against everyone else, a right which imposes upon every one of his partners the obligation at least not to violate it. (Pieper 1965: 50)

⁸⁶ Pieper claims, "a just man is just, therefore, because he sanctions another person in his very separateness and helps him to receive his due." (Pieper 1965: 55) It would be worthwhile to note here that the demand of justice is the *minimum*. It does not even require us to love the person. It simply asks us to let the person *be* who he/she is. This minimalist requirement of justice is perhaps the reason why moralists like Annette Baier are dissatisfied with the 'ethics of justice' and proposed the 'ethics of care' instead. (see Stump 2005: 311) Justice is simply a basic requirement for community living. It simply allows each individual to have a room for expression and self-actualization.

⁸⁷ Stump says, "no one ought to injure another unjustly in order to promote the common good." (Stump 2005: 318) This only means that injustice and the pursuit of the common good could not go together.

There is a subordination of one's pursuit for individual private happiness to that of the common good. Hence, for Tommaso d'Aquino, when human persons gather together under one leadership, the ultimate gauge for the actions of both the citizens and the leader is the pursuit of the common good.⁸⁸ The common good then serves as the measure which assures the community that each person maintains an atmosphere of sharing and friendship with his fellow human beings.⁸⁹

For Tommaso d'Aquino, community living needs the implementation of justice, and in discerning which ways are just, he has at least given us good parameters for consideration. But the primary consideration in every discourse for justice is really of the person's *due*. Every person has inalienable rights by virtue of his being created in the image and likeness of God. Every human person needs to recognize that Divine image in each individual and such recognition calls for the practice of justice.⁹⁰

⁸⁸ Tommaso d'Aquino distinguishes the common good of the state and the singular good of the person: "the common good of the state and the singular good of the person do not differ merely as many and one, for there is a formal difference." (ST II-II, q. 58, a.7; cf. Gilby ed. 1950: 389).

⁸⁹ Tommaso d'Aquino's theory for social justice can already be gleaned even from his teaching about private properties whereby he says that "here man ought to possess them not as his own, but as common, to the extent of being ready to communicate them to others in their need." (ST II-II 66, 2). Etienne Gilson explains this further saying, "To assume ownership of what we do not need is to make fundamentally common good our own. The use of such goods should remain common. The remedy for this abuse is never to consider even the goods possessed in our own name as reserved for our own use." [Etienne Gilson, *The Christian Philosophy of Saint Thomas Aquinas* (Indiana: University of Notre Dame Press, 1994), 315]. He continues further to say more explicitly, "what the wealthy possess over and above their need is intended by *natural law* to provide for the needs of the poor." (Gilson 1994: 315.)

⁹⁰ It is important to take note of the emphasis on one's indebtedness to the other person. The thought that the other person has imposed a moral demand on me to respond to his/her search for the "due" can serve as a measure to soften the strong shouts of every contemporary person regarding his/her rights. Social policies may be engineered to make people realize that the more fundamental ingredient for justice is not the demand for "my right" but in the realization that the "other" has rights. It is the mutual recognition of rights that can perhaps mold us into equally virtuous people. In his article in the *U.S. Catholic* magazine, Patrick McCormick criticizes the idea of retributive justice that has been taught anywhere nowadays. We feel good at movies whose protagonists have finally

Secondly, Tommaso d'Aquino maintains that each person is autonomous and such autonomy is also each person's *due* that should not be offended. Thirdly, Tommaso d'Aquino includes the issue of the common good in the discourse on justice. A just act, especially in the area of distribution, should not be offensive to the common good. Lastly, Tommaso d'Aquino implicitly argues that justice is the minimum requirement for community living. Justice has to prepare the members for the higher ideal of community living. Justice is a mere step so that the community may experience the state of friendship, love and communion.

Priority of Love: From Justice to Friendship

In society, laws are given in order to direct all the actions of its constituents towards temporal peace, tranquility, and order. The reason behind the regulation of external actions through laws is to achieve that order of just relations without which a society cannot at all exist. Just relation is a requisite for society. "The first and minimal requirement of society, then, is the *de facto* order of men such that their actions with respect to another be at least just. Consequently, law will command the acts of those virtues which have either directly or indirectly an effect on the external order. Those acts which have a relation *ad aliud* [towards another] in the external order are the acts of justice."⁹¹

With the directives about actions in place, laws help facilitate the acquisition of virtues. They are intended to make

overcome and have made even with their persecutors. But McCormick says that this type of justice contributes even to the perpetuation of the cycle of violence in our communities. This has inspired kids, bullied at school, to think of ways of getting even with their oppressors, thereby exercising violence over the latter in the end. McCormick says, "Retribution is the thinnest part of justice" [Patrick McCormick, "J is for Justice," *U.S. Catholic*, Vol. 66 (July 2001), 46. But retribution is mainly premised by the idea that 'my rights have been offended' and so I have to cry foul. If this has been found less effective, it might be good to reverse the whole process and emphasize one's responsibility to first recognize that the other possesses an *inalienable due* that I have to honor. This mutual recognition of each other's due may hopefully assist us achieve good and harmonious social relations.

⁹¹ James V. Schall, S.J., "The Totality of Society: From Justice to Friendship" *The Thomist*, vol. 20 (1957), 3.

everybody virtuous by effecting immediately the fulfillment of duties and obligations towards another. However, more is supposedly achieved by what the laws simply prescribe or prohibit. For, "the principal intention of human law is to create friendship between man and man."⁹² The ultimate goal of laws is the establishment of friendship. Part of that is to safeguard and enhance our social and personal lives, or our relationships. When everything is according to its order, including the proper ordering of our relationships, foremost of which is friendship, then there is the perfection of our human living, and in the realm of our faith, also the perfection of divine living.

Since laws, which facilitate the order of just relations, are ordained towards friendship, which is also the perfection of our relations, then justice becomes a requisite for friendship. Justice sets the minimum condition for friendship. It establishes equality which is a necessary condition of possibility for friendship. As soon as the requirement of equality has been fulfilled, it is here that justice ends and friendship is only beginning. Where there is justice, friendship becomes a real possibility. This implies that in a just society, friendship can abound since it is the perfection of all these just actions and relations. Other authors term the end of our relationships as charity.⁹³ Charity is friendship with God.⁹⁴

How, then in the first place, do the dynamics of justice affect the dynamics of friendship?

⁹² ST I-II q. 99 a. 2; see also Schall 1957: 13. Here is another instance of how Tommaso d'Aquino draws from the insights of his culture and reevaluates it in the light of Christian faith.

⁹³ Jerome Wilms interchanges friendship and charity. Following Tommaso d'Aquino, he maintains that charity expresses what is highest and the most excellent in the order of love, and so we must apply to it to the most specific characteristic of friendship. [Jerome Wilms, O.P., *Divine Friendship According to St. Thomas Aquinas* (Oxford: The Priory Press, 1958), 14].

⁹⁴ This statement can be understood in two senses. On the one hand, it could be understood as God reaching out to man as in the divine offer of a life of grace. On the other hand, it also means man's constant attempt to respond to God's unwavering invitation. The former understanding, however, takes precedence and priority over the other because the nature of charity resides in God's divine action. This statement is also the conclusion of Tommaso d'Aquino in his tract on charity in the *Sentences* (See Wilms 1958: 140).

Priority of Justice: A Requisite for Friendship

One of the requirements for friendship is mutual love, since friendship is between friend and friend. Justice makes this mutuality possible because it sets the necessary rule for engagement, that is, equality, between two parties possible. A consequence of this mutuality is having that similar noble sentiment towards one another.⁹⁵ Another requirement is that of similitude or likeness,⁹⁶ which presupposes the necessary aspect of communication between two parties. In short, the requisites or foundations for friendship can be summed up into the necessity of oneness or unity.

Both Tommaso d'Aquino and Aristotle recognize the threefold character of this oneness. "1) The first is found in the preliminary conditions; namely, in the above-mentioned likeness. 2) The essence of friendship consists in the formal oneness of thoughts and desires. The true friend entertains the same interest and goodwill for his friend as for himself, for his friend, his another self. 3) Lastly, friendship calls for a oneness in the sense of living together. Nothing is so delightful to friends as to be in one another's presence."⁹⁷

When all these conditions have been met, which already imply the fulfillment of justice, the process of friendship can be facilitated. These requirements do not pose problems with regard to human relations. Problems can arise when we consider God's offer of friendship to humankind. Aristotle remarks that it is impossible for friendship to happen when disparity is so great between persons.⁹⁸ However, Tommaso d'Aquino thinks beyond what Aristotle had set through the lens of faith.

⁹⁵ Both Aristotle and Tommaso d'Aquino recognize that benevolence alone does not constitute friendship. As Wilms conclude, "More is required. Friends must entertain similar noble sentiments toward one another and must be aware that these sentiments are mutual" (See Wilms 1958: 17).

⁹⁶ Aristotle deems likeness as the true and enduring basis for genuine friendship. Tommaso d'Aquino picks up from this assertion as will be expounded in later discussion.

⁹⁷ Wilms 1958: 18.

⁹⁸ Wilms 1958: 19; see also L. Gregory Jones, "The Theological Transformation of Aristotelian Friendship in the Thought of St. Thomas Aquinas" *New Scholasticism*, Vol. 61 (1987), 373-399.

Communication: God's Divinizing, "Equalizing" Action

Tommaso d'Aquino agreed with Aristotle regarding the impossibility of friendship brought about by the great incongruence between two parties. Tommaso d'Aquino avoids this difficulty of disparity by making communication, and not similitude or likeness, the starting point for friendship.⁹⁹ Taking communication as the starting point for friendship eliminates the disparity. For instance, it is really unthinkable to bridge the gap between God, who is perfect, and human beings or other rational creatures who are only full of potentials and possibilities. But God has always initiated this communication through the prophets and reached its perfection in the perfect revelation of his Son, Jesus Christ. When God communicates to humans, He also bestows sanctifying grace.¹⁰⁰ Through His sanctifying grace,¹⁰¹ He raises him to participate in His perfection, and so establishes a sort of "similarity"¹⁰² between Himself and humankind. This is part of the mystery of the dynamics of divine friendship and charity. Tommaso d'Aquino maintains that this participation in the divine nature must of necessity result in the friendship of man with God.¹⁰³ The offer of divine friendship introduces proportional equivalence¹⁰⁴

⁹⁹ Tommaso d'Aquino builds from the cudgels of Aristotle when he adds that where this likeness is lacking either in whole or in part, communication is absolutely necessary to effect the required similitude, as is the case in the question of divine friendship. (See Jones 1987: 18).

¹⁰⁰ Sanctifying grace is a gratuitous gift given to humanity. Bobik adds that what makes friendship between divinity and humanity possible is the fact that God has decided to share with human beings something which is really God's. [See Joseph Bobik, *Aquinas On Divine Truth* (Indiana: St. Augustine Press, 2001), 93].

¹⁰¹ Supernatural grace also raises every human person's capacities to the supernatural order, offering them the promise of eternal happiness, divine bliss, beatific vision, and the possession of God.

¹⁰² Bobik calls this "similarity" a common, i.e., "God's eternal and blessed life offered to man as God's gift." And this provides the possibility for friendship between God and humans to arise. (See Bobik 2001: 94).

¹⁰³ Wilms 1958: 20.

¹⁰⁴ The incongruity between divinity and humanity creates great disproportion in this relationship despite humanity's inconsistent effort to respond to God's offer of friendship. But, God constantly reaches out to humanity. Such divine action allows that kind of equivalence although only proportionally.

among the actions of unequals by making the action of partners common to both friends.¹⁰⁵

When God communicates his goodness to man, He enables him to possess the same good, "albeit in God this good is present in its perfection and the necessity of his nature, whereas in man as a gratuitous gift on the part of God."¹⁰⁶ This same token of divine gratuitous reaching out to man is continuously offered through sanctifying grace. Sanctifying grace is the efficient cause of God's "equalizing" action for the possibility of human friendship with the divine. Tommaso d'Aquino, in his *Summa Contra Gentiles*, presents four arguments where sanctifying grace leads to friendship although he does not explicitly mention it.

First, through sanctifying grace man is ordained to his end, but he cannot be guided to this end unless he is united with God by conformity of will, the proper effect of love. Hence the state of grace renders man lover of God.

Secondly, the elevation of the will in its capacity of loving God corresponds to the elevation of nature through sanctifying grace. But every capacity presses on to the activity proper to its nature. Hence man, elevated by sanctifying grace, must love God or offer violence to his will.

Thirdly, sanctifying grace represents a certain likeness to God. Every similarity begets love. Hence this resemblance in the supernatural order will evoke a corresponding love.

Finally, actions corresponding to nature are easy, pleasant and steadfastly persevered in. Ease and joy are an outcome of love. Sanctifying grace is conferred upon man according to his nature. Consequently love must pour forth from it; love, too, is called for if there is to be facility, pleasure and perseverance in action.¹⁰⁷

¹⁰⁵ This assertion is in response to the claim that justice and friendship are inversely proportional. Friendship then establishes relations of justice between unequal partners and therefore introduces some kind of equality. [See Daniel Schwartz Porzecanski, "Circumstances of Friendship Do Not Eliminate the Circumstances of Justice" *The Review of Politics*, vol. 66 (2004), 50; see also ST II-II 23, 1].

¹⁰⁶ Willms 1958: 20.

¹⁰⁷ *Summa Contra Gentiles*, III, c. 151; see also Wilms 1958: 22.

God's offer of friendship is not a once and for all invitation. It is a continuous action through sanctifying grace which he dispenses through Christ and the sacraments. The bestowal of God's grace is either done through the worthy reception of the sacraments, or, when the actual reception is impossible, through a longing and desire for them. The reception of God's charity cannot really be restricted to a particular form or means because it is God who freely gives and bestows, in spite of all human co-operation.¹⁰⁸ It is really difficult to strike the balance between God's gratuitous charity and man's co-operation. But just the same, man still needs to constantly respond and to be likewise charitable or loving.

Act of Loving: Man's Response

Charity begins in God's communication of God's happiness to us.¹⁰⁹ Although God communicates to humankind his eternal and blessed life, this gift only paves the way for a possible friendship to happen. Friendship between humans and God can arise out of this. It is incipiently only a possibility because God constantly offers His friendship while humans sometimes fail to respond to this divine invitation. This can be verified in our daily human experience that not every human being enters into friendship with God through the different activities against the will of the Father. On the part of man, friendship with God can only be realized with the corresponding active response to this constant gratuitous invitation. This necessitates that we treat God as a close friend rather than as somebody distant to whom we feel obliged to wish well and whom we ought to render whatever is due him. It is also insufficient on our part to simply be gratefully rejoicing in God's greatness and might. Such benevolence should be based upon a constant recognition of God's gratuitous divinizing act. It is only in this constant recognition

¹⁰⁸ Wilms 1958: 41. Bobik, on the other hand, opines that it becomes fitting that the inferior (humans) respond to the invitation of the superior (God) by taking steps to contribute to whatever s/he can to help actualize the friendship to which s/he has been invited. (See Bobik 2001: 94).

¹⁰⁹ Gregory Jones adds that the good which we share with God is the very thing that makes God who He is. (See Jones 1987: 391).

that our acts of love can be genuine. Also in this context can our act of love resemble God's unselfish benevolent love.

The recognition of our unworthiness before God and the appreciation of His overflowing and unfathomable goodness can inevitably move us to do likewise in our own capacity, that is, to respond with generous love. We direct our acts of love to God, not because we want to get something from him, but because he is a friend who is so amiable and lovable. He is the Supreme Good, after all, to whom we all tend to. As Tommaso d'Aquino would crisply put it, "charity functions as the supreme organizing principle in the personality of the justified, by which not only all of their actions, but all their desires and impulses, are directed to God."¹¹⁰

Charity resides in the will as it is its nature to be predisposed to, and is a potential receiver of, divine goodness. The will directs its movement beyond merely intending the good in general. Although the will's disposition for divine goodness implies mere passivity on the part of man, "charity is the employing and the transferring of this pre-disposition from the purely passive state of a distant potentiality to one of actuality; and this not for the purpose of receiving, but rather of executing."¹¹¹ Hence, charity points to a principle of activity of the supernatural order which deliberately and freely shares with the natural order so that what is seemingly natural can at least resemble the origin of the same supernatural order. When this happens, charity envelopes all of man's capabilities, inclinations towards its supernatural origin, and which nothing can enduringly oppose. Indeed, charity transports and transforms us to the divine.

Conversely, it is interesting to note that man can through his own efforts respond to God's invitation. He can direct and offer himself wholeheartedly as an act of love of God. However, this love could not be charity because this act belongs to the natural order. Besides, this act could have been possible if not

¹¹⁰ Jean Porter, "De Ordine Caritatis: Charity, Friendship, and Justice in Thomas Aquinas' *Summa Theologiae*" *The Thomist*, vol. 53 (1989), 204; see also ST II-II 23, 3 & 7.

¹¹¹ Porter 1989: 39.

for the weakness brought about by original sin. This has been proven after the fall of Adam. Since then it has been impossible for man to even initiate the active response towards God's call because he is distracted to direct and be constant in his love.

That We May Be One

When Christ said, "I do not call you servants any longer, because the servant does not know what the master is doing; but I have called you friends, because I have made known to you everything that I have heard from my Father" (John 15: 15), he means it not only symbolically but also literally. Christ's declaration of friendship is a reinforcement of his two greatest commandments: "Love God with all your heart, mind, soul, and strength. And love your neighbors as you love yourself." (cf. Matthew 22:37-39) God's commandments are precepts of fostering friendship with him. They are ordained towards the possession and exercise of charity. After all, charity is nothing else than friendship with God.

The first precept, i.e., love of God, implies that we should refer our actions to God in some way. It necessarily finds its fulfillment and concrete expression in the love of neighbor as our dedication to our love of God. The incongruence in the expression of the first with the second precept can lead to no more than being a liar. (cf. 1 John 4:20-21) The second precept, love of neighbor, enjoins us to love each person for the sake of Him who is the primary source of the invitation to fellowship with Him. Following Tommaso d'Aquino, it has been said, "The friendship in charity that we enjoy with other persons is grounded in our primary relationship with God, since neighbor-love in charity is based on actual or potential sharing communion with God."¹¹² These precepts become more clarified as Jesus described his relationship with the Father that also served as his prayer for us: "The glory that you have given me I have given them, so that they may be one, as we are one, I in them and you in me, that they may become completely one, so that the world may know that you have sent me and have loved them even as you have loved me" (John 17:22-23).

¹¹² Porter 1989: 204; see also STh II-II 25, aa.1, 6, 8, 12.

This is the consistent logic of Christ's teachings. Tommaso d'Aquino tried to follow this thread of thought as he carefully and patiently attempted to describe and elucidate on the dynamics of love of God through the lens of friendship and communion. After all, all that Tommaso d'Aquino did expose and write were to trace the proper order of relations, from God to man, and conversely, from man to God through His grace. And to bring into harmony and order all these relations so that all may be held one and united in Christ, Who is the fulfillment of all things, where His justice and charity are one and the same. □