

3. Arguments coming from the consideration of the world.

The good of the world consists of peace, that is in the tranquility of its parts toward one another; just as Augustine says in book nineteen of *The City of God*: “the peace of the body is the ordered temperance of the parts,”¹ and “the peace of all things is the tranquility of order.”² It is in this order that the good of the world rests, according to the philosopher in the twelfth book of the *Metaphysics*, where he says that: “all things are somehow coordinate.”³ But the good of the whole is preferred over the good of the part. Therefore the good of peace must be preferred over the earthly good of particular persons.

The Counterargument: Injury is to be done to no one, nor is the evil of punishment to be inflicted on someone without a crime, for the greater good; nor is it proper to confiscate the possessions of a sinful man, or even a man who is merely less good, that they should be given to a just man who would use them better. Therefore it is not allowed for a person to be deprived of his possessions without his consent for the greater good of the whole community, which is said to be peace. He is even robbed by them, if they do not restore those things to him or restitution given to him.

The Response: It must be said that, according to the truth, such a removal of belongings should not be understood as an injustice nor as punitive, however much it be done against the will of the owner since many benefits are given to reluctant people. Augustine puts

¹ Augustine *De Civitate Dei* XIX.13.

² Ibid.

³ Aristotle *Metaphysics* XII.10 1075a 11-17.

many examples of this in his *Letter to Vincentius the Donatist*.⁴ This is discussed as well in canon 23 question 5, which begins *Nimum*, that a madman is restrained against his will, lest he throws himself headlong and that a boy is chastened with rods.⁵

Such a confiscation of belongings, which is done for peace, the good of the community, is a greater good for the particular person than if the goods were not taken from him. This is so, since the good of the whole is the greater good of the part, in as much as it is a part, than the good of the part is for itself. The existence of the part, in as much as it is a part and all the goods which are the consequence of existence, depend on the existence and good of the whole, as.

The part, beyond the existence of the whole, is not a part, as it is said to be while it exists as part of the whole. A hand which is cut off is not a hand anymore, except ambiguously, as one would about a hand that is made of stone, or painted, as is made clear by the philosopher in the second book of the *On the Soul* and in the seventh book of the *Metaphysics* and in the first book of the *Politics*.⁶ Such a hand no longer operates as a hand, it cannot sense the things it touches, it cannot bring food to the mouth, it cannot scratch nor do other such things, because of this the philosopher says in the first book of the *Politics*: “a city is set before a house and before each of us individually; for the whole is necessarily set before the part. For should the whole be destroyed there will be neither foot nor hand, except ambiguously, like someone would discuss one made of stone; such a thing will be destroyed. All things are defined by their function and virtue; for this

⁴ Augustine *Ad Vincentium Donatistam* passim.

⁵ *Decretum Gratiani* Causa XXIII Quaestio IV Canon XXXVII.

⁶ Aristotle *De Anima* II.1 412b 20-22; Aristotle *Metaphysics* VII.10 1035b 24-25; Aristotle *Politics* I.2 1253a 20-21. Cf. Remigius dei Girolami *De Bono Communi* IX.

reason if they no longer serve this function they can in no way be called this except ambiguously,”⁷ since they lack the operation and virtue by which they are defined, since the definition of “foot” is an organic member which has the virtue of walking.

Therefore in the destruction of the state, which occurs in the dissension of the citizens, since the city is said to be the unity of its citizens, as is said by Isidore in book fifteen of the *Etymologies*,⁸ the citizen remains as if stone or painted, since he certainly lacks the operation and virtue which he had before: the soldier in military matters, the merchant in selling, the artist in the carrying out of his art, the official in his office, the head of the family in family affairs and the universally free man in his freedom, that is in going to visit his holdings, in making embassies, in having dominion over foreign cities and suchlike.⁹

4. The fourth argument is made with respect to humans.

A human is naturally inclined to creating a community with another, or with others either in cities or in castles and so forth; after all, he is a creature that is by nature communal and political, as the philosopher says in the eighth book of the *Nicomachean Ethics* and in the first book of the *Politics*.¹⁰ This community is focused on peace, while each person holds his own place each one helps the other, who does not provide enough for himself, and vice versa, and this in a variety of ways physically, mentally, but also socially. “The peace of the city is an ordered peace of the citizens between those who

⁷ Aristotle *Politics* I.2 1253a 19-24. Cf. Remigius dei Girolami *De Bono Communi* IX.

⁸ Isidore *Etymologiae* XV.2.

⁹ Cf. Remigius dei Girolami *De Bono Communi* IX.

¹⁰ Aristotle *Nicomachean Ethics* IX.9 1169a (Panella). Cf. Remigius dei Girolami *De Bono Communi*

command and those who obey,” as Augustine says in the nineteenth book of the *City of God*.¹¹

The owning of possessions derives from positive law, since following natural law “the possession of all is in common,” as is said by Isidore in book seven of the *Etymologies*.¹² The same is said in Augustine’s *On John*¹³ and in distinction eight canon one, we see: “according to the law a human says this: ‘this villa is mine, this slave is mine, this house is mine.’ Human laws are the laws of the emperors.”¹⁴ Natural law is preferred over positive law just as the origin is preferred over the principle; because of this the final canon of distinction nine says: “constitutions, therefore, either ecclesiastical or secular, if they are proven to be contrary to natural law, must be completely abolished.”¹⁵ Therefore for the good of peace it is allowed to confiscate private property against the will of the owner.

The Counterargument: That which supplies the defect of another seems to excel that which is deficient. But the law of men supplies the means of determining natural law, and so it seems that natural law is deficient, for example positive law states that such and such a sin is to be punished with such and such a punishment; according to natural law, however, we have only generally that all sins are to be punished. Therefore natural law is not to be preferred to positive law, but rather the opposite.

¹¹ Augustine *De Civitate Dei* XIX.13 8-9.

¹² Isidore *Etymologiae* V.4.

¹³ Augustine *Super Iohannem* Tractatus III.21.

¹⁴ *Decretum Gratiani* Distinctio VIII Canon I

¹⁵ *Decretum Gratiani* Distinctio IX Canon XI.

The Response: The origin, in as much as it is discussed simply, is always to be preferred to the principle in as much as it is the origin, certainly, however, following this, the opposite can be true, since whatever the principle has as the principle, it has it from the origin. He who knows the conclusion understands more than he who only knows the question, nevertheless knowledge of the question is nobler and more certain than the knowledge of the conclusion.

Certainly, too, while the number surpasses oneness in quantity, nevertheless unity surpasses the number simply in nobility. Human law is derived from natural law just like the conclusion from the question, for example: homicide is prohibited – this derives from natural law, which prohibits that anyone from killing another – or like a specific is derived from a general, for example since, as was discussed before, such and such a punishment is given for such and such a crime, derives from the general principle that all crimes are to be punished.

5. The fourth argument is made with respect to the Catholic Church, whose good consists in the peace of the faithful, just as the good of the body consists of the peace of the limbs and the good of a household consists of the peace of the members of the household.

The church is called the body of Christ, as is said in *Colossians*: “He Himself is the head of the body of the church;” and again “for His body, which is the church.”¹⁶ It is also called the house of God, as is said in first *Timothy*: “to abide in the house of the Lord, which is the church of the living God.”¹⁷ And according to eighth book of the *Etymologies* of Isidore, *ecclesia* in Greek means *convocatio* in Latin, that is an assembly,

¹⁶ *Colossians* 1:18.

¹⁷ I *Timothy* 3:15.

and *catholica* means *universalis*,¹⁸ that is whole, since certainly the whole flock of the faithful is called together from the whole world into a peaceful unity of faith for the experiencing of the universal good, which is God; just as there is one faith, as is said in *Ephesians*: “one faith,”¹⁹ so is there also one church, as is discussed in *Song of Songs*: “my dove is unique”²⁰ etc... *Glossa*: “great is the praise of universal unity.”

Therefore the good of the church relies on the peaceful union of the faithful, just as the Collect says: “those to whom you gave faith You also gave peace;”²¹ another states: “Your church, brought together by the Holy Spirit, is troubled in no way by attacks.”²² *Acts of the Apostles* also says: “the church was enjoying peace throughout Judea.”²³ Judea can be interpreted to mean “confessing,” since it can refer to the confession of faith. So the apostle says in first *Corinthians* and in second *Corinthians*: “to the church of God which is in Corinth etc... grace and peace be with you.”²⁴ The ecclesiastical good is to be preferred over the temporal good, just as the head of the church, that is the pope, is to be preferred over the head of the temporal power, that is, over the emperor.²⁵

The Counterargument: Since the church prohibits this, as Innocent III decreed in the general council²⁶ in *Extravagantes* book three title thirteen: “to lay people and to clergy

¹⁸ Isidore *Etymologiae* VIII.1.

¹⁹ *Ephesians* 4:5.

²⁰ *Song of Songs* 6:8.

²¹ From the Collect for the Monday following Pentecost: *Deus qui Apostolis tuis Sanctum dedisti Spiritum.*

²² From the Collect for the Friday in the Ember Week (the Quattor Tempora) of Pentecost: *Da, quaesumus, ecclesiae tuae misericors Deus..*

²³ *Acts of the Apostles* 9:31.

²⁴ I *Corinthians* 1:2-3 and II *Corinthians* 1:1-2.

²⁵ One of the few places Remigius dei Girolami lays out his support for the Pope over the emperor.

²⁶ The Lateran Council 1215.

the power to take away goods from the church is in no way given.”²⁷ The same is seen in *Extravagantes* book three title forty nine chapter four, which begins *Non minus*, and chapter 7, which begins *Adversus consules*. Etc...²⁸

The Response: The church is exempted in the case of public use; so is said in that same chapter, which begins *Non minus*: “unless the bishop and the clergy should see such a great necessity or use that, without any coercion, in order to relieve common utility or necessity, where the resources of the laity are insufficient, they may give subsidy from the church’s goods;”²⁹ *Glossa*: “they should give just as other owners for the construction of a road or for the building and maintenance of bridges.” Ecclesiastical goods can, then, be received by the laity for the much greater good of peace.

The Counterargument: In the same chapter, which begins *Adversus consules*, is added: “because of the foolishness of certain people, the Roman pontiff must be consulted first, whose interest is in providing for the common use.”³⁰

The Response: This needs to be understood as being true unless the premier high priest, that is Christ, whose vicar is the pope, wishes the opposite, since “one should obey God more than men,” as is said in *Acts of the Apostles*.³¹ God, as well as divine law, prefers the good of peace to all temporal goods.

²⁷ *Liber Extravagantes* Liber III Titulum XIII Capitulum XII.

²⁸ *Liber Extravagantes* Liber III Titulum LXIX Capitulum IV and XII.

²⁹ *Liber Extravagantes* Liber III Titulum LXIX Capitulum IV.

³⁰ *Liber Extravagantes* Liber III Titulum LXIX Capitulum VII.

³¹ *Acts of the Apostles* 5:29.

The Counterargument: But in the *Liber Sextus* book three, which begins *Gratuimus*, all clerics who give such things to lay people are excommunicated unless they have specially given permission from the apostolic chair.³²

The Response: Pope Benedict XI modified this decree in his constitution, which begins *Quod olim*. He wishes that excommunication be imposed on only those people who were compelled to hand over the goods, not those who gave freely or who received goods freely given.³³

The Counterargument: But in this constitution it is added that the Lateran Council should be supplemented by consulting the supreme pontiff in such matters.

The Response: Without doubt the pope is to be obeyed and he is certainly to be consulted in the aforementioned circumstances. In every case, however where it is known for sure that something goes against love, neither the laws of men nor excommunication are to be feared, since in no way is something to be done against love, the effect of which is peace.

The Counterargument: But in the *Liber Sextus*, book three, which begins *Prohibemus*, the goods of the church are prohibited from being submitted to lay people.³⁴

The Response: It must be said that in such a case it does not seem proper to call it the submission of the church, but rather the relief, since it is for the good of the community and for peace, to which no other good is equal, however the order of law and of love declares that the church is always consulted as a superior.

³² *Liber Sextus Decretalium* Liber III Titulum XXIII Capitulum III.

³³ Benedict XI *Quod Olim* Perugia 12th of May 1304 (Panella).

³⁴ *Liber Sextus Decretalium* Liber III Titulum IX Capitulum II.

6. The fifth argument is made with respect to the final cause.

The purpose is that which is desired the most, according to the philosopher.³⁵ Peace also should be desired by all, according to Augustine in the nineteenth book of the *City of God* and chapter nine of Dionysius' *On the Divine Names*, and therefore, in a way, it is a purpose.³⁶ Because of this the *Psalms* says "He who gives your lands peace,"³⁷ since, that is, the peace of the road is the purpose on the road, and the peace of the fatherland is its ultimate and perfect purpose; and therefore he says in the plural "lands." The purpose is preferred to those things which lead to the purpose. Therefore all other goods must be set aside for the good of peace.

The Counterargument: The cause is preferred to the effect; but the purpose is an effect of the cause being complete; therefore the completion of the cause is preferred over the purpose.

That which is moving in actuality is preferred above that which moves metaphorically, since actuality is primary, in respect to which metaphorically is supplementary, because of this saying that 'the man laughs' is simply more excellent than saying 'the meadow laughs.' But according to the philosopher in the second book of the *On Generation and Corruption* that which is finishing does so with actual movement while the purpose moves metaphorically.³⁸ Therefore etc...

³⁵ For example in the *Metaphysics* and the *Nicomachean Ethics*.

³⁶ Augustine *De Civitate Dei* XIX.13 and Ps. Dionysius the Areopagite c.9.

³⁷ *Psalms* 147:14.

³⁸ Actually Aristotle *De Generatione et Corruptione* I.7 (Panella).

The purpose of medicine and the medical arts is the health of the body, nevertheless both of these are preferred over their purpose; the doctor is a being of reason while the health of the body is an accident and lacking in reason; in the same way the art of medicine is a perfection of the mind, but the health of the body is a perfection of the body. The substance, however, is simply to be preferred over the accident, the rational to that which lacks reason and the perfection of the soul to the perfection of the body. Therefore the purpose is not always to be preferred to those things which lead to the purpose.

The Response: There are four causes, which have a relative progression of importance in four steps and exist in twofold combination. These are: material, form, effect and purpose.

Among these, the purpose holds the first step, which is the cause of causes, according to the philosopher. The second step is the effective cause, which moves matter to the reception of form, being moved by consideration toward its purpose. The formal cause holds the third step, which, while begun by the effective cause, completes it in material form. The material cause holds the final step, which is potential existence, according to the philosopher, and is near nothing, according to Augustine in book twelve of the *Confessions*.³⁹

The first combination is between the material and formal cause. The formal cause is the formal cause of matter, and, on the other hand, the material cause is the material cause of form; but the formal cause is nobler than the material since it sets it in motion

³⁹ Augustine *Confessions* XII.6 14-15.

and perfects it, but the converse is also true, albeit secondarily, since the material sustains form.

The second combination is between the effective cause and the purpose; both of them cause themselves, but the purpose causes the effect simply and originally, in as much as completion has no motion unless it is motion toward the purpose. But the effect causes the purpose secondarily, since its movement brings the purpose to pass, but nevertheless it is by virtue of the purpose that it primarily moves itself.

It must also be said that, actuality is nobler than metaphor, nevertheless it does not follow that actual movement is nobler than metaphorical movement. The entirety of nobility is not contained in movement, otherwise some other nobility would have increased for God when He began to move creatures in time. Greater nobility is found in existence, since it has a purpose in respect to the effective cause, which was shown above. Therefore the objection is not proven, since the metaphor is understood in accordance with a thing of inferior nobility and not accordance with a thing of superior nobility; just as the syllogism: “Adamant is a stone in actuality, Christ, however, is a stone metaphorically, therefore adamant is nobler than Christ” does not follow.

Thirdly, according to the philosopher in book two of *On the Soul*⁴⁰ and the commentary concerning this passage by Themistius, purpose is twofold, that is “which” and “for which.”⁴¹ That which is desired as the purpose is not unsuitable, since it would be less noble than that which is arranged toward the end, just as Themistius discusses concerning health and happiness which is inherent. Every perfection of the body and of

⁴⁰ Aristotle *De Anima* II.4 415b 2-3 and 20-21.

⁴¹ Themistius *In De Anima* III.

the soul is certainly less noble than the body and the soul themselves, since the substance is nobler than the accident; which happens to occur, since that is not the ultimate purpose.

The ultimate purpose is subjected to that for which such a purpose is desired. Health, for example, just as Themistius said, is striven for in order to be healthy and happiness in order to be happy. Therefore health is not the purpose of medicine and the medical arts unless in as much as it is ordered toward the perfection of a human, since the soul is not perfected by the medical arts nor the body by health, unless in as much as the soul and the body are of a human, who is himself simply nobler than any accidental perfection of his own.

7. The sixth argument is made with respect to the ruler.

He who may lawfully require temporal goods for a small good and sentence a fine for a small ill may do so much more lawfully for a great good and a great ill. He who rules, be it a king or some other lord, may require temporal goods lawfully from his subjects for a smaller good than peace, for example for a journey, for a bridge, for a militia, for the marriage of a daughter, etc.. Therefore he is much more able to do this for peace. In the same way he may condemn his subjects for smaller offenses than if they oppose peace, that is wage war, for example for theft and for assault, etc... Therefore he may punish them all the more for waging war.

The Counterargument: Since it is not always true that he who can do less is also able to do more; it does not seem to follow that he who can require for small things can also require for great things.

The Response: The ability to require for small matters is not a small power, but a greater power and similarly the ability to require for greater matters is not a greater power, but a lesser power, just like the ability to enter through a smaller door is greater than the ability to enter through a large door, and just as the ability to see a small letter is greater than the ability to see and read a large one and just as the ability to overcome enemies with few arms and soldiers is a greater ability than being able to overcome them with many weapons and a great host.

A Second Counterargument: It is also not always true that he who can do more can also do less. So for example the intelligent man, who can understand universal principles, which are greater, nevertheless cannot understand a single direct principle, which is lesser, and which the sense, a power inferior to the intellect, understands.

A soldier can fight the whole day long and give great blows with the sword, this is greater than being able to carry a great load on his shoulder, be it of wool or some other material, which the soldier cannot do; nevertheless, a strong worker is able to do this, who is of a lesser status in society than the soldier is. A man inclined to science is able to study and meditate in solitude all day long, this is greater than being able to dig in the field, which he is not able to do; nevertheless a farmer is able to do this, who is of a lesser station in society than the man inclined to science.

The Response: He who is able to do more is always able to do less when more and less are in reference to the power of the operator; for example he who is able to carry one hundred books is able to carry ten, and he who is able to understand subtleties is able to understand blatant things and he who is able to confer orders is able to absolve sins. The

same holds true of power in a hierarchy, in which what the inferior can do the superior can do as well; for example: that which the proconsul can do the emperor can as well and that which a bishop can do the pope can as well.

Nothing prohibits anything from being superior in an absolute sense, because it is inferior in some way, just as the human body is in an absolute sense more noble than iron, and nevertheless iron, in a certain sense, is more noble than the human body because it is hard and the human body is soft. It can also be said that that which is inferior, since it is lesser, can also be superior, but in a more noble manner; for example a someone can be poor through the work of their own hands, but can be rich through commanding the hands of others; and someone can sense in a limited way, but can think in an open way, and vice versa since the intellectual part commands the sensitive part.