

THOMAS AQUINAS ON WAR AND PEACE

Inquiring “whether any war can be just,” Thomas Aquinas famously responded that this may hold true, provided the war is conducted by a legitimate authority, for a just cause, and with an upright intention. Virtually all accounts of just war, from the Middle Ages to the present day, make reference to this threefold formula. But owing in large measure to its very succinctness, Aquinas’s theory has prompted contrasting interpretations. This book sets the record straight by surveying the wide range of texts in his literary corpus that have bearing on peace and the ethics of war. Thereby emerges a coherent and nuanced picture of just war as set within his systematic moral theory. It is shown how Aquinas deftly combined elements from earlier authors, and how his teaching has fruitfully propelled inquiry on this important topic by his fellow scholastics, later legal theorists such as Grotius, and contemporary philosophers of just war.

GREGORY M. REICHBERG is a research professor at the Peace Research Institute Oslo (PRIO). He has coedited several volumes, including *Religion, War, and Ethics: A Sourcebook of Textual Traditions* (Cambridge University Press, 2014) and *Ethics of War: Classical and Contemporary Readings* (2006). His recent publications include “The Decision to Use Military Force in Classical Just War Thinking” in the *Ashgate Research Companion on Military Ethics* (2015), “Historiography of Just War Theory” in the *Oxford Handbook of Ethics of War* (2015), and “Jacques Maritain – Christian Theorist of Nonviolence and Just War” in *Journal of Military Ethics* (2016).

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Preface and Acknowledgments

This book germinated from my article, “Is There a ‘Presumption against War’ in Aquinas’s Ethics?” that appeared in 2002.¹ It would have surprised me at the time that I could generate an entire book on this theme, but as I have followed the unraveling thread, this is precisely what has happened.

Taking St. Thomas’s writings as its pivot, this book looks backward and forward in time. A backward view is required because Aquinas’s contribution to moral reflection on peace and war results in large measure from his deft ordering of ideas taken from earlier authors. He drew these ideas from a variety of sources – Biblical, Aristotelian, Platonic, Augustinian, canonical – which he then combined in quite novel ways. Apart from Aristotle, arguably the most dominant of these sources was the tradition of canon law that had been inaugurated in the twelfth century by the Italian monk Gratian, whose massive compilation (the *Concordia discordantium canonum*, ca. 1140, better known as the *Decretum Gratiani*) provided Aquinas with many of the passages from the Bible and St. Augustine that were points of reference for his *Summa theologiae* discussion of war. These passages Aquinas would have read in light of the legal commentaries that had been produced in the intervening years by luminaries such as Pope Innocent IV and the Dominican Raymond of Peñafort. Also significant were theologians and canonists of a strong Augustinian bent, such as Alexander of Hales and especially Hostiensis (Henry of Suse). Their endorsement of a close connection between temporal peace and the Christian faith, and on the flip side, between war, punishment, and religious infidelity, contrasts with Aquinas’s emphasis on the integrity of the natural political order; hence a consideration of their views will bring the distinctiveness of Aquinas’s Aristotelian reading of St. Augustine into sharper relief.

¹ *The Thomist* 66.3 (2002): 337–367.

This book also looks forward from Aquinas's time to future elucidations (and applications) of his thought. In offering a compact précis of the emerging Medieval consensus on just war, St. Thomas's formulation has had an enduring impact on later generations of thinkers. This is true not only within the Catholic Church, whose contemporary statements on war still reflect the intellectual authority of the Angelic Doctor, but in recent secular discussions as well.² Of Aquinas's successors in just war theory (broadly conceived, as including a set of presuppositions about just and unjust peace), the most influential have been Cardinal Cajetan (1468–1534),³ the Spaniards Vitoria (ca. 1492–1546), Molina (1535–1600), and Suárez (1548–1617), the Dutch Protestant Grotius (1583–1645), and the Italian natural lawyer Taparelli d'Azeglio (1793–1862). Closer to our own time, the Hague Peace Conferences (1899 and 1907) and subsequent founding of the League of Nations (1920) led historians such as James Brown Scott, Alfred Vanderpol, and Robert Regout to reflect on the applicability of just war theory, as articulated by Aquinas and his successors, to these initiatives in international law.⁴ The major conflicts that subsequently arose – the Spanish Civil War, World War II, and the Cold War – were likewise assessed through the normative lens of Thomistic ethics, inter alia by Jacques Maritain, Elizabeth Anscombe, and John Finnis.

Set as it was within a very rich theoretical background of moral (and legal) principles, Aquinas's very concise treatment of peace and war in the *Summa theologiae* afforded later generations enough elbow room to develop his ideas in different, sometimes even opposing directions, yet always with enough continuity that imposition of the term “tradition” would not be undue.

Thus refracted in the writings of his disciples, the thought of the Medieval master has from century to century renewed our moral inquiry in this vexed domain, and will undoubtedly do so in the years ahead. The

² See, for instance, Jeff McMahan, “Just Cause for War” in *Ethics and International Affairs* 19 (2005): 1–21, especially pp. 7–10, wherein Aquinas's statement on *causa iusta* in ST II-II, q. 40, a.1 is taken as the basis for the author's analysis of “the connection between just cause and moral liability to attack” (p. 7). Another example would be the much discussed report on the Kosovo air war (*Foreign Affairs – Fourth Report*), issued by the British House of Commons Select Committee on Foreign Affairs in 2000. The committee noted that “Philosophers since Aquinas have wrestled with the issue of when a war is a just war, and many of the issues raised by the Kosovo campaign are germane to that debate ...” (www.publications.parliament.uk/pa/cm199900/cmselect/cmfaft/28/2813.htm).

³ Cajetan's commentary to Aquinas “Quaestio de bello,” a.1, and a later short piece for confessors, “When War Should Be Called Just or Unjust, Licit or Illicit,” in his *Summula*, although largely forgotten today, significantly shaped the initial reception of Aquinas's thought on war.

⁴ See Gregory M. Reichberg, “Historiography of Just War Theory,” in *Oxford Handbook of the Ethics of War*, Helen Frowe and Seth Lazar, eds. (Oxford: Oxford University Press, forthcoming 2016).

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present volume aims to exhibit the main routes and some of the lesser byways of this inquiry, and in so doing to make itself a partner in this perennial conversation.

This book is divided into two parts.

Part I, “Just War in a Typology of the Virtues,” was written as a single unit. Maintaining close contact with Aquinas’s exposition on just war in the “Secunda pars” of the *Summa theologiae*, Chapter 1 follows his line of reasoning as it emerges from the idea of “sins against peace,” a group of sins that stand directly opposed to charity (*caritas*). *Bellum* enters Aquinas’s account as the name for one of these sins. But he quickly reverses course. While acknowledging that war is often initiated for wrongful reasons he nonetheless admits that at least some wars are just: such are those that are waged by a legitimate authority, for a just cause, and with an upright intention. Despite having initiated his discussion of *bellum iustum* within a section of the *Summa* that is devoted to charity, Aquinas does not immediately posit just war as an act of this supreme Christian virtue. His approach is rather more cautious. Explaining how war may be deemed “just” in the minimal sense of “permissible” (Chapter 2), he inevitably confronts the prima facie inconsistency of this teaching on “just war” with the words and example of Jesus, who, to all evidence, preached a doctrine of “patience” in the face of evil (Chapter 3). Conceding that nonviolence is binding upon all those (“the perfect”) who act on behalf of the divine society instituted by Christ (his “ecclesia”), Aquinas held, by contrast, that a different norm is applicable to the action of temporal polities. Firmly anchored in this world, thus having no ordination to a transcendent life in a heavenly kingdom, their leaders must protect – by force of arms if necessary – the tranquillity of their citizens. And to ensure that the good will be achieved and evil avoided, those who are entrusted with this weighty yet morally fraught task must acquire the relevant virtues: *military prudence* for commanders (Chapter 4) and *battlefield courage* for rank-and-file soldiers (Chapter 5).

Reconciling the Gospel “precepts of patience” with the necessity of just war was a theme that Aquinas took up repeatedly during his second Parisian regency (1268–1272), in contrast to the preceding years when this theme was rarely mentioned. As we shall see, although the “Quaestio de bello” is its most obvious manifestation, evidence of this engagement is visible elsewhere in the *Summa theologiae*, in his Biblical commentaries, as well as in at least one quodlibetal question.⁵ What prompted this

⁵ For dates on these various works, see Torrell, *Initiation à saint Thomas*, “Bref catalogue des oeuvres de saint Thomas,” pp. 483–525, and a summary timeline, pp. 479–482.

engagement is veiled to us now, but its very reality merits our attention. No parallel may be found among Thomas's theological contemporaries.

The chapters in Part II take up selected topics in Aquinas's just war theory. Most of these were originally written as stand-alone essays and have been revised for inclusion in this monograph.

Opening with a close textual reading of legitimate authority (Chapter 6), the first of the threefold just war "requirements" listed by Aquinas in article 1 of his "Quaestio de bello," Part II then proceeds to examine the second (and central) criterion of "just cause." In Chapter 7 it is shown how Aquinas's very concise formulation of just cause ("those who are attacked should be attacked because they deserve it on account of some fault") has over time given rise to two quite different lines of interpretation, one retributionist (an instrument of punishment, just war supposes subjective guilt on the part of the wrongful belligerent), and the other liabilist (a means of overturning an objective wrong, just war pre-scinds from determinations of subjective guilt).

It goes without saying, however, that alongside punishment and restitution, Aquinas did posit self-defense as a rationale for just war. Some wars are fought to repel an external aggression. He said little about this rationale in q. 40, "De bello," taking it up instead (albeit obliquely) within the seventh article of his subsequent q. 64, "On homicide". By reference to this text on private self-defense – a locus classicus for what has since become known as the "doctrine of double effect" – many have argued that Aquinas excluded intentional killing from the scope of self-defensive action. Only soldiers serving in a just war under legitimate authority may take this as their aim. I propose (Chapter 8) an alternative reading of this text. Drawing on the broader context of twelfth- and thirteenth-century canon-law teaching on this topic, I show how Aquinas viewed self-defense as an aim that might justify the application of proportionate force against an assailant, even to the point of deliberately causing his death, if this is the only effective measure available under conditions of urgency. He also recognized that lethal force could also be applied with a very different purpose in mind, namely to avenge a wrong. It was precisely by way of contrast with this latter aim that Aquinas described defensive killing as "praeter intentionem" (outside the intention of the agent).

The canon law teaching of the period likewise provided the backdrop for a related discussion on the justifiability of preventive attack in the interests of self-defense. Although Aquinas mentions this issue only in passing, his supposition that just cause must be premised on a determinable wrong would *prima facie* preclude attacking a party for what it

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might do, rather than what it has *already* done. Taken up more explicitly by Vitoria, Grotius, and eventually Taparelli, I show (Chapter 9) how Aquinas's supposition would lead his successors in just war theory to exclude the nascent doctrine of preventive war that had been promoted by Bacon, Gentile, and other thinkers of a more "realist" cast as we would say today.

Premised as it is on the objective wrongdoing of the opposing party, just cause is necessarily unilateral. If one side is in the right, then the other side must be in the wrong. This is the central "axiom"⁶ on which Aquinas's theory of just war was built. For this reason, Aquinas could not embrace a conception of just war that included the moral equality of combatants. Rather, I show (Chapter 10) how moral equality on the battlefield was endorsed in the early fifteenth century as a challenge to the then reigning just-war paradigm. It does not follow, however, that the distinction between private and public war had no place in the traditional teaching. Thomas Aquinas and his successors did not analyze just war by extrapolation from the related idea of self-defense. Rather they likened just war to a legal proceeding that could be undertaken solely by persons possessed of legitimate authority. For this reason, *just* war was first and foremost *public* war. It was accordingly understood that public war should be waged and its morality judged by reference to a set of norms that are not directly reducible to those governing private self (and other)-defense.

Called the "Angel of the Schools," St. Thomas has long enjoyed a special normative status in Catholic theological teaching, even to the present day. But whether his doctrine of just war retains its applicability under the conditions of modern warfare – particularly since the invention of nuclear and other weapons of mass destruction – has become the subject of much dispute. This book's final chapter (Chapter 11) examines the parameters of this debate within the Catholic orbit, and in so doing seeks to parse out which aspects of his doctrine have perennial value and which others are best set aside.

Despite its close examination of Aquinas's writings on war and peace, this book cannot lay claim to an exhaustive coverage of all relevant topics. The question of religiously motivated warfare (and religious coercion more broadly), although touched on at many junctures, nevertheless merits treatment on its own terms. How St. Thomas and his successors assessed the crusades to the Holy Land; the suppression of heresy, schism,

⁶ "Commune axioma Theologorum & Iurisperitorum," as said by Domingo Báñez, one of Aquinas's sixteenth-century commentators (*De fide, spe, et caritate* XL, 1, *Dubitatur quinto, 2a conclusio*, col. 1360, *i. f.* [cited by Haggemacher, *Grotius et la guerre juste*, p. 203, footnote 868]).

and blasphemy; the tolerance of non-Christian rites; and related topics will have to await another venue.

Over the eight or so years that this book has been in gestation I have naturally accrued many debts. Work on it commenced in earnest when in 2007 I received a three-year “Free Humanities” grant from the Research Council of Norway for a group project on “Comparative Ethics of War.” Also produced in conjunction with this same project were *Religion, War, and Ethics: A Sourcebook of Textual Traditions* that I coedited with my colleague Henrik Syse,⁷ *Hinduism and the Ethics of Warfare in South Asia: From Antiquity to the Present* by Kaushik Roy,⁸ and *Defenders and Enemies of the True Cross: The Sasanian Conquest of Jerusalem in 614 and Byzantine Ideology of Anti-Persian Warfare* by Yuri Stoyanov.⁹ I am grateful to the Research Council for their generous support. I am likewise grateful to the Earhart Foundation, which provided a writer’s grant that enabled me to complete work on this manuscript.

Several of the book’s chapters draw on previously published material. An earlier version of Chapter 1 appeared as “Aquinas’ Moral Typology of Peace and War” in *Review of Metaphysics* 64.3 (2011): 467–487. Parts of Chapters 2 and 3 appeared as “Thomas Aquinas between Just War and Pacifism” in *Journal of Religious Ethics* 38.2 (2010): 219–241. Chapters 4 and 5 are revised versions of “Thomas Aquinas on Military Prudence” (*Journal of Military Ethics* 9.3 [2010]: 261–274) and “Aquinas on Battlefield Courage” (*The Thomist* 74.3 [2010]: 337–368). Chapters 6–9 first appeared respectively as “Legitimate Authority: Aquinas’s First Requirement of a Just War” (*The Thomist* 76.3 [2012]: 337–369); “Culpability and Punishment in Classical Theories of Just War” (in *Just War: Authority, Tradition, and Practice*, A. F. Lang, Jr., C. O’Driscoll, and J. Williams, eds. [Washington, DC: Georgetown University Press, 2013], pp. 157–180); “Aquinas on Defensive Killing: A Case of Double-Effect?” (*The Thomist* 69.3 [2005]: 341–370); and “Preventive War in Classical Just War Theory” (*Journal of the History of International Law* 9.1 [2007]: 5–33). Parts of Chapter 10 appeared in David Rodin and Henry Shue, eds., *Just and Unjust Warriors: The Moral and Legal Status of Soldiers* (Oxford: Oxford University Press, 2008), pp. 193–213, and in two issues of the *Journal of Military Ethics*: “The Moral Equality of Combatants – A Doctrine in Classical Just War Theory? Response to Graham Parsons” (12.2 [2013]: 181–194) and “Second Response to Graham

⁷ Cambridge University Press, 2014.

⁸ Cambridge University Press, 2012.

⁹ Österreichische Akademie der Wissenschaften, 2011.

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Parsons (12.4 [2013]: 370–372). Finally, Chapter II earlier appeared as “Discontinuity in Catholic Just War? From Aquinas to the Contemporary Magisterium,” in *Nova et Vetera* (English Edition) 10.4 (2012): 1073–1097. I am grateful to the editors and referees for their many helpful comments.

Special thanks are due to my home institution, the Peace Research Institute Oslo (PRIO), which has provided me with a congenial work environment throughout the duration of this project. My colleague Henrik Syse was always available to discuss the arcana of Aquinas’s thought, or to engage, with his sharp insight and good cheer, on related issues in military ethics. PRIO’s librarians Odvar Leine and Olga Baeva spared no effort in securing numerous items over the course of years, and PRIO’s director, Kristin Berg Harpviken, was a source of patient encouragement.

The book benefited greatly from the perceptive comments of Matthew Levering, who read the manuscript in an early version, and then Daniel Schwartz, who reviewed the manuscript in its penultimate form, and saved me from many an error (although those that remain are solely my own). Also to be thanked are Cambridge University Press editor Beatrice Rehl, who believed in the project and gently nudged it to the finish line, Robert Andrews and Theresa Kornak who carefully read the full manuscript and provided valuable copyediting advice, Tobiah Waldron who prepared the index, and Kanimozhi Ramamurthy, who ushered the book through the production process.

I thank my wife Ingela, who never wavered in her support; the painter in her intuitively understood my fascination with even the smallest details of St. Thomas’s thought. Finally, in completing this book, I think with gratitude of my father David Reichberg (1926–1985) – having endured the Battle of the Bulge as a paratrooper with the 101st Airborne, he survived to introduce in me the idea that war must sometimes be fought so that peace might be enjoyed.

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Abbreviations and References for Works Frequently Cited

The following abbreviations are used in referring to the works of Thomas Aquinas¹ and selected other authors cited in this volume.

Thomas Aquinas

ST *Summa theologiae*; citing from *Summa theologiae cum commentariis Thomae de Vio Caietani Ordinis Praedicatorum*, in *Sancti Thomae Aquinatis Doctoris Angelici Opera Omnia iussu impensaue Leonis XIII*, Vols. 4–12. Rome: Editori di san Tommaso, 1895.

All references to the *Summa theologiae* are given according to standard form:²

Roman numerals represent the work's first, second, and third parts. I stands for the "Prima pars," that is, the first part; I-II for the "Prima-secundae," that is, the first part of the second part; II-II for the "Secunda-secundae," that is, the second part of the second part;³ and III for the "Tertia pars," that is, the third part. In addition, "suppl." designates the "Supplementum," materials collated from the *Scriptum super libros Sententiarum* after Aquinas's death. Following the Roman numeral designating each part (or the suppl.), there appears the letter "q." representing the *quaestio*⁴ (question), then "a." representing the *articulus* (article), "obj." for *obiectio*, that is, one of the objections that appear at the start of every

¹ Listing only the Latin titles. For information on the existing translations in English and French (of which rather free use has been made in this book) see the catalogue of Aquinas's works that appears in Torrell, *Initiation à saint Thomas d'Aquin: Sa personne et son œuvre* (referenced later); www.home.duq.edu/~bonin/thomasbibliography.html likewise provides a list of the titles in English.

² See M.–D. Chenu, *Toward Understanding St. Thomas*, trans. A.–M. Landry and D. Hughes (Chicago: Henry Regnery, 1964), pp. 85–98.

³ Reference is also occasionally made to the "Secunda pars," namely that section of the work that comprises both the "Prima-secundae" and the "Secunda-secundae."

⁴ This should not be confused with the "quaestiuncula", abbreviated as "qc." that functions as a subdivision within the *Sentences* commentary.

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article, and “ad” as shorthand for *ad obj.*, that is, the subsequent response given to each objection. In each article, after the initial list of objections a short section appears, preceded by the words “on the contrary,” which presents a citation from one or several authorities (such as St. Paul, St. Augustine, or Aristotle). Reference to this section is indicated by the Latin words *sed contra*. Following the *sed contra* a new section (often termed “the body of the article” or *corp.*) begins with the words “I answer that” (*respondeo*, hence this section is often termed the *responsio*). This is followed by a reply to each of the objections. Whenever reference to an article is given without mention of an objection, response to an objection, or the *sed contra*, it may be assumed that the passage in question may be found in the body of the article.

“Quaestio de bello” *ST* II-II, q. 40.

“Quaestio de homicidio” *ST* II-II, q. 64.

I, II, III, IV *Sent.* *Scriptum super libros Sententiarum*, P. Mandonnet and M. Moss, eds. Paris: P. Lethielleux, 1929–47, 3 vols. (covering books I–IV, up to distinction 22); the remainder of book 4 is cited from *Thomae Aquinatis Opera Omnia cum Hypertextibus in CD-ROM*, Roberto Busa, ed. Milan: Editoria Elettronica Editel, 1996.

Comp. theol. *Compendium theologiae*, Leonine edition, Vol. 42.

De car. *Quaestio disputata de caritate*, in *Quaestiones disputatae*, Vol. II, P. Bazzi et al., eds. Turin–Rome: Marietti, 1965, pp. 753–791.

De malo *Quaestiones disputatae de malo*, Leonine edition, Vol. 23.

De rat. Fid. *De rationibus Fidei ad Cantorem Antiochenum*, Leonine edition, Vol. 40.

De regno *De regno ad regem Cypri*, Leonine edition, Vol. 42.

De ver. *Quaestiones disputatae de veritate*, Leonine edition, Vol. 22.

In I Cor. *Super primam Epistolam ad Corinthios lectura*, in *Super Epistolas S. Pauli lectura*, Vol. I, R. Cai, ed., 8th ed. Turin–Rome: Marietti, 1953, pp. 231–301 and 343–435.

In II Cor. *Super secundam Epistolam ad Corinthios lectura*, in *Super Epistolas S. Pauli lectura*, Vol. I, pp. 537–561.

In Eph. *Super Epistolam ad Ephesios lectura*, in *Super Epistolas S. Pauli lectura*, Vol. 2, pp. 1–87.

In Heb. *Super Epistolam ad Hebraeos lectura*, in *Super Epistolas S. Pauli lectura*, Vol. 2, pp. 335–506.

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<i>In Iob.</i>	<i>Expositio super Iob ad litteram</i> , Leonine edition, Vol. 26.
<i>In Ioh.</i>	<i>Super Evangelium S. Ioannis lectura</i> , R. Cai, ed., 6th ed. Turin–Rome: Marietti, 1972.
<i>In Is.</i>	<i>Expositio super Isaiam ad litteram</i> , Leonine edition, Vol. 28.
<i>In Matt.</i>	<i>Super Evangelium Mattaei</i> . The cited passages are reproduced in “ <i>La Lectura super Matthaeum V</i> , 20–48 de Thomas d’Aquin,” J.-P. Renard, ed. (Édition d’après le ms. Bâle, <i>Univ. Bibl. B. V. 12</i>), <i>Recherches de théologie ancienne et médiévale</i> 50 (1983): 145–190.
<i>In Phil.</i>	<i>Super Epistolam Philipenses lectura</i> , in <i>Super Epistolas S. Pauli lectura</i> , Vol. 2, pp. 89–123.
<i>In Psal.</i>	<i>In psalmos Davidis expositio</i> , in <i>Opera Omnia</i> , Vol. 14. Parma: Typis Petri Fiaccadori, 1863, pp. 148–312.
<i>In Rom.</i>	<i>Super Epistolam ad Romanos lectura</i> , in <i>Super Epistolas S. Pauli lectura</i> , Vol. 1, pp. 1–230.
<i>In I Tim.</i>	<i>Super primam Epistolam ad Timotheum lectura</i> , in <i>Super Epistolas S. Pauli lectura</i> , Vol. 2, pp. 265–299.
<i>In Tit.</i>	<i>Super Epistolam ad Titum lectura</i> , in <i>Super Epistolas S. Pauli lectura</i> , Vol. 2, pp. 301–326.
<i>Quodl.</i>	<i>Quaestiones de quolibet</i> , Leonine edition, Vol. 25.
<i>ScG</i>	<i>Liber de veritate catholicae Fidei contra errores infidelium seu Summa contra Gentiles</i> , Vols. 2–3, P. Marc, C. Pera, and P. Caramello, eds., Marietti: Turin–Rome, 1961.
<i>Super De div. nom.</i>	<i>In librum Beati Dionysii De divinis nominibus expositio</i> , C. Pera et al., eds. Turin–Rome: Marietti, 1950.
<i>Super Ethic.</i>	<i>Sententia libri Ethicorum</i> , Leonine edition, Vol. 47.
<i>Super Metaph.</i>	<i>In duodecim libros Metaphysicorum Aristotelis expositio</i> , M. R. Cathala and R. M. Spiazzi, eds. Turin–Rome: Marietti, 1971.
<i>Super Politic.</i>	<i>Sententia libri Politicorum</i> , Leonine edition, Vol. 48.

Bible

Revised Standard Version	<i>The New Oxford Annotated Bible</i> . Oxford: Oxford University Press, 1973.
Vulgate	<i>Biblica Sacra iuxta Vulgatam versionem</i> , 3rd ed., 2 vols. Stuttgart: Deutsche Bibelgesellschaft, 1983.

Aristotle

- Nic. Ethic.* *Nicomachean Ethics*. Latin trans. cited after the text reproduced in Aquinas, *Super Ethic*. English trans. from Jonathan Barnes, ed., *The Complete Works of Aristotle*, Vol. 2. Oxford: Oxford University Press, 1984, pp. 1729–1867.

Medieval, scholastic, and early-modern authors

- Apparatus Decretalium* Innocent IV, *Apparatus in quinque libros Decretalium*. Lyon, 1535.
- Apparatus ad Summam Raymundi* William of Rennes, in Raymond of Peñafort, *Summa de poenitentia, et matrimonio, cum glossis Ioannis de Friburgo* [= William of Rennes]. Rome, 1603.
- Causa 23 *Decretum Magistri Gratiani*, bk. II, causa 23, in E. Friedberg, ed. *Corpus Iuris Canonici*, pars prior. Leipzig: Tauchnitz, 1879.
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