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FOUNDERS AQUINAS

JOHN FINNIS

AQUINAS

Moral, Political, and Legal Theory

John Finnis

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Founders of Modern Political and Social Thought

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Preface

There are some serious flaws in Aquinas' thoughts about human society. A sound critique of them can rest on premisses he himself understood and articulated better, I think, than his philosophical masters Plato and Aristotle, and much better than Machiavelli, Hobbes, and the other makers or heirs of the Enlightenment. This book does not, of course, undertake the comparisons needed to justify this hypothesis about the fundamental superiority of Aquinas' work in moral, social, political, and legal theory. It does try to clarify the criteria for such a comparison, and to indicate how far his thought illuminates and, in large measure, satisfies them.

Reasons for action, personal conscience, free choice and self-determination, human dignity, community, family, justice, and state law—these are perhaps the main matters that (for differing reasons which I shall not explore) became clearer to Aquinas than to the founders who preceded him or those who followed. In keeping with the purposes of this series, I focus on Aquinas' treatment of these and other matters of perennial concern, and leave in shadow the biographical, literary, political, or other influences on him, the origins or parallels of his views in earlier or contemporary writers, and the historical aftermath and effects of his work.

Aquinas' work is not ideological; all its presuppositions and premisses are treated by him as open to rational consideration and argument. Of course, his primary vocation as a scholar was to be a theologian. Still, he believed that this required sound, uncompromisingly critical philosophy. Philosophy done well is completed and supplemented by theology, which uses historically given information not available to philosophy (or to the other sciences of nature) as such. But he also thought, and showed in practice, that philosophical inquiry, argument, reflection, and judgement can go a long way without any reliance on theology or religious faith. In this book I shall concentrate on elements in Aquinas' work which are, in that sense, purely philosophical. Only my final chapter discusses some elements of his theology, and of the case for accepting them as the philosophical inquiry's appropriate completion and supplement.

Readers whose interest is restricted to ethics (rather narrowly conceived) could follow a short path through the book: Section II.I,

the first four paragraphs of II.2, Chapters III–V, Sections x.3–4, and Section x.6. Legal theorists could focus on Chapter II, Sections v.1–2, vi.1–3, and vi.5, and Chapters VII–IX. But since politics embraces law and expands on ethics, readers concerned with social and political theory should find no part of the book irrelevant; any shortened ways through it must be their own.

My exposition quite often goes beyond what Aquinas says; statements in this book should not be ascribed to Aquinas unless signified as quotations or (as often in the footnotes) close paraphrases. However, when a statement is footnoted by citation to Aquinas, it can be assumed to be close to the words of at least the first citation, unless that begins ‘see’ (when the textual support will be less close). Phrases such as ‘we may think that . . .’ warn that I am substantially developing or amending Aquinas’ views. Though the book says more about ethics than students of social and political thought may expect, it is far from giving a complete idea of Aquinas’ account of morality.

I have worked from the Latin texts, in the latest critical editions where they exist. Since the critical editions made in recent decades are sadly too expensive and unwieldy for wide use, my citations often indicate the relevant place in formerly standard editions (whose text should not, however, be relied upon). All translations are my own; I comment on one feature of them in II.2 at n. 26 below. Aquinas’ usage is very flexible, often informal, and always context-relative. So when quoting or paraphrasing I have often given, in curly brackets {to minimize italics}, the Latin word or phrase corresponding to the immediately preceding English word(s) or phrase, or indicating elements in the cited passage which supplement the elements picked out in my paraphrase. Readers surprised by this or that rendering of the Latin should consult the original, above all the original *argumentation*, as well as Aquinas’ other uses of the relevant word or phrase—the last a task much eased by Busa (1992).

For the past thirty years or so, my work in moral, political, and legal theory has employed principles which seemed to me to be substantially those employed by Aquinas in his main writings on practical reason, natural law, *prudentialia*, and justice. Grisez (1965) made clear the presence and sense of those principles in Aquinas. My *Natural Law and Natural Rights* (1980) set out an ethical theory rooted (as the preface made clear) in Grisez’s re-presentation and development of classical arguments and (as was indicated

elsewhere in the book) in my understanding of Aquinas on justice, law, and other matters. Since 1965 Grisez's major writings have not claimed to be interpretations of Aquinas, whose work he has regarded as the point of departure for a free-standing philosophical treatment of ethical theory. I have collaborated extensively with Grisez in this free-standing work (see especially Finnis *et al.* 1987; Grisez *et al.* 1987), while also pursuing my own investigations into Aquinas. Writing this book required of me a wider and deeper acquaintance with Aquinas' works. That has confirmed my previous understanding of the foundational principles (and Aquinas' subscription to them), and led me to think one-sided or wrong some common beliefs about his social and political thought (including some I held)—not least about his thought on rights, the structure of justice, the state's authority, sex and marriage, slavery, and tyrannicide, but also on ultimate human fulfilment.

Early drafts of virtually all chapters were read by Kevin Flannery SJ (who checked out and commented on hundreds of citations and texts) and Germain Grisez; they each improved the work greatly. I am indebted also to Gerard V. Bradley, Marie C. Finnis, Patrick Lee, and Joseph Pilsner CSB, who helpfully reviewed parts in early draft.

January 1998

Abbreviations and Conventions

Cross-references to chapters and sections in this book appear in the form VII.3. Footnotes are numbered; endnotes to chapters are cued with lower-case letters.

- a. article
- c corpus
- c. chapter
- d. distinction
- ex. exposition (of Peter Lombard's text, in *Sent.*)
- obj. objection
- q. quaestio
- s.c. sed contra
- sol. solution (to a subquestion in *Sent.*)
- un. unique (e.g. where a quaestio has only one article)
- v. verse

Paragraph numbers taken from editions are given in square brackets.

Works of Aquinas

The dates are in most cases conjectural and in some important cases disputed; I generally follow Emery in Torrell (1996: 330–61) and Gauthier in *Opera* 25/2. 479–500. For information on the English and French translations available, see Torrell (1996: 331–59).

- Aet.* *De Aeternitate Mundi contra Murmurantes* (On the Question of the World's Eternity, against the Murmurers), 1271. *Opera* 43.
- An.* *Sententia Libri De Anima* (Commentary on Aristotle's *De Anima* (On Soul), 1267–8. *Opera* 45/1. Paragraph numbering: Pirotta (1936).
- Brev.* *Breve Principium* (Short [i.e. first in a two-part] Inaugural Lecture, given on becoming a Master at the University of Paris), 1256. Paragraph numbering: Verardo (1954).
- Cael.* *Sententia super Librum De Caelo et Mundo* (Commentary on Aristotle's *De Caelo* (On the Heavens) to 3. 302b29), 1272–3. *Opera* 3. Paragraph numbering: Spiazzi (1952).
- Car.* *Quaestiones Disputatae de Caritate* (*De Caritate*: Disputed Questions on Charity [Love]), 1269–72. *Opera* 24/2.
- Caus.* *Expositio super Librum De Causis* (Commentary on the pseudo-Aristotelian Neoplatonist treatise on Causes), 1272.

- Cen. 'Homo quidam fecit cenam magnam et vocavit multos' (Sermon on Luke 14: 16–24) 1267–73. Page numbering: Bataillon (1983: 360–9).
- Comp. *Compendium Theologiae ad fratrem Reginaldum* (A Compendium of Theology), 1265–7 and 1272–3. *Opera* 42. Paragraph numbering: Verardo (1954).
- Corr. *Quaestio Disputata de Correctione Fraternal* (Disputed Question on Fraternal Correction), 1269–72. *Opera* 24/2.
- Cred. *Collationes Credo in Deum* (Sermon-Lectures on the [Apostles'] Creed [*In Symbolum Apostolorum*]), 1273. Paragraph numbering: Spiazzi and Calcaterra (1954).
- Dec. *Collationes de Decem Praeceptis* (Sermons on the Ten Commandments) (also called *De Duobus Praeceptis Caritatis*) (On the Two Precepts of Charity [Love]), 1273. Torrell (1985). Paragraph numbering: Spiazzi and Calcaterra (1954).
- Decret. *Expositio super Decretalem* (Commentary on Two Decrees of the Fourth Lateran Council (1215)), 1261–5. *Opera* 40. Paragraph numbering: Verardo (1954).
- Div. *Expositio super Dionysium De Divinis Nominibus* (Commentary on Pseudo-Dionysius' treatise on naming God), 1261–7. Paragraph numbering: Pera (1950).
- Empt. *De Emptione et Venditione ad Tempus* (On Buying and Selling on Credit), 1262. *Opera* 42. Paragraph numbering: Verardo (1954).
- Ent. *De Ente et Essentia* (On Being and Essence), 1252–5. *Opera* 43. Paragraph numbering: Spiazzi (1954).
- Ep. Reg. *Epistola de Regimine [Subditorum/Iudaeorum] ad Ducissimam Brabantiae [or ad Comitissam Flandriae]* (Letter to the Duchess of Brabant [or, more likely, Margaret Countess of Flanders] on [her questions about] Governing [Jews (and Christian usurers and others)]), 1269–72. *Opera* 42.
- Eth. *Sententia Libri Ethicorum* (Commentary on Aristotle's *Nicomachean Ethics*), 1271–2. *Opera* 47. References (e.g. ix. 7 n. 6 [1845]) are to the book, lectio, and paragraph number in Busa (1992), followed by the paragraph number in Spiazzi (1949).
- Eth Tab. *Tabula Libri Ethicorum* (Table of terms used in Aristotle's *Nicomachean Ethics*, as analysed in Albert the Great's first commentary, c.1250), 1270. *Opera* 48.
- Fid. *De Articulis Fidei* (Letter to the Archbishop of Palermo on the Articles [Clauses] of the Apostles' Creed), 1260–8. *Opera* 42. Paragraph numbering: Verardo (1954).

- Gen.* *Sententia super Libros De Generatione et Corruptione* (Commentary on Aristotle's treatise *On Generation and Corruption* to book 1. 5. 322^a33), 1272-3. *Opera* 3. Paragraph numbering: Spiazzi (1952).
- Graec.* *Contra Errores Graecorum* (Expert opinion for Pope Urban IV, on certain theological errors of the Greek Orthodox), 1263-4. *Opera* 40.
- Hebd.* *Expositio in Librum Boethii de Hebdomadibus* (Commentary on Boethius' treatise on the goodness of existing things), after 1259. *Opera* 50. Paragraph numbering: Spiazzi and Calcaterra (1954).
- I, I-II, II-II, III See *ST*.
- Impugn.* *Contra Impugnantes Dei Cultum et Religionem* (Against those [in the University of Paris] who Attack the Religious Life [especially the mendicant orders]), 1256. *Opera* 41. Paragraph numbering: Spiazzi and Calcaterra (1954).
- In I Cor.* *Commentarium et Reportatio super Epistolam Primam ad Corinthios* (Commentary on Paul's First Letter to the Corinthians), 1263-5. References are to the chapter and lectio, the biblical verse, and the paragraph number in Cai (1951a).
- In Eph.* *Reportatio super Epistolam ad Ephesios* (Commentary on Paul's Letter to the Ephesians), 1263-5. References are to the chapter and lectio, the biblical verse, and the paragraph number in Cai (1951a).
- In Gal.* *Reportatio super Epistolam ad Galatas* (Commentary on Paul's Letter to the Galatians), 1263-5. References are to the chapter and lectio, the biblical verse, and the paragraph number in Cai (1951a).
- In Heb.* *Expositio super Epistolam ad Hebraeos* (Commentary on the Letter to the Hebrews), 1263-5. References are to the chapter and lectio, the biblical verse, and the paragraph number in Cai (1951a).
- In Ioann.* *Reportatio super Ioannem* (Commentary on John's Gospel), 1269-72. References are to the chapter and lectio, the biblical verse, and the paragraph number in Cai (1952).
- In Iob* *Expositio super Iob ad Litteram* (Commentary on the Book of Job), 1263-5. *Opera* 26.
- In Isa.* *Expositio super Isaiam* (Commentary on Isaiah), 1249-53. *Opera* 28.

- In Matt.* *Reportatio super Evangelium Matthaei* (Commentary on Matthew's Gospel), 1269–70. References are to the chapter, the biblical verse, and the paragraph number in Cai (1951*b*).
- In Rom.* *Commentarium super Epistolam ad Romanos* (Commentary on Paul's Letter to the Romans), 1271–3. References are to the chapter and lectio, the biblical verse, and the paragraph number in Cai (1951*a*).
- In I Thess.* *Reportatio super Epistolam Primam ad Thessalonienses* (Commentary on Paul's First Letter to the Thessalonians), 1263–5. References are to chapter and lectio, the biblical verse, and the paragraph number in Cai (1951*a*).
- In I Tim.* *Reportatio super Epistolam Primam ad Timotheum* (Commentary on Paul's First Letter to Timothy), 1263–5. References are to the chapter and lectio, the biblical verse, and the paragraph number in Cai (1951*a*).
- Mal.* *Quaestiones disputatae de Malo* (*De Malo*: Disputed [Debated] Questions on Evil), 1269–71. *Opera* 23.
- Meta.* *Sententia super Metaphysicam* (Commentary on Aristotle's *Metaphysics* to book 12), 1269–72. References are to the book, lectio, and paragraph in Busa (1992), followed by the paragraph number in Cathala (1935).
- Opera* *Opera Omnia Sancti Thomae Aquinatis Doctoris Angelici*, the 'Leonine edition' of the works of Aquinas (critically edited by the Commission (of Dominican scholars) established by Pope Leo XIII in 1879), projected in fifty volumes, the first of which was published in 1882 and twenty-one still remain to be done.
- Perf.* *De Perfectione Spiritualis Vitae* (On the Perfecting of the Spiritual Life), 1269–70. *Opera* 41. Alternative chapter numbering, and paragraph numbering: Spiazzi and Calcaterra (1954).
- Peri.* *Commentarium in Libros Perihermeneias* (Commentary on Aristotle's *Peri Hermeneias* [*De Interpretatione*: On Assertive Statements]), 1270–1. *Opera* 1* (revised 1989). Paragraph numbering: Spiazzi (1955).
- Phys.* *Sententia super Physicam* (Commentary on Aristotle's *Physics*), 1268–70. *Opera* 2. Paragraph numbering: Maggiolo (1954).
- Pol.* *Sententia Libri Politicorum* (Commentary on Books 1 to 3. 5 (1280^a6) of Aristotle's *Politics*), 1269–72. *Opera* 48. References (e.g. *Pol.* III. 6 n. 5 [395]) are to the book, lectio, and paragraph number in Busa (1992), followed by a reference to

- the paragraph number in Spiazzi (1951). Citations of the form *Politics* 3. 4. 1279^a21 are to Aristotle, *Politics*.
- Post.* *Expositio Libri Posteriorum* (Commentary on Aristotle's *Posterior Analytics*), 1271–2. *Opera* 1* (revised 1989). Paragraph numbering: Spiazzi (1955).
- Pot.* *Quaestiones Disputatae de Potentia* (Disputed Questions on the Power of God), 1265–6.
- Princ.* *De Principiis Naturae* (On the Principles of Nature), 1252–6. *Opera* 43. Paragraph numbering: Spiazzi (1954).
- Ps.* *Postilla in Psalmos* (Commentary on Psalms 1–54), 1272–3. References are to the Psalm (numbered according to the Vulgate), the paragraph numbering in Busa (1992), and the biblical verse.
- Q. An.* *Quaestiones Disputatae de Anima* (Disputed Questions on Soul), 1266–7. *Opera* 24/1.
- Quodl.* *Quaestiones de Quolibet* (Disputed [Debated] *Quodlibetal* [Random] Questions), 1256–9 (vii–xi) and 1269–72 (I–vi, xii). *Opera* 25.
- Rat.* *De Rationibus Fidei ad Cantorem Antiochum* (On the Reasons for the [Catholic] Faith, to a Cantor of Antioch), 1265–8. *Opera* 40. Paragraph numbering: Verardo (1954).
- Reg.* *De Regno* [or *De Regimine Principum*] *ad regem Cypri* (On Government [or Kingship] [or: On the Rule of Princes/Political Leaders], to the King of Cyprus), c.1265. *Opera* 42. References are to *Opera* 42's divisions of books and chapters, followed by the different division(s) given in some earlier standard editions, followed by paragraphs first in Eschmann (1949) and then in Spiazzi (1954).
- Retra.* *Contra Doctrinam Retrahentium a Religione* (*Contra Retrahentes*: Against the Teaching of those who Deter People from Entering the Religious Orders), 1271. *Opera* 41. Paragraph numbering: Spiazzi and Calcaterra (1954).
- ScG* *Summa contra Gentiles* ('A summary against the Pagans'; more correctly entitled *Liber de Veritate Catholicae Fidei contra Errores Infidelium*, 'Treatise on the Truth of the Catholic Faith against the Errors of Unbelievers'), 1259–65. *Opera* 13–15, revised in Pera (1961). References are by book (I, II, III, IV), chapter, and paragraph number in Pegis *et al.* (1955–7), followed by the paragraph number in Pera (1961).
- Secret.* *De Secreto* (On Secrets), 1269. Report of a commission of seven masters appointed by the Dominican chapter in Paris in 1269 to answer questions of principle about compelling the disclosure of secrets. *Opera* 42. Paragraph numbering: Verardo (1954).

- Sens.* *Sententia Libri De Sensu et Sensato* (Commentary on Aristotle's *Sense and Sensibilia*), 1268–9. *Opera* 45/2. Paragraph numbering: Spiazzi (1949b).
- Sent.* *Scriptum super Libros Sententiarum Petri Lombard- iensis* (Commentary on the Sentences [Opinions or Positions of the Church Fathers] [Handbook of Theology] of Peter Lombard [c.1155]), I, 1253–4; II, 1254–5; III, 1255–6; IV, 1256–7. References are by book (I, II, III, IV), distinction (d.), question (q.), article (a.), and sometimes to the response (solution) to a subquestion (sol.) and to Aquinas' exegesis {expositio} of Lombard's text (ex.).
- Sort.* *De Sortibus ad Dominum Iacobum de Tonengo* (On Casting Lots, a short treatise for James of Tonengo, papal chaplain), 1268–71. *Opera* 43. Paragraph numbering: Verardo (1954).
- ST* *Summa Theologiae* (A Summary of Theology), I, 1265–8; I-II, 1271; II-II, 1271–2; III, 1272–3. *Opera* 4–5, 6–7, 8–10, 11. References (e.g. I-II q. 2 a. 2c and ad 2) are to the four parts (first, first-of-the-second, second-of-the-second, third), question (q.), article (a.), corpus (c) (i.e. the body of Aquinas' response), reply (ad 1, ad 2, etc.) to a particular, numbered objection (obj. 1, obj. 2, etc.) and/ or to the sed contra (s.c.) ('but against that . . .': a summary and preliminary response, to which Aquinas is not necessarily committed).
- Sub.* *De Substantiis Separatis* (On the Nature of Angels), 1271–3. *Opera* 40.
- Supp.* *Supplementum* (A Supplement to [or rather, a partial completion of] *ST*, posthumously and anonymously constructed from passages of iv *Sent.*). *Opera* 12 (the best text of the relevant parts of iv *Sent.*).
- Trin.* *Super Boethium de Trinitate* (Commentary on Boethius' treatise on the Trinity), 1257–9. *Opera* 50.
- Unit.* *De Unitate Intellectus contra Averroistas* (Against the [Parisian] Averroists' Thesis of a Single [Separate] Intellect), 1270. *Opera* 43. Citations are to the line number in *Opera* 43, and then to paragraphs in McNerny (1995) and in Spiazzi (1954).
- Ver.* *Quaestiones Disputatae de Veritate* (*De Veritate*: Disputed [Debated] Questions on Truth), 1256–9. *Opera* 22.
- Vercell.* *Responsio ad Ioannem Vercellensem de Articulis* 108 (Reply to the Dominican Master-General about 108 allegedly questionable passages in works of Peter of Tarentaise [later Innocent V]), 1265–6/7. *Opera* 42. Paragraph numbering: Verardo (1954).

ABBREVIATIONS AND CONVENTIONS

- Virt.* *Quaestiones Disputatae de Virtutibus* (*De Virtutibus*: Disputed [Debated] Questions on the Virtues [in General (*De Virtutibus in Communi*)]), 1269–72.
- Virt. Card.* *Quaestio Disputata de Virtutibus Cardinalibus* (Disputed [Debated] Question on the Cardinal Virtues [practical reasonableness, justice, courage, and temperance]), 1269–72. *Opera* 24/2.

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