

SECOND PART OF THE SECOND PART, QUESTION 63

Of Respect of Persons (In Four Articles)

We must now consider the vices opposed to the aforesaid parts of justice. First we shall consider respect of persons which is opposed to distributive justice; secondly we shall consider the vices opposed to commutative justice.

Under the first head there are four points of inquiry:

- (1) Whether respect of persons is a sin?
- (2) Whether it takes place in the dispensation of spiritualities?
- (3) Whether it takes place in showing honor?
- (4) Whether it takes place in judicial sentences?

Whether respect of persons is a sin?

IIa IIae q. 63 a. 1

Objection 1. It would seem that respect of persons is not a sin. For the word “person” includes a reference to personal dignity*. Now it belongs to distributive justice to consider personal dignity. Therefore respect of persons is not a sin.

Objection 2. Further, in human affairs persons are of more importance than things, since things are for the benefit of persons and not conversely. But respect of things is not a sin. Much less, therefore, is respect of persons.

Objection 3. Further, no injustice or sin can be in God. Yet God seems to respect persons, since of two men circumstanced alike He sometimes upraises one by grace, and leaves the other in sin, according to Mat. 24:40: “Two shall be in a bed [Vulg.: ‘field’]†, one shall be taken, and one shall be left.” Therefore respect of persons is not a sin.

On the contrary, Nothing but sin is forbidden in the Divine law. Now respect of persons is forbidden, Dt. 1:17: “Neither shall you respect any man’s person.” Therefore respect of persons is a sin.

I answer that, Respect of persons is opposed to distributive justice. For the equality of distributive justice consists in allotting various things to various persons in proportion to their personal dignity. Accordingly, if one considers that personal property by reason of which the thing allotted to a particular person is due to him, this is respect not of the person but of the cause. Hence a gloss on Eph. 6:9, “There is no respect of persons with God [Vulg.: ‘Him’],” says that “a just judge regards causes, not persons.” For instance if you promote a man to a professorship on account of his having sufficient knowledge, you consider the due cause, not the person; but if, 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 (e.g. Peter or Martin), then there is respect of the person, since you give him something not for some cause that renders him worthy of it, but simply because he is this person. And any circumstance that does not amount

to a reason why this man be worthy of this gift, is to be referred to his person: for instance if a man promote someone to a prelacy or a professorship, because he is rich or because he is a relative of his, it is respect of persons. It may happen, however, that a circumstance of person makes a man worthy as regards one thing, but not as regards another: thus consanguinity makes a man worthy to be appointed heir to an estate, but not to be chosen for a position of ecclesiastical authority: wherefore consideration of the same circumstance of person will amount to respect of persons in one matter and not in another. It follows, accordingly, that respect of persons is opposed to distributive justice in that it fails to observe due proportion. Now nothing but sin is opposed to virtue: and therefore respect of persons is a sin.

Reply to Objection 1. In distributive justice we consider those circumstances of a person which result in dignity or right, whereas in respect of persons we consider circumstances that do not so result.

Reply to Objection 2. Persons are rendered proportionate to and worthy of things which are distributed among them, by reason of certain things pertaining to circumstances of person, wherefore such conditions ought to be considered as the proper cause. But when we consider the persons themselves, that which is not a cause is considered as though it were; and so it is clear that although persons are more worthy, absolutely speaking, yet they are not more worthy in this regard.

Reply to Objection 3. There is a twofold giving, one belongs to justice, and occurs when we give a man his due: in such like givings respect of persons takes place. The other giving belongs to liberality, when one gives gratis that which is not a man’s due: such is the bestowal of the gifts of grace, whereby sinners are chosen by God. In such a giving there is no place for respect of persons, because anyone may, without injustice, give of his own as much as he will, and to whom he will, according to Mat. 20:14,15, “Is it not lawful for me to do what I will?... Take what is thine, and go thy way.”

* Cf. Ia, q. 29, a. 3, ad 2 † ‘Bed’ is the reading of Luk. 17:34

Objection 1. It would seem that respect of persons does not take place in the dispensation of spiritual goods. For it would seem to savor of respect of persons if a man confers ecclesiastical dignity or benefice on account of consanguinity, since consanguinity is not a cause whereby a man is rendered worthy of an ecclesiastical benefice. Yet this apparently is not a sin, for ecclesiastical prelates are wont to do so. Therefore the sin of respect of persons does not take place in the conferring of spiritual goods.

Objection 2. Further, to give preference to a rich man rather than to a poor man seems to pertain to respect of persons, according to James 2:2,3. Nevertheless dispensations to marry within forbidden degrees are more readily granted to the rich and powerful than to others. Therefore the sin of respect of persons seems not to take place in the dispensation of spiritual goods.

Objection 3. Further, according to jurists* it suffices to choose a good man, and it is not requisite that one choose the better man. But it would seem to savor of respect of persons to choose one who is less good for a higher position. Therefore respect of persons is not a sin in spiritual matters.

Objection 4. Further, according to the law of the Church (Cap. Cum dilectus.) the person to be chosen should be "a member of the flock." Now this would seem to imply respect of persons, since sometimes more competent persons would be found elsewhere. Therefore respect of persons is not a sin in spiritual matters.

On the contrary, It is written (James 2:1): "Have not the faith of our Lord Jesus Christ. . . with respect of persons." On these words a gloss of Augustine says: "Who is there that would tolerate the promotion of a rich man to a position of honor in the Church, to the exclusion of a poor man more learned and holier?"†

I answer that, As stated above (a. 1), respect of persons is a sin, in so far as it is contrary to justice. Now the graver the matter in which justice is transgressed, the more grievous the sin: so that, spiritual things being of greater import than temporal, respect of persons is a more grievous sin in dispensing spiritualities than in dispensing temporalities. And since it is respect of persons when something is allotted to a person out of proportion to his deserts, it must be observed that a person's worthiness may be considered in two ways. First, simply and absolutely: and in this way the man who abounds the more in the spiritual gifts of grace is the more worthy. Secondly, in relation to the common good; for it happens at times that the less holy and less learned man may conduce more to the common good, on account of worldly authority or activity, or something of the kind. And since the dispensation of spiritualities is directed

chiefly to the common good, according to 1 Cor. 12:7, "The manifestation of the Spirit is given to every man unto profit," it follows that in the dispensation of spiritualities the simply less good are sometimes preferred to the better, without respect of persons, just as God sometimes bestows gratuitous graces on the less worthy.

Reply to Objection 1. We must make a distinction with regard to a prelate's kinsfolk: for sometimes they are less worthy, both absolutely speaking, and in relation to the common good: and then if they are preferred to the more worthy, there is a sin of respect of persons in the dispensation of spiritual goods, whereof the ecclesiastical superior is not the owner, with power to give them away as he will, but the dispenser, according to 1 Cor. 4:1, "Let a man so account of us as of the ministers of Christ, and the dispensers of the mysteries of God." Sometimes however the prelate's kinsfolk are as worthy as others, and then without respect of persons he can lawfully give preference to his kindred since there is at least this advantage, that he can trust the more in their being of one mind with him in conducting the business of the Church. Yet he would have to forego so doing for fear of scandal, if anyone might take an example from him and give the goods of the Church to their kindred without regard to their deserts.

Reply to Objection 2. Dispensations for contracting marriage came into use for the purpose of strengthening treaties of peace: and this is more necessary for the common good in relation to persons of standing, so that there is no respect of persons in granting dispensations more readily to such persons.

Reply to Objection 3. In order that an election be not rebutted in a court of law, it suffices to elect a good man, nor is it necessary to elect the better man, because otherwise every election might have a flaw. But as regards the conscience of an elector, it is necessary to elect one who is better, either absolutely speaking, or in relation to the common good. For if it is possible to have one who is more competent for a post, and yet another be preferred, it is necessary to have some cause for this. If this cause have anything to do with the matter in point, he who is elected will, in this respect, be more competent; and if that which is taken for cause have nothing to do with the matter, it will clearly be respect of persons.

Reply to Objection 4. The man who is taken from among the members of a particular Church, is generally speaking more useful as regards the common good, since he loves more the Church wherein he was brought up. For this reason it was commanded (Dt. 17:15): "Thou mayest not make a man of another nation king, who is not thy brother."

* Cap. Cum dilectus. † Augustine, Ep. ad Hieron. clxvii.

Objection 1. It would seem that respect of persons does not take place in showing honor and respect. For honor is apparently nothing else than “reverence shown to a person in recognition of his virtue,” as the Philosopher states (*Ethic.* i, 5). Now prelates and princes should be honored although they be wicked, even as our parents, of whom it is written (*Ex.* 20:12): “Honor thy father and thy mother.” Again masters, though they be wicked, should be honored by their servants, according to *1 Tim.* 6:1: “Whoever are servants under the yoke, let them count their masters worthy of all honor.” Therefore it seems that it is not a sin to respect persons in showing honor.

Objection 2. Further, it is commanded (*Lev.* 19:32): “Rise up before the hoary head, and, honor the person of the aged man.” But this seems to savor of respect of persons, since sometimes old men are not virtuous; according to *Dan.* 13:5: “Iniquity came out from the ancients of the people*.” Therefore it is not a sin to respect persons in showing honor.

Objection 3. Further, on the words of *James* 2:1, “Have not the faith. . . with respect of persons,” a gloss of Augustine[†] says: “If the saying of *James*, ‘If there shall come into your assembly a man having a golden ring,’ etc., refer to our daily meetings, who sins not here, if however he sin at all?” Yet it is respect of persons to honor the rich for their riches, for *Gregory* says in a homily (*xxviii* in *Evang.*): “Our pride is blunted, since in men we honor, not the nature wherein they are made to God’s image, but wealth,” so that, wealth not being a due cause of honor, this will savor of respect of persons. Therefore it is not a sin to respect persons in showing honor.

On the contrary, A gloss on *James* 2:1, says: “Whoever honors the rich for their riches, sins,” and in like manner, if a man be honored for other causes that do not render him worthy of honor. Now this savors of respect of persons. Therefore it is a sin to respect persons in showing honor.

I answer that, To honor a person is to recognize him as having virtue, wherefore virtue alone is the due cause of a person being honored. Now it is to be observed that a person may be honored not only for his own virtue, but also for another’s: thus princes and prelates, although they be wicked, are honored as standing in God’s place, and as representing the community over which they are placed, according to *Prov.* 26:8, “As he that casteth a stone into the heap of Mercury, so is he that giveth honor to a fool.” For, since the gentiles ascribed the keeping of accounts to Mercury, “the heap of Mercury” signifies the casting up of an account, when a merchant sometimes substitutes a pebble[‡] for one hundred marks. So too, is a fool honored if he stand in God’s place or represent the whole community: and in the same way parents and masters should be honored, on account of their having a share of the dignity of God Who is the Father and Lord of all. The aged should be honored, because old age is a sign of virtue, though this sign fail at times: wherefore, according to *Wis.* 4:8,9, “venerable old age is not that of long time, nor counted by the number of years; but the understanding of a man is gray hairs, and a spotless life is old age.” The rich ought to be honored by reason of their occupying a higher position in the community: but if they be honored merely for their wealth, it will be the sin of respect of persons.

Hence the Replies to the Objections are clear.

Objection 1. It would seem that the sin of respect of persons does not take place in judicial sentences. For respect of persons is opposed to distributive justice, as stated above (a. 1): whereas judicial sentences seem to pertain chiefly to commutative justice. Therefore respect of persons does not take place in judicial sentences.

Objection 2. Further, penalties are inflicted according to a sentence. Now it is not a sin to respect persons in pronouncing penalties, since a heavier punishment is inflicted on one who injures the person of a prince than on one who injures the person of others. Therefore respect of persons does not take place in judicial sentences.

Objection 3. Further, it is written (*Ecclus.* 4:10): “In judging be merciful to the fatherless.” But this

seems to imply respect of the person of the needy. Therefore in judicial sentences respect of persons is not a sin.

On the contrary, It is written (*Prov.* 18:5): “It is not good to accept the person in judgment[§].”

I answer that, As stated above (q. 60, a. 1), judgment is an act of justice, in as much as the judge restores to the equality of justice, those things which may cause an opposite inequality. Now respect of persons involves a certain inequality, in so far as something is allotted to a person out of that proportion to him in which the equality of justice consists. Wherefore it is evident that judgment is rendered corrupt by respect of persons.

Reply to Objection 1. A judgment may be looked at in two ways. First, in view of the thing judged, and in this way judgment is common to commutative and dis-

* Vulg.: ‘Iniquity came out of Babylon from the ancient judges, that seemed to govern the people.’ † Ep. ad Hieron. clxvii. ‡ ‘Lapillus’ or ‘calculus’ whence the English word ‘calculate’ § Vulg.: ‘It is not good to accept the person of the wicked, to decline from the truth of judgment.’

tributive justice: because it may be decided by judgment how some common good is to be distributed among many, and how one person is to restore to another what he has taken from him. Secondly, it may be considered in view of the form of judgment, in as much as, even in commutative justice, the judge takes from one and gives to another, and this belongs to distributive justice. In this way respect of persons may take place in any judgment.

Reply to Objection 2. When a person is more

severely punished on account of a crime committed against a greater person, there is no respect of persons, because the very difference of persons causes, in that case, a diversity of things, as stated above (q. 58, a. 10, ad 3; q. 61, a. 2, ad 3).

Reply to Objection 3. In pronouncing judgment one ought to succor the needy as far as possible, yet without prejudice to justice: else the saying of Ex. 23:3 would apply: "Neither shalt thou favor a poor man in judgment."