

QUESTION 63

Regard for Persons

Next we have to consider the vices opposed to the parts of justice that have been explained above: first, regard for persons (*acceptio personarum*), which is opposed to distributive justice (question 63), and then the sins that are opposed to commutative justice (questions 64-79).

And on the first topic there are four questions: (1) Is regard for persons (*acceptio personarum*) a sin? (2) Does regard for persons have a place in the dispensation of spiritual benefits (*in dispensatione spiritualium*)? (3) Does regard for persons have a place in shows of honor? (4) Does regard for persons have a place in judicial determinations (*in iudiciis*)?

Article 1

Is regard for persons a sin?

It seems that regard for persons (*acceptio personarum*) is not a sin:

Objection 1: The dignity or worthiness of a person (*dignitas personae*) is understood in the name 'person' (cf. *ST* 1, q. 29, a. 3, *ad* 2). But it belongs to distributive justice to take into account the sorts of dignity or worthiness that belong to persons (*considerare dignitates personarum pertinet ad distributivam iustitiam*). Therefore, regard for persons is not a sin.

Objection 2: In human affairs persons are more important than things (*personae sunt principaliores quam res*), since the things exist for the sake of the persons and not vice versa. But regard for things is not a sin. Therefore, *a fortiori*, regard for persons is not a sin.

Objection 3: There can be no sin or iniquity in the case of God. But God seems to have regard for persons, since sometimes, given two men sharing the same condition, He takes one of them through grace and leaves the other in sin—this according to Matthew 24:40 (“If two are in bed, the one will be taken and the other will be left”). Therefore, regard for persons is not a sin.

But contrary to this: Nothing except sin is forbidden in divine law. But regard for persons is forbidden in Deuteronomy 1:17, where it says, “... neither shall you have regard for any man’s person.” Therefore, regard for persons is a sin.

I respond: Regard for persons is opposed to distributive justice. For the balance or equality of distributive justice consists in diverse goods being allotted to diverse persons in proportion to the dignity or worthiness had by those persons (*secundum proportionem ad dignitates personarum*). Therefore, if someone takes account of that property of a person in virtue of which he *is worthy of* what is to be conferred on him (*propter quam id quod confertur est ei debitum*), then this will be regard *not* for the *person* but for the *cause*. Hence, a Gloss on Ephesians 6:9 (“With God there is no regard for persons”) says, “A just judge discerns *causes*, not *persons*.” For instance, if someone puts an individual forward for a professorship because his knowledge is adequate, he is taking into account a due *cause* and not the *person*. By contrast, if someone does not consider in an individual on whom he confers a benefit the cause for which what is being given to him is proportionate to him or appropriate for him, but instead considers only that he is *this* man, say Peter or Martin, then this is regard for persons. For the thing is not being given to him because of some cause that makes him worthy of that thing, but is simply being given to his person.

Now ‘person’ here includes any condition that does not contribute to a cause because of which the individual is worthy of the benefit in question. For instance, if someone puts an individual forward to be a prelate or a professor because he is wealthy or because he is a relative, then this is regard for persons.

Still, it is possible for some condition of a person to make him worthy of one thing and not of some other thing. For instance, being a relative makes someone worthy of being established as the heir of a patrimony, but not of having the office of an ecclesiastical prelate bestowed upon him. And so the same

condition of the person, when taken into account in the one affair, makes for regard of persons, but it does not do so when taken into account in the other affair.

So, then, it is clear that regard for persons is opposed to distributive justice because one acts in a way that is out of proportion. But nothing except a sin is opposed to a virtue. Hence, it follows that regard for persons is a sin.

Reply to objection 1: In instances of *distributive justice*, the conditions of persons that are taken into account are those which contribute to a cause of worthiness or of desert (*faciunt ad causam dignitatis vel debiti*). By contrast, as has been explained, in instances of *regard for persons*, conditions are taken into account that do not contribute to such a cause.

Reply to objection 2: Persons are proportioned to, and rendered worthy of, the things that are distributed to them because of certain features that belong to the person's condition, and so conditions of this sort have to be taken account of as proper causes. However, when the persons themselves are taken into account, a non-cause is being treated as a cause. And so it is clear that even though persons are more worthy [than things] absolutely speaking, they are nonetheless not more worthy in this respect.

Reply to objection 3: There are two kinds of giving:

The one kind pertains to *justice*, viz., a giving by which someone gives an individual what he is deserving of (*quod ei debetur*). And regard for persons has to do with giving of this kind.

The other kind is a giving that pertains to *generosity (liberalitas)*, viz., a giving by which something that is not owed to an individual is given to him gratuitously. The conferral of the gifts of grace, through which sinners are taken up by God, is of this kind. In this kind of giving there is no question of regard for persons, since each individual can, without injustice, give as much as he pleases to whom he pleases out of what belongs to him—this according to Matthew 20:14-15 (“Am I not permitted to do as I please? Take what is yours and go”).

Article 2

Does regard for persons have a place in the dispensing of spiritual benefits?

It seems that regard for persons does not have a place in the dispensing of spiritual benefits:

Objection 1: To confer an ecclesiastical dignity or benefit on someone because he is one's relative (*propter consanguinitatem*) seems to pertain to regard for persons, since being one's relative is not a cause that makes a man worthy of an ecclesiastical benefit. But this does not seem to be a sin, since the prelates of the Church habitually do this. Therefore, the sin of regard for persons does not seem to have a place in the dispensing of spiritual benefits.

Objection 2: As is clear from James 2:1, to prefer a rich man to a poor man seems to pertain to regard for persons. But the rich and the powerful are more readily given dispensations to contract matrimony within a prohibited degree of consanguinity. Therefore, the sin of regard for persons does not seem have a place in the dispensing of spiritual benefits.

Objection 3: According to the statutes it is sufficient to choose a good man, but it is not required that one choose the better man. But to prefer what is less good to something higher seems to belong to regard for persons. Therefore, regard for persons is not a sin in spiritual affairs.

Objection 4: According to the laws of the Church, a man is to be chosen from the bosom of the [local] Church. But this seems to pertain to regard for persons, since sometimes more adequate men will be found elsewhere. Therefore, regard for persons is not a sin in spiritual affairs.

But contrary to this: James 2:1 says, “Do not have the faith of our Lord Jesus Christ along with regard for persons.” Augustine's gloss on this text says, “Who could bear it if someone chose a rich man for a seat of honor in the Church while having contempt for a poor man who was more learned and more

holy?”

I respond: Respect for persons is a sin insofar as it is contrary to justice. But to the extent that someone transgresses justice in more important matters, he sins more gravely. Hence, since spiritual matters are more important than temporal matters, it is a graver sin to have regard for persons in dispensing spiritual benefits than in dispensing temporal benefits.

And since regard for persons occurs when something is bestowed on the person over and beyond what is proportionate to his worthiness, we must consider that there are two ways in which the dignity or worthiness (*dignitas*) of a person can be thought of:

In one way, *absolutely speaking and in its own right (simpliciter et secundum se)*, and in this sense the one who has greater dignity is he who abounds more in the spiritual gifts of grace.

In the second way, *in relation to the common good (per comparationem ad bonum commune)*. For it sometimes happens that one who is less holy and less knowledgeable can contribute more to the common good because of his worldly power and diligence, or because of something else of this sort. And since the dispensing of spiritual goods is ordered toward the common advantage—this according to 1 Corinthians 12:7 (“The manifestation of the Spirit is given to each individual unto profit”)—it follows that sometimes in the dispensing of spiritual benefits, those who are less good absolutely speaking are preferred—without any [sin of] regard for persons—to those who are better, just as God likewise sometimes confers gratuitously given graces on those who are less good (cf. *ST* 1-2, q. 111, a. 1).

Reply to objection 1: One must draw a distinction concerning the relatives of a prelate.

For sometimes they are less worthy both absolutely speaking and in relation to the common good. And if they are preferred to more worthy individuals in such a case, then this is a sin of regard for persons in the dispensing of spiritual benefits, of which an ecclesiastical prelate is not the *owner* in the sense that he can give them out as he pleases, but the *dispenser*—this according to 1 Corinthians 4:1 (“Let a man think of us as ministers of Christ and dispensers of the mysteries of God”).

On the other hand, sometimes an ecclesiastical prelate’s relatives are just as worthy as the others. And in such cases he can licitly, without any [sin of] regard for persons, prefer his own relatives, since they are preeminent at least in the sense that he can have more confidence that they will be of one mind with him in conducting the affairs of the Church. Still, he would have to forgo doing this because of scandal if others were going to take up his example and give the goods of the Church to relatives even beyond their worthiness.

Reply to objection 2: Dispensations to contract marriage have come to be given mainly in order to strengthen peace treaties, which, as regards high-ranking persons, is more necessary for the common advantage. So a dispensation is more easily granted in their case without the sin of regard for persons.

Reply to objection 3: In order for a choice not be able to be impugned in a judicial forum, it is sufficient to choose a good man. Nor is it necessary to choose the better man, since if it were necessary, then every choice could involve chicanery.

On the other hand, as regards the conscience of the one making the choice, it is necessary to choose the better man either absolutely speaking or in relation to the common good. For if it possible for one man to be more suited for a high office and for another man to be chosen over him, then it must be that this is for some cause. And if this cause is relevant to the matter at hand, then to that extent the very man who is chosen is more suited. On the other hand, if what is considered a cause is not relevant to the matter at hand, then this will clearly be a case of regard for persons.

Reply to objection 4: A man who has arisen “from the bosom of the [local] Church” has for the most part turned out to be more advantageous for the common good, since he has more love for the Church in which he was nurtured. It is because of this that Deuteronomy 17:15 likewise commands, “You may not make a man of another nation your king, who is not your brother.”

Article 3

Does the sin of regard for persons have a place in shows of honor and respect?

It seems that the sin of regard for persons does not have a place in shows of honor and respect:

Objection 1: As is clear from the Philosopher in *Ethics* 1, honor seems to be nothing other than a certain sort of respect shown to someone in testimony of his virtue. But prelates and rulers should be honored even if they are bad men, just as parents, about whom Exodus 20:12 commands, “Honor your father and your mother,” are to be honored, and just as masters are to be honored by their servants, even if they are bad—this according to 1 Timothy 6:1 (“Let all who are under the yoke of a servant deem their masters worthy of honor”). Therefore, it seems that regard for persons is not a sin in shows of honor.

Objection 2: Leviticus 19:32 commands, “Stand up in the presence of the hoary head, and honor the person of an elderly man.” But this seems to pertain to regard for persons, since sometimes the elderly are not virtuous—this according to Daniel 13:5 (“Iniquity came from the elders of the people”). Therefore, regard for persons is not a sin in shows of honor.

Objection 3: A Gloss of Augustine’s on James 2:1 (“Do not have the faith of our Lord Jesus Christ along with regard for persons”) says, “If what James says—viz., ‘If a man with a golden ring comes into your assembly, etc.,’—is understood to be talking about our daily meetings, then who does not sin here, if yet he really does sin?” But to honor the rich because of their riches is regard for persons. For in a certain homily Gregory says, “Our pride makes us dull, since in men we honor not the nature by which they have been made to God’s image, but wealth instead.” And so since riches are not an appropriate cause for honor, this will pertain to regard for persons. Therefore, regard for persons is not a sin in shows of honor.

But contrary to this: A Gloss on James 2:1 says, “If anyone honors a rich man because of his riches, he sins.” And, by parity of reasoning, if anyone is honored for other causes that do not make him worthy of honor, this pertains to regard for persons. Therefore, regard for persons in shows of honor is a sin.

I respond: Honor is a sort of testimony of the virtue of the one who is being honored, and so virtue is the only appropriate cause for honor.

However, notice that someone can be honored not only because of his own virtue, but also because of the virtue of another. For instance, rulers and prelates are honored even if they are bad men insofar as they bear the person of God and of the community over which they have been placed in authority—this according to Proverbs 26:8 (“He who gives honor to a fool is like someone who throws stones onto the heap of Mercury”). Since the Gentiles attributed the keeping of accounts to Mercury, the heap of Mercury is a computation-pile onto which the merchant sometimes throws a pebble in place of one hundred marks. So the fool is honored in the same way, since he is being put in the place of God and in the place of the whole community. And, for the same reason, parents and masters are to be honored for because of their participation in the dignity of God, who is the father and master of everyone.

Now the elderly are to be honored because of the sign of virtue, i.e., old age, even if this sign is sometimes weak. Hence, as Wisdom 4:8-9 says, “For the old age that is to be honored is not that of a long period of time, nor is it counted by the number of years: but a man’s understanding is grey hairs, and a spotless life is old age.”

On the other hand, the rich are to be honored because they occupy an important place in communities. However, if they are honored *only* in view of their wealth, then this will be a sin of regard for persons.

Reply to objection 1 and objection 2 and objection 3: The response makes clear the replies to the objections.

Article 4

Does regard for persons have a place in judicial determinations?

It seems that regard for persons does not have a place in judicial determinations (*in iudiciis*):

Objection 1: As has been explained (a. 1), regard for persons is opposed to distributive justice. But judicial determinations seem mainly to belong to commutative justice. Therefore, regard for persons has no place in judicial determinations.

Objection 2: Punishments are imposed in accord with a judicial determination. But persons are, without any sin, taken account of in punishments, since those who inflict an injury on the persons of the rulers are punished more harshly than those who inflict an injury on the persons of other individuals. Therefore, [the sin of] regard for persons has no place in judicial determinations.

Objection 3: Ecclesiasticus 4:10 says, “In judging be merciful to orphaned children.” But this seems to be regard for the person of the one who is poor. Therefore, regard for persons is not a sin in judicial determinations.

But contrary to this: Proverbs 18:5 says, “To regard the person in judgments is not good.”

I respond: As was explained above (q. 60, a. 1), judgment or judicial determination is an act of justice, insofar as a judge reduces to equality or balance things that can cause an opposite inequality or imbalance.

Now regard for persons includes a sort of inequality or imbalance, insofar as something is given to a person beyond proportion, and it is in this proportion that the equality or balance of justice consists. And so it is clear that judgment or judicial determination is corrupted by regard for persons.

Reply to objection 1: There are two ways in which judicial determination can be thought about.

In one way, as regards *the matter that is judged*. And in this sense judicial determination belongs in common to both commutative justice and distributive justice. For by judicial determination it can be decided (a) how something common should be distributed among the many and (b) how one individual should make restitution to another for what he has gotten from him.

In the second way, judicial determination can be considered as regards *the form itself of the judgment*, viz., insofar as the judge—even in a case of commutative justice itself—takes from one individual and gives to another. And this pertains to distributive justice.

Accordingly, regard for persons has a place in any sort of judicial determination.

Reply to objection 2: When someone is punished more harshly because of an injury committed against a more important person, this is not regard for persons, since, as was explained above (q. 58, a. 10, *ad 3* and q. 62, a. 2, *ad 3*), the diversity among the persons, in this regard, makes for a diversity in the thing.

Reply to objection 3: In a judicial determination a man ought to help the poor as much as he can—but without harming justice. Otherwise, what is said in Exodus 23:3 would be relevant: “You shall not favor the poor in judgment.”