

Chapter 2

Subsidiarity in the Writings of Aristotle and Aquinas

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Abstract The philosophical origins of the principle of subsidiarity must be understood historically. This chapter argues that the critical point for the emergence of the principle lay in Thomas Aquinas's theological interpretation of Aristotle's political philosophy and his application of it to the institutional pluralism of medieval Europe. From Aristotle, Aquinas developed the idea that human societies naturally progress from families, through villages to entire city-states, but he recognised that what Aristotle said of city-states could be applied not only to cities but even more emphatically to political communities on the scale of provinces, kingdoms and (perhaps even) empires. Moreover, for Aquinas, the civil order was not the only 'perfect community' in Aristotle's sense: there was also the church in all of its many grades and jurisdictions, alongside the many different religious orders and fraternities of medieval Europe, some of them also organised into their own graded hierarchies. Reflecting on the complexity of the society surrounding him, Aquinas acknowledged the many and various purposes for which various associations and forms of human community exist and are formed, giving rise to a whole host of familial, geographical, professional, mercantile, scholarly and other specialised societies. All of these groups and groupings, from the smallest to the largest, have their place and their proper function, according to Aquinas, and each should be allowed to make its unique and special contribution as a means to integral human fulfillment, without undue interference from any others, including the state.

Keywords Philosophy • Origins • Subsidiarity • Aristotle • Aquinas • Province • Kingdom • Empire

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2.1 Introduction

Describing the philosophical origins of a concept like subsidiarity is not a simple task. Subsidiarity can mean different things to different people in different contexts. In the law of the European Union it means that the Union will only exercise the competences that it has in common with the Member States in circumstances where—

the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level (Treaty on European Union, Article 5).

There is some real similarity between this rule and Roman Catholic teaching on the principle of subsidiarity, which was articulated by Pope John Paul II in this way—

a community of a higher order should not interfere in the internal life of a community of a lower order, depriving the latter of its functions, but rather should support it in case of need and help to coordinate its activity with the activities of the rest of society, always with a view to the common good (*Centesimus Annus*, [48]).¹

Despite the obvious similarities, though, there are also important differences between these two statements of principle. The first is a legal principle which controls the exercise of power by a supranational body, the European Union. The second is a more general principle which regulates the exercise of the functions of any particular community of a ‘higher order’ in relation to the functions of a ‘lower order’. This fuller conception of subsidiarity rests on a complex social ontology that is much richer,² and also more controversial,³ than the thinner, more ‘political’ version of subsidiarity that has been made part of the positive law of the European Union. It is with the philosophical origins of this latter, more abstract statement of principle, that this chapter will be chiefly concerned.

A fuller statement of the principle of subsidiarity was articulated by Pope Pius XI:

Just as it is gravely wrong to withdraw from the individual and commit to the community at large what private enterprise and industry can accomplish, so, too, it is an injustice, a grave evil, and a disturbance of right order for a larger and greater organisation to arrogate to itself functions which can be performed efficiently by smaller and lower bodies. This is a fundamental principle of social philosophy, unshaken and unchangeable. Of its very nature the true aim of all social activity should be to help [*subsidium*] individual members of the social body, but never to destroy or absorb them.

... The supreme authority of the State ought, therefore, to let subordinate groups handle matters and concerns of lesser importance, which would otherwise dissipate its efforts greatly. Thereby the State will more freely, powerfully, and effectively do all those things that belong to it alone because it alone can do them: directing, watching, urging, restraining, as occasion requires and necessity demands. Therefore, those in power should be sure that

¹ John Paul II (1991).

² Hittinger (2002).

³ Despite the evidence that Catholic social philosophy was one of the prime inspirations of the European doctrine, there is resistance to the invocation of Catholic principles: von Borries and Hauschild (1999, pp. 369–70). For a more sympathetic discussion of Catholic ideas in the context of the European principle of subsidiarity, see Barber (2005).

the more perfectly a graduated order is kept among the various associations, in observance of the principle of 'subsidiary function,' the stronger social authority and effectiveness will be [and] the happier and more prosperous the condition of the State (*Quadragesimo Anno*, [79]–[80]).⁴

In this passage, the idea is basically the same, but several details have been specified. The most abstract statement distinguishes between a 'larger and greater organisation' and 'smaller and lower bodies'. While the main point of the principle is to preserve the integrity of the 'smaller', the statement regards the smaller as also 'subordinate' in the sense, it seems, of being 'lower' within a 'graduated order' which has the characteristics of a hierarchy. Thus, as an illustration of the general principle, it is the '*supreme* authority' of the State that ought to allow '*subordinate* groups' to handle matters of '*lesser* importance', enabling the State more effectively to perform those functions which it only can: functions which include 'directing, watching, urging [and] restraining'. The principle seems to apply to the relationship between any community and its 'members', whether individuals or groups. Certainly, the principle is that the 'smaller and lower' should be allowed to fulfill their functions without 'arrogation', 'destruction' or 'absorption', and to breach the principle is to commit not only an 'injustice', but also a 'grave evil'. But the principle operates within a graduated order in which the larger and higher is superior in authority, and the state is supreme among all.

What are the smaller and lower bodies? In Roman Catholic social thought, they are pre-eminently such institutions as the family, and all manner of private associations, such as sporting clubs and recreational societies, craft guilds and professional bodies, business corporations, employer's groups and trade unions. They may include local communities, such as neighbourhoods and villages, and they can include religious associations, like local churches and other spiritual communities. All of these kinds of association themselves may be organised into graduated orders or hierarchies, such as where a set of political communities is governed at municipal, provincial and national levels, or a church is organised on a parochial, diocesan and metropolitan scale. Being smaller or larger, lower or higher, a part or the whole, is a relative term of comparison. But the prioritisation is more complex than this might suggest, for although the state might be regarded in certain important ways as superior to the other groupings, it also in a sense follows them in time and priority. As Pope Leo XIII put it:

No human law can abolish the natural and original right of marriage, nor in any way limit the chief and principal purpose of marriage ordained by God's authority from the beginning: 'Increase and multiply.' Hence we have the family, the 'society' of a man's house—a society very small, one must admit, but none the less a true society, and one older than any State. Consequently, it has rights and duties peculiar to itself which are quite independent of the State (*Rerum Novarum*, [12]).⁵

⁴Pius XI (1931).

⁵Leo XIII (1891).

What are the philosophical origins of this image of human society that takes this general form and adopts the principle of subsidiarity to determine relationships between smaller and larger social orders?

In *Rerum Novarum*, Leo XIII referred to the ‘natural impulse which binds men together in civil society’ and which ‘leads them to join together in associations which are ... lesser and not independent societies, but, nevertheless, real societies’ (*Rerum Novarum*, [50]). Drawing on the teaching of Thomas Aquinas, he explained that these ‘lesser’ and ‘larger’ societies are in many respects different because their purposes are different. Fundamentally, civil society (the state) is formed for the common good, whereas private societies are formed for private objectives (*Rerum Novarum*, [51]). While the state has a responsibility to intervene to prevent certain associations which are formed for evidently bad purposes (*Rerum Novarum*, [52]), both the public society and the private association have their foundation, he said, in the same principle of human sociality, and so for the state to destroy or forbid the formation of such associations is to contradict ‘the very principle of its own existence’ (*Rerum Novarum*, [51]).⁶

Plainly, the Pope thought that these principles of relative order and association could be traced to the teaching of Thomas Aquinas. As the Pope’s citation of Aquinas suggests, although the use of the term ‘subsidiarity’ may be relatively recent, the underlying principle is much older. The roots of the idea are embedded in the theology, philosophy, sociology and politics of European civilisation. There are many important writers who have contributed to the intellectual development of the principle of subsidiarity. While vitally important contributions were made by several key figures surrounding the definitive articulation of the principle by Leo XIII in 1891, Pius XI in 1931 and John Paul II in 1991,⁷ by common reckoning, the more distant, and yet important roots of the concept lie in the seminal contributions of Aristotle and Thomas Aquinas, among several others.⁸

The role of Aristotle and Aquinas in the development of the theory of subsidiarity is a complex and intriguing one. Neither expressed the principle of subsidiarity in precise terms, although Aquinas went close. Moreover, there is a real sense in which certain important elements of the teaching of Aristotle actually militated against the principle of subsidiarity, and it was certain modifications and adaptations of Aristotle’s teaching by Aquinas which were vitally important, intellectually, to the development of the principle. And yet, Aquinas’s social thought and the Catholic principle of subsidiarity retain the unmistakable marks of Aristotle’s political philosophy.

To explain this, it is necessary to look closely at both Aristotle’s and Aquinas’s conceptions of human nature, of human sociality, and of the nature and relationship between various forms of social grouping.⁹ Care needs to be taken in doing so,

⁶See also *Rerum Novarum*, [7]: ‘Man precedes the State, and possesses, prior to the formation of any State, the right of providing for the substance of his body.’

⁷Among them: Luigi Taparelli, Matteo Liberatore, Wilhelm Emmanuel von Ketteler and Oswald von Nell-Breuning.

⁸Millon-Delsol (1992), Kelly (1993).

⁹Part III of this chapter substantially draws on Aroney (2007).

however, for although Aquinas was a dedicated and meticulous student of Aristotle, the temporal and cultural gap between the two was substantial, and we must be attentive not to assume that there can be any simple translation from Aristotle's Greek to Aquinas's Latin, let alone to our contemporary usages of terms.

Indeed, the distance between Aquinas and us is also substantial. Several important developments in social and political thinking have since intervened. Among them, there is probably none quite so significant as the Protestant Reformation and the rise of modern liberal democracy. Both of these developments have dramatically shaped the way in which human sociability is today understood. It will not be possible to explore this here, but it needs to be noted that two writers in particular, Johannes Althusius and John Locke (emblematic of reformed and liberal thought respectively) articulated political philosophies which intersect in important ways with the ideas of Aristotle and Aquinas and shed light on how we understand the principle of subsidiarity. This paper does not discuss their specific contributions, but it does refer, in conclusion, to the challenge posed to subsidiarity theory by Thomas Hobbes, another emblematic figure, as a point of contrast that can help to clarify the philosophical presuppositions of the principle of subsidiarity.

2.2 Aristotle

Aristotle's political theory was constructed with the city-state (*polis*) of classical antiquity specifically in mind.¹⁰ The *polis*, he said, is a composition two smaller categories of community, the household (*oikia*) and the village (*kome*) (*Politics*, I.1-2).¹¹ Every community is established with some good in view. Households and villages are formed to secure the bare necessities of life, whereas the *polis* is fully self-sufficient (*autarkeia*) in securing the necessities of life, and can thus be concerned with securing the 'good life', which is the chief end of humankind. Because it aims at 'the most authoritative and all-encompassing good', the *polis* is 'the supremely authoritative community' (*Politics*, I.2, 1252a1-7). Thus, while families and villages may be prior to it in time, the *polis* is prior to them in nature or essence, just as the whole is prior to the part (*Politics*, I.2, 1253a18-29).¹² The same is true of other smaller or less significant kinds of association—such as clans, tribes, religious guilds and social clubs—these too are formed for limited and partial goods—in

¹⁰I use the expression 'city-state' conscious of the difficulty of finding a precise English equivalent to the term *polis*.

¹¹A Greek household is not quite the same thing as a 'family' in the sense that we understand it today. A household then consisted of all of the property and persons under the authority of the head of the household, an emphasis very different from the close marital, parental and filial bonds with which we associate the family today. See Herlihy (1983).

¹²On the 'whole' and its 'parts', see Aristotle, *Metaphysics*, VII.10–11 and the discussion in Newman (1950, Vol. II, pp. 125–127).

contrast to the *polis*, which is constituted for the common good (*Nicomachean Ethics*, VIII.9, 1160a9-30; *Politics*, III.9, 1280b36-39).

Aristotle denied, however, that the *polis* should simply replace or supplant the smaller associations and communities of which it is composed. Distinguishing his position from that of Plato (*Republic*, V, 449a-466d), Aristotle opposed an ‘extreme unification’ of the *polis*, and rejected the proposition that ‘the highest unity of a state is its highest good’ (*Politics*, II.2, 1261b6-15). Rather, a plurality or multitude of persons (*plethos*) is of the very nature of a city-state and a ‘lesser degree of unity is preferable to the greater’ (*Politics*, II.2, 1260b36-1261b15). The *polis* should not, therefore, altogether displace smaller associations, such as the household, as through the community of wives and property that was suggested by Plato (*Republic*, III, 416d; V, 449a-466d).¹³ The city-state, the village and the household are all species of community (*koinonia*),¹⁴ even though the *polis* is uniquely the community of which the lesser communities are but ‘parts’ (*Politics*, I.2, 1252b15-16, 27–30, 1253a15-18).¹⁵

Having said in Book I that the city-state is a composition of households and villages, in Book III Aristotle appeared however to set that idea aside, substituting the view that the *polis* is fundamentally comprised of individual citizens (*politai*), formed into a self-sufficing unity (*Politics*, III.1).¹⁶ As part of a political unity, it follows that no citizen should consider that he belongs to himself, for every individual in fact belongs to the city-state (*Politics*, VIII.1). In practical terms, this meant that the head of each household should not be allowed to educate his children as he thinks fit. The entire city-state has a single, all-embracing end, and to achieve this objective the education of children must be made public and uniform (*Politics*, VIII.1-2; *Nicomachean Ethics*, X.9).¹⁷

For Aristotle, the *polis* exists, both typically and ideally, on the scale of an individual city.¹⁸ He was certainly aware of the existence of discrete villages and sectors within particular cities,¹⁹ as well as of political societies that had expanded to an

¹³ See, generally, Dobbs (1985, pp. 29–46).

¹⁴ See Booth (1981, pp. 203–26).

¹⁵ As forms of community, it is therefore anachronistic to interpret the household/city-state distinction in terms of the private/public distinction of modern thought. See the critique of Arendt (1958) in Salkever (1990, pp. 169–74, 179–83).

¹⁶ See Jaffa (1972, pp. 94–96), and compare Plato, *Republic*, II, 369a-c. On the composition of the *polis* in terms of households and villages as well as individuals, see also Newman (1950, Vol. II, pp. 111, 114; Vol. III, pp. 130, 132, 208). There may not altogether be a contradiction as between the individual citizen and the household, since although Aristotle referred to free women as well as free men as citizens, he seems generally to have assumed that the citizen who participates in the rule of the city will typically be an adult, male, head of a household. On this assumption, each citizen represents a household, and thus the city might be viewed quite consistently as both a composition of individual citizens and a composition of households.

¹⁷ See also Aristotle’s comments on marriage, reproduction and education in *Politics*, VII.16–17 and the comments in Pangle (1998, pp. 377–97, 381–2). For a contrary interpretation, which emphasises a kind of ‘constitutional pluralism’ in Aristotle, see Dobbs (1996) and compare Everson (1988, pp. 89–101). See also de Coulanges (1956, p. 219).

¹⁸ That is, including its immediate environs and surrounding countryside.

¹⁹ See the discussion of Cleisthenes’ reforms below.

imperial scale, such as Persia under Cyrus and Macedonia under Philip and Alexander (*Politics*, V.10, 1310b37-40). However, the particular empirical examples of *poleis* to which Aristotle made reference were almost always states at the scale of individual cities, such as Athens, Sparta and Carthage (*Politics*, II.9-12). Indeed, Aristotle's ideal *polis* is of such size that, physically, it was possible to survey the city in a single view and, socially, it was possible for each citizen to know every other citizen personally (*Politics*, VII.4-5).²⁰ It is true that Aristotle expressed the view that if the entire Hellenic race was 'formed into one state it would be able to rule the world' (*Politics*, VII.7, 1327b32-33). However, he was in general highly critical of imperialism: it is quite wrong, he said, for citizens to be trained simply with a view to the expansion and aggrandisement of the state (*Politics*, VII.2, VII.14).²¹

The priority of Aristotle's *polis* as the focal point of human governance and fulfillment was not eclipsed, therefore, by the existence of wider forms of human association, such as inter-state alliances, national peoples and empires.²² The city-states of ancient Greece are known to have entered into a range of alliances and leagues (*summachia*, *isopoliteia*, *sumpoliteia*), some of which have been classified as 'confederations' and even (with some anachronism) as 'federal states'.²³ Aristotle appears to have been fully aware of these arrangements; he may even possibly have described the governing institutions of the Lycian League.²⁴ However, in the two passages of the *Politics* in which Aristotle approached this question, he drew a sharp distinction between the various kinds of treaty-relationships between city-states (*suntheke*, *sumbola*, *summachia*) and the *polis* itself (*Politics*, II.2, III.9).²⁵ These inter-state treaties Aristotle characterised as 'agreements (*sunthekai*) about imports, engagements (*sumbola*) to do no wrong against one another, and written articles of alliance (*summachias*)' (*Politics*, III.9). Such arrangements, he pointed out, involve an incomplete union of states, associated as equals, for the limited purpose of commercial intercourse or mutual defence. In such associations neither contracting party is concerned with the moral welfare or internal virtues and vices of the other. By contrast, the city-state, Aristotle insisted, is a 'true unity', derived from the fact that it is a 'union of unequals', of rulers and the ruled, associated for the purpose of 'the good life', the highest end for humanity (*Politics*, II.2, III.9). But in a mere alliance there is no 'magistracy' that is 'common' to the contracting parties; they each have their own magistracies (*Politics*, III.9, 1280a40-1280b2). There cannot for this

²⁰ See also *Politics*, II.6, 1265a13-18, criticizing Socrates' ideal city of 5,000 warrior-citizens as being unrealistically large. Aristotle was well aware of 'political communities' which are 'national' in scale, but they are less than ideal: see, eg, *Politics*, III.3, 1276a25-34.

²¹ On the gradual expansion of the Athenian city-state into the whole of Attica, however, see Barker (1959, pp. 274, 298).

²² Lord (1987, p. 134). For the contrary view that Aristotle's political theory was not necessarily limited to political communities at the scale of individual cities and their immediate environs, see Everson (1996, xv-xix).

²³ Ehrenberg (1969, pp. 103-31), Larsen (1968, pp. 202-7).

²⁴ Larsen (1968, xi); Larsen (1945); Newman (1950, Vol. II, p. 232). For the texts, see Müller (1848-1874, Vol. II, pp. 102-77), especially fragments 91 and 145.

²⁵ See Newman (1950, Vol. III, pp. 203-6).

reason be any real ‘government’ (*politeuma*) common to city-states united merely by a treaty. Alliances are concerned only with commercial advantage or mutual security—they fall short of the proper concern of the city-state in making its citizens good and just. Political justice is, for Aristotle, justice among those who share life together within the context of the city state (*Nicomachean Ethics*, 1134a24-30). An alliance or league between two or more states cannot, therefore, constitute a truly *political* community—the nature of the two is fundamentally different (*Politics*, II.2, 1261a25-33).²⁶

Aristotle applied essentially the same reasoning to ethnic and kinship groups of various kinds. While he considered the possibility that an entire people or nation (*ethnos*) might be unified into a single political community, he denied that an excessively large body of people could be a *polis* because it would not be capable of ‘political’ or ‘constitutional’ government (*politeia*) as is proper to a city-state (*Politics*, II.2, 1261a28-9, VII.4, 1326b1-6; cf. *Politics*, III.3, 1276a25-34).²⁷ Likewise, while the *polis* may be a composition of households, the limited authority exercised by the head of a household was to be sharply distinguished from the authority and power exercised by those who govern a city-state. Paternal command, Aristotle said, does not have the necessary force or compulsive power to establish the sort of well-ordered state in which citizens are trained and habituated throughout their lives to pursue the good life. Only public control, achieved through legislation backed by legal sanctions, has the requisite compulsive power to establish a ‘right order’ of this kind (*Nicomachean Ethics*, X.9, 1180a14-24; *Politics*, I.1, 1252a7-13).²⁸ Similarly, Aristotle never entertained the possibility that villages within a city-state might ‘legislate’ in this way alongside the government of the city-state. The nature and *telos* of a village was too limited for this to be the case.²⁹

As such, Aristotle’s ‘science of politics’ (*politike*) was fundamentally concerned with the city-state (*polis*) and its citizens (*politai*).³⁰ While the city-state was said to be composed of households and villages, the kind of authority exercised at these levels was too limited in scope to be compared with the all-encompassing goals of the city-state as a whole. Similarly, while a city-state might enter into an alliance with

²⁶ Compare de Coulanges (1956, pp. 201–2), referring to the ‘profound gulf which always separated two cities’ and arguing that for this reason ‘the ancients were never able to establish, or even to conceive of, any other social organisation than the city’. See, likewise, Barker (1959, pp. 298–9), who concludes that Aristotle does not discuss ‘federation’ and thus regarded the city as the ‘final form of association’.

²⁷ See also Newman (1950, Vol. II, pp. 150–51; Vol. III, pp. 346–7); Larsen (1945). On the tension between the Hellenic ‘nation’ and the Greek ‘city-states’, see Finley (1954).

²⁸ Although, see *Politics*, III.6, 1278b31-1279a21.

²⁹ See *Politics*, III.4, 1276b28-30, where Aristotle states that ‘the salvation of the community is the common business of them all [ie, all of the citizens of a particular city-state]’.

³⁰ The constitution (*politeia*) is, Aristotle notes, the same as the government (*politeuma*): *Politics*, III.6, 1278b10-12; III.7, 1279a25-26. On the relationship between Aristotle’s concepts of city-state, community, citizenship, constitution and government, see *Politics*, III.4, 1276b30 and the discussion in Barker (1959, p. 307); Cartledge (2000, pp. 17, 20); Ehrenberg (1969, pp. 38–9, 43, 88); Newman (1950, Vol. II, pp. 156–7). The Aristotelian *politeia*, usually translated ‘constitution’, ‘regime’ or ‘form of government’, should not be confused, of course, with the modern idea of the written constitution as a judicially enforceable, ‘higher’ law.

other city-states, and while the citizens of a particular city may belong to a larger group of cities which share a common ethnic origin, Aristotle insisted that political governance in the fullest sense of the word is not possible on the basis of a mere treaty between cities; and nor is it possible on the scale of entire ethnic peoples.

Aristotle's conception of the city-state (*polis*) and the citizenry (*politai*) shaped, in turn, his very lengthy and involved analysis of the possible forms of government (*politeuma*) and his evaluation of the ideal political constitution (*politeia*).³¹ Space does not permit a detailed exposition of this aspect of Aristotle's thought. But the fundamental assumption underlying Aristotle's treatment of these questions remained a conception of the city-state as essentially a composition of individual citizens, governed by a unified form of government, notwithstanding the important role of households, tribes and villages in the social and economic life of the city. Indeed, when it came to the analysis of the forms of government, the idea that the city-state is fundamentally composed of households and villages was almost entirely displaced.

This is confirmed by what Aristotle said about the constitutional reforms instituted by Cleisthenes.³² The account in the *Constitution of Athens* suggests that the tribes (*phulai*) and districts (*demes*) of Athens were malleable institutions, restructured in a deliberate attempt to democratise the constitution. Athens, so Aristotle's account goes, had originally been divided into four tribes, each with their tribal-kings (*phulobasileis*), and the magistracies of the entire city were chosen by lot from candidates elected by each of four tribes (*Constitution of Athens*, VIII). Under Cleisthenes, however, the constitution is said to have become more 'democratic' (*Constitution of Athens*, XXII.1).³³ The population was divided up into ten tribes (in substitution for the original four) with the express purpose of redistributing the old, aristocratic familial groups into different tribes and districts, thus breaking down the power of the tribal units and enhancing the power of individual citizens (*Constitution of Athens*, XX–XXII).³⁴ A uniform system of citizenship was thus introduced, based on artificially reconstituted *demes* and *phulai*, by-passing the Ionic households and tribes of the old constitution.³⁵

While certainly cautious about radically democratic regimes of this sort, Aristotle clearly perceived the implications of such a constitution for the tribes, clans and other sub-political groups within the *polis*. In the *Politics*, he said:

Also useful with a view to a democracy of this sort are the sort of institutions that Cleisthenes used at Athens when he wanted to enhance the democracy Other and more numerous tribes and clans are to be created, private rites incorporated into a few common rites, and everything devised so that all are mixed together to the greatest possible extent, and their familiar [associations] broken up (*Politics*, VI.4, 1319b19–26).³⁶

³¹ See Strauss (1977, p. 45).

³² On the question of authorship, see Rhodes (1981, pp. 58–63).

³³ Compare Herodotus, *The Histories*, V.66.2, 69.2. On the effects of Cleisthenes' democratization and its motives, see Finley (1983, pp. 42–8), Sinclair (1988, pp. 3–4), Lewis (1997, pp. 77–98).

³⁴ Cleisthenes is said, however, to have left the citizens free to belong to their clans (*genē*) and brotherhoods (*phratrias*) as they had before: *Constitution of Athens*, XXI.6.

³⁵ Manville (1990, pp. 187–8).

³⁶ The quotation is from Lord's translation (Chicago, 1984). See also *Politics*, III.2, 1275b34–37.

The malleability of the *demes* and the *phulai* suggests that an individual citizen's membership of 'sub-political' communities, such as households, tribes and villages, was at best peripheral, if not completely irrelevant, to political inquiry as Aristotle understood it. Even though the *phulai* and *demes* of fourth-century Athens seem to have exercised very significant powers of local self-government,³⁷ Aristotle completely ignored this. As Whitehead put it, neither Aristotle nor the author of the *Constitution of Athens* 'show any interest whatever in the Attic *demes* as an object of study in themselves'. Rather, they are simply and always 'taken for granted'.³⁸

Compared to Plato, Aristotle's conception of the ideal *polis* was definitely closer to a 'subsidiarity state'. Aristotle depicted the *polis* as a composition of households and villages, and he rejected Plato's view that there should be a communal ownership of women and property. However, his was not quite a subsidiarity state, for the uniform education of children was a function of the state, not the household. Moreover, much of Aristotle's analysis of the government of the *polis* treated it as being composed ultimately of individual citizens. Each citizen was no doubt a 'head of a household', but as Aristotle's account of the reforms of Cleisthenes suggests, the tribes and districts into which they had been organised could legitimately be reconstituted in order to undermine their power and influence. Finally, for Aristotle, political community ended at the borders of the *polis*. There could be no real politics on a wider scale, only commercial arrangements and military alliances. Ultimately, human beings were political animals, beings whose many attachments and diverse associations were subordinated to the supreme authority of *polis*.

For the principle of subsidiarity to develop fully, human nature would have to be understood in terms more of the pluralistically 'social' than the narrowly 'political'. It was precisely a much more strongly socialised conception of human nature that Aquinas contributed.

2.3 Aquinas

It is well-known that a central motif in Aquinas's thought concerned his attempt to synthesize the deliverances of natural human reason with the propositions of Christian revelation in a manner which admitted the findings of reason as regards those matters falling within the proper scope of each of its sciences, but which preserved the ultimate unity of the truths known by both reason and faith, while insisting that revealed truths exceed those truths that can be known by reason (ScG, 1.9.1; 1.3.2, 4; 1.7.3).³⁹ In large part, this involved for Aquinas a synthesis of the thought of Aristotle (whom Aquinas called simply 'The Philosopher') with the

³⁷ See Gilbert (1895, pp. 200–210), Hignett (1952, pp. 136–8), Glotze (1965, pp. 122–3), Whitehead (1986), ch. 9; Manville (1990, pp. 187–94).

³⁸ Whitehead (1986, p. 51).

³⁹ *Summa contra Gentiles* (1259–1265). Unless indicated otherwise, in-text references to Aquinas's works are to the book, section and paragraph numbers.

interpretations of the Bible and developments in philosophy that had been initiated by a whole host of Patristic and Medieval writers, preeminent among them, Augustine of Hippo. This being so, to what extent did Aquinas accept Aristotle's account of the status and function of smaller associations, such as households and villages, within the city-state, and to what extent did Aquinas's theology lead him to develop an account of these and other 'smaller associations' in a way that anticipated the principle of subsidiarity?

Aristotle's account of the *polis* as being composed of households, clans and villages (*Politics*, III.9, 1280b) bears a resemblance to the assumption of modern subsidiarity theory that societies necessarily consist of a graded order of associations and organisations, each of them pursuing legitimate and important ends under the unifying authority of the state. However, Aristotle's view that households, for example, are concerned only with the provision of the mere 'necessities' of life, whereas the *polis* is directed to 'the good life', suggests a relationship of inferiority/superiority that does not quite do justice to the 'goods' which the principle of subsidiarity attributes to the many and various social forms of which the state is composed.

Aquinas was profoundly influenced by Aristotle, but the influence did not prevent him from both disagreeing with Aristotle on certain key points and qualifying Aristotle's teaching in several important ways. Aquinas's Commentaries on Aristotle's *Politics* and *Nicomachean Ethics* are a good illustration. In these works, Aquinas's primary concern was to expound Aristotle's meaning rather than critique it, but in doing so Aquinas frequently injected important qualifications into the exposition. Sometimes Aquinas's qualifications were theologically grounded, as when he insisted that although Aristotle was correct to say that human beings are political animals who find their fulfillment in the *polis*, the proposition must be understood as having to do with 'human affairs' and the order of 'nature'—matters that are addressed in natural philosophy—and are certainly not to be understood as concerning those 'ultimate things' that are addressed in sacred theology (*Eth.*, I.9.10-11 [112–113]). In this way, Aquinas simultaneously both affirmed and relativised the goods and goals of the state. For Aristotle, the *polis* presented a comprehensive context in which what is good for human beings is secured. For Aquinas, while the state certainly has this function, it is itself put into a wider theological context, and its goods are understood relative to that framework. This enabled Aquinas to take a view of the 'state' that was relative—not only 'upwards' and 'outwards' as regards its wider context, but also 'downwards' or 'inwards' as regards those forms of human sociality that are 'smaller' than the state.

Aquinas's exposition of Aristotle had an important analytical component as well. At the outset of the Commentary on the *Ethics*, Aquinas made clear that the political societies of which Aristotle wrote were to be conceived as 'wholes' which possess not an 'absolute unity', but rather a 'unity of order' (*Eth.*, I.1.5 [5]).⁴⁰ The specific Aristotelian text upon which Aquinas was commenting made no explicit mention of the question of the relationship of the whole to its parts (*Nic. Ethics*, I.1, 1094a1-18), but Aquinas considered it important to emphasise that, while a political community

⁴⁰Grasso (2008, p. 34).

is a composition of households and villages, this does not mean that the state is an absolute unity in which such ‘subordinate’ units have no independent powers of operation. Indeed, this was a general principle which applied to both church and state. As Aquinas elsewhere explained, ‘a single congregation or community [necessarily] includes other [such communities]’ (*una congregatio vel communitas includit aliam*) (*Sent.*, IV.24.3.2.3). While the statement was made in the context of a discussion of the church and its orders, Aquinas cast it in the form of the general principle that all communities of human beings naturally form themselves into systems of graded orders (*gradibus unionis*), whether in the church, the state or in other forms of human association. As several students of Aquinas have pointed out, he considered all human communities to consist of parts that in some respects have an operation that is independent and in other respects participate in the operations of the whole (Mueller 1943, 146–9; Phelan and Eschmann 1949, 29–34; Gilby 1958, 251–6; Finnis 1998, 24–5). While this too was broadly consistent with Aristotle’s own view (*Politics*, I.2, 1252b, 1253a; II.2, 1261b), Aquinas’s emphasis on the idea of a unity of order rather than an absolute unity laid the foundation for several ways in which his political and social thought departed significantly from that of Aristotle.

This can be seen especially in Aquinas’s depiction of the human person. Rather than follow Aristotle by always defining human beings simply as a ‘political animals’, it is important to notice that Aquinas usually preferred to refer to them as ‘political and social’ or simply ‘social’ animals, and added in one place that human nature is not only political or civil, but also preeminently ‘domestic’ (see, e.g., *ST*, I, 96.4; I-II, 61.5, 72.4, 95.4; *De Regno*, I.1.3 [4], I.13.2 [94]; *ScG*, III.85.11; *Eth.*, I.1.4 [4], VII.6.7 [1391], VIII.12.18 [1719–1720]; *Pol.*, I.1.29 [37]).⁴¹ This terminology reflected the fact that Aquinas placed much greater emphasis than Aristotle on the many and varied ‘non-political’ forms of human association and community that he encountered in his day, such as families, fraternities, religious orders, guilds, universities, and many more besides (Scully 1981; Finnis 1998, ch. 7; Aroney 2007, 177–9). Similarly, although Aquinas generally followed Aristotle in regarding self-sufficiency to be an essential characteristic of the city-state (Greek *polis* or Latin *civitas*) which distinguishes it from a mere household or neighbourhood (*Pol.*, I.1.3 [11], I.1.7–9 [15–17], I.1.23–25 [31–33], I.1.30–32 [38–40]; *ST*, I-II, 90.3 ad 3, II-II, 47.11, 50.1), Aquinas treated self-sufficiency in relative terms: households and neighbourhoods can possess a kind self-sufficiency themselves, and wider political units such as provinces, kingdoms and nations possess degrees of self-sufficiency and completeness which surpass that of an individual city.⁴²

The basic principle here, for Aquinas, was that ‘a government is the more perfect according as it is more universal, extends to more matters, and attains a more ultimate end’ (*ST*, II-II, 50.1). The implications of this principle were stated plainly in *De Regno*, where Aquinas described the self-sufficiency of the various forms and

⁴¹ *Sententia libri Politicorum* (1269–1272).

⁴² On cities and provinces, see *De Regno*, I.2.4 [14]; on cities and kingdoms, see *De Regno*, I.14.5 [100]; on nations, see *Quaestiones Disputatae de Veritate* (1256–1259), 5.3 co; and on the universe as a whole, see *ST*, I-II, 91.1, 21.4, 100.5; *ScG*, I.42, 70–71, 78, 85–86, 93, 102, II.39, 42, III.64, 98.

degrees of human society (*De Regno*, I.2.4 [14]). Self-sufficiency (*autarkeia*), according to Aristotle, was the prime distinguishing feature of the *polis*. However, Aquinas strikingly affirmed, in terms very different from Aristotle, that a household enjoys a degree of self-sufficiency, particularly with regard to the giving of birth to offspring and the provision of food, and that a particular street or neighbourhood within a city will be self-sufficient in respect of the particular trade that is practised there. Moreover, while Aquinas further affirmed that a city (*civitas*) is by comparison self-sufficient in respect of all the necessities of life, this was not absolutely but only relatively so, for he went on to assert that a province is even more self-sufficient than a city, particularly in respect of its capacity to defend the community against its enemies. In this way, although Aquinas followed Aristotle in progressing from household to city, as well as in distinguishing the city as a perfect and self-sufficient community, he diverged significantly from Aristotle in identifying a relative self-sufficiency in the household and neighbourhood and an even greater self-sufficiency in the province (Woolf 1913, 274–5; Gierke 1968, 96).

While Aristotle could write simply of the *polis*, Aquinas appears to have been acutely conscious of the fact that he had to address a wide range of both private and public forms of human association and government. As far as public associations were concerned, sometimes he used generic terms, such as ‘civic community’, ‘political society’ and so on, and referred to cities, kingdoms and provinces interchangeably—for what he had to say in these cases applied to them all without distinction (Finnis 1998, 219). But at other times, he referred to cities, kingdoms and provinces distinctly, for what he had to say about each one was different. Moreover, while Aquinas’s picture was undoubtedly hierarchical (e.g., *ST*, I, 108.1–8, 112.1–4; cf. Beer 1986), it was a hierarchy which included a remarkable diversity of jurisdictions. Although he regarded human beings and angels to be part of the one hierarchy of rational creatures under God, he maintained that there is a real sense in which they live under different hierarchies (Murphy 1997), just as those, he said, ‘that cannot be governed in the same way by a prince belong to different principalities’ and, therefore, ‘under one king there are different cities, which are governed by different laws and administrators’ (*ST*, I, 108.1; see also *ST*, I, 22.1 res; *Impugn.*, II.3; *ScG*, II.15.4, III.98.1; *De Malo*, I.1 res).⁴³ Aquinas also often had occasion to remark about the superior power of the emperor over a proconsul and of a proconsul over a governor and, likewise, the power of the pope over every other spiritual power in the church (*ST*, I-II, 19.5, 96.5; II-II, 69.3, 104.5; *De Regno*, II.3.12 [112]). Yet, elsewhere, he pointed out that ‘the subjects of one city or kingdom (*civitate vel regno*) are not bound by the laws of the sovereign of another city or kingdom, since they are not subject to his authority’ (*ST*, I-II, 96.5 res).

Aquinas developed a typology of kinds and forms of society which, while distinguishing ‘public’ societies such as cities, provinces and kingdoms, from ‘private’ societies such as households, business partnerships, craft guilds and religious

⁴³In *Quaestiones de quodlibet*, II, 5.1 res., Aquinas (1256–1259, 1269–1272) likewise described and limited the authority of the head of a household to matters pertaining the management of the home, and that of a king to those matters pertaining to the government of the realm.

associations, nonetheless classified them all as particular kinds of ‘society’ (*Impugn.*, II.2, co; see also *Impugn.*, II.3, ad 6; *Pol.*, I.1.23 [31]).⁴⁴ He understood these various forms of society to possess both a degree of separateness and independence from one another and a degree of integration and interdependence. An individual can be a member of a particular private society which, to a certain extent, governs itself, while at the same time by virtue of that membership he may be a member of a wider public society of which the smaller society is a part and in which governing institutions its representatives participate (*Impugn.*, II.2, ad 2). Aquinas here seems to have had a conception of both an inclusive membership in a set of integrated societies, and a conception of membership of several private or public societies separately and simultaneously, including a conception of dual citizenship of different cities (*Impugn.*, II.2, ad 3). None of this appears in any of Aristotle’s extant writings.

This idea of a plurality of communities of a political, ecclesiastical, social, and economic nature, themselves composed of smaller constituent communities, readily suggested the idea of an elective, corporate representation of the smaller community in the governing institutions of the larger. Aquinas appears to have derived this conception from certain texts of the Old and New Testaments in which the idea of the nation of Israel as constructed out of a plurality of tribes, clans and families (*ST*, I-II, 105.1 res., citing *Exodus* 18:21 and *Deuteronomy* 1:13, 15), parallels the idea of the church as a universal community constructed out of a plurality of dioceses and parishes (*Impugn.*, II.3; *Expositio in Lucam*, commenting on *Luke* 10:1), each in a sense self-governing, but also subject to a hierarchy of courts of appeal, themselves constituted by representatives of the constituent communities. Even the pope was presented here as a limited monarch, constrained by the fundamental beliefs, standards and institutions of the Christian faith (*Impugn.*, II.3). Similarly, while in some contexts Aquinas clearly favoured monarchical rule (*ScG*, IV.76.4; *De Regno*, I.3.1-4 [15–19]), he was acutely conscious of the propensity of kings to fall into tyranny, and he suggested several ways in which the authority of a king ought to be tempered, including the formation of compacts (*pacta*) which place constitutional limits on his power, mechanisms by which a tyrannical king can be deposed and systems of ‘mixed government’ which enable all to have a ‘share’ in ruling (*Pol.*, II.7.4 [245]; *De Regno*, I.7.1-12 [41–52]; *ST*, I-II, 95.4 and 105.1).⁴⁵

Aquinas’s attempt to integrate Aristotle’s political thought into a medieval intellectual and cultural context required important adjustments in order to make room for the institutions of the Church at a parochial, diocesan and catholic scale, as well as the cities, kingdoms and provinces of the Holy Roman Empire (compare Nederman 1987; Blythe 1992, 46). Classical antiquity had no conception of church and state as separate institutions, but the seeds of the idea were in Christianity from the very beginning (*Mark* 12:17; *Acts* 5:29). Combined with the Roman law idea of *jurisdictio* and related concepts, medieval jurists developed the idea that church and state, as well as particular institutions within church and state, possessed distinct and limited jurisdictions (Berman 1983, 205–215). Aquinas followed this lead by

⁴⁴ On medieval guilds in particular, see Berman (1983, pp. 390–92) and Black (1984).

⁴⁵ See, further, Tierney (1997), Blythe (1992), Murphy (1997), Aroney (2007, pp. 198–220).

drawing a definite distinction between spiritual and temporal authority. In those matters which affect the salvation of the soul, he said, spiritual power is to be followed, whereas in those matters which concern the civil welfare, the temporal should be obeyed (*Sent.*, II.44 exposito textus).⁴⁶ There is some dispute over the precise lines that Aquinas would draw between the temporal jurisdiction of the state and the spiritual jurisdiction of the church. There are passages which can be interpreted to suggest that the pope's authority extends, at least in some specific contexts, into temporal affairs, and there are others which can be interpreted to suggest that the legitimate concerns of a king include the spiritual well-being of his subjects (*De Regno*, I.16.2 [115]).⁴⁷ Wherever the line was to be drawn, however, Aquinas clearly thought that there was such a line, and that church and state had distinct and by implication limited jurisdictions. And, while the nature and functions of each was unique, there was a sense in which they each confronted one another on an equal basis, for Aquinas classified them both as 'public associations' and as 'perfect communities' (*Impugn.*, II.2, ad 9; *ST*, II-II, 31.3 ad 3; 43.8; Finnis 1998, 226, n 31).⁴⁸

2.4 Conclusions

Aquinas said that it is one of the hallmarks of a tyrant that he deliberately undermines all forms of social solidarity among his subjects, preventing them from joining in various compacts and associations (*confederationes*) between individuals and families by which social friendship, familiarity and trust is generated (*De Regno*, I.4.7 [27]). Very nearly the opposite was said by Thomas Hobbes, who cast suspicion on leagues or covenants among subjects as presumptively dangerous, and therefore unlawful (*Leviathan*, II:22). Indeed, for Hobbes, 'the immoderate greatness of a Town' is a threat to the state, just as a 'great number of corporations' are as 'many lesser Commonwealths in the bowels of a greater, like wormes in the entrayles of a naturall man'—implying that they were something to be eradicated (*Leviathan*, II:29).⁴⁹ Quite a different perspective was articulated by Leo XIII in *Rerum Novarum*, who observed that both the state and the private association have their foundation in the same principle of human sociality, and so for the state to destroy or forbid the formation of such associations is to contradict 'the very principle of its own existence' ([51]).

A consideration of the Hobbesian account of human nature and sociality helps to shed light on several important presuppositions embedded in the concept of subsidiarity, and gives rise to several questions of detail. The first of these concerns how human sociality is to be understood: how far is it 'natural' and how far is it 'artificial'? In the Hobbesian state of nature there is no natural sociality, only a state

⁴⁶ *Scriptum super Sententiis magistri Petri Lombardi* (1256b).

⁴⁷ *De Regno ad regem Cypri* (c. 1267).

⁴⁸ *Contra impugnantes Dei cultum et Religionem* (1256a), *Summa Theologiae* (1265–1268, 1271–1273).

⁴⁹ For a discussion of the role of associations within Hobbes's thought, see Robertson (1966).

of constant war (*Leviathan*, II:xiii). The ‘law of nature’ is radically thin for Hobbes: it is little more than the rule that we should seek peace, that we should be willing to agree to lay down our natural rights in order to secure peace, and that we should perform our covenants (*Leviathan*, II:xiv, xv). The state is thus an artificial contrivance in the sense that it arises only as a result of this agreement, or social contract. Aristotle’s account was vastly different to this. From the outset of the *Politics* we encounter human beings living naturally in households, villages and city-states. There is no social contract; indeed, the Sophist’s social contract theory of the state is rejected on the ground that the state is not merely an alliance entered into protect one’s rights, but exists to inculcate virtue in the citizens (*Politics* III:9).

Aquinas certainly tended to agree with Aristotle, but there were elements in his thought that pointed to a more limited view of the state. As John Finnis has observed, for Aquinas the purpose of human law is nothing more than ‘the temporal tranquility of the state, a purpose which the law attains by coercively prohibiting external acts to the extent that those are evils which can disturb the state’s peaceful condition’ (*ST* I-II.98.1; Finnis 1998, 224).⁵⁰ On this view, it is the particular responsibility of the state to provide the essential conditions under which individuals, families and all manner of associations are able to flourish, namely external peace and justice (Finnis 1998, 225–8).⁵¹ The state provides the essential conditions under which the common good can be secured, but a vital role is reserved to individuals, families and other associations in making ‘good choices and actions on the basis of their own deliberation and judgements’ (Finnis 1998, 236). As such, a distinction needs to be made between the common good simpliciter (the ‘all-inclusive common good’) and the specifically *political* dimensions of the common good which Finnis, following Aquinas, calls the ‘public good’. According to Finnis, the wider, all-encompassing conception of the common good is more than the state can or should attempt to enact by force of its own authority. All that it is properly responsible to secure is those external conditions which enable individuals, families and associations to pursue and contribute to the all-inclusive common good, as a consequence of which all are enabled to flourish.

As Mark Murphy has pointed out, Finnis’s more or less ‘instrumental’ view of the common good (Finnis 1998, 252) seems especially well suited ‘to a conception of government in which government ... cannot, even in principle, take over the tasks of lower-level associations’ (Murphy 2005, 145). Consistent with this view, as Finnis himself points out (Finnis 1998, 235), Aquinas wrote about three types of practical reasonableness (*prudentia*) associated with the distinguishable goods of the individual, the family and the state:

the individual good, the good of the family, and the good of the city and kingdom are different ends. Wherefore there must needs be different species of prudence corresponding to these different ends, so that one is ‘prudence’ simply so called, which is directed to one’s own good; another, ‘domestic prudence’ which is directed to the common good of the home; and a third, ‘political prudence,’ which is directed to the common good of the city or kingdom (*ST* II-II 47.11).

⁵⁰ Finnis (1998).

⁵¹ For a contrary view, see Murphy (2005, p. 148).

Reasoning in this way, Aquinas seems to have anticipated the contemporary principle of subsidiarity in several respects. From Aristotle, he developed the idea that the human societies naturally progress from families, through villages to entire city-states. Reflecting on the complexity of the medieval society surrounding him, he acknowledged the many and various purposes for which various associations and forms of human community exist and are formed, whether they be familial, geographical, professional, mercantile, scholarly, religious, political and so on. Influenced by Aristotle, he considered that the ‘state’ exists to secure the common good of the society as a whole, except that he recognised that what Aristotle said of the *polis* could be said not only of cities but even more emphatically of provinces, kingdoms and (perhaps even) empires. Moreover, for Aquinas, the civil order was not the only ‘perfect community’ in Aristotle’s sense: there was also the church in all of its many grades and jurisdictions, alongside the many different religious orders and fraternities, some of them also organised into their own graded hierarchies. All of these groups and groupings, from the smallest to the largest, had their place and their proper function, Aquinas thought. Each ought to be allowed to make its contribution as a means to human fulfillment without undue interference from others, including the state. For it would be ‘contrary to the proper character of the state’s governance’, he wrote, for it ‘to impede people from acting according to their responsibilities—except in emergencies’ (*ScG* III.71; Finnis 1998, 237). Much the same was said, and meant, when Leo XIII stated:

... the State must not absorb the individual or the family; both should be allowed free and untrammelled action so far as is consistent with the common good and the interest of others (*Rerum Novarum* [35]).

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