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ARTICLE

THOMAS AQUINAS ON TYRANNICIDE

DR. CHARLES J. REID, JR.*

ABSTRACT

With this Article, I have completed a trilogy of studies on the jurisprudence of Thomas Aquinas. In *Thomas Aquinas: Definitions and Vocabulary in His Treatise on Law*,¹ I conducted a careful examination of Thomas' juristic language to conclude that Aquinas viewed law rather as a senior administrator might. In *Thomas Aquinas (1225-1274)*,² I reviewed the main lines of Aquinas' constitutional thought. In this Article, I focus intensely on a narrow but compelling theme: Thomas' thought on the legitimacy of tyrannicide. I conclude that Thomas justifies tyrannicide while trying at the same time to preserve good order. The touchstone of his analysis throughout is the common good. If the ruler breaks faith with the common good, the ruler has thereby committed sedition and appropriate action might be taken by private citizens and public authorities.

I. INTRODUCTION

Tyrannicide—etymologically, the term is derived from Greek and Latin sources and means the murder of the tyrant. It is revolution against the regime. It is a call to political violence against the ruling powers of the state. It is, in other words, not something we think of when we first think about Thomas Aquinas.

Yet, Thomas Aquinas did endorse tyrannicide, at least with certain important hedges and qualifications. This paper is intended to explore his theory of tyrannicide. And our very first task, before we examine Thomas Aquinas' texts on the subject of tyrannicide, is to investigate the context of

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1. Charles J. Reid, Jr., *Thomas Aquinas: Definitions and Vocabulary in His Treatise on Law*, in *CHRISTIANITY AND GLOBAL LAW* 51, 51–71 (Rafael Domingo & John Witte, Jr. eds., 2020).

2. Charles J. Reid, Jr., *Thomas Aquinas (1225-1274)*, in *LAW AND THE CHRISTIAN TRADITION IN ITALY: THE LEGACY OF THE GREAT JURISTS* 98, 98–127 (Orazio Condorelli & Rafael Domingo, eds., 2020).

his thought. For historical texts are always time- and context-dependent. Great thinkers may speak to something enduring in the human condition, but they invariably do so in their particular historical circumstances. So, in this introduction, we shall attend to that obligation.

So, at the risk of being overly general in our observations, let us begin with the constitutional world Thomas Aquinas would have known. The chief defining characteristic of medieval constitutionalism was that power was diffused. Kings had to cajole their nobles to fight, or even to take them seriously in the first place. They had to consult interested parties before imposing taxes. They had to negotiate, flatter, employ all of the persuasive arts, to attain their objectives. To borrow for a moment from the vocabulary of so-called “enlightened” corporate management, the governance of a medieval realm was always a process of give-and-take with a wide range of “stake-holders.” A medieval king ruled by a continuous process of diplomacy, discussion, and deliberation with the key members of the realm.³

This was a world, in other words, governed by the maxim of law, “What touches all must be approved by all” (often known by the Latin shorthand *quod omnes tangit* . . .). Consultation was expected and the ruler who did not engage in careful, continuous consultation risked the wrath of those noble classes who themselves enjoyed power and prerogative and who could challenge the king for command of the realm.⁴

The France that Thomas Aquinas would have known during his tenure at the University of Paris in the middle of the thirteenth century is a good case study. Remember, that the ruling monarch, Louis IX, was known for his piety and justice, his strong commitment to the rule of law, and is today regarded as the patron saint of France.⁵ But this reputation did not make his governance of France any easier. Take for example, his relations with the region of Toulouse. Governed at least in the early part of Louis’ reign by Count Raymond VII, Toulouse was a continuous source of difficulty.⁶ It was a hotbed of Catharism. It was restive, and it required constant tending-to.⁷

And then there was the case of monetary reform. When Louis IX tried to impose a uniform currency on the realm, he faced extraordinary resistance from his nobility, who were busy minting their own currencies and

3. These are among the themes I explore in Charles J. Reid, Jr., “*Am I, By Law, the Lord of the World?*” *How the Juristic Response to Frederick Barbarossa’s Curiosity Helped Shape Western Constitutionalism*, 92 MICH. L. REV. 1646, 1646–74 (1994).

4. See, e.g., Gaines Post, *A Roman Legal Theory of Consent, Quod Omnes Tangit, in Medieval Representation*, WISC. L. REV. 66, 66–78 (1950).

5. See, e.g., the collection of early hagiographies of Louis, *THE SANCTITY OF LOUIS IX: EARLY LIVES OF SAINT LOUIS BY GEOFFREY OF BEAULIEU AND WILLIAM OF CHARTRES* (M. Cecilia Gaposchkin & Sean L. Field eds., Larry F. Field trans., Cornell Univ. 2014).

6. JIM BRADBURY, *THE ROUTLEDGE COMPANION TO MEDIEVAL WARFARE* 76 (2004).

7. See, e.g., MALCOLM BARBER, *THE CATHARS: DUALIST HERETICS IN THE HIGH MIDDLE AGES* 141–64 (2014).

did not want royal intrusion into what they considered a local prerogative.⁸ Even the University of Paris at which Thomas taught enjoyed substantial autonomy, thanks to its exemptions from local political authority.⁹

So, if kings had to petition and plead to get their way, they also had to contend with one other problem that our modern political and corporate leadership does not have to face. And that was the very real possibility of being overthrown in some kind of peaceful or—quite often—violent rebellion. The overthrowing of monarchs was something that Thomas would have known and witnessed. In the 1240s, of course, there was the great struggle between the Emperor Frederick II and Pope Innocent IV, during which the Pope, acting with the support of the First Council of Lyon, declared the emperor deposed and absolved his subjects from their vows of obedience, leading to a revolutionary situation.¹⁰ The situation only resolved itself with Frederick's subsequent death in 1250.¹¹ We shall discuss this episode in medieval constitutional history in greater depth in part V-D, where we relate it to Thomas' theory of tyrannicide.¹²

Less well known is the near-simultaneous overthrow of King Sancho II of Portugal, which also came about through the machinations of Pope Innocent IV and members of the Portuguese nobility and merchant class.¹³ A few years earlier, at the end of the twelfth century, in Poland, Kings Mieszko III and Casimir the Just took turns overthrowing one another from power.¹⁴ A little later, at the end of the thirteenth century, there was Adolph of Nassau who ruled briefly as German emperor until being overthrown by the electors who had first chosen him.¹⁵

It is no surprise, therefore, that medieval thinkers developed theories to justify, to limit, and to explain this political phenomenon. Tyrannicide, after all, was the obverse side of that very popular form of literature known as the "Mirror of Princes." These works rehearsed all of the qualities of the good king. The good king should do justice, he should respect the rights of the poor, give homage to the Church, and pledge his service to the cause of

8. WILLIAM CHESTER JORDAN, *LOUIS IX AND THE CHALLENGE OF THE CRUSADE: A STUDY IN RULERSHIP* 207–10 (1979).

9. *Id.* at 200.

10. STEPHEN C. NEFF, *JUSTICE AMONG NATIONS* 50–51 (2014).

11. *See id.*; Kenneth Pennington, *Frederick II, Roman Emperor*, in 5 *NEW CATHOLIC ENCYCLOPEDIA* 926–28 (2003).

12. *See infra* notes 130–52 and accompanying text.

13. Lisa Jefferson, *Use of Canon Law, Abuse of Canon Lawyers in Two Cantigas Concerning the Deposition of D. Sancho II of Portugal*, 9 *PORTUGUESE STUD.* 1, 1–22 (1993).

14. ZBIGNIEW DALEWSKI, *RITUAL AND POLITICS: WRITING THE HISTORY OF A DYNASTIC CONFLICT IN MEDIEVAL POLAND* 73–74 (2008); ROBERT E. ALVIS, *WHITE EAGLE, BLACK MADONNA: ONE THOUSAND YEARS OF THE POLISH CATHOLIC TRADITION* 27 (2016). Alvis also notes the case of Duke Boleslaw Rogatka, who was excommunicated more than once by ecclesiastical authorities in concerted efforts to remove him from power. ALVIS, *supra* note 14, at 28.

15. PETER H. WILSON, *HEART OF EUROPE: A HISTORY OF THE HOLY ROMAN EMPIRE* 386–87 (2016).

God and religion.¹⁶ But as Thomas Malory's *Death of King Arthur* recited, even the good king might have a fatal flaw that leads to rebellion against his rule.¹⁷

And remember, Arthur was a good king. How much worse was the situation of the perceived tyrant. The medieval writers came to their understanding of tyranny principally from their reading of Aristotle, and other classical sources like Cicero. They knew that tyrants looked to their own advantage, not to the common good. They viewed rulership as an opportunity for personal enrichment. They were suspicious, cruel, and abusive of their authority and the persons around them. And to be branded a tyrant was the first step in the political (and, in a qualified sense, the legal) process that would ultimately lead to deposition and even, in an extreme case, to the perceived tyrant's death.¹⁸

This paper will focus on Thomas Aquinas' theory of tyrannicide. It will necessarily be brief and impressionistic. It will begin with one of his earliest works, his *Commentary on the Sentences of Peter Lombard*, and then look to his *Commentary on Aristotle's Politics*, his *Summa Theologiae*, and close with the first book of the *De Regno*, whose controversial authorship will also be discussed below.

II. THE YOUNG THOMAS: COMMENTARY ON THE SENTENCES OF PETER LOMBARD

In the thirteenth century, aspiring professors of theology were required, as the capstone of their university education, to write a commentary on the *Sentences of Peter Lombard*.¹⁹ These commentaries were not meant merely to summarize Lombard's learning but to advance beyond this early work in creative and original ways. Naturally, Thomas produced such a work, and it is in his *Commentary on the Sentences of Peter Lombard* that one finds his first contribution to the tyrannicide debate.

Thomas situated his discussion of tyrannicide immediately after posing the question, "Is obedience a virtue?"²⁰ For numerous reasons, Thomas concluded that obedience to rulers was generally virtuous. Such obedience

16. For a recent analysis of this literature, see Silke Schwandt, *Virtus as a Political Concept in the Middle Ages*, 10 CONTRIBUTIONS TO THE HISTORY OF CONCEPTS 71–91 (2015).

17. Lisa Robeson, *Malory's Arthur and the Politics of Chivalry*, 17 ENARRATIO 107–33 (2010).

18. I further explore these themes in LAW AND THE CHRISTIAN TRADITION IN ITALY: THE LEGACY OF THE GREAT JURISTS, *supra* note 2, at 112–13.

19. PHILIPP W. ROSEMAN, PETER LOMBARD 3 (2004) ("The *Sentences* shaped the minds of generations of theologians during one of the most formative periods in the history of Christian doctrine. Indeed, since in the medieval university it was part of the duties of every aspiring master of theology to lecture on the *Sentences*, there is no piece of Christian literature that has been commented on more frequently—except for Scripture itself.")

20. THOMAS AQUINAS, *Commentary on the Sentences of Peter Lombard*, Bk. II, dist. 44, q. 2, art. 1 [hereinafter *Sentences*].

advanced the cause of justice, the stability of the realm, and the order of charity. Law, after all, aimed at the good of the community. There were therefore good reasons to obey the duly constituted authorities. It made us better human beings, and it allowed the community to flourish.²¹

Having concluded in favor of the general principle that obedience is good, Thomas posed the more particular question: “Whether Christians are obliged to obey secular powers, especially tyrants?”²² He mustered a strong series of scriptural texts to suggest that Christians were not obliged to do so. Thus, he looked to the text of Matthew 17: 23–25, in which Peter was confronted while he and Jesus were visiting the city of Capernaum. “Does your master pay the didrachma as tribute?” Peter answered in the affirmative. Jesus, however, corrected him. “The kings of the earth,” Jesus asked Peter, “do they exact tribute from their children? Or from foreign visitors?” “From foreign visitors,” Peter replied. Jesus approved. “Therefore the children are free.”²³ The implication was immediately obvious to Peter. And to Thomas. God’s children—Jesus and his disciples—were under no obligation to pay tribute.²⁴ And if God’s children were freed from obligations to earthly rulers, it followed that there could be no duty of obedience.

Thomas considered still other scriptural texts. In Paul’s Letter to the Romans, Thomas looked favorably upon the passage in which Paul declared: “Whenever we cry out, ‘Abba,’ Father! That very Spirit is joining with our spirit to bear witness that we are children of God.”²⁵ Thomas drew the following lesson from the text: “[Children of God] are everywhere free. And they are therefore not obliged to obey secular rulers.”²⁶ Thomas piled up still further support for the proposition that Christians are freed of obligations to secular rulers. Baptism freed Christians from the debt of sin. How much more, therefore, are they freed from the bondage of secular powers. Indeed, Thomas wrote, “through baptism, every servitude is dissolved.”²⁷

But there were two scriptural texts that remained sticking points to this message of Christian political independence. In the First Letter of Peter, one finds the passage where the author admonishes his readers, “Servants, be subject to your masters.”²⁸ And in Romans, chapter 13, Thomas took note that Paul taught that “whoever resists [earthly] authorities, resists God’s rule.”²⁹

21. *Id.*

22. *Id.* at art. 2.

23. *Id.*; cf. *Matthew* 17:23–25.

24. Miraculously, in the next scene, Peter was relieved of the obligation to pay the tax when they caught a fish whose mouth contained a didrachma. They used this coin to pay the tribute.

25. *Romans* 8:16.

26. *Sentences*, *supra* note 20, Bk. II, dist. 44, q. 2, art. 2.

27. *Sentences*, *supra* note 20, Bk. II, dist. 44, q. 2, art. 2.

28. 1 *Peter* 2:18.

29. *Romans* 13:2.

Thomas thus set out the dialectical extremes he wished to resolve. On the one hand, total liberation from all forms of political rule, on the other hand, complete submission to any and all forms of even putative authority. How should these two opposed principles be reconciled? As a default proposition, he favored obedience. Most of the time. But where the believer confronted inescapable tyranny, there the believer had the right to disobey. There were, furthermore, he noted, two forms of disobedience. There was thus the non-violent disobedience of the martyrs of the early Church. These early followers of Jesus were commanded by Roman authorities to sacrifice to the Roman gods and when they refused, they were subjected to martyrdom.

In a literal sense, Thomas contradicted the admonitions of 1 Peter and Romans, chapter 13, which counseled obedience and submission to rulers. Thomas, however, never explained very well why Christians were absolved from strict obedience to 1 Peter and Romans, chapter 13, and why they were justified in disobeying imperial commands to worship other gods. It is likely because he thought the answer was obvious. The emperors who demanded the worship of strange gods were tyrants and their pronouncements should justly be disobeyed.

But if disobedience was permissible in the case where a tyrant asked a believer to sacrifice to idols, then why must one's resistance be passive and peaceful? There was good scriptural warrant for violent revolution against the tyranny of religious oppression. The two books of the Maccabees recounted in depth and detail the successful violent revolt of Judas Maccabaeus and his followers against the oppressive Syrian king Antiochus IV, who had occupied Jerusalem, desecrated the Temple, and commanded the Jews to renounce their law. Judas Maccabaeus' movement was thus a revolution against an unbelieving king and it was sanctioned by God. The Books of the Maccabees formed part of Thomas' Bible. Why didn't Thomas cite to the Maccabean texts as authority for violent resistance? Why did he seemingly praise the Christians for their peaceful disobedience, knowing that they thereby faced horrifying forms of execution? These are rhetorical questions, of course. Thomas' failure was one of imagination, and it was a failure of imagination common to medieval Christian writers. No one appreciated that those early Christians who refused to sacrifice to the emperor were, in fact, disobeying earthly powers and literally violating Romans, chapter 13. And no one viewed Maccabees as warrant for violent revolution where a tyrannical ruler sought to suppress true religion. We can see these connections, even if the medieval mind did not. Still, the failure to appreciate the problem led to inconsistencies.

For Thomas, these inconsistencies are made worse when he recommended the possibility of violent resistance in other political circumstances. We see this when he shifted his focus from Christianity in its first centuries to an episode drawn from the classical history of Rome, the assassination of

Julius Caesar. Thomas Aquinas had read widely in the works of Cicero and drew some powerful lessons about jurisprudence from this classical source.³⁰ To justify tyrannicide, Thomas now turned to Cicero's work known as the *De Officiis* (*On Duties*). There, he found Julius Caesar depicted as a monster. He was the paradigm case of the tyrant. He had violently usurped the rights of government. He had even become a murderer.³¹

Thomas was accordingly willing to justify Caesar's assassination by Brutus and his co-conspirators. Caesar had violently seized the government from subjects who never consented to his action. Indeed, Thomas enthusiastically wrote that one who killed such a tyrant did so "to free his homeland" (*ad liberationem patriae*), and "is praised and rewarded" (*laudatur et praemium accipit*) since recourse to authority was otherwise impossible.³²

There are plainly issues with Thomas' youthful *Commentary*. Thomas never clearly distinguished the peaceful non-violent resistance of the martyrs of the early Church from Brutus' murderous assault on Caesar. After all, both the martyrs and Brutus were resisting tyranny. Still, one might infer how Thomas might have done so. Thus, one might draw out of Thomas' text the following argument: the Roman emperors who persecuted the Christians were the established authorities of the day. The Empire was a pagan empire and had been so from the founding of the Christian movement. As the established authority of the day—indeed, the emperors were the powers that be to whom Paul counseled obedience in Romans, chapter 13—Christians were not entitled to take up arms against them. Caesar, on the other hand, had violently displaced established authority and could justly be violently resisted.

Still, Thomas must not be read as a radical antinomian. Standing against quick recourse to tyrannicide were those passages in 1 Peter and Romans, chapter 13. Caesar's assassination represented the outermost limits of tolerable resistance, and even that was qualified.

III. THOMAS' COMMENTARY ON ARISTOTLE'S POLITICS

Thomas' *Commentary on Aristotle's Politics* is an incomplete work. Indeed, Thomas seems to have ceased work on the text at about the point where Aristotle raised the subject of what to do about tyrants. Still, this *Commentary*, written near the end of Thomas' life, in the early 1270s, sheds important, albeit indirect, light on Thomas' developed thought about tyranny.

30. On Thomas' use of Cicero as a source, see LEO J. ELDERS, *THOMAS AQUINAS AND HIS PREDECESSORS* 71–72 (2015).

31. *Sentences*, *supra* note 20, Bk. II, dist. 44, art. 2, q. 2; *cf.*, MARCUS TULLIUS CICERO, *DE OFFICIIS* 1.26 (Walter Miller trans., 1913).

32. *Sentences*, *supra* note 20, Bk. II, dist. 44, art. 2, q. 2.

Thomas commenced his analysis with the nature of all human associations. Human beings do not organize themselves into groups aimlessly. They mean to achieve some larger objective. Thomas began his discussion of social organization at the most granular level possible, a farmer trying to remain alive and provide for his offspring. For very practical reasons, the householder's first goal must be self-sufficiency. Will the farmer set aside enough supplies to survive the winter? Can the farmer, through improved cultivation, produce an abundant harvest, so as to sell the surplus at market? And can the farmer do this consistently, year after year? The grim foundational fact of this way of life was insecurity. The solitary farmer's life was unpredictable, unstable, insecure. Thus, it is from this sense of insecurity that the first villages arose, and then the first political communities.³³

The political community, for Thomas, was the *civitas*, literally, "the city," by analogy with the Greek *polis*, but it was a word with a broad enough range of connotations that it can and often is translated as "state."³⁴ Thomas taught that the state, to be a functioning, healthy state, must have several features.

First, the state was the largest unit of political organization—for that reason Thomas called it a "perfect" society, not that it was incomparable in its excellence, but that it contained all that was necessary for human flourishing.³⁵ Second, while there could be no larger form of human organization than the state, this did not mean that the state absorbed smaller social units. Thomas argued that small social units were necessary features of life lived well within the *civitas*.³⁶ Subsidiary units were like walls, he argued.³⁷ A wall is self-sufficient. It must be, in order to be weight-bearing. But a wall standing alone, on its own, makes no sense. A wall is incomplete. To fully serve its purposes, Aquinas insisted, a wall must be part of something larger—a building, a house, say, or public gathering place.³⁸ And to complete the analysis, if the walls required the larger structure to justify their existence as walls, then the larger structure needed the walls to stand erect and safe against the storms and elements.³⁹

Second, the political community was defined by two essentially human characteristics. Human beings were creatures endowed with reason. Through our reason, we are capable of speech and of forming and articulating abstract thoughts. Indeed, it is because of this capacity that human be-

33. THOMAS AQUINAS, COMMENTARY ON ARISTOTLE'S POLITICS 12–15 (Richard J. Regan, trans., 2007) [hereinafter COMMENTARY ON ARISTOTLE].

34. ANTONY BLACK, GUILD AND STATE: EUROPEAN POLITICAL THOUGHT FROM THE TWELFTH CENTURY TO THE PRESENT 76–77 (2003).

35. WAYNE MORRISON, JURISPRUDENCE: FROM THE GREEKS TO POST-MODERNITY 71 (2016).

36. COMMENTARY ON ARISTOTLE, *supra* note 33, at 7.

37. COMMENTARY ON ARISTOTLE, *supra* note 33, at 7.

38. COMMENTARY ON ARISTOTLE, *supra* note 33, at 7.

39. COMMENTARY ON ARISTOTLE, *supra* note 33, at 7–8.

ings can distinguish between justice and injustice.⁴⁰ And, furthermore, we are not only reasonable creatures, but sociable ones. Human beings must live in society with others. It is a core element of human nature. In making this point, Aristotle described human beings as “political animals,” and Aquinas borrowed the expression.⁴¹ “Political” in this context does not mean what it does on the modern American scene—running for office or scheming for power. Rather, it is meant to capture the human capacity for peaceful, cooperative governance in community with others.⁴²

Third, the human community was intended for human flourishing. Thomas departed from Aristotle here in that he did not see life lived well in community with others as the highest form of life. Rather, he believed the highest form of human flourishing was a life so ordered as to achieve salvation.⁴³ But even with this spiritual goal as the human person’s best and final end, Thomas allowed for a wide diversity of human activity within the political community. He insisted that the entire wide array of human talents that exist in the world must be given room to develop. Only then, can we speak of an authentic political community.⁴⁴ And the opposite should be avoided. Communities must not become suffocating in their rigidity or their uniformity. As Aquinas wrote: “[I]t is clear that a political community that becomes progressively more and more unified will cease to be a political community.”⁴⁵

The good ruler will encourage this sort of community in its flourishing, while seeing to what Thomas called “the common good.”⁴⁶ What was the common good? To answer that question completely is beyond the scope of this paper. Two aspects of what was meant by the common good, however, might be explored so as to convey a sense of how Thomas conceived it.

First, there is the community’s spiritual or religious health. Thomas assigned to the rulers the solemn responsibility of ensuring religious orthodoxy. This was, after all, the thirteenth century. The ruler was to cooperate with the Church and be zealous in the pursuit of heresy. Where the Church judged someone guilty of pertinacious—i.e., stubborn, unshakeable—her-

40. COMMENTARY ON ARISTOTLE, *supra* note 33, at 17.

41. COMMENTARY ON ARISTOTLE, *supra* note 33, at 16.

42. António Rocha Martins, *The zoon politikon: Medieval Aristotelian Interpretations*, 75 REVISTA PORTUGUESA DE FILOSOFIA 1539, 1557–65 (2019).

43. EDWARD BRYAN PORTIS, RECONSTRUCTING THE CLASSICS: POLITICAL THEORY FROM PLATO TO WEBER 69 (2008).

44. COMMENTARY ON ARISTOTLE, *supra* note 33, at 79. (“And a political community is composed of both many human beings and different kinds of human beings, since a political community is not made of like human beings”).

45. COMMENTARY ON ARISTOTLE, *supra* note 33, at 79.

46. Michael A. Smith, *Common Advantage and Common Good*, 51 LAVAL THÉOLOGIQUE ET PHILOSOPHIE 111, 119–24 (1995).

esy, it was the obligation of the ruler to ensure that the heretic was burnt at the stake.⁴⁷

For Thomas, however, the ruler was given a vast array of responsibilities aside from the obligation to hunt down heretics. The common good therefore was not confined to ensuring religious orthodoxy. Thomas also insisted that rulers had to look after the material well-being of their subjects. To gain a flavor of Thomas' teaching on this point, one might consider his analysis of the legal reforms of the ancient Athenian ruler Solon,⁴⁸ as found in the *Commentary on Aristotle's Politics*. Solon understood that one of the great, intractable problems of politics is the achievement of a just apportionment of goods and resources. Were the property holdings of citizens to be made equal? This was a question Solon confronted. He rejected the suggestion. There were good reasons that some persons owned more property than others. Still, Solon feared great wealth. Thomas himself cautiously, obliquely endorsed the idea that great wealth should be limited when he wrote: "And so Solon, who was one of the seven wise men and established the laws of Athens, established as law what other peoples also observe, that one could own land only up to a fixed limit, not as much as one wished."⁴⁹

The good ruler took account of the needs of his subjects. The good ruler had to determine what apportionment of resources was just, what criminal sanctions were due and appropriate, what budgetary allocations met the needs of the community. The ruler did not become a tyrant merely by making a mistake as to one of these things.

So, what transformed the good ruler into the tyrant? Regrettably, Thomas left his *Commentary on Aristotle's Politics* incomplete, and he broke off work on the text at precisely the point Aristotle took up the topic of tyranny. Thus, for tyranny, and the question whether it is ever right to rebel against tyrannical rule, we must turn to his views on the subject, as expressed in the *Summa Theologiae*.

IV. ON TYRANTS AND TYRANNICIDE: *The Summa Theologiae*

When the average reader thinks of Thomas Aquinas, she is likely to think first of his large masterwork, the *Summa Theologiae*. Left unfinished at his death, this work was intended to be a restatement of the whole of theological thought, but it was simultaneously meant to be accessible to a

47. THOMAS AQUINAS, *SUMMA THEOLOGIAE*, IIa, IIae, q. 11, art. 3, resp. ad 3 [hereinafter *SUMMA THEOLOGIAE*].

48. JAMES F. MCGLEW, *TYRANNY AND POLITICAL CULTURE IN ANCIENT GREECE 91–107* (1993) (on the career and reforms of Solon).

49. *COMMENTARY ON ARISTOTLE*, *supra* note 33, at 124.

wide range of readers—students, novices in his own Dominican order, the intellectually and spiritually curious.⁵⁰

In *Summa Theologiae* Ia, IIae, q. 95, art. 4,⁵¹ Thomas spoke to the question of tyranny. He did so in the context of a larger treatment of the types and divisions of law. There is the natural law, Thomas wrote, and the civil law that is drawn from and grounded upon the natural law.⁵²

Not every decree that a ruler pronounces, Thomas stressed, has the force of law. Reason, he noted, demanded that human law be ordered and directed at the common good.⁵³ There were many ways, furthermore, for governments to achieve the common good. Aristocracies might attain to the common good, as might monarchies. Indeed, Thomas pointed out, this might even be true of democracies⁵⁴ (and Thomas would have been familiar with the experiments in democratic rule that were occurring in the northern Italian city-states).⁵⁵

There were, furthermore, distortions of these forms of rule. Following the Aristotelian division, Thomas acknowledged that an aristocracy could be twisted into an oligarchy. An oligarchy, though a corruption of aristocracy, could, however, still be said to be governed by law.⁵⁶ But this was not true of tyranny. In tyranny, the common good cannot be achieved. Indeed, a tyranny is so entirely corrupt that no law of any sort can arise there.⁵⁷

What, however, was to be done with the tyrant? As we have seen, Thomas attempted an answer to this question in his youthful *Commentary on the Sentences of Peter Lombard*, but his analysis was inconsistent. He returned to the question of tyrannicide a second time in the *Summa Theologiae*, and he did so in an intellectually more satisfying way.

In *Summa Theologiae*, IIa, IIae, q. 42, arts. 1 and 2, Thomas took up the question whether sedition was sinful. He answered in the affirmative. Sedition was a form of violence, or at least the active preparation for violence, and so it resembled war.⁵⁸ But it nevertheless departed from war in that war was waged by an established government against an external ag-

50. JASON T. EBERL, *THE ROUTLEDGE GUIDEBOOK TO AQUINAS' SUMMA THEOLOGIAE* 17–21 (2017).

51. Making sense of the organization of the *Summa Theologiae* can be challenging. It is helpfully explained in Frederick Christian Bauerschmidt, *Reading the Summa Theologiae*, in *THE CAMBRIDGE COMPANION TO THE SUMMA THEOLOGIAE* 9, 9–22 (Philip McCosker & Denys Turner, eds., 2016).

52. *SUMMA THEOLOGIAE*, *supra* note 47, Ia, IIae, q. 95, art. 4, resp.

53. *SUMMA THEOLOGIAE*, *supra* note 47, Ia, IIae, q. 95, art. 4, resp. (“de ratione legis humanae quod ordinetur ad bonum commune civitatis”).

54. *SUMMA THEOLOGIAE*, *supra* note 47, Ia, IIae, q. 95, art. 4, resp.

55. ANDRANIK TANGIAN, *MATHEMATICAL THEORY OF DEMOCRACY* 57–94 (2014).

56. *SUMMA THEOLOGIAE*, *supra* note 47, Ia, IIae, q. 95, art. 4, resp.

57. *SUMMA THEOLOGIAE*, *supra* note 47, Ia, IIae, q. 95, art. 4, resp. (“Aliud autem est tyrannicum, quod est omnino corruptum: unde ex hoc non sumitur aliqua lex . . .”).

58. *SUMMA THEOLOGIAE*, *supra* note 47, Ia, IIae, q. 42, art. 4, resp.

gressor. Sedition, on the other hand, was by definition strife within the political community.⁵⁹

Sedition was thus worse than even an unjust war, a war waged by an aggressor on a peaceful people. Sedition was violence directed at members of one's own community. It was fratricidal rebellion, brothers killing brothers.⁶⁰ Sedition, furthermore, is not just sinful, but mortally sinful because it attacks the good of social cohesion. Communities ought to be unified, and sedition undoes the unity that constitutes the communal bond.⁶¹

But what constituted sedition? Here, Thomas subtly altered the trajectory of his thought. It is always licit, he insisted, to fight on behalf of the common good.⁶² Sedition breaks the common good by dividing a unified community. Where one political faction rises up in violence against another, the rebellious faction is guilty of sedition. This is the easy case.⁶³

But now imagine not a civil war waged between two factions, but a government that has become tyrannical. Unity can only be shattered when the common good is shattered. But who is responsible for shattering the common good? Blame falls not upon those who resist the tyrant, but upon the tyrant himself. Sedition, for Thomas, is not disloyalty to the person of any particular ruler, but to the common good. And the tyrant is the traitor to the common good. And so, Thomas continued: "Consequently, there is no sedition in disturbing a government of this kind unless . . . [the tyrant's] subjects suffer greater harm from the consequent disturbance than from the tyrant's government." Thomas added, as if it was necessary to make the point: "Indeed, it is the tyrant . . . that is guilty of sedition," since it is the tyrant who seeks his own private advantage by stirring up "discord" within the community.⁶⁴

Note how Thomas has solved the problems he created for himself in his *Commentaries on the Sentences of Peter Lombard* with his inconsistent use of scripture and his too-quick desire to exonerate Cicero and Brutus and to justify the assassination of Julius Caesar. What we have in the *Summa Theologiae* is an analysis neatly grounded on Thomas' theory of law and government. Law and government exist to serve the common good. There are, furthermore, many forms of government that might serve the common good, and so one should not lightly call into question the legitimacy of any particular government.

59. SUMMA THEOLOGIAE, *supra* note 47, Ia, IIae, q. 42, art. 4, resp.

60. SUMMA THEOLOGIAE, *supra* note 47, Ia, IIae, q. 42, art. 4, resp.

61. SUMMA THEOLOGIAE, *supra* note 47, Ia, IIae, q. 42, art. 4, resp.; SUMMA THEOLOGIAE, *supra* note 47, Ia, IIae, q. 42, arts. 1 and 2.

62. Darrell Cole, *Thomas Aquinas on Virtuous Warfare*, 27 J. OF RELIGIOUS ETHICS 57, 66 (1999). Cf. GREGORY M. REICHBERG, THOMAS AQUINAS ON WAR AND PEACE 89–90 (2017) (declaring that warriors display the virtue of courage only when they fight in just wars on behalf of the common good).

63. SUMMA THEOLOGIAE, *supra* note 47, Ia, IIae, q. 42, art. 2.

64. SUMMA THEOLOGIAE, *supra* note 47, Ia, IIae, q. 42, art. 2, obj. 3.

By what means can we tell whether a ruler has lapsed into tyranny? Thomas Aquinas did not directly answer that question in his discussion of tyrannicide, but one can infer an answer easily enough from claims he made elsewhere in his works. For Thomas, human reason was one of the most powerful forces in the universe. It was through reason that humankind has come to a knowledge of God.⁶⁵ It follows that it is by reason that we reach an understanding of the natural law.⁶⁶ It is but one more short step to conclude that it is through human reason that we can recognize and achieve the common good.⁶⁷ And if we know and understand the common good, then we can also comprehend when it has been broken and respond accordingly.

To summarize: Thomas has accomplished something subtle but important by positioning his analysis of tyrannicide beneath the “sin of sedition.” Sedition is mortally sinful. And acts that appear to be seditious are presumptively sinful. By creating this presumption, Thomas has effectively established that those who plot the removal of a ruler have the burden of proof. They must be able to articulate their reasons for removing the tyrant and persuade others of the rightness of their claims. They must demonstrate that in their case, at least, the ruler is in fact a tyrant and that it serves the common good to remove him.

If tyranny is difficult to prove, if the burden of proof is a heavy one, still, tyranny exists. It is nevertheless possible that even the good ruler will cease to rule for the benefit of the community and will pursue only his own private good. The ruler who does this, however, ceases to be a legitimate ruler, and becomes a tyrant since he has destroyed the common good. The question of removing the tyrant then becomes simply a matter for prudential judgment. Will the removal of the tyrant bring greater harm to a people already suffering under his grievous yoke? Or will the plight of the people be made better by the tyrant’s removal?

V. DE REGNO

A. *The Text*

Thomas returned to tyranny a final time in his treatise known as *De Regno*, “On Kingship.” This work is often alternatively referred to as Thomas’ *Letter to the King of Cyprus*. Before we address Thomas’ arguments, however, it is incumbent on us to consider carefully the textual questions surrounding this work.

65. Gilles Emery, *The Doctrine of the Trinity in St. Thomas Aquinas*, in *AQUINAS ON DOCTRINE: A CRITICAL INTRODUCTION* 45, 45 (Thomas G. Weinandy et al., eds., 2004).

66. William E. May, *Contemporary Perspectives in Thomistic Natural Law*, in *ST. THOMAS AQUINAS AND THE NATURAL LAW: CONTEMPORARY PERSPECTIVES* 113, 133 (John Goyette et al., eds., 2004).

67. FRANS JACOB & CEES MARIS, *Antiquity and the Middle Ages*, in *LAW, ORDER, AND FREEDOM: A HISTORICAL INTRODUCTION TO LEGAL PHILOSOPHY*, 43, 84–85 (Jacques de Ville, trans., 2011).

There is no question that Thomas Aquinas is the author of his *Commentary on the Sentences of Peter Lombard*, his *Commentary on Aristotle's Politics*, and his *Summa Theologiae*. The same cannot be said for the treatise, *De Regno*. Questions have abounded for a long time whether Thomas was in fact the author of this work, or whether credit should properly be given to one of his students, Ptolemy of Lucca (1236–1327).⁶⁸

So let us review what we know of the *De Regno*. It commonly goes by the alternative title, *Letter to the King of Cyprus*. There are problems with conceiving of it as a letter. It does not read as a letter. It is abstract and general, and concerned with theoretical questions of politics. Still, it bears a dedication to the king of Cyprus. But there are also problems with this inscription. If the work is a general exploration of political theory, it fails to address any of the crises or problems particular to the king of Cyprus.

Still, assuming *arguendo* that this text was in fact dedicated to the king of Cyprus, let us ask, what was the Kingdom of Cyprus? King Richard Lionheart, one of the leaders of the Third Crusade, conquered the Island of Cyprus in the year 1191, and the Kingdom of Cyprus was founded the following year. For most of its history, however, it was governed not by the English Crown—Richard soon lost interest in Cyprus—but by members of the French noble lineage known as the House of Lusignan.⁶⁹

We are not aware of the monarch to whom the text is formally dedicated. Most likely it was either King Hugh II (reigned 1253–1267), or Hugh III (reigned 1267–1284). Hugh II was a sad and tragic figure. He was proclaimed the king of Cyprus in January 1253, at eight months of age, and was dead a mere fifteen years later, in December 1267. Conceivably, Thomas might have written such a letter to guide the path of such a youngster, just to influence an impressionable young mind, though it is unlikely he actually did so. And, regrettably, in light of his extreme youth, Hugh II accomplished little. Following his death, the throne passed to his cousin, Hugh III.⁷⁰ The latter Hugh, who came to the throne as a middle-aged adult, vigorously asserted himself. In addition to being king of Cyprus, he served for a time as king of the Crusader Kingdom of Jerusalem, where he ruled with distinction.⁷¹ Thomas might have written the letter to this monarch, but would such a king have any interest in what the old theologian had to say?

If these were the possible recipients of this text, then what do we know of the purported letter itself? For our purposes, this question resolves itself

68. On Ptolemy's background and biography, see JAMES M. BLYTHE, *THE LIFE OF TOLOMEY FIADONI (PTOLEMY OF LUCCA)* 3–140 (2009).

69. See generally PETER W. EDBURY, *THE KINGDOM OF CYPRUS AND THE CRUSADES, 1191–1374* (1991).

70. Peter W. Edbury, *Franks*, in *CYPRUS: SOCIETY AND CULTURE: 1191-1394* at 63, 68 (Angel Nicolaou-Konnari and Christopher Davis Schabel, eds., 2005).

71. GEORGE HILL, *A HISTORY OF CYPRUS, THE FRANKISH PERIOD, 1192-1432*, at 158–78 (Vol. II, 1948); EDBURY, *supra* note 69, at 36.

quickly into the narrower inquiry, did Thomas Aquinas write the text? There are scholars who reject as implausible the merest suggestion that Thomas is the author of the text. Thus, Antony Black has argued that Thomas could not be the author. The text, he asserted, bears no relationship to anything else Thomas wrote. It is didactic, not dialectical. It reads rather like it belongs to the medieval genre known as the “mirror of princes” literature, a body of sources to which Thomas is not otherwise known to have contributed.⁷²

James Blythe, on the other hand, has pushed back against this too-ready dismissal. Blythe is an acknowledged expert on the text—indeed, he may be the world’s leading expert on the document, having produced a recent translation of the work.⁷³ Blythe argues that the *Letter*, which consists of four books, should be seen as divisible. Books II, III, and IV were probably authored by Thomas’ student Ptolemy of Lucca. But the same cannot be said for Book I. There, Blythe is willing to accept, at least provisionally, Thomas’ authorship.⁷⁴ This is a view that has gained general acceptance and it is a view that we shall subscribe to in what follows.⁷⁵

B. *The Good King*

We shall therefore focus our analysis on Book I of the *De Regno*. It should be noticed at the outset that this work differs from Thomas’ other writings on politics, where he is careful to assert that there are many types of good government—aristocracy, kingship, democracy, mixed constitutions.⁷⁶ In the *De Regno*, on the other hand, Thomas stated the case of kingship as the ideal form of government.

As he did in the *Commentary on Aristotle’s Politics*, Thomas began with the premise that human beings are social creatures who must, as a matter of biological and psychological necessity, live in community with others. We are, he argued, made for the companionship of others. Thus, human speech, that most distinctive characteristic of our humanity, can only be exercised in the fellowship of others.⁷⁷

All of this is familiar from Thomas’ *Commentary on Aristotle’s Politics*. In the *Commentary on the Politics*, following Aristotle, Thomas examined a wide range of possible forms of government. In the *De Regno*, however, Thomas took the argument in a different direction. He intended to state the case for kingship as the best form of government.⁷⁸

72. ANTONY BLACK, *POLITICAL THOUGHT IN EUROPE, 1250-1450* at 22 (1992).

73. JAMES M. BLYTHE, *ON THE GOVERNMENT OF RULERS: DE REGIMINE PRINCIPUM* (1997).

74. *Id.* at 5.

75. *See, e.g.*, STUART ELDEN, *THE BIRTH OF TERRITORY 177-78* (2013).

76. Reid, *supra* note 2, at 99.

77. BLYTHE, *supra* note 73, at 61-62.

78. ETIENNE GILSON, *THOMISM: THE PHILOSOPHY OF THOMAS AQUINAS 374* (Laurence K. Shook & Armand Maurer, trans., Pontifical Institute of Mediaeval Studies 2002).

Thomas began with an argument derived from observation of the natural world. In the physical world that surrounds us, we recognize that one celestial body—the sun—enjoys priority over all the others. In the world of animal and plant life, we appreciate that one creature enjoys dominance—human beings, in virtue of their capacity for reason. Within the human body itself, we recognize that reason enjoys a place of primacy since it controls our passions.⁷⁹

Oneness, that is the theme of these opening passages of the *De Regno*. In all things, there is a governing part and a part subordinate to that which governs. Life would not be possible without the sun. Human organization would not be possible without reason. And we would lack the capacity to function if we were not finally subject to the government of our minds, or intellect. One ruling, one submitting, all things subject to a single governing principle, this is the order of the entire observable universe.

Thomas acknowledged that there were, as a matter of empirical observation, many possible forms of government. He was not about to repudiate what he had written in the *Commentary on Aristotle's Politics*. But if aristocracy, or democracy, or a mixed constitution, can be good forms of government, Thomas insisted that kingship must be counted as best: “[T]hose things which are in accord with nature are best, for nature operates for the best in individuals. But all natural government is by one.”⁸⁰ The universe is ruled by one ruler, “God, maker and rector of all.”⁸¹ And so Thomas concluded this line of reasoning: “[I]t follows necessarily that a human multitude is best governed by one.”⁸²

How then should that singular king govern? Above all else, Thomas stressed, the king must ensure the common good. In seeking the common good, furthermore, Thomas suggested, the king should take as his model God’s governance of the universe.⁸³ Thomas illustrated the point with an analogy. Consider, he said, a ship, a sea-going vessel. The captain must make certain the members of the crew perform their parts. The carpenter should repair any damage the vessel incurs on the journey. The sailors should bring the vessel into safe harbor. The captain is neither the carpenter nor the sailors, but he guides them in the successful performance of their duties.⁸⁴

The same is true for the political community. It is filled with a vast array of talents and abilities. Thomas mentioned in particular physicians, who see to the community’s health; stewards, who supervise their masters’ wealth; and professors, who teach their students and who advance the sum

79. BLYTHE, *supra* note 73, at 62–63.

80. BLYTHE, *supra* note 73, at 66.

81. BLYTHE, *supra* note 73, at 66.

82. BLYTHE, *supra* note 73, at 66.

83. BLYTHE, *supra* note 73, at 95.

84. BLYTHE, *supra* note 73, at 98.

of human knowledge. The king is none of these. But he ensures that the physician, the steward, the professor, and all the other members of the community execute their responsibilities to the best of their abilities and without undue burdens.⁸⁵

Thomas identified still other tasks for the king. The king must promote the ideal of friendship.⁸⁶ When Thomas wrote of friendship, the concept he had in mind was something akin to what we mean when we speak of “social trust.”⁸⁷ “It is this,” Thomas declared of friendship, “that all [persons] need to transact any of their affairs.”⁸⁸ From friendship, arduously sought and promoted by the king, Thomas added, there arises peace: “Nature causes the unity of the human species, but the unity of the multitude, which is called peace, must be procured through the industry of that which governs.”⁸⁹ And the king attained community peace through love. The king should love his kingdom and the people entrusted to him, and if the king truly maintained affection for his subjects, then he would be rewarded with a “stable” kingdom.⁹⁰

The king need not maximize the kingdom’s wealth. A “sufficiency of temporal goods” is all that is required.⁹¹ What matters, rather, is that the king must promote his people’s virtue. For it is through virtue that the king’s subjects finally attain to their supernatural end, the blessed life of the hereafter.⁹²

It is important to note that Thomas’ paradigm was not the hereditary monarch, but the elected monarch. Elective monarchy was a pervasive and vibrant reality in Thomas’ world. The German Emperor was elected by the nobility of the realm. So also, rulers of some of the northern Italian city-states were elected, such as the doge of Venice.⁹³ Thus Thomas gave instructions to the electors whose responsibility was the selection of the king, to keep in mind the attributes he identified as significant when choosing a king. After all, he stressed, one does not want the king to become a tyrant.⁹⁴

85. BLYTHE, *supra* note 73, at 98.

86. BLYTHE, *supra* note 73, at 88.

87. Reid, *supra* note 2, at 112. *Cf.*, Anthony Kenny, *Thomas Aquinas: A Portrait*, 21 Common Knowledge 339, 339–40 (2015) (reviewing DENYS TURNER, *THOMAS AQUINAS, A PORTRAIT* (2014)) (“Aquinas, following Aristotle’s *Ethics*, took friendship as the guiding concept”). *See id.*

88. BLYTHE, *supra* note 73, at 88.

89. BLYTHE, *supra* note 73, at 102.

90. BLYTHE, *supra* note 73, at 89.

91. BLYTHE, *supra* note 73, at 102.

92. BLYTHE, *supra* note 73, at 99.

93. Stephen Stockwell, *Venice*, in *EDINBURGH COMPANION TO THE HISTORY OF DEMOCRACY* 131, 135–40 (Benjamin Isakhan & Stephen Stockwell, eds., 2012); Gerard Rösch, *The Serrata of the Great Council and Venetian Society, 1286-1323*, in *VENICE RECONSIDERED: THE HISTORY OF AN ITALIAN CITY-STATE, 1297-1797*, at 67, 67–88 (John Martin & Dennis Romano, eds., 2000).

94. THOMAS AQUINAS, *DE REGNO (ON KINGSHIP)* 73–74 [hereinafter *DE REGNO*].

C. *The Tyrant*

What, then, are the qualities of the tyrant? Thomas' reply to this question consisted largely in indicating that the tyrant is the negation of all the attributes of the good king. Above all else, the tyrant is the enemy of the common good. He has "contempt for the common good."⁹⁵ The tyrant rejects the needs of his people and "seeks [his] private good."⁹⁶ The tyrant destroys social trust. The tyrant knows that he can only remain in power so long as he keeps his people divided, so he takes it upon himself to "sow discord among [his] subjects" and thereby destroys the possibility of virtue.⁹⁷ To extend the metaphor Thomas used in the *Commentary on Aristotle's Politics*: If a structure depends for its integrity on its interior walls, then the tyrant is the one who caves in those walls and leaves the structure hollowed out and barren.⁹⁸

What then can be done about the tyrant? In the first instance, Thomas counseled patience and prayer. Those who suffer under tyrannical rule should know that even tyrants are sent by God, albeit to chastise and punish a sinful people.⁹⁹ And, furthermore, the people should understand that tyrannical rule cannot endure indefinitely. The tyrant rules through fear and "fear is a weak foundation."¹⁰⁰ Tyranny thus breeds its own instability. Indeed, Thomas observed that tyranny is a fertile seedbed for revolution: "If the occasion arises in which they can hope for impunity, those whom fear subdues rise up more ardently against those who preside, the more they were restrained against their will by fear alone, just as if water is kept in forcefully, it will flow more impetuously when it finds an opening."¹⁰¹ Thus the breaking of a dam and the flooding of towns and countryside was the image Thomas chose to speak of rebellion.

The people, furthermore, were not without recourse against the tyrant. In the first instance, Thomas believed in the efficacy of prayer. He thus cited the Persian King Ahasuerus who abandoned his genocidal plans to kill the Jews of his kingdom thanks to the prayerful interventions of Mordechai and Esther.¹⁰² He looked also to Nebuchadnezzar, the Babylonian king who turned from tyranny to the ways of the Lord thanks to the prayers of young men in the fiery furnace and other miraculous displays of divine omnipotence.¹⁰³

95. *Id.* at 68.

96. *Id.* at 67.

97. *Id.* at 69.

98. See *supra* notes 38–39 and accompanying text.

99. DE REGNO, *supra* note 94, at 91; *Hosea* 13:11.

100. DE REGNO, *supra* note 94, at 90.

101. DE REGNO, *supra* note 94, at 90.

102. DE REGNO, *supra* note 94, at 77. Cf. *Esther* 8:1–8.

103. DE REGNO, *supra* note 94, at 77. Cf. *Daniel* 4:30–34.

These examples, however, pale in front of that set by the early Church. Thus, Thomas returned to the example set by the early martyrs. But he did so in a more intellectually satisfying way than in his *Commentary on the Sentences*. He no longer viewed the early Church as a case study in passive disobedience, but rather as evidence of the fruit that comes from patience and prayer. It was precisely because the martyrs so bravely endured torture and death that the Church grew in size and intensity: “The great multitude of nobles and the people who were converted to the faith when many Roman emperors tyrannically persecuted the faith of Christ were praised not for resisting but for enduring death patiently and with courage on Christ’s behalf.”¹⁰⁴

So, had Thomas changed his mind? Had he shifted from qualified endorsement of tyrannicide found in his earlier works to staunch opposition even to its suggestion? In our conclusion, we shall address scholars who question Thomas’ commitment to tyrannicide as a tool of politics. Thomas, however, left the door open—a very great deal, it turns out—to the forcible removal of rulers under appropriate political and legal circumstances.

Thus, we should return to a point we made several paragraphs ago regarding elective monarchies.¹⁰⁵ Where there exists a “public authority” that has installed the ruler-turned-tyrant, it then “pertains” to that public authority to take action against the tyrant. Thomas made it explicit. The body that has elected the king can “depose the king . . . or bridle his authority.”¹⁰⁶ In doing so, Thomas emphasized, the elective body cannot “be thought to be acting unfaithfully when it abandons the tyrant.”¹⁰⁷ In an argument that echoed his claim that the crime of sedition consists not in the betrayal of whoever occupies the seat of power, but of the common good, Thomas informed his readers that it is the tyrant who has broken faith with the people, not the other way around.¹⁰⁸

How broadly or how narrowly does this power to depose or even kill the unjust ruler extend? Is this power found only in elective monarchies, or can it be identified in hereditary monarchies? And if there is an inherent power to overthrow a tyrannical hereditary king, how is it exercised and by whom?

Thomas answered these questions with two historical examples. The first was the removal of King Tarquin the Proud, the last of the kings of Rome. Our principal source for this monarch is the semi-fabulous account

104. DE REGNO, *supra* note 94, at 75.

105. See *supra* notes 93–94 and accompanying text.

106. DE REGNO, *supra* note 94, at 76.

107. DE REGNO, *supra* note 94, at 76.

108. DE REGNO, *supra* note 94, at 76.

of Livy.¹⁰⁹ Tarquin, according to Livy, came to power through irregular means—essentially, in a palace coup engineered by ambitious family members and a select group of senators.¹¹⁰ Tarquin, and even more particularly his son, abused their authority routinely and spectacularly. The crime that led to their removal, however, was the so-called Rape of Lucretia. The wife of Lucius Tarquinius Collatinus, a nobleman serving in Tarquin’s army, Lucretia was sexually ravished by Tarquin’s son and committed suicide because of the humiliation she suffered.¹¹¹ Collatinus, working with Lucius Brutus (a purported ancestor of the Brutus who conspired to kill Julius Caesar), who was a commander in Tarquin’s bodyguard, known as the Celeres, drove Tarquin from office and into exile. The monarchy was promptly abolished and the executive power reassigned to not one, but two consuls, who had to make decisions by common consent.¹¹²

Even if Aquinas had not read Livy directly, and we cannot be certain that he did,¹¹³ he would have known this history from St. Augustine’s *City of God*, where it is summarized, and from other extant sources.¹¹⁴ Eliding over all of the constitutional difficulties the history poses, Thomas stated simply that, “Thus the Romans ejected Tarquin the Proud, whom they had elevated as king, from the kingdom, because of his tyranny and that of his sons, and substituted a lesser power, namely the consular power.”¹¹⁵

If Thomas saw this history as constituting a solemn act of public authority to overthrow a tyrant, it is fair to say that he was engaging in legal fiction. Not to say that legal fiction is something to be shunned. As Lon Fuller has taught us, legal fiction is a necessary feature of any successful legal system.¹¹⁶ But on the facts as we have them—and as Thomas would have known them—the assertion that Tarquin’s removal was done in virtue of public authority is a *post hoc* justification, not an accurate description of events.

After all, just consider the background of Collatinus and Brutus: Collatinus was a distant relation of a former king of Rome, Lucius Tarquinius

109. A.M. Feldherr, *Livy’s Revolution: Civic Identity and the Creation of the Res Publica*, in *OXFORD READINGS IN CLASSICAL STUDIES: LIVY 409, 415–18* (Jane D. Chaplain & Christina S. Kraus, eds., 2009).

110. TITUS LIVIUS, *AB URBE CONDITA LIBRI* bk. 1, § 47 (D. Spillan, A.M., M.D. trans., Project Gutenberg 2006) (1854).

111. *Id.* at 58.

112. *Id.* at 60.

113. Although, to be sure, Book I of Livy, particularly concerning the Rape of Lucretia, was widely known in the medieval sources. See Wolfgang P. Müller, *Lucretia and the Medieval Canonists*, 19 *BULL. MEDIEVAL CANON L.* 13 (1989).

114. ST. AUGUSTINE, *CITY OF GOD* bk. V, at 12. Cf. Eva Matthews Sanford, *The Study of Ancient History in the Middle Ages*, 5 *J. HIST. IDEAS* 21 (1944) (reviewing the sources Aquinas might have utilized).

115. *DE REGNO*, *supra* note 94, at 76.

116. LON L. FULLER, *LEGAL FICTIONS* (1967) (reprint of 1931 edition).

Priscus through his father Egerius.¹¹⁷ Brutus was a nephew of the reigning king, being the son of his sister, Tarquinia, and he had received an ambiguous sign from the Oracle at Delphi that the rulership of Rome would eventually be entrusted to him.¹¹⁸ But the Oracle of Delphi hardly counts as public authority, especially to a Christian writer like Thomas. Neither man was in the line of succession for the monarchy. Neither held public office. The coup really amounted to an exercise in self-authentication: it acquired legitimacy only because the Roman elders subsequently saw fit to ratify it by abolishing the monarchy and substituting the consular power. Thomas was undoubtedly aware of the constitutional dubiousness of the proceedings, but he brushed it to one side so as to use this episode from Rome's legendary past to justify this theory of tyrannicide.

The second historical example of tyrannicide Thomas cited with approval was the murder of the Emperor Domitian in the year 96 C.E. Regarding Domitian, Thomas stated, laconically, "Through a *senatus consultum* they [the Senate] justly and beneficially revoked and made void all the things that he did perversely to the Romans."¹¹⁹ What we must pay attention to, however, is what Thomas did not say, because his silence is truly cavernous. For in this silence, Thomas never discussed how Domitian was removed from office.

It is almost certain Thomas knew how this removal was accomplished. Suetonius (69 C.E.– c. 122 C.E.), the Roman historian is among our major sources for what amounted to a bloody palace coup. And while we cannot be sure whether Thomas ever read the Roman historian, Livy, he told us that he read Suetonius.¹²⁰ So we should take note of Suetonius' account of this case study in tyrannicide.

Comprising a book in Suetonius' *Lives of the Twelve Caesars*, the discussion of Domitian began with his early life and was followed by his career as emperor (Domitian reigned as emperor from 81 to 96 C.E.). Suetonius' book on Domitian amounts to a portrait of what might be called the descent of a young man with promise into brutal tyranny. At the outset of his reign, one found Domitian doing some rather admirable things. "He administered justice scrupulously and conscientiously, frequently holding special sittings on the tribunal in the forum."¹²¹ "[H]e . . . shrank from any form of bloodshed."¹²²

117. LIVIUS, *supra* note 110, at 38, 57 (on Egerius' relationship with Lucius Tarquinius Priscus) (on Collatinus' relationship with Egerius).

118. *Id.* at 56.

119. DE REGNO, *supra* note 94, at 76.

120. DE REGNO, *supra* note 94, at 89.

121. SUETONIUS, *Domitian*, in 2 LIVES OF THE TWELVE CAESARS 339 (Loeb Classical Library ed.).

122. *Id.* at 341.

Still, even early in his reign he revealed flaws that would have a dire impact on the people of Rome and his own life. He was profligate with finances. He spent huge sums on gladiatorial games.¹²³ And as he grew older, cruelty became his dominant trait. He executed a teen-aged apprentice of an actor out of jealousy;¹²⁴ he killed the historian Hermogenes for some imagined slight and even crucified the writer's slaves.¹²⁵ He put to death a whole series of senators whom he thought were plotting against him, actors whom he suspected of mocking him, and family members who were perceived as insufficiently loyal.¹²⁶ He had become Thomas' description of a tyrant—a lonely, suspicious man who governed capriciously and through fear.

Matters came to a head in mid-September, 96 C.E. In that month, Domitian was murdered in what amounted to a palace coup led by the emperor's wife and a group of fearful officials—Stephanus, the chief steward to Domitian's niece Domitilla; Parthenius, Domitian's chamberlain; a freedman named Maximus; and a gladiator named Satur.¹²⁷ Other sources indicate that the leadership of the praetorian guard—the imperial bodyguard—were also among the plotters, or at least acquiesced to what they knew was coming.¹²⁸ In the days following Domitian's death, first the praetorian guard and then the Senate acknowledged as his successor the aged and trusted Roman Senator Nerva.¹²⁹

It was this messy series of events that Thomas perceived as legitimate tyrannicide. As with the removal of Tarquin the Proud, the decisive step occurred only once the coup had reached its successful conclusion—the recognition by the prevailing political authorities (the relevant Roman assemblies in Tarquin's case, the Roman Senate in Domitian's) that the coup enjoyed the sanction of law and should therefore count as legitimate. The removals of Tarquin and Domitian were therefore not so much accomplished by strict adherence to legal norms than subsequently sanitized afterwards by scrupulously following the prescribed rituals for a change of regime. Thomas, in endorsing these episodes as examples of legitimate tyrannicide, once again, was effectively breathing life into legal fiction and sustaining the idea of tyrannicide, at least in extreme cases.

123. *Id.* at 331.

124. *Id.* at 343.

125. *Id.*

126. Suetonius, *supra* note 121, at 345 (executions of senators, actors, cousin); Suetonius, *supra* note 121, at 355 (execution of cousin).

127. Suetonius, *supra* note 121, at 353 (involvement of Domitian's wife); Suetonius, *supra* note 121, at 361 (other members of conspiracy).

128. Andrew W. Collins, *The Palace Revolution: The Assassination of Domitian and the Accession of Nerva*, 63 *PHOENIX* 73, 73, 87 (2009).

129. *Id.* at 98–101.

D. Thomas' Historical Examples

Did Thomas, finally, have any historical models in mind when he wrote on tyrannicide? As much as contemporary philosophers would like to view Thomas as representing a kind of disembodied truth good for all times and seasons, he was a historical figure and spoke and worked within the particular time horizon of the middle thirteenth century.

And within that context, he almost surely considered two types of paradigms, one negative, one affirmative. The negative paradigm, the kind of tyrannicide, or at least the kind of forcible removal from office he wished to condemn, was the factional fighting that characterized life in so many northern Italian city-states of his day. In thirteenth-century Bergamo, for instance, one witnessed violent clashes between the *pars populi*—the “popular,” or “the people’s faction,” and the *pars militum*—the “party of the knights,” or, simply, “the nobility.”¹³⁰ Popular rebellion was a feature of life in mid-thirteenth-century Pisa as well.¹³¹ In the 1240s and 1250s, the City of Florence witnessed several violent changes of government.¹³²

Two historians of terrorism have written of this period: “The Italian city-states from the beginning of the thirteenth to the end of the fourteenth centuries were especially volatile politically. There were many changes in the forms of government in these periods There were at least some efforts to use force and violence to terrorize and intimidate opponents.”¹³³ This was not the sort of thing of which Thomas could approve.

Was Frederick really as awful as these historical records suggest? There was the deposition of the Emperor Frederick II (1194–1250). Frederick was known to his contemporaries as the *stupor mundi*—“the wonder of the world.”¹³⁴ Intensely intelligent and energetic, religiously skeptical,¹³⁵ scientifically curious,¹³⁶ an opponent of ecclesiastical privilege and hierarchy within his realm,¹³⁷ and a remarkably cruel and inhumane personal-

130. Maria Teresa Brolis & Andrea Bengoggi, *The Tasks Assigned to the Humiliati by the Commune of Bergamo (Twelfth to Fourteenth Centuries)*, in *CHURCHMEN AND URBAN GOVERNMENT IN LATE MEDIEVAL ITALY, C. 1200–1450*, at 136, 146 (Frances Andrews ed., 2013).

131. PETER COSS, *THE ARISTOCRACY IN ENGLAND AND TUSCANY, 1000–1250*, at 252–54 (2020).

132. Carol Lansing, *Ghibellines*, in *THE DANTE ENCYCLOPEDIA* 437, 438–39 (Richard Lansing ed., 2010) (reprint of 2000 edition); Joseph P. Byrne, *Uberti Family*, in *2 MEDIEVAL ITALY: AN ENCYCLOPEDIA* 1101–02 (Christopher Kleinhenz ed., 2004).

133. JAMES M. LUTZ & BRENDA J. LUTZ, *TERRORISM: ORIGINS AND EVOLUTION* 30 (2005).

134. Stephen C. Neff, *Evolving International Legal Norm of Religious Freedom: Problems and Prospects*, 7 CAL. W. INT'L L.J. 543, 548 n.10 (1977).

135. See the contrasting views of BRIAN TIERNEY, *THE CRISIS OF CHURCH AND STATE, 1050–1300* (1988) and James M. Powell, *Frederick II and the Church: A Revisionist View*, 48 CATH. HIST. REV. 487 (1963).

136. He was an avid student of falconry and among the first to understand the migratory patterns of some birds. PETER BERTHOLD, *CONTROL OF BIRD MIGRATION* 12 (1996).

137. Dorothea Weltecke, *Emperor Frederick II, “Sultan of Lucera,” “Friend of Muslims,” Promoter of Cultural Transfer: Controversies and Suggestions*, in *CULTURAL TRANSFERS IN DIS-*

ity,¹³⁸ it was inevitable that he should be denounced as a tyrant. And for sure, he had grandiose political ambitions that were bound to stimulate vigorous opposition.¹³⁹

The medieval Franciscan chronicler, Salimbene de Adam (1221–1290), a contemporary of Thomas, extensively documented what he took to be Frederick’s tyrannical and terroristic ways. Thus, he wrote of Frederick’s war to subjugate northern Italy: The Emperor, Salimbene testified, not only used war elephants but deployed Muslim troops to capture the Italian town of Montichiari.¹⁴⁰ He imprisoned Modena’s men of fighting age for their resistance.¹⁴¹ He brutally besieged the city of Brescia and abused prisoners of war, although he eventually failed to take the city.¹⁴²

Frederick had aroused the opposition of a series of popes, but he met his match in Pope Innocent IV. A distinguished canon lawyer and a gifted politician, Innocent spent the early part of his pontificate rallying opposition to Frederick.¹⁴³ In 1245, at the First Council of Lyon, an ecumenical council of the Church no less, Frederick secured conciliar assent to depose Frederick II (and, for that matter, the Council also agreed to oust King Sancho of Portugal).¹⁴⁴

At the Council’s conclusion, Pope Innocent IV issued a bull¹⁴⁵ declaring Frederick deposed and announcing to his subjects that “We absolve from their oath for ever all those who are bound to him by an oath of loyalty, firmly forbidding by our apostolic authority anyone in the future to obey or heed him as emperor or king”¹⁴⁶ The decree contained an itemized list of offenses, which could have been drawn from a source book on tyranny. He had imprisoned clerics and laypersons alike, sentencing them to enslavement on galley ships;¹⁴⁷ he committed perjury;¹⁴⁸ he violated the rules of embassies and legations by arresting two papal legates

PUTE: ASIA, EUROPE, AND THE ARAB WORLD SINCE THE MIDDLE AGES 85, 85–86 (Jörg Feuchter et al. eds., 2011).

138. Thus, in a catastrophic experiment to see whether children developed language naturally, Frederick had several newborn infants isolated from human contact to see whether they might spontaneously develop speech. DEBORAH LEVINE GERA, ANCIENT GREEK IDEAS ON SPEECH, LANGUAGE, AND CIVILIZATION 82 (2003).

139. JOHANNES FRIED, THE MIDDLE AGES 274 (Peter Lewis trans., 2015).

140. CHRONICLE OF SALIMBENE DE ADAM 72 (Joseph L. Baird et al. eds. & trans., 1986).

141. *Id.* at 73.

142. *Id.* at 74.

143. EAMON DUFFY, SAINTS AND SINNERS: A HISTORY OF THE POPES 152–53 (2d ed. 2006).

144. BJÖRN K.U. WEILER, HENRY III OF ENGLAND AND THE STAUFEN EMPIRE, 1216–1272, at 110–18 (2006).

145. The word “bull” is frequently used to describe medieval papal documents and simply stands as shorthand for *bullā*, the ring the pope wore when affixing his seal to the relevant decree.

146. FIRST COUNCIL OF LYONS, BULL DEPOSING THE EMPEROR FREDERICK II, <http://www.papalencyclicals.net/councils/ecum13.htm>.

147. *Id.*

148. *Id.*

(i.e., ambassadors);¹⁴⁹ he confiscated church properties.¹⁵⁰ The list of Frederick's crimes Innocent IV enumerated is far longer than found in this sampling.

On the other hand, one can now find a body of scholarship that has sought to situate Frederick in his time and place and has now contested much of the case against Frederick II as little more than papalist propaganda.¹⁵¹ David Abulafia, for instance, has written: "I remain deeply suspicious of religious leaders who bend the truth to serve what they believe to be a higher end. The thirteenth-century papacy did become obsessed with the Hohenstaufen (Frederick's dynastic family) threat; I am unconvinced that such a threat really existed."¹⁵²

But our concern is with Thomas and the state of his knowledge. He was distantly related through his mother to the German imperial family, and he was in his early and middle twenties when this great confrontation reached its crescendo.¹⁵³ Indeed, two of Thomas' brothers served in Frederick II's army.¹⁵⁴ It was impossible for him not to have been aware of the struggle against Frederick and not to have been influenced by the propaganda campaigns waged by the Emperor and the Pope. Granted, Thomas was far too much of a "purist" to have drawn explicit connections between particular political events, even a momentous one like this, and his philosophical arguments. But there is no question that he meant in his justification of tyrannicide to leave room for precisely this sort of action.

VI. CONCLUSION

The question whether Thomas Aquinas actually endorsed tyrannicide has been debated among scholars for at least a century. In 1912, the great Bavarian Thomist Martin Grabmann (1875–1949) looked to the *De Regno* to claim that Thomas rejected tyrannicide. "Thomas," Grabmann wrote, "paints a dark and deterring picture of the tyrant."¹⁵⁵ Grabmann continued, where "a monarchy has developed into a tyranny, patience must be exer-

149. *Id.*

150. *Id.*

151. *See, e.g.,* Powell, *supra* note 135.

152. DAVID ABULAFIA, *FREDERICK II: A MEDIEVAL EMPEROR* 4–5 (1988).

153. Thomas Aquinas' "grandmother was Francesca di Suabia, the sister of Frederick Barbarossa (Frederick I, German king and Holy Roman Emperor 1155–1190 . . ."). SHADIA B. DRURY, *AQUINAS AND MODERNITY: THE LOST PROMISE OF NATURAL LAW* 3 (2008). Frederick Barbarossa's son, Henry VI, ruled as Emperor from 1191 to 1197. His son, Frederick II—Barbarossa's grandson—became German Emperor in 1218.

154. A.G. SERTILLANGES, *THOMAS AQUINAS: SCHOLAR, POET, MYSTIC, SAINT* 11 (Godfrey Anstruther trans., 2011).

155. MARTIN GRABMANN, *THOMAS AQUINAS: HIS PERSONALITY AND THOUGHT* 169 (Virgil Michel trans., 1928).

cised.”¹⁵⁶ Grabmann noted that Thomas made an exception for elective monarchies, but he did little with that observation.¹⁵⁷

Grabmann was among the greatest of the twentieth century Thomistic scholars. But perhaps the key to understanding his unwillingness to concede that Thomas did, indeed, endorse tyrannicide, lies in an insight found in his biography. Grabmann was committed to seeing Thomas as a living force in the contemporary world, as someone whose work had “to be freed from historical limitations” and “updated” to meet contemporary needs.¹⁵⁸ Writing in 1912, Grabmann most certainly would have understood two things about the contemporary political scene in Germany and Austria (which would become his home in 1913): first, the Catholic Church was a political force and it stood for conservatism, order, stability, government, and monarchy; and, second, there were revolutionary movements (such as the Marxists who would gain power in Russia in 1917) gaining mass and momentum throughout Europe that should not be aided and comforted. Grabmann’s Thomas fit the polemical needs of the moment.

Although James Turner Johnson (b. 1938) has written eloquently on the history of both the Catholic and Protestant moral traditions, his upbringing and background is in Protestant thought and this history colors what he has to say about Thomas Aquinas and tyrannicide. Writing in 2014, Johnson declared: “While in extreme cases it is not a sin to overthrow a tyrant, it is subordinate rulers who should take the lead in this task (here Aquinas anticipated [John] Calvin on the overthrow of an unjust ruler by ‘lesser magistrates’) not the people at large.”¹⁵⁹

Johnson is certainly correct insofar as it goes, but he misses the importance of the examples Thomas consistently furnished his readers. In his *Commentary on the Sentences*, Thomas spoke approvingly of the assassination of Julius Caesar. In his *De Regno*, he made more refined use of the classical examples he chose to illustrate his argument, but nevertheless, the examples he utilized did not involve considered action by subordinate magistrates but rebellions and coups that gained only *post hoc* ratification. Thomas, in other words, through the sophisticated use of historical *exempla*, made the point that a great deal of latitude would be permitted in understanding who was and who was not authorized to move against the tyrant.

Thomas A. Fay, long-time professor of philosophy at St. John’s University in New York, has identified a line of development in Aquinas’ thought similar to the one we have described. Thomas, as Fay puts it,

156. *Id.* at 168.

157. *Id.*

158. Phillip W. Rosemann, *Martin Grabmann (1875–1949)*, in 3 *MEDIEVAL SCHOLARSHIP: BIOGRAPHICAL STUDIES ON THE FORMATION OF A DISCIPLINE, PHILOSOPHY AND THE ARTS* 55, 62 (2000).

159. James Turner Johnson, *Ad Fontes: The Question of Rebellion and Moral Tradition on the Use of Force*, ETHICS & INT’L AFFS. (2014).

moved from an ill-formed and too-quick eagerness for revolution in his *Commentary on the Sentences of Peter Lombard*, to a position characterized by reservations and qualifications in the *De Regno*, where his default rule seems to be to tolerate the tyrant except where the tyrant has breached community peace so severely that revolution becomes necessary.¹⁶⁰

While there is much in favor of Fay's view, I differ from him in three respects. First, Fay leaves Thomas' conception of the common good out of his account, when in fact that seems central to a complete picture of Aquinas' theory of revolution. Second, while Fay acknowledged that Thomas employed historical examples in his arguments on tyrannicide, he never explored the nature of these examples and how they related to Thomas' claims. And third, while Fay stated that Thomas took a more "experiential" view of revolution as he aged, he never connected Thomas' thought with actual historical events that would have deeply shaped his view—such as the percolating unrest in the northern Italian city-states, or the virtual civil war that ripped through Christendom in light of Innocent IV's deposition of Frederick II.

Michael D. Breidenbach and William McCormick, for their part, have authored an important account of Thomas on tyrannicide.¹⁶¹ First, Breidenbach and McCormick make a compelling contribution to understanding Thomas' theory of revolution in the way that they address the obligation of citizens to deliberate carefully before moving against tyrants. They write: "The citizens who would take action against a tyrant must be sure that their actions will contribute to the true end of politics and not some phantom, lesser goal."¹⁶² Second, they ask a critical question: Why, they query, does Thomas nowhere discuss the pope or the papal role in removing tyrants?¹⁶³

These are both sound points. To develop Breidenbach and McCormick's first assertion, I would connect the obligation of citizens to move against a tyrant only after serious deliberation with the duty of all persons to keep and promote the common good. Tyranny is sedition to the common good, and a petty mob, seeking to overturn a duly constituted and fair-minded government that is serving the public interest is just as tyrannical as the king who rules unjustly and tramples on the rights of citizens. If a key group of citizens has concluded that the ruler is a tyrant and must be expelled, then they must be convinced in their judgment before acting.

160. Thomas A. Fay, *Thomas Aquinas on the Justification of Revolution*, 16 *HIST. EUR. IDEAS* 501, 501–06 (1993).

161. Michael D. Breidenbach & William McCormick, *Aquinas On Tyranny, Resistance, and the End of Politics*, 44 *PERSPS. ON POL. SCI.* 10 (2015). One must, however, criticize the authors for the credulous way they use Thomas' *DE REGNO*, assuming, against the weight of scholarly evidence, that Thomas was the author of the entire work. *Id.* at 12 (citing Book II of *DE REGNO*, which is generally regarded as not by Thomas).

162. *Id.* at 14.

163. *Id.* at 12.

One must also ponder Breidenbach and McCormick's question: Why is the pope so conspicuously omitted from Thomas' analysis? The answer may lie in the nature of northern Italian politics. To be sure, the pope was a spiritual ruler, but he was also a political force within Italy, and one might be both a loyal Catholic and a fierce opponent of the pope's political agenda. Many cities in northern Italy were divided according to just such lines, the Guelphs supporting papal interests, the Ghibellines taking the side of the emperor.¹⁶⁴ Introducing a role for the pope in this fractured political landscape would have been to take sides, to endorse the papal cause where right might actually be on the side of the imperial faction. Best, Thomas must have thought, to keep the analysis pure and focused on the question of the legitimacy of secular rule.

Finally, there is the essay by Robert Wyllie, *Reconsidering Tyranny and Tyrannicide in Aquinas's De Regno*.¹⁶⁵ One of Wyllie's most important insights occurs with his treatment of Tarquin the Proud. Wyllie quite properly declares that "In *De Regno* Aquinas seems to think of public authority more broadly than officials with delegated powers" and cites as authority Thomas' analysis of Tarquin's removal from the kingly office.¹⁶⁶ Wyllie also identifies a central open question that Thomas never asked or answered in his discussion of Tarquin's expulsion from power: "At what precise point [can] private persons [be] confident that they act in 'public authority?'"¹⁶⁷

One can propose a two-fold answer to this question: First, private persons must use their prudential judgment in deciding whether to move against a tyrant. They must calculate that the benefits must outweigh the harms and act accordingly. And second, much hinges, for Thomas, on the subsequent ratification of the tyrannicide by prevailing public authority. Tarquin's expulsion was legitimate because the Roman popular assemblies deemed that it was proper, and, in fact, reorganized the Roman constitutional order to guard against future Tarquins. Similarly, while Domitian's assassination was little more than a messy, bloody palace coup, its quick ratification by the Senate counted as decisive for Thomas. Again, there is a strong element of legal fiction in Thomas' treatment of tyrannicide. Obtain the *post hoc* consent of the appropriate governing bodies, and the revolution becomes self-justifying.

To summarize: Thomas' thought on tyrannicide did not follow a straight line. His early thought on the subject is fairly open to criticism for its inconsistencies. Thomas subsequently refined his views and made the

164. See, e.g., George Dameron, *Guelphs*, in *MEDIEVAL ITALY: AN ENCYCLOPEDIA*, *supra* note 132, at 468–70.

165. Robert Wyllie, *Reconsidering Tyranny and Tyrannicide in Aquinas's De Regno*, 47 *PERSPS. ON POL. SCI.* 154 (2018).

166. *Id.* at 158 (Wyllie writes: "The multitude may act in public authority once rulers, in acting tyrannically, break their pact [pactum] with the people").

167. *Id.* at 159.

common good the center of his inquiry. Rulers must preserve and promote the common good. Those who fail to do so, those who turn from the common good and instead seek their own advantage, run the risk of becoming tyrannical. And if the ruler is judged a tyrant, he is simultaneously judged a traitor—he has committed sedition to the common good. The people, who kept their faith with the common good, become entitled to take action.

Indeed, Thomas, through the sophisticated use of historical examples, opened the door wide to private citizens to judge whether tyrannicide was justified in a particular case. Of course, the burden of proof lay on those who would resist the government. But if those who resist the tyrant can make a persuasive case that their cause is just, they may proceed with their plans. And if they succeed in their ambitions, and overthrow the ruler, and subsequently secure the support of the relevant constitutional authorities, their actions thereby become justified. Indeed, they might even be permitted to form the new government.