

QUESTION 64

Homicide

Next we have to consider the vices opposed to commutative justice (questions 64-120). First, we have to consider sins that are committed in involuntary commutations (questions 64-76) and, second, sins that are committed in voluntary commutations (questions 77-78).

Now sins are committed in involuntary commutations by some harm's being inflicted on one's neighbor against his will. And this can be done in two ways, viz., by deed (questions 64-66) and by word (questions 67-76). By deed, when the neighbor is hurt either (a) in his proper person or a person conjoined to him (questions 64-65) or (b) in the things that belong to him (question 66).

Therefore, these topics have to be considered in order, and, first, homicide, by which one's neighbor is especially harmed. And on this topic there are eight questions: (1) Is it a sin to kill non-rational animals or even plants? (2) Is it licit to kill a sinner? (3) Is this licit for a private person or only for a public official? (4) Is it licit for a cleric? (5) Is anyone permitted to kill himself? (6) Is it licit to kill a just man? (7) Is one permitted to kill a man while defending himself? (8) Is accidental homicide a mortal sin?

Article 1

Is it licit to kill any living thing whatsoever?

It seems that it is not licit to kill any living thing:

Objection 1: In Romans 13:2 the Apostle says, "He who resists God's ordination acquires damnation for himself." But it is through the ordination of God's providence that all living things are conserved—this according to Psalm 146:8-9 ("He produces grass on the mountains and gives the beasts of burden their food."). Therefore, to kill any living thing whatsoever seems to be illicit.

Objection 2: Homicide is a sin by which a man is deprived of life. But life is common to all animals and plants. Therefore, by the same line of reasoning it seems to be a sin to kill plants and non-rational animals.

Objection 3: In divine law special punishment is fixed only for sin. But as is clear from Exodus 22:1, a fixed punishment is established in divine law for one who kills an ox or a sheep. Therefore, the killing of non-rational animals is a sin.

But contrary to this: In *De Civitate Dei* 1 Augustine says, "When we hear, 'You shall not kill', we do not take what is said to be about plants (*de fructetis*), since they have no senses, or about non-rational animals, because do not associate with us through reason. What remains, then, is that we understand what is said, 'You shall not kill', to be about man."

I respond: No one sins by using a thing for the purpose for which it exists. Now in the order of things the less perfect exist for the sake of the more perfect, just as, in the path of generation, things proceed from being imperfect to being perfect. And so it is that just as in the generation of a man, there is first something alive, and then something that is an animal, and finally a human being, so, too, things that are just alive, like plants, exist in general for the sake of all the animals, and the animals exist for the sake of man. And so, as is likewise clear from the Philosopher in *Politics* 1, if a man uses plants to the advantage of animals and animals to the advantage of men, then this is not illicit.

Now among the other uses, the use that seems especially necessary is that animals use plants for food, and men use animals for food—which cannot be done without killing them. And so it is licit to kill plants for the use of animals and to kill animals for the use of men—and this by divine ordination itself. For Genesis 1:29-30 says, "Behold, I have given you every herb and all the trees, in order that they may be food for you and for all the animals." And Genesis 9:3 says, "Everything that moves and lives will be food for you."

Reply to objection 1: The life of animals and plants is conserved by God's ordination not for their own sake, but for man's sake. Hence, in *De Civitate Dei* 1 Augustine says, "By the most just ordination of the creator, both their life and their death serve our uses."

Reply to objection 2: Plants and non-rational animals do not have a rational life by which they might act from themselves, but instead they always act, as it were, from another by a certain natural impulse. And this is a sign that they are naturally subservient and accommodated to being used by others.

Reply to objection 3: He who kills someone else's ox sins not because he kills an ox, but because he inflicts a loss on the man in what belongs to him. Hence, this is not included under the sin of homicide, but under the sin of theft or robbery.

Article 2

Is it licit to kill men who are sinners?

It seems that it is not licit to kill men who are sinners:

Objection 1: In the parable in Matthew 13:29-30 our Lord commanded that they not uproot the cockle, which are "the children of the evil one" (*filiu nequam*), as it says in the same place. But everything that is forbidden by God is a sin. Therefore, it is a sin to kill the sinner.

Objection 2: Human justice is conformed to divine justice. But according to divine justice sinners are set aside for repentance—this according to Ezechiel 18:23 [and 33:11] ("I do not will the death of the sinner, but that he should be converted and live"). Therefore, it seems altogether unjust for sinners to be killed.

Objection 3: As is clear from Augustine in *Contra Mendacium* and from the Philosopher in *Ethics* 2, what is bad in its own right (*secundum se malum*) is not permitted to be done for any good end. But to kill a man is bad in its own right, since we ought to have charity with respect to all men and "we wish our friends to live and to be," as *Ethics* 9 puts it. Therefore, it is no way permitted to kill a man who is a sinner.

But contrary to this: Exodus 22:18 says, "You shall not allow sorcerers to live" (*maleficos non patieris vivere*). And Psalm 100:8 says, "In the morning I put to death all the wicked of the land."

I respond: As has been explained (a. 1), it is licit to kill non-rational animals insofar as they are naturally ordered toward human use, in the way that what is imperfect is ordered toward what is perfect. And so every part exists naturally for the sake of the whole. Because of this, we see that if cutting off some bodily limb expedites the health of the whole human body—for instance, if the limb is diseased and is corrupting the other parts—then it is praiseworthy and healthy for it to be amputated.

Now each individual person is related to the whole community as a part to a whole. And so if some man is extremely dangerous to the community and corrupts it because of some sin, then it is praiseworthy and healthy for him to be killed in order that the common good might be preserved; for as 1 Corinthians 5:6 says, "A little bit of leaven corrupts the whole mass."

Reply to objection 1: Our Lord commanded that they abstain from uprooting the cockle so that the wheat, i.e., the good individuals, might be spared. As Augustine points out in *Contra Epistolam Parmeniani*, this is done when the bad men cannot be killed without the good being simultaneously killed—either because the bad men are hidden among the good men or because they have many followers, so that they cannot be killed without danger to the good men. Hence, our Lord teaches that the bad men should be allowed to live and that vengeance should be reserved for the last judgment rather than having the good men be killed at the same time. However, when killing the bad men does not pose a danger to the good men but instead protects and delivers them, then the bad men can be licitly killed.

Reply to objection 2: According to the order of His wisdom, God sometimes kills sinners

immediately in order to liberate the good people, whereas sometimes He grants them time to repent—insofar as He Himself knows what is expedient for His chosen ones. And human justice likewise imitates this as far as possible. For it kills those are extremely pernicious for the others, whereas it reserves for the sake of repentance those who sin without gravely harming others.

Reply to objection 3: By sinning, a man withdraws from the order of reason, and so he falls away from human dignity. More specifically, a man is naturally free and exists for his own sake (*propter seipsum existens*), and then in a certain sense he falls into the servitude of beasts, so that he is of himself ordered toward being useful for others. This is in accord with Psalm 48:21, “When man was in honor, he did not understand, now he is compared with the senseless beasts and has become like them.” And Proverbs 11:29 says, “The fool shall serve the wise.”

And so even though it is bad in its own right to kill a man who abides in his dignity, nonetheless, it can be good to kill a man who is a sinner, just as it can be good to kill a beast. For as the Philosopher points out in *Politics* 1 and *Ethics* 7, a bad man is worse than a beast and does more harm.

Article 3

Is a private person permitted to kill a man who is a sinner?

It seems that a private person is permitted to kill a man who is a sinner:

Objection 1: Nothing illicit is commanded in divine law. But in Exodus 32:27 Moses commands, “Let each one kill his neighbor, his brother, and his friend,” because of the sin of the molten calf. Therefore, even private persons are permitted to kill the sinner.

Objection 2: As has been explained (a. 2), because of sin a man becomes comparable to the beasts. But any private person is permitted to kill a wild beast, especially one that is doing harm. Therefore, by parity of reasoning, any private person is permitted to kill a man who is a sinner.

Objection 3: It is praiseworthy for a man, even if he is a private person, to do what is advantageous to the common good. But as has been explained (a. 2), the killing of sorcerers (*occisio maleficorum*) is advantageous to the common good. Therefore, it is praiseworthy for even private citizens to kill evildoers (*malefactores*).

But contrary to this: In *De Civitate Dei* 1 Augustine says, “One who, outside the bounds of any public administration (*sine aliqua publica administratione*), kills an evildoer will be judged a murderer, and all the more fully, because he has not feared to usurp for himself a power not given to him by God.”

I respond: As has been explained (a. 2), killing an evildoer is good insofar as it is ordered toward the safety of the whole community. And so it belongs only to someone to whom the work of preserving the community is committed—just as it belongs to the physician to amputate a diseased limb when care for the health of the whole body has been committed to him. But care for the common good has been committed to the rulers who hold public authority. And so they alone—and not private persons—are permitted to kill evildoers.

Reply to objection 1: As is clear from Dionysius in *De Caelesti Hierarchia*, chap. 13, it is the one by whose authority a thing is done who does that thing. And so, as Augustine says in *De Civitate Dei* 1, “The killer is not the minister who has to carry out the [judge’s] order in the way that a sword serves the one who uses it.” Hence those who killed their neighbors at the Lord’s command do not seem to have done this themselves, but instead it was He by whose authority they did this, in the way that a soldier kills the enemy by the authority of the ruler or the minister kills the thief by the authority of the judge.

Reply to objection 2: A beast is distinct by nature from a man. Hence, on this matter no judgment is required about whether a beast should be killed if it is wild. On the other hand, if it is a domestic beast, than a judgment will be required not because of the beast itself but because of the loss to its master.

By contrast, a man who is a sinner is not distinct by nature from just men. And so one needs a public judicial determination as to whether he should be killed for the sake of the common safety.

Reply to objection 3: Any private person is permitted to do something that is for the common advantage and that does no harm. But if it involves harm to another, then it should not be done except in accord with a judicial determination made by someone to whom it belongs to judge what should be taken from the parts for the sake of the health of the whole.

Article 4

Are clerics permitted to kill evildoers?

It seems that clerics are permitted to kill evildoers (*malefactores*):

Objection 1: Clerics especially ought to fulfill what the Apostle says in 1 Corinthians 4:16, “Be imitators of me, as I am of Christ,” through which it is made known to us that we are to imitate God and His saints. But God Himself, whom we worship, kills evildoers—this according to Psalm 135:10 (“... who smote Egypt with their firstborn”). Likewise, as Exodus 32:28 tells us, Moses brought it about that 23,000 men were put to death by the Levites for worshiping the calf. And as Numbers 25:6-10 reports, Phinehas, a priest, killed the Israelite who went in with the Midianite woman. Samuel likewise killed Agag, the king of the Amalekites (1 Kings 15:33), and Elijah killed the priests of Baal (3 Kings 18:40), and Mathathias killed the man who had gone up to sacrifice (1 Maccabees 2:24). And in the New Testament, Peter killed Ananias and Saphira (Acts 5:3). Therefore, it seems that even clerics are permitted to kill evildoers.

Objection 2: Spiritual power is greater than temporal power, and it is more closely connected with God. But as Romans 13:4 points out, the temporal power licitly kills evildoers as a minister of God. Therefore, *a fortiori*, clerics, who are ministers of God with spiritual power, can licitly kill evildoers.

Objection 3: If someone licitly undertakes some office (*officium*), then he can do the things that belong to that office. But as has been explained (a. 3), it is the duty (*officium*) of a ruler of the earth to kill evildoers. Therefore, clerics who are rulers of the earth can licitly kill evildoers.

But contrary to this: 1 Timothy 3:2-3 says, “A bishop must be without crime, not given to wine, not violent.”

I respond: Clerics are not permitted to kill, and this for two reasons.

First, they have been chosen for the ministry of the altar, on which is represented the passion of the slain Christ, who, “when He was struck, did not strike back,” as 1 Peter 2:23 puts it. And so it is not fitting for clerics to be strikers or killers; for ministers must imitate their Lord—this according to Ecclesiasticus 10:2 (“As the judge of the people is, so also are his ministers”).

The second reason is that what is committed to the clerics is the ministry of the New Law, in which no punishment is determined that involves killing or bodily mutilation. And so, in order to be fitting ministers of the New Testament, clerics should abstain from such things.

Reply to objection 1: God always and in all matters does what is right, though in each case in accord with what is congruent with Him. And so each individual ought to imitate God in what is especially congruent with himself. Hence, even though God kills evildoers corporeally, it is nonetheless not necessary that everyone should imitate Him in this.

Now Peter did not slay Ananias and Saphira by his own proper authority or by his own hand; instead, he announced the divine sentence concerning their death. By contrast, the priests or Levites of the Old Testament were ministers of the Old Law, according to which corporal punishments were inflicted, and it was congruous for them to kill by their own hand.

Reply to objection 2: The ministry of clerics has to do with better things than corporeal killings,

viz., with things that pertain to spiritual health. And so it is incongruous for them to occupy themselves with lesser matters.

Reply to objection 3: The prelates of the Church accept the duties of the rulers of the earth not in order that they themselves might carry out the judgment of blood, but that by their authority this might be carried out by others.

Article 5

Is anyone permitted to kill himself?

It seems that some are permitted to kill themselves:

Objection 1: Homicide is a sin insofar as it is contrary to justice. But as is proved in *Ethics 5*, no one can do an injustice to himself. Therefore, no one sins by killing himself.

Objection 2: Those who have public authority (*publica potestas*) are permitted to kill evildoers. But sometimes an individual who has public authority is himself an evildoer. Therefore, he is permitted to kill himself.

Objection 3: One is permitted to endure a lesser danger voluntarily in order to avoid a greater danger. For instance, one is permitted even to amputate his own diseased bodily member in order that his body as a whole should be saved. But sometimes it is through killing himself that one avoids a greater evil—either a miserable life or the turpitude associated with some sin. Therefore, some are permitted to kill themselves.

Objection 4: As Judges 16:30 reports, Samson killed himself, and yet, as is clear from Hebrews 11:32, he is still numbered among the saints. Therefore, some are permitted to kill themselves.

Objection 5: 2 Maccabees 14:41ff. says that a certain Razias killed himself, “choosing to die nobly rather than to be subjected to sinners and to undergo torments contrary to his noble origins.” But nothing that is done nobly and courageously is illicit. Therefore, killing oneself is not illicit.

But contrary to this: In *De Civitate Dei* 1 Augustine says, “It follows that we understand what is being said, ‘You shall not kill’, to be about man. Either someone else, then, or yourself. For one who kills himself kills nothing other than a man.”

I respond: Killing oneself is altogether illicit, and this for three reasons.

First, each thing naturally loves itself, and to this it pertains that each thing naturally conserves itself in *esse* and resists things that corrupt it as much as it can. And so someone’s killing himself is contrary to a natural inclination and contrary to charity, by which everyone ought to love himself. And so killing oneself is always a mortal sin as being contrary to natural law and contrary to charity.

Second, each part as such belongs to a whole (*quaelibet pars id quod est est totius*). But each man is part of a community and so as such belongs to a community. Hence, as is clear from the Philosopher in *Ethics 5*, in killing himself a man does injury to the community.

Third, life is a gift given by God to man, and it is subject to the power of the one who “kills and makes to live” (cf. Deuteronomy 32:39). And so one who deprives himself of life sins against God—in the way that a stranger who kills a servant sins against the master whose servant he is, and in the way that one sins when he usurps for himself judgment over a thing that has not been entrusted to him. For the judgment concerning death and life belongs to God alone—this according to Deuteronomy 32:39 (“It is I who will kill and I who will make to live”).

Reply to objection 1: Homicide is a sin not only because it is contrary to justice, but also because it is contrary to the charity that one ought to have with respect to himself. And on this score, the killing of oneself is a sin in relation to himself.

On the other hand, because of one’s relation to the community and to God, it has the nature of a sin

also because of its opposition to justice.

Reply to objection 2: One who has public authority can licitly kill an evildoer because he is able to pass judgment on him (*potest de ipso iudicare*). However, no one is a judge of himself. Hence, one who has public authority is not permitted to kill himself because of any sin whatsoever, even though he is permitted to hand himself over to the judgment of others.

Reply to objection 3: A man is constituted as master of himself through free choice. And so a man can licitly take care of himself as regards those things which pertain to this life and which are governed by man's free choice. However, the transition from this life to another and happier life is subject to God's power and not to man's free choice. And so a man is not permitted to kill himself in order to pass on to a happier life

Again, a man is likewise not permitted to kill himself in order to evade all the miseries of this present life. For as is clear from the Philosopher in *Ethics* 3, death is the ultimate and most fearful evil of this life. And so to inflict death on oneself in order to evade the other miseries of this life is to embrace a greater evil in order to avoid a lesser evil.

Again, one is likewise not permitted to kill himself because of some sin he has committed, both (a) because he especially harms himself by depriving himself of the necessary time for repentance, and also (b) because he is not permitted to kill an evildoer except by the judgment of a public authority.

Likewise, it is not even the case that a woman is permitted to kill herself in order not to be violated by another. For she should not commit the greatest crime, which is the killing of oneself, in order to avoid a lesser crime on the part of another. (For the crime is not the woman's when she is violated by force without her consent (*non est crimen mulieris per violentiam violatae si consensus not adsit*), since, as St. Lucy put it, "The body is not stained except by the mind's consent.") Now it is clear that fornication or adultery is a lesser sin than killing—and especially the killing of oneself, which is very grave because it harms oneself, to whom one owes the greatest love. And it is also the most dangerous sin, because time does not remain for it to be expiated through repentance.

Similarly, no one is permitted to kill himself because he fears consenting to a sin. For what is evil is not to be done in order that something good might come from it or in order that evils might thereby be avoided, especially lesser and less certain evils. For it is uncertain whether someone will consent to a sin in the future, since God is able to free a man from sin, no matter what sort of temptation might come along.

Reply to objection 4: As Augustine says in *De Civitate Dei* 1, "Samson is excused for crushing himself along with his enemies in the ruins of the house only because the Holy Spirit, who worked miracles thereby, had in some hidden way commanded it." And he gives the same line of reasoning about certain holy women who killed themselves during a time of persecution and whose memory is celebrated by the Church.

Reply to objection 5: It pertains to fortitude that, because of the good of virtue and in order to avoid sin, one should not refuse to suffer death at another's hands. By contrast, inflicting death on oneself in order to avoid harsh torments has, to be sure, the *appearance* of fortitude—and because of this some, among whose number was Razias, have killed themselves, thinking that they were acting courageously—but it is not *genuine* fortitude. Instead, as is clear from the Philosopher in *Ethics* 3 and from Augustine in *De Civitate Dei* 1, it is a certain sort of weakness on the part of a mind unable to endure harsh torments.

Article 6

Are there cases in which one is permitted to kill the innocent?

It seems that in some cases one is permitted to kill the innocent:

Objection 1: The fear of God is not manifested through sin; just the opposite, “the fear of the Lord drives sin out,” as Ecclesiasticus 1:27 says. But Abraham was commended for fearing the Lord because he willed to kill his innocent son. Therefore, it is possible for someone to kill the innocent without sin.

Objection 2: In the genus of sins that are committed against one’s neighbor, something seems to be a greater sin to the extent that more harm is inflicted on the individual against whom one sins. But killing harms a sinner more than it does an innocent man, who passes by death from the misery of this life to heavenly glory. Therefore, since one is permitted in some cases to kill a sinner, *a fortiori*, one is permitted to kill someone who is innocent or just.

Objection 3: What is done according to the order of justice is not a sin. But one is sometimes forced, in accord with the order of justice, to kill an innocent man—for instance, when a judge, who has to make a judgment that accords with what has been adduced, condemns to death a man whom he knows is innocent but who has been convicted by false witnesses, and, similarly, the minister who, obeying the judge, puts to death the unjustly convicted man. Therefore, it is possible for someone to kill the innocent without sin.

But contrary to this: Exodus 23:7 says, “The innocent and just person you shall not put to death.”

I respond: Man can be considered in two ways: (a) in his own right (*secundum se*) and (b) in relation to another (*per comparationem ad aliud*).

If we consider man in his own right, then it is illicit to kill anyone, since in each individual, even in a sinner, we have to consider the nature which God has made and which is corrupted through killing.

However, as was explained above (a. 2), the killing of a sinner becomes licit in relation to the common good, which is corrupted by sin. But the life of just men preserves and promotes the common good, since they are the most important part of the multitude. And so it is in no way permitted to kill the innocent.

Reply to objection 1: God has dominion over death and life, since it is by His ordination that both sinners and the just die. And so one who kills the innocent at God’s command does not sin—and neither does God, whose executioner he is. And he shows that he fears God by being obedient to His commands.

Reply to objection 2: In weighing the gravity of a sin, one must consider what is *per se* rather than what is *per accidens*.

Hence, one who kills a just man sins more gravely than one who kills a sinner. First of all, because he harms someone whom he ought to love to a greater degree, and so he acts against charity to a greater degree. Second, because he inflicts injury on someone less deserving of it, and so he sins against justice to a greater degree. Third because he deprives the community of a greater good. Fourth, because he shows disdain for God—this according to Luke 10:16 (“Whoever rejects you, rejects me”).

By contrast, the fact a just man who is killed is led by God to glory is related *per accidens* to the killing.

Reply to objection 3: If the judge knows that someone who has been convicted by false witnesses is innocent, then he ought to examine the witnesses diligently in order to find a way of freeing the blameless man, as did Daniel (cf. Daniel 13:51). If this is not possible, then he should remand the man to a superior to be judged. But if this is likewise not possible, then he does not sin in imposing a sentence that accords with what has been adduced, since it is not he who is killing the innocent man, but instead those who claimed that he was guilty.

Now if the sentence contains an intolerable error, then the minister of the judge who has condemned the innocent man should not obey—otherwise, the executioners who killed the martyrs would

be excused. On the other hand, if the sentence does not contain a manifest injustice, then he does not sin by executing the command, since he does not have the power to subject his superior's sentence to an examination (*ipse non habet discutere superioris sententiam*). Nor is it *he* who is killing the innocent man; rather, it is the *judge*, whose minister he is.

Article 7

Is one permitted to kill someone in defending himself?

It seems that no one is permitted to kill someone in defending himself:

Objection 1: In *Ad Publicolam* Augustine says, “As for killing men lest one be killed by them, this resolution does not please me—unless perhaps it is a soldier or someone holding a public office, so that he is doing this not for himself but for the others, having received legitimate power if it befits his person.” But one who kills someone in defending himself kills in order not to be killed by him. Therefore, this seems to be illicit.

Objection 2: In *De Libero Arbitrio* 1 [Augustine] says, “How in the sight of Divine providence are they free from sin who are polluted by killing men for the sake of these things that should be disdained?” From what went before, it is clear that “these things” he claims should be disdained are those that men can lose unwillingly. But bodily life is one of those things. Therefore, no one is permitted to kill a man for the sake of preserving his own bodily life.

Objection 3: In the *Decretals*, dist. 1, Pope Nicholas says, “Concerning the clerics—viz., those who killed a pagan in defending themselves—on whose behalf you have asked us if they would afterwards be able through repentance to return to their former state or to ascend to a higher state, know that we give them no occasion, nor do we grant them any permission, to kill any man in any way.” But both clerics and laymen alike are obligated to keep the moral commandments. Therefore, laymen are likewise not permitted to kill someone in defending themselves.

Objection 4: Homicide is a more grave sin than simple fornication or adultery. But no one is permitted to commit simple fornication or adultery—or any other mortal sin—for the sake of preserving his own life, since spiritual life is to be preferred to bodily life. Therefore, no one is permitted, in defending himself, to kill another in order to preserve his own life.

Objection 5: As Matthew 5:12 points out, if a tree is bad, so is its fruit. But the very defense of oneself seems to be illicit—this according to Romans 12:19 (“Do not defend yourselves, my dearly beloved”). Therefore, the killing of a man that follows from this defense is not permitted.

But contrary to this: Exodus 22:2 says, “If a thief is found breaking into a house or digging underneath it, and if, having been wounded, he dies, the one who struck him shall not be guilty of blood.” But, *a fortiori*, one is permitted to defend his own life more than his own house. Therefore, likewise, if he kills someone for the sake of defending his own life, he will not be guilty of homicide.

I respond: There is nothing to prevent a single act from having two effects, only one of which falls within the intention, while the other one falls outside the intention. Now moral acts receive their species from what is intended, but not from what falls outside the intention; for as is clear from what was said above (q. 43, a. 3 and *ST* 1-2, q. 72, a. 1), what falls outside the intention is *per accidens*.

Therefore, it is possible for the act of someone who is defending himself to have two effects: (a) the preservation of his own life, and (b) the killing of the one who is attacking him. By the fact that the preservation of his own life is intended, an act of this sort does not have the nature of something illicit, since it is natural to each thing that it should preserve itself in *esse* to the extent that it can.

Still, an act that proceeds from a good intention can be rendered illicit if it is not proportionate to the end. And so if, in order to defend his own life, someone uses more violence than is necessary, the act

will be illicit. On the other hand, if he repels violence with moderation, it will be a licit defense, since, according to the statutes, “one is permitted to repel force with force within the limits of a blameless defense (*cum moderamine inculpatae tutelae*). Nor is it necessary for salvation that a man omit an act of moderate defense in order to avoid killing the other, since a man is more obligated to provide for his own life than for someone else’s life.

However, since, as is clear from what was said above (a. 3), killing a man is permitted only by a public authority and for the sake of the common good, a man is not permitted to *intend* to kill another man in order to defend himself—*except for* those who have public authority and who, when they intend to kill a man in their own defense, refer this to the public good, as is clear in the case of a soldier fighting against enemies and of a public servant fighting against criminals (*ut patet in milite pugnante contra hostes et in ministro iudicis pugnante contra latrones*). However, even they sin if they are moved by private disordered passions.

Reply to objection 1 and objection 2: This passage from Augustine should be interpreted to apply to a case in which someone intends to kill a man in order to free himself from death. The passage from *De Libero Arbitrio* should also be interpreted to apply to this sort of case. Hence, he is expressly talking about cases in which the *intention* is made clear. And from this the reply to the second objection is obvious.

Reply to objection 3: Irregularity [for clerics] follows upon an act of homicide, even if that act is without sin, as, for instance, in the case of a judge who justly condemns someone to death. And for this reason, if a cleric someone, even in defending himself, he becomes irregular even if he did not intend to kill his attacker and intended only to defend himself.

Reply to objection 4: An act of fornication or an act of adultery is not ordered toward preserving one’s life in extreme circumstances (*ex necessitate*), in the way that an act from which homicide sometimes follows is.

Reply to objection 5: What is forbidden in this passage is a defense that is accompanied by malice aimed at revenge. Hence, a Gloss on this passage says, “‘Not defending yourself’, that is, not thirsting to strike back at your adversaries.”

Article 8

Does one who accidentally kills a man incur the guilt of homicide?

It seems that one who accidentally kills a man incurs the guilt of homicide (*aliquis casualiter occidens hominem incurrat homicidii reatum*):

Objection 1: In Genesis 4:23-24 we read that Lamech killed a man thinking that he was killing a beast, and it was accounted to him as a homicide. Therefore, one who accidentally kills a man incurs the guilt of homicide.

Objection 2: Exodus 21:22-23 says, “If anyone strikes a pregnant woman and causes a miscarriage ... then if her death ensues, he shall render life for life.” But this can happen without any intention of killing. Therefore, accidental homicide carries the guilt of homicide.

Objection 3: In *Decretals*, dist. 1, there are several canons in which accidental homicides are punished. But punishment is due only for guilt. Therefore, one who accidentally kills a man incurs the guilt of homicide (*incurrit homicidii culpam*).

But contrary to this: In *Ad Pubicolam* Augustine says, “Let it not be the case that the things we do for the sake of what is good and licit are such that it is imputed to us if, through these things and outside of our intention, something bad should accidentally happen to someone.” But it sometimes happens that homicide follows accidentally when someone does something for the sake of what is good.

Therefore, the homicide is not imputed to the one who does this as his fault.

I respond: According to the Philosopher in *Physics 2*, chance or accident (*casus*) is a cause that acts outside of the intention. And so things that are accidental (*casualia*) are, absolutely speaking, neither intended nor voluntary. And since, according to Augustine, every sin is voluntary, it follows that things that are accidental are not sins.

However, it is possible for what is not willed or intended actually and *per se* to be willed and intended *per accidens*, insofar as a cause is called *per accidens* when it removes an obstacle. Hence, if someone does not remove the things from which a homicide follows when he ought to remove them, then the homicide is in some sense voluntary. This can happen in two ways:

(a) He incurs the homicide while being involved in illicit activities that he should have avoided.

(b) He incurs the homicide while not being careful enough (*quando non adhibet debitam sollicitudinem*).

And so, according to the statutes, if someone is involved in a licit activity, applying due diligence, and a homicide follows from this, then he does not incur the guilt of homicide. By contrast, if he is involved in some illicit matter, or if he is caring for something licit but not applying due diligence, then he does not escape the guilt of homicide if a man's death follows from what he does (*si ex eius opere mors hominis consequatur*).

Reply to objection 1: Lamech did not apply sufficient diligence to avoid homicide, and so he did not escape the guilt of homicide.

Reply to objection 2: One who strikes a pregnant woman is involved with something illicit. And so if the death of either the woman or the ensouled child ensues (*si sequatur mors vel mulieris vel puerperii animati*), then he does not escape the crime of homicide, especially since it is clear that death follows from such a blow.

Reply to objection 3: According to the canons, the punishment is imposed on those who accidentally kill while engaged in illicit matters or without applying due diligence.