

QUESTION 65

Other Injuries Committed Against One's Person

Next we have to consider sins with regard to other injuries that are committed against someone's person. And on this topic there are four questions: (1) Is the mutilation of parts of the body licit? (2) Is beating or striking licit? (3) Is incarceration licit? (4) Is a sin involving harms of this sort made worse by being committed against a person who is connected to others.

Article 1

Is there any case in which it can be licit to mutilate parts of someone's body?

It seems that there is no case in which it can be licit to mutilate parts of someone's body (*mutilare aliquem membro in nullo casu possit esse licitum*):

Objection 1: In *De Fide Orthodoxa 2* Damascene says that a sin is committed "by moving away from that which accords with nature toward that which is contrary to nature." But it accords with the nature instituted by God that a man's body should be complete in its parts, whereas it is contrary to nature that it should have a part taken away. Therefore, it seems always to be a sin to mutilate parts of someone's body.

Objection 2: As *De Anima 2* says, the whole soul is related to the whole body as the parts of the soul are related to the parts of the body. But it is not licit to deprive someone of his soul by killing him, except by a public authority (*nisi publica potestate*). Therefore, it is likewise not licit to mutilate parts of someone's body, except perhaps in accord with a public authority.

Objection 3: The soul's health is to be preferred to bodily health. But one is not permitted to mutilate parts of his own body for the sake of his soul's health; for according to the statutes of the Nicene Council, those who have castrated themselves for the sake of preserving chastity are punished. Therefore, there is no cause for the sake of which one is permitted to mutilate parts of anyone's body.

But contrary to this: Exodus 21:24 says, "An eye for an eye, a tooth for a tooth, a hand for a hand, a foot for a foot."

I respond: Since a member (*membrum*) is a part of a whole human body, it exists for the sake of the whole in the way in which what is incomplete (*imperfectum*) exists for the sake of what is complete (*perfectum*). Hence, one should treat a member of the body in a way that is advantageous for the whole.

Now a part of the human body is *in its own right* (*per se*) advantageous for the good of the whole body, but it can happen *incidentally* (*per accidens*) that it is harmful—as, for instance, when a diseased member is corruptive of the whole body. Therefore, if a part of the body is healthy and in its natural condition, then it cannot be cut off or cut out without a loss to the whole man (*non potest praecidi absque totius hominis detrimento*).

However, since, as was explained above (q. 61, a. 1 and q. 64, aa. 2 and 5), the whole man is ordered toward the whole community of which he is a part, it can happen that the cutting away of some bodily part, even if this tends toward the detriment of the whole body, is ordered toward the good of the community insofar as it is inflicted on someone as a punishment aimed at stopping sins. And so just as through the public authority someone is licitly deprived totally of his life because of certain major crimes, so, too, someone is deprived of a bodily part because of certain lesser crimes. However, this is not licit for a private person, even if the one to whom the bodily part belongs is willing, since it involves a harm to the community to which the man himself and all his parts belong.

On the other hand, if because of disease the part is corruptive of the whole body, then it is licit, with the consent of the one to whom the bodily part belongs, to cut off or cut out the diseased member for the health of body (*licitum est putridum membrum praescindere propter salutem totius corporis*, since each one is charged with taking care of his own health. And the same line of reasoning holds if it is done

voluntarily by someone who is charged with taking care of the health of the one to whom the corrupted bodily part belongs.

But other than these cases, it is altogether illicit to mutilate parts of someone's body.

Reply to objection 1: There is nothing to prevent what is contrary to a particular nature from being in accord with nature in general (*secundum naturam universalem*); for instance, death and corruption among natural things is contrary to the particular nature that is corrupted, even though it accords with nature in general. Similarly, even if mutilating a part of someone's body is contrary to the particular nature of the one who is mutilated, it nonetheless accords with rational nature in relation to the common good.

Reply to objection 2: The life of a whole man is not ordered toward anything proper to the man himself; rather, all the things that belong to a man are ordered toward that life itself. And so to deprive someone of his life belongs in all cases to the public authority, which is entrusted with procuring the common good.

By contrast, cutting off or cutting out a bodily part can be ordered toward the proper health of an individual man, and so in some cases this can pertain to him.

Reply to objection 3: A bodily part is not to be cut off or cut out for the sake of the bodily health of the whole except when the whole cannot be helped in any other way. By contrast, spiritual health can always be helped in some way other than by cutting off a bodily part, since sin is subject to the will. And so there is no case in which it is licit to cut off a bodily part for the sake of avoiding some sin or other. Hence, in expounding Matthew 19:12 ("There are eunuchs who have castrated themselves for the sake of the kingdom of heaven") Chrysostom says, "Not by cutting off bodily parts, but by doing away with bad thoughts. For a man who cuts off a part is subject to a curse, because such a man takes for granted what is common to murderers." And further on he says: "Nor is lust thereby tamed—on the contrary, it becomes more troublesome. For the seed (*sperma*) in us has other sources and is chiefly from an incontinent intention and a negligent mind. And temptations are suppressed not so much by cutting off a bodily part as by curbing one's thoughts."

Article 2

Are fathers permitted to strike or beat their children or masters their servants?

It seems that fathers are not permitted to strike or beat their children (*non liceat patribus verberare filios*) and that masters are not permitted to strike or beat their servants (*non liceat dominis verberare servos*):

Objection 1: In Ephesians 6:4 the Apostle says, "You fathers, do not provoke your children to anger." And later on he adds, "You masters, do the same for your servants, forebear threatening." But it is because of beatings that some are provoked to anger. And beatings are more grave than threats. Therefore, fathers should not strike or beat their children, and masters should not strike or beat their servants.

Objection 2: In *Ethics* 10 the Philosopher says, "A father's words only admonish and do not coerce." But a sort of coercion results from beatings. Therefore, parents are not permitted to strike or beat their children.

Objection 3: Everyone is permitted to impart correction (*disciplinam impendere*) to another, since, as was explained above (q. 32, a. 2), this belongs to the spiritual works of mercy. Therefore, if parents are permitted to strike or beat their children for the sake of correction, then by parity of reasoning everyone is permitted to strike or beat anyone. But this is obviously false. Therefore, so is the antecedent (*primum*).

But contrary to this: Proverbs 13:24 says, “One who spares the rod hates his child,” and later at Proverbs 23:13-14 it says, “Withhold not correction from a child; for if you strike him with the rod, he shall not die. You shall beat him with the rod and free his soul from hell.” And Ecclesiasticus 33:28 says, “Torture and fetters for a malevolent servant.”

I respond: A certain amount of harm is inflicted through striking or beating on the body of the one who is struck or beaten, and yet it is different from the harm involved in mutilation, since mutilation destroys the body’s wholeness, whereas striking or beating only brings about sensory pain. Hence, the harm is much less than with the mutilation of a bodily part.

Now it is licit to inflict harm on someone only in the manner of a punishment for the sake of justice. But no one punishes anyone justly unless that individual is subject to his authority (*eius ditioni subiectum*). And so to strike or beat someone is not licit except for an individual who has some sort of power over the one who is being struck or beaten. And since children are subject to the power of their father and servants are subject to the power of their master, a father can licitly strike or beat his child—and a master can strike or beat his servant—for the sake of correction and discipline.

Reply to objection 1: As is clear from the Philosopher in *Rhetoric 2*, since anger is a desire for vengeance, anger is mainly excited when one thinks himself unjustly harmed. And so the fact that fathers are forbidden to provoke their children to anger does not prohibit them from striking or beating their children for the sake of correction. Instead, it prohibits them from afflicting their children immoderately with beatings.

What is quoted about masters, that they should forebear threatening, can be understood in one of two ways: (a) that they should be slow to use threats, which pertains to moderation in correction, or (b) that one should not always follow through with what has been threatened, which pertains to the fact that the judgment by which someone threatens a punishment should sometimes be tempered by the mercy of forgiveness.

Reply to objection 2: A greater authority should have a greater degree of coercion. Now just as the city is a complete community, so the ruler of the city has a complete power to coerce, and so he is able to inflict irreparable punishments, viz., killing and mutilation. On the other hand, a father and a master, who preside over the domestic family, which is an incomplete community, have an incomplete power to coerce in accord with lighter punishments, which do not inflict irreparable harm. And striking or beating is like this.

Reply to objection 3: It is licit to give correction to anyone who is willing. But to give correction to someone who is unwilling belongs only to someone one who has been charged with the care of the other. And this is what castigating someone with blows or beating pertains to.

Article 3

Is it licit to incarcerate a man?

It seems that it is not licit to incarcerate a man:

Objection 1: As was explained above (*ST 1-2*, q. 18, a. 2), an act is evil by its genus when it has to do with inappropriate matter. But a man, having the natural freedom of choice, is inappropriate matter for incarceration, which is incompatible with freedom. Therefore, it is illicit to incarcerate anyone.

Objection 2: Human justice ought to be regulated by divine justice. But as Ecclesiasticus 15:14 says, “God left man in the hand of his own counsel.” Therefore, it seems that no one should be coerced with fetters or prison.

Objection 3: No one should be held back except from a bad act, from which everyone is able to impede another licitly. Therefore, if it were licit to incarcerate someone in order that he might be held

back from something evil, then everyone would be permitted to incarcerate someone. But this is obviously false. Therefore, so is the antecedent (*primum*).

But contrary to this: In Leviticus 24:11 we read that someone had been sent to prison because of the sin of blasphemy.

I respond: Among the goods of the body there are three that are thought of in [descending] order:

(a) *the integrity of the bodily substance*, a loss of which is brought about through killing or mutilation;

(b) *pleasure or the quieting of the senses*, to which striking or beating is opposed, along with anything else that brings sensory pain; and

(c) *movement and the use of the bodily parts*, which is impeded by one's being tied up or incarcerated, i.e., by some sort of detention.

And so incarcerating someone, or detaining him in any way, is illicit unless it is done in accord with the order of justice, either as a punishment or as a precaution for avoiding something bad.

Reply to objection 1: A man who misuses the power that has been given to him deserves to lose it. And so a man who, by sinning, has misused the free use of his bodily parts, is an appropriate matter for incarceration.

Reply to objection 2: In accord with the order of His wisdom, God sometimes prevents sinners from being able to complete their sins—this according to Job 5:12 (“He scatters the thoughts of the wicked, lest their hands be able to complete what they had begun”). On the other hand, sometimes He permits what they want to do. Similarly, in accord with human justice men are incarcerated not for any sin whatsoever, but for some sins.

Reply to objection 3: Everyone is permitted to detain a man for a time from immediately perpetrating some illicit act, as when someone prevents another from throwing himself off a precipice or from striking someone.

However, absolutely speaking, to sequester someone or tie him up belongs only to someone who has the power in general over the acts and life of another, since the that individual is thereby prevented not only from doing evil but also from doing good.

Article 4

Is the sin made worse by the fact that harms of the sort just discussed above are inflicted on persons who are connected to others?

It seems that the sin is not made worse by the fact that harms (*iniuriae*) of the sort just discussed above are inflicted on persons who are connected to others:

Objection 1: Harms (*iniuriae*) of this sort have the character of sins insofar as damage is inflicted on someone against his will. But an evil that is inflicted on his proper person is more contrary to a man's will than an evil that is inflicted on a person connected to him. Therefore, the harm inflicted on a connected person is less contrary to his will.

Objection 2: In Sacred Scripture the ones who are especially reprimanded are those who inflict harm on orphans and widows; hence, Ecclesiasticus 35:17 says, “He will not despise the prayers of the fatherless; nor the widow, when she pours out her complaint.” But the widow and the orphan are not persons connected to others. Therefore, the sin is not made worse by harm's being inflicted on persons who are connected to others.

Objection 3: The connected person has his own will, just as the principal person does. Therefore, there can be something that is voluntary for him which is contrary to the will of the principal person—as is clear in the case of adultery, which pleases the wife and displeases the husband. But harms of this sort

have the character of a sin insofar as they consist in an involuntary commutation. Therefore, harms of this sort have less of the character of a sin.

But contrary to this: Deuteronomy 28:32 says, as if making this worse, “Your sons and your daughters will be handed over to another people as your eyes look on.”

I respond: All other things being equal, to the extent that a given harm flows out to more individuals, the sin is more grave. And so it is that a sin is more grave if someone strikes a ruler rather than a private person, since, as was explained above (*ST* 1-2, q. 73, a. 9), this redounds to the harm of the whole multitude. Now when a harm is inflicted on a person who is in some way connected to another, the harm belongs to two persons. And so, all other things being equal, the sin is made worse by this.

However, it can happen, given certain circumstances, that a sin against a person connected to no one is more grave, either because of that person’s worthiness (*propter dignitatem personae*) or because of the magnitude of the harm.

Reply to objection 1: The harm inflicted on the connected person is less harmful to the person to whom he is connected than if it had been inflicted immediately on the latter, and on this score it is less a sin. However, the whole that pertains to the harm of the person to whom he is connected is added to the sin that one incurs from harming the other person in himself.

Reply to objection 2: Harms inflicted on widows and orphans are emphasized more, both because those harms are more opposed to mercy and also because the same harm inflicted on persons of this sort is more serious for them, since they do not have anyone to bring them relief.

Reply to objection 3: The fact that the wife voluntarily consents to the adultery lessens the sin and the harm from the side of the woman herself, since the sin would be greater if the adulterous man were to overcome her violently. However, this does not lessen the sin from the side of the husband, since, as 1 Corinthians 7:4 says, “The wife does not have the power of her own body, but the husband.” And the same line of reasoning holds for similar cases.

Below, in the tract on temperance (q. 154, a. 8), there will be a place to talk about adultery, which is opposed not only to justice but also to chastity.