

Ad ducissam Brabantiae

by
Thomas Aquinas

translated as
Thomas Aquinas's Letter to Margaret of Flanders
by
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www.thomistica.net/thomas-aquinass-letter-to-marg/.
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To the illustrious Lady etc., Brother Thomas from Aquino of the Order of the

Preachers sends his greeting etc.

I received Your Excellency's letters from which I have fully come to understand the pious care that you have concerning the rule of your subjects and the devout love you have towards the brethren of our Order, giving thanks to God who has breathed into your heart the seeds of such virtues. Nonetheless, what you asked of me in these self-same letters (that I should respond to you about certain items) was indeed difficult for me both because of my occupations, which the office of teaching requires, and because it would please me that on these things you would seek the counsel of others more expert in such matters. Still, because I considered it unbecoming that I be found out to be a negligent helper for your solicitude or that I be ungrateful of your love, I have taken care to respond to you about these proposed items without the prejudice of a better opinion.

First Response

First therefore, Your Excellency inquired whether it is allowable for you at some time and in what way to make an exaction upon the Jews.

To which question (proposed in this unqualified way) it can be answered that although, as the laws say, the Jews by reason of their fault are sentenced to perpetual servitude and thus the lords of the lands in which they dwell may take things from them as though they were their own - with, nonetheless, this restraint observed that the necessary subsidies of life in no way be taken from them, because it still is necessary that we "walk honestly even in the presence of those who are outsiders (I Thes. 4:11)," "lest the name of the Lord be blasphemed (I Tim. 6:1)," and the Apostle admonishes the faithful by his example that (I Cor. 10:32-33), "they be without offense in the presence of the Jews and the Gentiles and in the Church of God" - this seems to be what should be observed, that, as the laws have determined, the services coerced from them do not demand things that they had not been accustomed to do in times gone by, because those things that are unexpected more often rattle souls.

Now, following the judgment of this sort of restraint, you can in accordance with the customs of your predecessors make an exaction upon the Jews, only if, however, nothing else stands in the way. For it seems that, as far as I was able to conjecture from those things which you subsequently asked, your doubt mostly concerned this, that the Jews of your land seem to have nothing except what they acquired through the depravity of usury. And, hence, consequently you ask whether it is not licit to require something from them, and to whom the things thus required are to be restored.

On this matter therefore, it seems the response should be this, since the Jews may not licitly keep those things which they have extorted from others through usury, the consequence is also that if you receive these things from them neither may you licitly keep them, unless perhaps they be things that the Jews had extorted from you or from your ancestors hitherto. If, however, they have things which they extorted from others, these things, once demanded from them, you should restore to those to whom the Jews were bound to restore them. Thus, if

certain persons are discovered from whom the Jews extorted usury, it should be restored to them. Otherwise, these usurious monies should be set aside for pious uses according to the council of the diocesan bishop and of other upright men, or even for the common utility of your land if a necessity looms and usefulness calls for it; nor even would it be illicit if you should require such usurious money from the Jews anew, preserving the custom of your predecessors, with this intention that the monies be expended for pious purposes.

Second Response

Now, second you asked, if a Jew should sin, should this person be punished with the financial penalty, since he seems to have nothing aside from usurious money. To which question it seems the response should be, in line with what has been said before, that it is expeditious that he be punished with a financial penalty, in order that he might not accrue some benefit from his iniquity; it also seems to me that the Jew should be punished with a greater fine (or anyone else who practices usury) than anyone else in a similar case, to make the point that the money taken from him be known to be less his entitlement. Another punishment can be added to this financial punishment, lest this seem to suffice for a penalty, that he cease to possess the money that is owed to others. Nonetheless, money taken from usurers in the name of punishment cannot be kept but should be expended for the aforementioned uses, if they do not have anything other than usurious money.

But if it be said that the princes of countries suffer loss from this, this loss should be imputed to them as coming from their own negligence; for it would be better if they compelled Jews to work for their own living, as they do in parts of Italy, than that, living without occupation they grow rich by usury, and thus their rulers be defrauded of revenue. In the same way, and through their own fault, princes are defrauded of their proper revenues if they permit their subjects to enrich themselves by theft and robbery alone; for they would be bound to restore [to the real owner] whatever they had exacted from them [the thieves].

Third Response

Third it was asked, if he (the Jew) should give money on his own accord, or some peace token, whether it is licit to accept it.

To which the response is, that it seems that it is licit accept it. And it is helpful that money received in this way be returned to those to whom it is owed, or otherwise expended, as has been said before, if they have nothing other than usurious gain.

Fourth response

Fourth you asked, if you receive more from a Jew than Christians require from him, what should be done with what is left over.

The response for this comes from what has been said before. For that Christians do not require from the Jew what is left over can happen in two ways: in one way perhaps because the Jew has things apart from usurious gain, and in this case it is legitimate for you to keep it, observing however the moderation

mentioned above (and the same would seem to be said if they from whom usury had been extorted should it later make gifts to them [the Jews] in good will, but only when they [the Jews] show themselves ready to make restitution for usury); in another way it can happen that they from whom the Jews accepted usury have disappeared in the meantime, either through death, or that they are currently living in other countries, and then they are bound to make restitution; but when precise persons do not appear to who they are bound to make restitution, it seems that the procedure should in line with what has been said above.

Now what has been said about the Jews is also to be understood about Cahors, and anyone else depending upon the depravity of usury.

Fifth response

Fifth you asked about bailiffs and your officials, whether it is legitimate for you to sell them these offices or to receive a loan from them rated until they acquire the same amount in the offices assigned to them.

In responding to this it seems that this question seems to contain two difficulties, of which the first is about the sale of offices. Concerning this question it seems to me that we should consider that the Apostle says (I Cor. 6:12), "many things are allowed that are not useful"; now since you hand over to bailiffs and to your officials nothing but the power of a temporal office, I do not see why it is not legitimate for you to sell offices of this kind, when you sell to such persons about whom it can be presumed that they are useful to the performance of these sorts of offices, and that the office not be sold at so great a price that they are not able to recuperate their money without burdening your subjects.

But nonetheless such selling seems to be not altogether useful. First because it happens frequently that they who are most suited to performing the offices of this sort are poor, such that they would not be able to purchase the office; and even if they are rich, the best persons do not seek these offices nor do they long for the financial gain to be acquired from the office. The result would therefore be that mostly those individuals would get offices in your land who are lesser people, ambitious, and lovers of money; it is probable that they would both oppress your subjects and not so faithfully tend to even your interests. Hence it seems to be more expedient that you select good and well-suited men for such offices, whom you might even compel to serve against their will if it be necessary; because through their goodness and efforts more will accrue to you and your subjects than you would be able to acquire from the aforementioned sale of offices. The kinsman of Moses gave him this counsel (Ex. 18:21-22), "Provide," he said, "from each people wise men and those fearing God, in whom there is truth, and who hate avarice. And establish from them leaders of hundreds and fifties and tens, who will judge the people for all time."

But the second doubt surrounding this issue can to be about the loan. It seems that we should say that if, under this pact, they make a loan to receive an office, without doubt the pact is usurious because they receive the power of the office for a loan; hence in this affair you give to them the occasion for sinning, and they

are even bound to resign their office acquired in this fashion. If however you give the office freely, and thereafter you receive a loan from them which they are able to recover from their office, this can take place without any sin.

Sixth response

Sixth you asked whether it is legitimate for you to levy taxes upon your Christian subjects or to force loans.

In which matter you did consider that the princes of countries are instituted by God not, for sure, that they should seek their own gain but that they should procure the common utility of the people. For towards the blame of certain princes it is said in Ezekiel (Ez. 22:27) "Her princes in her midst are like wolves tearing at prey, hunting the spillage of blood, the destruction of souls, and ravenous gain." And elsewhere it is said through the same Prophet (Ez. 34:2-3) "Woe to the shepherds of Israel who pasture themselves! Shouldn't the flocks be pastured by the shepherds? You've fed off their milk, covered yourselves with their wool, and the fatted you have killed; but my flock you have not pastured!" And for this reason salaries were instituted for the rulers of countries so that, living off of the salaries, they would refrain from impoverishing their subjects. And hence in the same Prophet, with the Lord commanding, it is said (Ez. 45:8), "let there be for the prince a possession in Israel, and the princes will no longer oppress my people."

Now it sometimes happens that princes do not have sufficient income for protecting the country and for those other things at hand that the princes reasonably have to pay for; and in such an instance it is right that the subjects provide that whereby their common utility can be procured. And so it is that in some countries, by an age-old practice, the lords impose levies upon their subjects, which, if they are not excessive, can be demanded without sin. According to the Apostle (1 Cor. 9:7), no one goes into battle at his own expense; thus the prince who goes into battle for the common utility should also live off of the community's things or should procure from the businesses of the community, either through the established incomes or, if these sorts of things are lacking and will not be sufficient, through those things that are collected from individuals. And it seems to be similar thinking if some situation emerges anew in which it is necessary to expend much for the common utility or to preserve the genuine standing of the prince, for which his personal income or customary taxes do not suffice - like if enemies invade the land or some similar situation emerges - then also, over and above the usual taxes, the princes of lands can exact some things from their subjects for the common utility. But if they should wish to exact beyond that which has been set for them, solely for the desire of having it, or for disordered and immoderate expenditures, this is in no way allowed to them. Hence John the Baptist said to the soldiers who came to him (Lk 3:14): "Strike no one, cause no calumny, and be content with your wages" (for the income of the princes is like their 'wages,' which with they should be content such that they do not make further exaction, except in accordance with the reason given, for the

sake of the common utility).

Seventh response

Seventh you asked, if your officials without the order of law should extort something for the subjects which makes its way to your hands (or maybe not), what you should do.

On this matter the answer is clear, because, if it should come to your hands, you should give it back, either to known persons if you can, or also to expend it for pious uses or for the common utility, if you can't find the known persons. But if it does not make its way into your hands, you should compel your officials to a like restitution, even if known individuals aren't available to you from whom they extracted these things, lest from their injustice they should make off with some lucre; in fact these officials ought to be punished by you rather heavily, so that the rest will abstain from similar conduct in the future, because, like Solomon says (Prov. 19:25) "as the noxious man is whipped the imbecile becomes wiser."

Eighth response

Finally you ask whether it is good that Jews throughout your province are compelled to wear a sign distinguishing them from Christians.

The reply to this is plain: that, according to a statute of the general Council, Jews of each sex in all Christian provinces, and all the time, should be distinguished from other people by some clothing. This is also mandated to them by their own law, namely that they make for themselves fringes on the four corners of their cloaks, through which they are distinguished from others.

These are, illustrious and religious Lady, what occurs at present as answers to your questions, in which matters I do not impose my judgment upon you in such a way that I do not rather urge the judgment of the experts to be sustained. May your reign succeed even longer.