



# On Natural Law in St. Thomas Aquinas

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## Abstract

This paper aims to demonstrate some of the central elements of natural law considering the thought of St. Thomas. In asserting the existence of a natural law, our author tends to establish distinctions in the way it operates in created beings, with a substantial difference being the distinction between rational and irrational beings. Inevitably, natural law brings practical consequences, in the sense that it usually derives ethical norms, thus it is possible to consider that natural law has some practical orientation. However, we should note that in the case of man, despite being subject to these orientations, he has the possibility of denying his inclinations due to both his rational nature and his freedom. Nonetheless, to deny natural law would lead him to act against his own nature.

**Keywords:** St. Thomas, Natural law, Eternal law, Ethics, God.

## 1. Introduction

Asserting the existence of a natural law not only entails a theoretical issue, but inevitably leads to practical issues, particularly if we accept that natural law can influence ethics and we can even affirm that natural law has a certain practical orientation. In the case of St. Thomas, natural law is founded on God, God is the ultimate end of all things, in this sense we must bear in mind that all beings participate in natural law, that is, it is not something proper to rational beings, however, we must recognize that there may be different degrees of participation.

Among the beings that participate in divine law there is no doubt that man has a privileged place, since he was made in the image and likeness of God, hence it is possible to affirm that he possesses a different degree of participation within the divine essence. Within created creatures it is only man who is directly ordered towards the ultimate end, in addition to freely participating in natural law, although without ceasing to be subject to Providence.

We must consider that divine law acts in all creatures, whether rational or irrational, and even in the cosmos, hence we can affirm that within the cosmos certain moral norms are presented. In this sense it seems possible to affirm that natural law, at least in a moral sense, is nothing other than the divine will in relation to the subject, although as will be shown, this in no way implies a denial of individual autonomy.

Finally, we can point out that there is a certain relationship between natural law and virtues, since the existence of natural law alone is not enough for man's actions to be considered totally perfect, especially if we establish differences between the specific nature and the individual nature, the latter being what causes limitations in the subject.

## 2. Natural Law

Speaking of natural law implies referring to universal norms of what can be considered good, these norms are not only an abstraction, but have a marked practical character, in that they seek to govern or at least serve as a guide for human conduct, hence we can affirm that natural law has an orientation towards the practical order. Although natural law is not a theme proper to St. Thomas, it takes on particular importance in our author, in the sense that it is St. Thomas who makes a kind of union between the postulates of the Greek world, and particularly Aristotle, and Christian ideas, in this line Bossini points out:

With St. Thomas Aquinas the classical tradition of natural law reaches the fullness of its evolution by giving it a systematic development and integrating it into a metaphysical and theological unity of maximum speculative stature. The dominant theoretical element is the doctrine of natural principles and ends. Nature, reason, ends, and God are principles, although in different senses. (Bossini, 2022, p. 24)

For St. Thomas, natural law has a clear divine foundation, it is considered that it is God who has ordered the universe, all creatures are ordered toward God, created beings participate in the divine essence, therefore, we are governed by an eternal and natural law.

"God orders all things toward Himself" (Aquinas, 2015, p. 469), although all beings participate in the divine essence, we must recognize that they have different degrees of perfection, by virtue of the degree of participation they have within the divine essence.

It should be noted that, just as different degrees of perfection are presented, different types of beings are also presented, these have a greater or lesser degree of perfection, insofar as they possess greater or lesser resemblance to the divine image "And the nearer a thing is to the divine likeness, the more perfect it is" (Aquinas, 2015, p. 480). Each of the creatures inevitably tends toward God, an intrinsic end has been granted in the form of the creatures that orients them toward God and, therefore, also to natural law.

### 3. Modes of Participation in Natural Law

Not only rational beings participate in natural law, in the orientation toward God, but irrational beings also do so, although it is true that they participate in eternal law we must make it clear that they do not have the possibility to do so voluntarily, let alone consciously, in this sense it seems possible to affirm that irrational creatures seem to follow natural law by virtue of the perfection they possess in their nature, thus those beings that possess no cognition are inclined to natural law by an internal impulse; while in those beings that possess some degree of cognition one can see a certain sensitive appetite that inclines them to natural law.

It should be noted that these beings, being deprived of reason, are determined toward God, unlike rational beings where it does not seem possible to speak of determination, but rather an inclination, in relation to irrational creatures we must add that they are passive with respect to the ultimate end, as expressed by García de Haro:

The irrational animals, besides the rational creature, participate in eternal reason in their own way... On the other hand, the participation that occurs in the irrational creature is not received rationally, and, consequently, cannot be called law except by assimilation. (Aquinas, 1993, p. 711)

As we have already pointed out, all creatures are subject to natural law, however the case of man must be treated differently, since he is the most perfect of created creatures, he is made in the image and likeness of God, therefore, he possesses a different degree of participation within the divine essence. "But, in the case of man, the spirituality of his

substantial form is based on the fact that he participates in being in a higher way than non-subsistent, that is, material forms" (Ocáriz, 1980, p. 71). It is only man, understood as a rational creature, who is directly ordered to the ultimate end because of his rationality and will, only of those creatures that possess free will can it be said that they freely participate in natural law.

Although it is recognized that man has free will and that he freely participates in natural law, we must not fail to consider that man is also subject to providence, although providence governs him according to human nature, that is, freely.

From what has been said, it is possible to affirm that the government of divine providence over rational beings occurs quasi propter se, this implies not only a concern for man understood as a species, but also a concern for the individual:

Considering first the rational creature in its very condition of intellectual nature, which makes it master of its act, we see that it requires providence a care by which it is attended per se... For this reason, it is seen that only the rational creature is directed by God to its acts not only in what is suitable for the species, but also in what suits everyone. For everything seems to exist to its operation, since this is the ultimate perfection of the thing. Thus, then, each being is ordered to its own act by God according to the way it is subject to divine providence. (Aquinas, 2015, pp. 500-502)

Because of the freedom that men possess, it seems possible to state that it is the only being, at least among earthly beings, that despite participating in natural law can refuse to act according to the order that God has placed on it, however, by not following this order it affects its own nature. Now, although it is true that the rational creature can refuse to participate in the divine order, this does not seem to be the result of an inclination toward evil, but rather this "failure" originates in knowledge, in that it is this that presents the will with an evil under the guise of good.

#### **4. Inclinations Within Natural Law**

There is no doubt that certain natural inclinations are present in man, however, it is not convenient to completely identify natural law with said inclinations, in the sense that we can

only properly speak of a law when natural inclinations are under the protection of reason, it is reason that is the rule of our acts:

Law is a rule and measure of our acts according to which one is induced to act or refrain from acting; for law derives from tying; because it binds in order to action. Now the rule and measure of human acts is reason, which, as we have already seen (q.1 a.1 ad 3), constitutes the first principle of human acts, since it is proper to reason to order to the end, and the end is, as the Philosopher teaches, the first principle in the operative order. (Aquinas, 1993, p. 704)

The norms that the law may dictate must be essentially under the domain of reason, in this way it is possible to establish a clear distinction between the way natural law affects irrational and rational creatures, since in the case of rational being's inclinations only direct the subject if they are subject to reason.

Acting by virtue of reason not only allows the subject to differentiate himself from other beings, but also allows him to act according to his own nature, however, we must note that it is not enough that reason is present in human acts, but it must be *recta ratio*, in this line we must point out that reason can only be considered as a norm to the extent that it is in accordance with natural law, since in this case it would be accepting the divine order and, therefore, acting rightly.

Natural law acts both in the cosmos and in creatures, establishing certain moral norms to follow, in this sense it seems possible to affirm that natural law, at least in a moral sense, is nothing other than the divine will in relation to the subject, although as already shown, this in no way implies a denial of individual autonomy:

Then the proper effect of law is to make men good, either simply or in some respect. For if the intention of the lawgiver is fixed on true good, which is the common good regulated according to Divine justice, it follows that the effect of the law is to make men good simply. If, however, the intention of the lawgiver is fixed on that which is not simply good, but useful or pleasant to himself, or in opposition to Divine justice, then the law does not make men good simply, but in respect to that government. For the law does not make men good absolutely, but in certain particular respects. For, in this way, even things which are evil in themselves may become useful or pleasant at least in some respect. St. Augustine instances the case of a thief being a good thief because he works conscientiously at his trade. (Aquinas, 1993, p. 194)

Rational beings are participants in natural law, and two modes of participation can be seen; a first mode has a receptive character, in this case we can speak of a passive reception analogous to that of irrational beings, although in a superior way; a second mode of participation is related to natural law as a kind of legislation, that is, eternal law as a regulator of reason.

It must be taken into account that despite participating in eternal law, and to some extent being "subject" to it, man continues to have both freedom and responsibility, since as we have already mentioned, the individual has a natural knowledge that allows him to differentiate good from evil, to this we must add that the subject participates freely of eternal law, he submits to it as a result of his knowledge, in that he understands that participation in it allows him to be guided towards a higher purpose that is intrinsic in his nature.

## 5. Failure of Reason and Virtues

The possibility of failure in human reason is evident, being possible to identify two main causes. As a first because we can see the inability of human reason to fully know or understand the divine order; as a second reason we have original sin, in that because of this action the subject is unable to have an adequate knowledge of the moral order.

Knowing that human reason can fail, it seems legitimate to question whether the same can happen with natural inclinations, that is, whether the natural inclination to good and participation in eternal law is enough to ensure that an individual has adequate moral conduct, or whether it is also necessary for the subject to perfect his nature through the virtues. In the first instance we must bear in mind that virtue is not necessary for an act to be considered moral or immoral, but rather it is necessary for the perfection of the act, as stated in the Sentences to Peter Lombard:

Even an act determined by the object is further determinable by other circumstances and, if these are convenient, it will receive from them a certain further goodness and will be called good because of the circumstances, until it reaches the perfect goodness of the act, which is by the information of the habit, and then it will be called good of virtue. (Aquinas, 2015b, p. 526)

It is evident that virtuous action does not make a given act better or worse, that is, there does not seem to be an alteration of the very substance of the act, but rather virtue only helps the performance of the act in an accidental way.

In relation to virtues and natural law, at least from the perspective adopted in the *Summa Theologiae*, we must bear in mind that natural law to some extent requires virtues, in the sense that natural law alone is not enough for a human action to be considered totally perfect, this is mainly due to the distinction made by our author between specific nature and individual nature, with individualization being one of the causes of the subject's limitation, in that individualization requires matter, at this point it should be noted that matter only acts as individualization when it is assigned "And this is known since matter not taken in any way is the principle of individuation, but only signed (determined) matter." (Aquinas, 2000, p. 27). Since man is a precisely an individualized subject, the effects that individualization can have must be considered, with one of the most notorious effects being the fact that natural law is not enough, but rather, because of matter, it would require virtues for its perfection.

Although we must recognize that the specific nature grants certain principles, it is not possible to consider that said principles can be a kind of initiator of the virtues, in that these principles are of a general nature in relation to what the individual may become, although we must recognize that the virtues, in a generic sense, seem to be natural to man, as St. Thomas points out, "In both ways virtue is natural to man according to a certain inchoation." (Aquinas, 1993, p. 476)

It has become clear that inclinations cannot be considered virtues, since by not adapting to the diversity of circumstances that may arise in the subject we cannot speak strictly of virtues, but rather of customs, in this sense it is clear that a human act cannot be completely good by its specific nature alone, but also requires the subject to be helped by the virtues.

Taking into account what we have pointed out so far, it is pertinent to consider three essential points; first, we must note that the will is naturally oriented toward good, however the problem arises in the multiplicity of possible particular goods; a second problem is directly related to the human act, in the sense that it does not want only one faculty, but requires a combination of them; finally, we have the fact that the specific nature leaves open the possibility with respect to circumstances. It is especially difficult to speak of a totally good action unless there is order within the operative faculties:

The mode of action follows the disposition of the agent, for each thing acts according to what it is. Therefore, since virtue is a principle of a qualified action it is necessary that in the agent some disposition pre-exist virtuously conformed to it. Now virtue makes the operation orderly. Therefore, virtue itself is a certain ordering disposition in the soul, in the sense that the powers of the soul are in some way ordered among themselves and with respect to external things ... (Aquinas , 1993, p. 423)

Finally, we can point out that the individual is the principle of actions that can be considered upright, but always limited by his rational nature, in that it is related to eternal law, said relationship occurs in the sense that eternal law helps the subject to build himself up as a rational being, to be capable of self-government. However, despite the relationship between the subject and eternal law, the latter is not enough for the good acting of the subject, in that the individual does not come to fully know eternal law.

## 6. St. Thomas' Thought Today

St. Thomas not only has considerable importance for scholasticism, but also has influence on contemporary authors, such is the case of John Finnis, who develops a new classical theory of law, inspired by Aristotelian and Thomistic ideas:

Drawing inspiration above all from Aristotle and Thomas Aquinas, Finnis develops a "new classical theory of natural law" - as it has been called -, in which this is understood as a set of principles by which practical reason directs human and social life towards the fullest realization of certain self-evident values that make up an objective common good. (Rodriguez, 1993, pp. 375-376)

The natural law proposed by Finnis can be divided into three fundamental axes; first, there is an axis of a practical nature, which corresponds to the full life of the subject; second, a distinction is seen between reasonable and unreasonable acts, these tend to be identified with a practical rationality; a third and final element relates to general moral criteria. It should be noted that by virtue of the updating that Finnis makes of natural law, our author identifies human rights with natural rights:

"Almost everything in this book deals with human rights ("human rights" is a contemporary idiom for "natural rights": I use the expressions as synonyms)." (Finnis, 1992, p. 227)



It seems clear that speaking of law in a contemporary language adds greater flexibility to the term, however, this flexibility represents a certain problem, in that it tries to respond to the demands of justice, in the sense that the demands of justice that individuals can make may be multiple and not necessarily precise, hence broadening the concept of right(s) should be attempted in a precise manner:

The strength of the language of rights lies in that, used carefully, it can express precisely the different aspects of a decision involving more than one person, indicating exactly what is and what is not required of each interested person, and exactly when and how one of those persons can modify those demands. (Finnis, 1992, p. 239)

It is evident that rights, understood in a contemporary sense, must be subjected to a rational process of specification, now, in order to carry out this process of specification it is necessary to have a conception of human good, this does not necessarily refer to a final state, but rather specification is sought through rationality, that is, the search for a right that has a broad cultural and political freedom, that takes into consideration all modes of being that are reasonable.

Finally, it should be considered that the term right in Finnis is constructed in a multifaceted character considering practical reason "This multifaceted conception of law has been constructed reflexively following the implications of certain demands of practical reason, giving certain basic values and certain empirical characteristics of people and their communities" (Finnis, 1992, p. 304). Finnis in presenting a definition of law does not define law univocally, but rather attempts to develop the concept considering human needs that are based on empirical conditions.

## 7. Conclusion

It has become clear that natural law not only affects man, but encompasses all creatures that make up the cosmos, since God is the ultimate end of everything, although we must recognize that in the case of man participation in natural law occurs in a different way, in the sense that although irrational creatures participate in natural law they do not do so consciously, as happens in the case of the subject, who actively participates in the realization of eternal law.

There is no doubt that man participates in a different way in natural law, his freedom being fundamental in this participation, in that it is because of it that he can refuse to act according to the norms of natural law, however, this denial would affect his own nature. It should be noted that this denial does not seem to be a flaw in human nature, but rather of knowledge.

While it is true that norms emanate from natural law, these are not haphazard, but must always be under the dominion of reason, it is thanks to this dominion of reason that we can establish distinctions in the way natural law affects rational and irrational creatures. We must consider that in the case of the individual it is not enough that reason is present, but this reason must be *recta ratio*, that is, it must be adequate to natural law.

Finally, the possibility of human reason failing must be noted, this being caused by two central reasons, the first of which is the inability of the individual to fully understand the divine order, while the second reason is related directly to original sin. In this line, virtues play a role to consider since, in a certain way, natural law requires virtues.

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