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The Concept Of Law And Its Divisions According To St. Thomas Aquinas, With Special Reference To The Natural Law

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THE CONCEPT OF LAW AND ITS DIVISIONS
ACCORDING TO ST. THOMAS AQUINAS--
WITH SPECIAL REFERENCE TO
THE NATURAL LAW

by

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THE CONCEPT OF LAW AND ITS DIVISIONS ACCORDING TO ST. THOMAS

AQUINAS-- WITH SPECIAL REFERENCE TO THE NATURAL LAW

That there is a pressing need for a true and definite code of ethics is one of the most patent facts of our day. A brief glimpse at man's most important relations-- those dealing with God, with other men, whether as individuals or collectively-- bears out this pressing need.

In the field of politics we see that the nations of the world are at disagreement on the basic purpose of the state: Is the state for the individual, or is the individual for the state? Scholastic philosophy offers a real solution to this very significant question, based on the very nature of man.

This solution is the natural law, which in the form presented by St. Thomas, has been the basis of the government of many nations of the world-- including our own country-- for centuries. What then is the cause of the differences in the various political theories of the day? Is the natural law something which is outdated, or does the fault lie in the application of this law to modern conditions? Olgiati would seem to indicate that the latter explanation is the true one, for, he says, "In his political teaching Aquinas is far from being aprioristic, but with a keen sense of reality founds his theories on the actualities of human life, so much so that many principles of his philosophy of law and many social and political doctrines are as fresh to-day as ever."(1) Such being the case it is

(1) The Key to the Study of Saint Thomas, p. 105.
very clear why a review of the doctrine of St. Thomas with regard to law, and the natural law in particular, is profitable at this time.

Not only is there need of reconsidering the natural law as given by St. Thomas in regard to political theory, but also in view of two very essential provinces of man's conduct, i.e., that of property and that of the relations between the sexes. John A. Ryan points this out when he says that the "New Morality" is unable to cope with these vital issues. (1) This 'new morality' is insufficient since it makes morality entirely subjective, and since it lacks such a thing as moral obligation. In contrast to this we find the 'old morality'(thanks to an Intelligent Creator, it is as old as human nature itself), the morality of the natural law, which is immediately based upon human nature, but which finds its ultimate basis in God. Since it is based upon God, the Supreme Lawgiver, this law must be obeyed. Upon this law, then, rests the solution of our moral, social and political problems, i.e., in as far as unaided human reason can find a solution.

To understand the natural law as given by St. Thomas it is best to understand first what he said with regard to law itself. To get this concept of law according to Thomas, we will use the same method he himself uses. Thus, he considers:

1. Law itself in general.
   a. Its essence.
   b. The different kinds of law.
   c. The effects of law.(2)

According to Thomas, law is "nothing else than an ordinance

(2) Summa Theologica, I. II., Q. X0.
of reason for the common good, made by him who has care of the community, and promulgated."(1) The first important part of this definition is that law be an "ordinance of reason". It is for reason alone to direct to an end— the first principle in all action. Law, or rule of action, is a principle by which the proper means are taken for a desired end. Therefore, law is said to be a function of reason. "Dicitur lex ordinatio rationis, quia regulare et mensurare actum humanum ad rationem pertinet."(2) Secondly, law must be an ordinance for the common good. By this is meant that the end of the law is not primarily the good of the individual but for the good of the community to which the individual belongs. Gilson, speaking on the Thomistic theory of morals, says, "This or that man's reason, though qualified to guide his actions for his welfare, is not, therefore, qualified to shape them for the good of the community to which he belongs, and to subordinate them to it. Here is the basis of the exteriority, so far as the individual is concerned, of the principle which obliges his activity. Law, then, will express the demands of reason ordering the individual's life in view of the common good of his group and speaking from the outside in the name of that group."(3)

Some will argue that this principle of the common good cannot be applied to irrational beings, but only to rational beings. But the common good is the extrinsic end of all law, though rational and irrational beings are ordained to the common good in a different manner. Irrational creatures are ordained to the common good only materially, that is, by their essence

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(1) Summa Theologica, I. II., Q. XC., Art. 4.
(2) Gredt, Elementa Philosophiae Aristotelico-Thomistae, n. 935.
and in their operations; rational creatures, on the other hand, are ordained to the common good formally, i.e., by partaking of the divine good, either as known by the way of imperfect happiness in this life or by perfect happiness in the next life.\(^1\)

The third important part of the definition of law is that it be made by him who has care of the community. Since the object of law is the common good of the group, the law must be set up by the group or by one representing the group and having charge of the group. Further, laws are set up not merely for people but for all communities of beings, ruled with reference to their common good by a ruler whose decisions are governed by reason. The last requisite of a law is that it be promulgated. By this is meant that the law be brought to the attention of those whom it binds, and that it be given to them as binding. Law, as stated before, is a rule of action; but nothing can be a rule of action unless it be known by those whom it binds. Hence, law must necessarily be promulgated.

Let us note that in his treatment of law St. Thomas seems to deal initially with law in a restricted sense—law only in the civil sense. But, as we shall see, law is not confined to these two; we use the term in connection with the natural law, the eternal law, etc.—these are laws in the real sense. St. Thomas, however, analyses the elements of civil and moral law—with which we are more familiar—to bring out the general notion of law.

We now come to the second main division under the heading

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(1) cf. Gredt, Elementa Philosophiae Aristotelico-Thomisticae, n. 935.
of law in general: The different kinds of law. St. Thomas, in this treatment of the divisions of law, proves the existence of an eternal law, a natural law, a human law, and a Divine law.

In regard to the first of these the Angelic Doctor says:

"As with every artificer there pre-exists the plan of the things that are set up by art, so in every governor there must pre-exist a plan of the order of the things that are to be done by those who are subject to his government. And as the plan of things to be done by art is called a pattern or exemplar, so the plan of him who governs subjects has the character of a law, if the other conditions are observed, which we have said to be essential to law. And as the plan of Divine Wisdom has the character of an exemplar, pattern, or idea, inasmuch as by it all things are created, so the plan of Divine Wisdom moving all things to their due end has the character of a law. And thus the eternal law is nothing else than the plan of Divine Wisdom as director of all acts and movements." (1)

An examination of this passage will show the nature of the eternal law.

Now all beings of the universe, since they are subject to Divine providence, are subject to the eternal law. All creatures are said to partake of this eternal law inasmuch as by its being imprinted upon them they receive their inclinations to their proper activity and ends. But man partakes of a share of the providence of God by being both provident for himself and for others. Therefore man partakes of the Eternal Reason, by which he possesses a natural inclination to his proper activity and end. This participation of the rational creature in the eternal law is called the natural law. (2) A thorough treatment of the natural law, including a fuller explanation as to its relation

(1) Summa Theologica, I. II., Q. XCI., Art. 1.
(2) cf. I. II., Q. XCI., Art. 2.
to the eternal law, its scope and binding force, how we come to
know it, etc., will be given in the second part of this paper.(1)

The next division of law is that of human law, or man-made
tlaws. The need of human laws flows from the fact that though
man is guided by that part of the eternal law which is known as
the natural law, yet this is not sufficient, for, as St. Thomas
says, "on the part of the practical reason, man has a natural
participation of the eternal law, according to certain general
principles, but not as regards the particular determination of
individual cases, which are, however, contained in the eternal
law. Hence the need for human reason to proceed further to san-
tion them by law."(2) Hence, every human law is derived from
and is based upon the natural law. Human laws are based upon
the natural law for one of two reasons: either by way of con-
clusion, by which they enforce some necessary conclusion of the
natural law, or by way of determination, by which they point out
the means to obtain a certain end, this end being pointed out
by-- but the means not determined by-- the natural law. Thus,
they are seen to be dictates of practical reason. In both in-
stances we have a true law provided that they fall under the
other provisions of a law, given in our definition.

The fourth kind of law considered by St. Thomas is Divine
Law,(3) but inasmuch as it is proper to revelation and not to
philosophy, it will not be the subject of detailed treatment
here. We can, however, examine it briefly, inasmuch as it fits
in with his treatment of the other kinds of laws. The need of

(1) cf. Infra, pp. 9, seq.
(2) Summa Theologica, I. II., Q. XCI., Art. 1, ad 1.
(3) I. II., Q. XCI., Art. 4-5.
a Divine positive law, says Thomas, arises from the fact that though man is sufficiently guided by the natural and eternal laws in his human nature of itself, yet in view of his supernatural end (made known through revelation) man needs an additional law given by God to direct him to his end. Another reason for this divine positive law comes from the fact that human judgment can err, and in order that man might be certain of what to do and what to avoid, a God-given law was necessary. Now this divine positive law is positive — that is, it exists as a law "outside" of the natural law — in one of two ways: either per accidens, by which God reveals those things which are already in the natural law so that all may come to know easier and to know for certain these truths, or per se, that is, God reveals to man a certain course of conduct not indicated by the natural law. These two ways in which the divine positive law may appear correspond to the human positive laws, treated in the last paragraph, which are positive per accidens, i.e., they enforce some necessary conclusions from the general principles of the natural law, or per se, if they are more specific determinations of those things which are contained indeterminately in the natural law. Hence Gredt says, "Lex civilis est evolutio quaedam legis naturalis, continenturque in ea indeterminate." (1)

Having dealt with the essence of law and the different kinds of law, let us now turn to the question as to the effects of law, i.e., the things that are to be accomplished by law. An examination of the nature of law itself shows that its proper

(1) Elementa Philosophiae Aristotelico-Thomisticae, n. 939.
effect is to make men do good. For a law is nothing more than a rule or measure made by one who is in charge of the community. But this law exists essentially in the one who rules, "by whom his subjects are governed."(1) Saint Thomas arrives at the conclusion that the proper effect of every law is to make its subject good by the following course of reasoning: The virtue of any subordinate being consists in the degree to which it is subordinated to that which does the regulating. (In this St. Thomas agrees with Aristotle, who says "the virtue of every subject consists in his being well subjected to his ruler" - Polit. i.)

In the second place, all laws are intended to be obeyed by those whom they regulate. Therefore, all laws lead those whom they regulate to their proper virtue. But virtue may be defined as that which makes its subject good. Therefore, the proper effect of law is to make those things which it governs good. (2) This good may be effected in one of two ways. It makes those who are regulated good simply when the intention of the lawgiver is the true good, inasmuch as this is the common good in accordance to Divine justice. Secondly, a law may make those whom it regulates good in some particular respect, when it aims at something which is beneficial only to the lawgiver, or something which is opposed to Divine justice. There is the objection, as Aquinas points out, that the aim of the law is not to make men good since some behave well with regard to things regarding the community but not with things regarding themselves. This objection raises the

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(1) Summa Theologica, I. II., Q. XCI., Art. 1.
(2) cf. ibid.
question whether in pursuing the common good, the good of the individual is done away with. St. Thomas answers this objection by saying, "The goodness of any part is considered in comparison with the whole; hence Augustine says (Conf. iii.) that 'unseemly is the part that harmonizes not with the whole.' Since then every man is a part of the state, it is impossible that a man be good, unless he be well proportionate to the common good: nor can the whole be well consistent unless its parts be proportionate to it. Consequently the common good of the state cannot flourish, unless the citizens be virtuous, at least those whose business it is to govern."(1)

St. Thomas also considers punishment as an effect of law, at least in a certain respect. For one who becomes accustomed to doing good or avoiding evil out of fear of being punished, is occasionally led on to do what is right of his own free will. In this respect, then, punishment may lead men to goodness.

THE NATURAL LAW

The first step in building up to a correct concept of the natural law as stated by St. Thomas is to show what is not meant by the term 'natural law'.

As early as the fourth century B. C. the Stoics under Zeno based their system of ethics on what might be termed a 'natural law'. This law of nature to the Stoics amounted to a universal nature which is continuously regulating the course of events.

(1) Summa Theologica, I. II., Q. XCIIL., Art. 1, ad 3.
Their system of morals consisted in acting in conformity to nature, by which they meant the part of the Logos which man shares, but which is also the divine Logos, or world-soul. In the last analysis, this kind of 'natural law' is nothing more than a physical law, for men are restrained to act by an ineluctable physical necessity, which would make him as responsible for his acts as an apple that falls to the ground.

Another false concept of the natural law, and one which exists even in our own times, is to make it equivalent to the 'state-of-nature'. This--which is really more a supposition than a law--means that nature itself, without interference from God, is a sufficient guide for moral conduct. This concept goes under the name of ethical naturalism, which treats moral science in the same manner as natural science, and substitutes absolute necessity for freedom.

Opposed to this last theory is the doctrine of the natural law according to the Scholastics, which comes as a natural conclusion of sound reason drawn from the changeless fact of human nature and the timeless fact of the existence and providence of God. This 'natural law' is defined by the Scholastics as the will of God made known to man by his natural powers of reason, requiring him to live according to his nature.

Still another false notion of the natural law comes from the tendency to consider the natural law as a sort of an impression on man of the divine light by which he can know the difference between right and wrong. Such a notion, which is very
similar to the belief that man's conscience is a separate faculty, seems to put the law as something entirely separate from the agent himself.

There is one distinction which should be kept in mind when treating of the natural law. The term 'natural law' can be applied to all creatures insofar as they are governed by their natures. But, in a strict sense, and in the sense which St. Thomas uses the term, 'natural law' applies only to rational creatures. When speaking in connection with irrational creatures the term 'physical laws' or 'laws of nature' are used.

We now come, after pointing out what the natural law is not, to a more thorough explanation of what the law is. It is, as we have said, the will of God made known to man by his natural powers of reason, requiring him to live according to his nature. Yet, as one author points out, (1) all Scholastics are not agreed as to the details of this law. They may, however, be divided into two distinct groups: (a) Those who hold that human nature itself is natural law; (b) Those who hold that human nature is the norm of morality, but who also maintain that there is included God's command that man live up to this norm.

This author (Rueve) agrees with the majority of Scholastics in accepting the latter explanation, which does not offer the serious difficulties of the former. In this more favorable explanation there are three elements to consider: the norm of morality, the natural law itself, and our manner of knowing the law. With respect to this norm of morality, Rueve says, "On

examination it is discovered to be human nature taken in the most complete sense, that is, considering all man's faculties, all his essential relations, and all these arranged in their proper hierarchy."(1)

Rueve then proceeds to show that, as opposed to the ethics of Aristotle and Plato, which in general tended to be based upon "virtue for its own sake" instead of moral obligation, the Scholastics built their ethics on moral obligation which comes from the Divine Lawmaker of the universe. He gives such a good description of not only the Scholastic basis for obligation, but of the natural law itself, that it will be profitable to quote him at length:

"Now, Scholasticism knows nothing of a purely secular or godless ethic, but postulates for its moral philosophy the existence of a personal, that is, intelligent God, the Creator and Governor of the universe. Could such an intelligent God be indifferent to the deliberate conduct of the creatures He has endowed with free will—the power of determining their own actions? Or must He, being consistent, seriously will that His creatures live according to the nature He has given them and thus perfect their being and attain the end He has in view for them? Scholastics answer this latter question in the affirmative. Moreover, God has not abandoned us entirely to the vagaries of the mind, the domination of passion, the propaganda of false moral concepts; but just as in the speculative order He has provided us with a readiness and facility in judging that certain acts are good and to be done, others bad and to be avoided. This is, in brief summary, the Scholastic proof of the reality of Natural Law. All other creatures on earth aside from man follow the divine behest by an inescapable physical necessity; man is put under the moral restraint called obligation which is the direct consequence of moral law. Despite this moral restraint he can choose to act contrary to his nature, but because of it he ought to choose to live in accordance with that nature."(2)

(1) Ibid., p. 31.
(2) Ibid., p. 31.
This concept of the natural law according to the Scholastics is seen to be in general the same as the natural law expounded by St. Thomas. Yet in the analysis of the natural law according to him as given in the first part of this paper, Thomas appears to give no explanation of moral obligation. In truth, Thomas does not show the basis for moral obligation in his section on law nor in the natural law, but seems to take it for granted, that is, he postulates it, having proved it in another section of his "Summa". This he does in his treatment of the psychology of the will (S. Theol., I., Q. LXXXII, Art. 1). For in order to establish the existence of moral duty or obligation he must consider how and to what extent the human will can be made to act of necessity. To do this he shows the different kinds of necessity, and then points out which ones can and do influence the will.

"On this point", says Miltner, in treating of the origin of moral obligation, "Saint Thomas teaches that the necessary character of anything is found in the necessary character of its causes. Necessity therefore arises from the causes of a thing."(1) The Angelic Doctor states that there are four kinds of necessity, each kind arising from the different kind of cause, whether it be formal, material, efficient, or final. Two of these kinds of necessity—those arising from formal and material causes—he puts in the same class as natural necessities: those arising from the inner nature of things. Thus he says, "Now that a thing must be may belong to it by an intrinsic principle; --either material, as when we say that everything composed of

(1) Elements of Ethics, p. 184.
contraries is of necessity corruptible;— or formal, as when we say that it is necessary for the three angles of a triangle to be equal to two right angles. And this is natural and absolute necessity."(1) Necessity may arise from something extrinsic to the object, that is, it may follow from the extrinsic causes, the efficient and final. Necessity may flow from the efficient cause, as when one is knocked to the ground by someone and is unable to get up. This necessity St. Thomas calls 'necessity of coercion'. If the necessity arises from the end or final cause, as when one must take a boat if he wishes to cross the ocean, it is said to be a 'necessity of end'. Now after showing the various kinds of necessity, we must, as St. Thomas does, show which of these act upon the will.

Thomas indicates that necessity of coercion, or compulsion, is foreign to the will. For the will cannot be forced to act by an agent outside of itself; acts of the will are voluntary, and it is not natural for the will to be forced, because voluntary movement and compulsion are diametrically opposed to each other.

But, as Aquinas points out, "necessity of end is not repugnant to the will".(2) A few examples will make this clear. If a man wants to go from New York to London he must take a boat. If one wants to be a learned man he must study. This kind of necessity holds true, however, only when the individual really and seriously desires the end. Put in other words, necessity of end means: I must wish to take the means if I seriously want to

(1) Summa Theologica, I., Q. LXXII., Art. 1.
(2) Ibid.
realize the end in view.

Not only is necessity of end not foreign to the will, but necessity of nature also. This is derived from the fact that "as the intellect of necessity adheres to the first principles, the will must of necessity adhere to the last end, which is happiness: since the end is in practical matters what the principle is in speculative matters."(1) In other words, the will must desire happiness and good in general-- since this is its natural object. A fixed end is necessary before the will can begin to move. Now as the final end is natural to us, we must take some of the means to attain that end. Hence the necessity of doing good and avoiding evil. Accordingly-- Miltner says, "Hence, of natural necessity, the will must seek a final end, as it must seek the means necessary to that end. Good acts lead to this end, bad ones away from it. It follows that one is bound to do good and avoid evil. In other words, this is the necessity of moral obligation."(2)

Something which will serve as a connecting link in this treatment of necessity of end to moral obligation-- which is what we started out with, is a quotation from Cronin's "Ethics". Commenting on St. Thomas' treatment of the necessity arising from the end, he says:

"On moral obligation he makes no express mention in this part of his work (his Psychology). But it is evident that this necessity which we have just established-- the necessity of wishing those things that are required for the final end-- is none other than the necessity of moral obligation. For, in the first place, it is a

(1) Summa Theologica, I., Q. LXXXII., Art. 1.
(2) Elements of Ethics, pg. 153.
necessity of doing good and of avoiding evil. It is a necessity, that is, of taking the means to the final end, and, therefore, it is just precisely what St. Thomas, in his expose, calls necessitas ex fine. Secondly, in his treatise on "Justice" St. Thomas expressly identifies these conceptions of moral obligation and final necessity."(1)

Obligation is, then, a necessary concomitant of the natural law. Now what does this mean in particular? First, we must go back to our definition of natural law: it is a participation of the eternal law by the rational creature. This law, as perceived by the minds of individual men, is conscience. Hence, moral obligation is something which belongs to man's rational nature. By reason we can know God, our Creator and our Lord, as well as ourselves, and our relations to God and our fellowmen. Further, by applying the general principles of the natural law, we know what actions we as human beings should perform in keeping with right reason. Moreover, we can know that God commands us to do what is right and avoid what is evil. We can conclude, therefore, this fact as to moral obligation:

"God is our Creator and Lord, and as such and because He is good, He has every right to our obedience and service. We need not go beyond the preceptive will of God in our analysis; it is obligatory upon us from the very nature of God and our relation to Him. The rules of morality are then moral laws, imposing upon us an obligation derived from the will of God, our Creator. That obligation is the moral necessity that we are under of conforming our actions to the demands of our rational nature and to the end for which we exist."(2)

This statement by Slater, who places the emphasis upon the will of God as to morality, can be qualified to this

(1) pp. 218-19.
(2) T. Slater: "Obligation", The Catholic Encyclopedia.
extent: It is true that moral law and all law depends on the will of God, because the existence of creatures depends upon the will of God. Yet we must remember that the creatures God has willed to create act according to their natures: according to their essences. Thus a mouse is conformed to the Divine Ordination because of what it is and it acts as a mouse. It is man's privilege and duty to act as a reasonable being, and to act as a reasonable being means to act according to his rational being.

Returning to the more special treatment of the natural law as stated by Thomas, we see more definitely what the nature of this law is, though the general content of his treatise on it was given at the first of this paper.

In answer to certain objections St. Thomas replies that the natural law is not a habit. This he proves after distinguishing the two kinds of habit. The natural law is not a habit properly and essentially, for the distinction between habit and law corresponds to the difference between that by which one does a thing and that which one does. (1) But the natural law may be considered a habit according to the second use of this term, i.e., if what we mean by a habit the thing or things in themselves which we hold by habit.

In regard to the precepts of the natural law, St. Thomas states that the first precept of the natural law, and the one on which all others are based, is: "Good is to be done and ensued, and evil is to be avoided." (2)

(1) cf. Summa Theologica, I. II., Q. XCIV., Art. 1. (2) I. II., Q. XCIV., Art. 2.
He arrives at this precept in this manner: As being is the first object of our reason, and from this is obtained the indemonstrable principles of identity and contradiction, so, too, good—being the first object of the practical reason (reason directing some action)—gives rise to the principle that "good is that which all things seek after".

Because, as Thomas shows, good has the nature of an end, then those things which men are naturally inclined to are perceived by the reason as good. Therefore, "according to the order of natural inclinations, is the order of the precepts of the natural law."(1) Now man's natural inclinations may be considered under the different aspects we look upon man: as a substance, as an animal, or as a rational being. In the first instance, man, together with all other substances, has certain inclinations. As Aquinas states, "every substance seeks the preservation of its own being, according to its own nature", man according to this inclination preserves his human life, and by this inclination he is forbidden by the natural law to commit suicide and is commanded to take the means to preserve his life, i.e., by eating.

Secondly, man considered as an animal has certain inclinations, chief of which are the preservation of the species and the education of offspring. In view of these inclinations, he is commanded by the natural law with regard to the procreation and education of children, and marriage. Lastly, man has certain definite inclinations in keeping with his rational nature.

(1) Summa Theologica, I. II., Q. XCIV., Art. 2.
(2) I. II., Q. XCIV., Art. 2.
(3) I. II., Q. XCIV., Art. 2.
Inasmuch as he is rational, "man has a natural inclination to know the truth about God, and to live in society: and in this respect, whatever pertains to this inclination belongs to the natural law; for instance, to shun ignorance, to avoid offending those among whom one has to live, and other such things regarding the above inclination."(1) So much for the precepts of the natural law.

The natural law is the same in all men, says St. Thomas, but only in its first principles, since the natural appetites are the same in all men. The conclusions to these general principles, however, are not the same in all men, or universal, since they depend upon the circumstances as well as the general principles. How the natural law, with regard to its conclusions, fails to be the same in all men is explained when Thomas says, "It may fail, both as to rectitude, by reason of certain obstacles, and as to knowledge, since in some the reason is perverted by passion, or evil habit, or an evil disposition of nature."(2)

Not only is the natural law the same in all men, or universal, with regard to its first principles, but it is also immutable. The natural law may vary, however, subjectively, not with regard to the first principles, but with regard to the conclusions. If the natural law were to change objectively, it would, as St. Thomas points out, have to do so either by addition or by substraction. (3) He further shows that the natural law may undergo change by way of addition: thus Divine

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(1) Summa Theologica, I. II., Q. XCIV., Art. 2.
(2) I. II., Q. XCIV., Art. 4.
(3) cf. I. II., Q. XCIV., Art. 5.
law and human laws contribute much to the well-being of human beings; yet these laws are in a way addition to the natural law. The natural law cannot change by way of substraction, i.e., that something which once came under the natural law is no longer so, at least in its general principles, though it may do so in its particular applications in the manner indicated in the foregoing paragraph.

One more fact must be considered in reference to the natural law. It is the distinction that must be made between "conscience" and the natural law. Conscience is "the application of the natural law to a particular case or a judgment of reason, which applies practical principles or the natural law to decide a particular case and tells, what here and now must be done in accordance with the natural law."(1)

After giving our attention to the main points in St. Thomas' teaching on the natural law, we are now ready for a brief summary. The natural law is, as we have seen, the participation by man in the eternal law. The eternal law is the rule or measure by which God directs everything in the universe to its final end, which is Himself. An examination of what Thomas means by the term 'law' and the term 'natural law' has shown that the natural law is really a law, i.e., an ordinance of reason; and, man's participation in the eternal law is rational. Furthermore, this law is promulgated by the "very fact that God instilled it into man's mind so as to be known by him naturally."(2) The natural

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(1) Greit, Elementa Philosophiae Aristotelico-Thomisticae, n. 940.
(2) Summa Theologica, I. II., Q. XC., Art. 4, ad 1.
law, moreover, is the source of all human laws, for these latter are derived from the natural law by enforcing some necessary conclusion of, or by directing the means to the end determined by the natural law. We have seen that the natural law is unchangeable and universal in its general principles, although its particular applications may vary. We have considered how the natural law is not some presumptuous "state-of-nature", but rather a real law-- with binding force-- which finds its source in a Supreme Lawgiver. The fact of this Supreme Lawgiver supplies the foundation for moral obligation, for, as Mercier declares, "we prefer to follow unreservedly the opinion of St. Thomas which makes moral obligation rest on a double foundation-- immediately, upon human nature; remotely, upon the intelligence of God who rules all things by His Providence."(1)

In conclusion let it be said that the doctrine of the natural law, belonging as it does to the field of Ethics, must depend upon the other branches of philosophy. For throughout his discussion on this topic, St. Thomas uses those fundamental postulates of ethics-- which he proves in other parts of his "Summa"-- namely, the existence of God, the freedom of the will, and the immortality of the soul. Thomas' doctrine of the natural law, must like ethics itself, follow logically upon the other branches of philosophy.(2) But, as Olgiati so well points out, all the departments of the philosophy of Aquinas, whether they be metaphysics, logic, psychology, ethics, or any other, are a

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synthesis inspired by the idea of being. (1) It is very important, then, to note this fact: in Thomistic philosophy the relation between metaphysics and ethics— and therefore of the natural law—a fact indicated on almost every page of the present work— is very close. No more fitting conclusion could be given than the following excerpt:

"Every action is good in the degree in which it partakes of being, that is, insofar as it possesses the requisite perfection; while the lack of this being, or this perfection which is its due, constitutes the concept of moral evil. The object of the will is being under the abstract formality of goodness, just as the object of the intellect is being in so far as true. The will aspires to the good, to Being, never resting satisfied until it has attained to its full possession. Our actions are objectively good or bad, according as we respect or not the gradation or the relations of the various degrees of entity. Thus man must be subordinate to God because participated being is subject to Being by essence. Men among themselves are bound by relations which are always determined by the nature of being, that is, by the human person and by dependence on the will of God. Finally, we may make use of other beings if, and in so far as, we do not disturb the order called for by the various degrees of entity." (2)

(1) Key to the Study of St. Thomas, p. 99.
(2) Ibid., p. 104.
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