On Natural Law

Thomas Aquinas

Saint Thomas Aquinas was born in Italy in 1224. He was of noble birth and was able to enter a Dominican order and spend his life as a teacher and scholar in Paris, Cologne, Rome, and Naples. With the rediscovery of ancient Greek philosophy (in particular, Aristotle's writings) the Church was faced with the problem of reconciling its theology with the teachings of the Greeks. Thomas Aquinas undertook this task, developing an all-embracing philosophical system that sought a synthesis of faith and reason. He died at the age of fifty, and in 1879 the Roman Catholic Church declared his writings to be its official teaching.

In this brief selection from his classic work, Summa Theologica, Aquinas first provides a definition of law and then describes the four types of law along with the interrelationships among them. As background, Aquinas assumes with Aristotle that each creature has its own natural purpose or end and that fulfilling that purpose defines its good. Just as one cannot understand a knife or an eye without appreciating its purpose, so too for Aristotle it is impossible to understand a legal or a political system without first thinking about the natural good of human beings.

QUESTION 90:
ON THE ESSENCE OF LAW

Whether Law is Always Directed to the Common Good?

Objection. It would seem that law is not always directed to the common good as to its end. For it belongs to law to command and to forbid. But commands are directed to certain individual goods. Therefore the end of law is not always the common good.

On the contrary, Isidore says that laws are enacted for no private profit, but for the common benefit of the citizens.

I answer that, As we have stated above, law belongs to that which is a principle of human acts, because it is their rule and measure. Now as reason is a principle of human acts, so in reason itself there is something which is the principle in respect of all the rest. Hence to this principle chiefly and mainly law must needs be referred. Now the first principle in practical matters, which are the object of the practical reason, is the last end: and the last end of human life is happiness or beatitude, as we have stated above. Consequently, law must needs concern itself mainly with the order that is in beatitude. Moreover, since every part is ordained to the whole as the imperfect to the perfect, and since one man is a part of the perfect community, law must needs concern itself properly with the order directed to universal happiness. Therefore the Philosopher [Aristotle], in the above definition of legal matters, mentions both happiness and the body politic, since he says that we call those legal matters just which are adapted to produce and preserve happiness and its parts for the body politic. For the state is a perfect community, as he says in Politics i.

Now, in every genus, that which belongs to it chiefly is the principle of the others, and the others belong to that genus according to some order towards that thing. Thus fire, which is chief among hot things, is the
cause of heat in mixed bodies, and these are said to be hot in so far as they have a share of fire. Consequently, since law is chiefly ordained to the common good, any other precept in regard to some individual work must needs be devoid of the nature of a law, save in so far as it regards the common good. Therefore every law is ordained to the common good.

**Whether the Reason of Any Man is Competent to Make Laws?**

... A private person cannot lead another to virtue efficaciously; for he can only advise, and if his advice be not taken, it has no coercive power, such as the law should have, in order to prove an efficacious inducement to virtue, as the Philosopher says. But this coercive power is vested in the whole people or in some public personage, to whom it belongs to inflict penalties, as we shall state further on. Therefore the framing of laws belongs to him alone.

... As one man is a part of the household, so a household is a part of the state; and the state is a perfect community, according to *Politics* i. Therefore, just as the good of one man is not the last end, but is ordained to the common good, so too the good of one household is ordained to the good of a single state, which is a perfect community. Consequently, he that governs a family can indeed make certain commands or ordinances, but not such as to have properly the nature of law.

**Whether Promulgation is Essential to Law?**

*Objection.* It would seem that promulgation is not essential to law. For the natural law, above all, has the character of law. But the natural law needs no promulgation. Therefore it is not essential to law that it be promulgated.

*On the contrary.* It is laid down in the *Decretals* that *laws are established when they are promulgated.*

*I answer that.* As was stated above, a law is imposed on others as a rule and measure.

Now a rule or measure is imposed by being applied to those who are to be ruled and measured by it. Therefore, in order that a law obtain the binding force which is proper to a law, it must needs be applied to the men who have to be ruled by it. But such application is made by its being made known to them by promulgation. Therefore promulgation is necessary for law to obtain its force.

Thus, ... the definition of law may be gathered. Law is nothing else than an ordinance of reason for the common good, promulgated by him who has the care of the community.

... The natural law is promulgated by the very fact that God instilled it into man's mind so as to be known by him naturally.

... Those who are not present when a law it promulgated are bound to observe the law, in so far as it is made known or can be made known to them by others, after it has been promulgated. ...

**QUESTION 91:**

**ON THE VARIOUS KINDS OF LAW**

**Whether There is an Eternal Law?**

*Objection.* It would seem that there is no eternal law. For every law is imposed on someone. But there was not someone from eternity on whom a law could be imposed, since God alone was from eternity. Therefore no law is eternal. ...

*On the contrary.* Augustine says: *That Law which is the Supreme Reason cannot be understood to be otherwise than unchangeable and eternal.*

*I answer that.* Law is nothing else but a dictate of practical reason emanating from the ruler who governs a perfect community. Now it is evident, granted that the world is ruled by divine providence, ... that the whole community of the universe is governed by the divine reason. Therefore the very notion of the government of things in God, the ruler of the universe, has the nature of a law. And since the divine reason's conception of things is not subject to time, but is eternal, according
to Prov. viii. 23, therefore it is that this kind of law must be called eternal. . . .

Whether There is in Us a Natural Law?

... Law, being a rule and measure, can be in a person in two ways: in one way, as in him that rules and measures; in another way, as in that which is ruled and measured, since a thing is ruled and measured so far as it partakes of the rule or measure. Therefore, since all things subject to divine providence are ruled and measured by the eternal law, as was stated above, it is evident that all things partake in some way in the eternal law, in so far as, namely, from its being imprinted on them, they derive their respective inclinations to their proper acts and ends. Now among all others, the rational creature is subject to divine providence in a more excellent way, in so far as it itself partakes of a share of providence, by being provident both for itself and for others. Therefore it has a share of the eternal reason, whereby it has a natural inclination to its proper act and end; and this participation of the eternal law in the rational creature is called the natural law. . . . [T]he light of natural reason, whereby we discern what is good and what is evil, which is the function of the natural law, is nothing else than an imprint on us of the divine light. It is therefore evident that the natural law is nothing else than the rational creature’s participation of the eternal law. . . .

Whether There is a Human Law?

... A law is a dictate of the practical reason. Now it is to be observed that the same procedure takes place in the practical and in the speculative reason, for each proceeds from principles to conclusions, as was stated above. Accordingly, we conclude that, just as in the speculative reason, from naturally known indemonstrable principles we draw the conclusions of the various sciences, the knowledge of which is not imparted to us by nature, but acquired by the efforts of reason, so too it is that from the precepts of the natural law, as from common and indemonstrable principles, the human reason needs to proceed to the more particular determination of certain matters. These particular determinations, devised by human reason, are called human laws, provided that the other essential conditions of law be observed, as was stated above.

... The human reason cannot have a full participation of the dictate of the divine reason, but according to its own mode, and imperfectly. Consequently, just as on the part of the speculative reason, by a natural participation of divine wisdom, there is in us the knowledge of certain common principles, but not a proper knowledge of each single truth, such as that contained in the divine wisdom, so, too, on the part of the practical reason, man has a natural participation of the eternal law, according to certain common principles, but not as regards the particular determinations of individual cases, which are, however, contained in the eternal law. Hence the need for human reason to proceed further to sanction them by law. . . .

Whether There Was Any Need for a Divine Law?

... Besides the natural and the human law it was necessary for the directing of human conduct to have a divine law. And this for four reasons. First, because it is by law that man is directed how to perform his proper acts in view of his last end. Now if man were ordained to no other end than that which is proportionate to his natural ability, there would be no need for man to have any further direction, on the part of his reason, in addition to the natural law and humanly devised law which is derived from it. But since man is ordained to an end of eternal happiness which exceeds man’s natural ability, as we have stated above, therefore it was necessary that, in addition to the natural and the human law, man should be directed to his end by a law given by God.

Secondly, because, by reason, of the uncertainty of human judgment, especially on contingent and particular matters, different
people form different judgments on human acts; whence also different and contrary laws result. In order, therefore, that man may know without any doubt what he ought to do and what he ought to avoid, it was necessary for man to be directed in his proper acts by a law given by God, for it is certain that such a law cannot err.

Thirdly, because man can make laws in those matters of which he is competent to judge. But man is not competent to judge of interior movements, that are hidden, but only of exterior acts which are observable; and yet for the perfection of virtue it is necessary for man to conduct himself rightly in both kinds of acts. Consequently, human law could not sufficiently curb and direct interior acts, and it was necessary for this purpose that a divine law should supervene.

Fourthly, because, as Augustine says, human law cannot punish or forbid all evil deeds, since, while aiming at doing away with all evils, it would do away with many good things, and would hinder the advance of the common good, which is necessary for human living. In order, therefore, that no evil might remain unforbidden and unpunished, it was necessary for the divine law to supervene, whereby all sins are forbidden.

... A tyrannical law, through not being according to reason, is not a law, absolutely speaking, but rather a perversion of law; and yet in so far as it is something in the nature of a law, its aim is that the citizens be good. For it has the nature of law only in so far as it is an ordinance made by a superior to his subjects, and aims at being obeyed by them; and this is to make them good, not absolutely, but with respect to that particular government ...

**QUESTION 92:**
**ON THE EFFECTS OF LAW**

Whether it is an Effect of Law to Make Men Good?

... A law is nothing else than a dictate of reason in the ruler by whom his subjects are governed. Now the virtue of any being that is a subject consists in its being well subordinated to that by which it is regulated; and thus we see that the virtue of the irascible and concupiscible powers consists in their being obedient to reason. In the same way, the virtue of every subject consists in his being well subjected to his ruler, as the Philosopher says. But every law aims at being obeyed by those who are subject to it. Consequently it is evident that the proper effect of law is to lead its subjects to their proper virtue; and since virtue is that which makes its subject good, it follows that the proper effect of law is to make those, to whom it is given, good, either absolutely or in some particular respect. For if the intention of the lawgiver is fixed on a true good, which is the common good regulated according to divine justice, it follows that the effect of law is to make men good absolutely. If, however, the intention of the lawgiver is fixed on that which is not good absolutely, but useful or pleasurable to himself, or in opposition to divine justice, then law does not make men good absolutely, but in a relative way, namely, in relation to that particular government. In this way good is found even in things that are bad of themselves. Thus a man is called a good robber, because he works in a way that is adapted to his end.

**QUESTION 93: THE ETERNAL LAW**

... Just as in every artificer there pre-exists an exemplar of the things that are made by his art, so too in every governor there must pre-exist the exemplar of the order of those things that are to be done by those who are subject to his government. And just as the exemplar of the things yet to be made by an art is called the art or model of the products of that art, so, too, the exemplar in him who governs the acts of his subjects bears the character of a law, provided the other conditions be present which we have mentioned above as belonging to the nature of law. Now God, by His wisdom, is the Creator of all things, in relation to which He stands as the
artificer to the products of His art, as was stated in the First Part. Moreover, He governs all the acts and movements that are to be found in each single creature, as was also stated in the First Part. Therefore, just as the exemplar of the divine wisdom, inasmuch as all things are created by it, has the character of an art, a model or an idea, so the exemplar of divine wisdom, as moving all things to their due end, bears the character of law. Accordingly, the eternal law is nothing else than the exemplar of divine wisdom. As directing all actions and movements.

Since, then, the eternal law is the plan of government in the Chief Governor, all the plans of government in the inferior governors must be derived from the eternal law. But these plans of inferior governors are all the other laws which are in addition to the eternal law. Therefore all laws, in so far as they partake of right reason, are derived from the eternal law. Hence Augustine says that in temporal law there is nothing just and lawful but what man has drawn from the eternal law.

... Human law has the nature of law in so far as it partakes of right reason; and it is clear that, in this respect, it is derived from the eternal law. But in so far as it deviates from reason, it is called an unjust law, and has the nature, not of law, but of violence. Nevertheless, even an unjust law, in so far as it retains some appearance of law, through being framed by one who is in power, is derived from the eternal law; for all power is from the Lord God, according to Rom xiii, 1.

... Human law is said to permit certain things, not as approving of them, but as being unable to direct them. And many things are directed by the divine law, which human law is unable to direct, because more things are subject to a higher than a lower cause. Hence the very fact that human law does not concern itself with matters it cannot direct comes under the ordination of the eternal law. It would be different, were human law to sanction what the eternal law condemns. Consequently, it does not follow that human law is not derived from the eternal law; what follows is rather that it is not on a perfect equality with it.

QUESTION 94: THE NATURAL LAW

Whether the Natural Law Contains Several Precepts or Only One?

... The precepts of the natural law are to the practical reason what the first principles of demonstrations are to the speculative reason, because both are self-evident principles. Now a thing is said to be self-evident in two ways: first, in itself; secondly, in relation to us. Any proposition is said to be self-evident in itself, if its predicate is contained in the notion of the subject; even though it may happen that to one who does not know the definition of the subject, such a proposition is not self-evident. For instance, this proposition, *Man is a rational being*, is in its very nature, self-evident, since he who says *man*, says a *rational being*; and yet to one who does not know what a man is, this proposition is not self-evident. Hence it is that, as Boethius says, certain axioms or propositions are universally self-evident to all; and such are the propositions whose terms are known to all, as, *Every whole is greater than its part*, and, *Things equal to one and the same are equal to one another*. But some propositions are self-evident only to the wise, who understand the meaning of the terms of such propositions. Thus to one who understands that an angel is not a body, it is self-evident that an angel is not circumspectively in a place. But this is not evident to the unlearned, for they cannot grasp it.

... Now as *being* is the first thing that falls under the apprehension absolutely, so *good* is the first thing that falls under the apprehension of the practical reason, which is directed to action (since every agent acts for an end, which has the nature of good). Consequently, the first principle in the practical reason is one founded on the nature of good, viz., that *good is that which all things seek after*. Hence this is the first precept of law, that *good is to be done and promoted, and evil is to be avoided*. All other precepts of the natural law are based upon this; so that all the things which the practical reason naturally apprehends as man's good belong to the precepts
of the natural law under the form of things to be done or avoided.

Since, however, good has the nature of an end, and evil, the nature of the contrary, hence it is that all those things to which man has a natural inclination are naturally apprehended by reason as being good, and consequently as objects of pursuit, and their contraries as evil, and objects of avoidance. Therefore, the order of the precepts of the natural law is according to the order of natural inclinations. For there is in man, first of all, an inclination to good in accordance with the nature which he has in common with all substances, inasmuch, namely, as every substance seeks the preservation of its own being, according to its nature; and by reason of this inclination, whatever is a means of preserving human life, and of warding off its obstacles, belongs to the natural law. Secondly, there is in man an inclination to things that pertain to him more specially, according to that nature which he has in common with other animals; and in virtue of this inclination, those things are said to belong to the natural law which nature has taught to all animals, such as sexual intercourse, the education of offspring and so forth. Thirdly, there is in man an inclination to good according to the nature of his reason, which nature is proper to him. Thus 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: e.g., to shun ignorance, to avoid offending those among whom one has to live, and other such things regarding the above inclination.

... All these precepts of the law of nature have the character of one natural law, inasmuch as they flow from one first precept.

... All the inclinations of any parts whatsoever of human nature, e.g., of the concupiscible and irascible parts, in so far as they are ruled by reason, belong to the natural law, and are reduced to one first precept, as was stated above. And thus the precepts of the natural law are many in themselves, but they are based on one common foundation...