

Thomas Aquinas, *Summa theologiae* I-II, qq. 90-108. Treatise on Law

q. 90, a. 4: Law in general is “nothing else than an ordinance of reason for the common good, made by the one who has care of the community, and promulgated.”

Q. 91: On the various kinds of law: Eternal Law, Natural Law, Divine Law, Human Law.

a. 1: The whole community of the universe is governed by divine reason.

a. 2: Since all things subject to Divine Providence are ruled and measured by the eternal law, it is evident that all things partake somewhat of the eternal law, insofar as from its being imprinted on them, they derive their respective inclinations to their proper acts and ends. The rational creature is subject to Divine Providence in the most excellent way, insofar as it partakes of a share of providence by being provident both for itself and for others. Hence it has a share of the eternal reason, whereby it has a natural inclination to its proper act and end. This participation of the eternal law in the rational creature is called the natural law. The light of natural reason, whereby we discern what is good and what is evil, is nothing other than an imprint on us of the Divine Light. So, the natural law is nothing else than the rational creature’s participation of the eternal law.

a. 3. Just as in speculative reasoning we proceed from naturally known indemonstrable principles, so too it is from the precepts of the natural law, as from general and indemonstrable principles, that human reason proceeds to the more particular determinations that are called human laws.

a. 4. There is need for divine law (besides natural law and human law): (1) since man is ordained to the end of eternal happiness, which is beyond man’s natural faculty; (2) since different people form different and contrary laws on account of the uncertainty of human judgment, but man needs to know without doubt what he ought to do and what he ought to avoid; (3) while man can make laws in the matters of his competence, he is not competent to judge of interior movements, which are hidden; but for the perfection of virtue it is necessary for man to conduct himself aright in both kinds of acts; (4) human law cannot punish or forbid all evil deeds; 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.

Q. 92: On the effects of law: to restrain crime and to lead men to their proper virtue.

Q. 93: Of the eternal law.

a. 2: No one can know the eternal law as it is in itself, except the blessed who see God in His essence. But every rational creature knows it in its reflection, more or less. All men know the truth to a certain extent, as least as to the common principles of the natural law.

a. 3: All laws, insofar as they partake of right reason, are derived from the eternal law.

a. 6: Sub-rational creatures partake of the eternal law by way of an inward motive principle (inclination), but since the rational creature (together with what it has in common with all creatures) has something proper to itself inasmuch as it is rational. So, it is subject to the eternal law both by way of knowledge and by way of natural inclination. But both ways are imperfect and (to a certain extent) destroyed in the wicked, for their natural inclination to virtue is corrupted by vicious habits and their natural knowledge of good is darkened by passions and habits of sin. By contrast, in the good the knowledge of faith and wisdom is added to their natural knowledge, and the added motive of grace and virtue is added to their natural inclination.

Q. 94. On the natural law

a. 2. Does the natural law contain several precepts or only one? The self-evident precepts of the natural law serve practical reason as the self-evident principles of demonstration serve theoretical reason [e.g., the principles of non-contradiction, identity, sufficient reason, causality, the whole as greater than any of its parts, etc.]. Just as the notions *being* and *non-being* constitute the principle needed for

theoretical reason, so does *the good* for practical reason. Since every being acts for an end under the notion of the good, the first precepts of law is that *good is to be done and pursued, and evil avoid*. All the other precepts of the natural law are based on this.

All those things to which we have a natural inclination are naturally apprehended as *apparent goods*, and their contraries as *apparent evil*. The order of the precepts of the natural law corresponds to the order of natural inclinations: (1) An inclination to the good that we have in common with all substances generates obligations by every substance to seek the preservation of its own being and to ward off obstacles to this end. (2) An inclination to the good that we have in common with other animals generates obligations by every animal to preserve the species by procreation, to educate offspring, and so on. (3) An inclination to the goods that are properly human (such as the inclination to know the truth about God, to live in society) generates obligations to shun ignorance, to avoid offending those among whom one must live, and so on.

a. 3. In a sense, all acts of virtue are prescribed by the natural law, since reason naturally dictates that a person should act virtuously; but in another sense this is not the case, for many things are done virtuously to which nature does not at first incline us.

a. 4. In speculative matters the truth is the same in all, both as to principles and conclusions, but not every reaches the conclusions correctly. In practical matters, it is right and true for all to act according to reason, but not everyone reaches correct conclusions. The more general the claim, the more likely that it will be known to all (e.g., that goods entrusted to another should be restored to their owner), but the further we descend into detail and the more conditions we add, the more disagreement there will be. The general principles of the natural law are the same for all, but with increasing detail, there will be more disagreement and even more error, since the reason can be perverted by passion, bad habit, a distorted disposition of nature. [“Theft, although it is expressly contrary to the natural law, was not considered wrong among the Germans” (Julius Caesar, *De Bello Gall.* vi).]

a. 5. There are two ways in which to understand the possibility of change in the natural law: (1) By addition: that is, many things for the benefit of human life have been added by the Divine law and by human law. (2) By subtraction: it is utterly impossible that what was previously according to the natural law will cease to be so. There could, however, be special cases hindering the observance of its precepts.

a. 6. The most general principles of the natural law can in no way be blotted out from men’s hearts. But it is possible for reason to be hindered from applying the general principles to a particular point of practice, on account of passion. The secondary precepts, however, can be blotted out, e.g., by evil persuasions, vicious customs, corrupt habits, and unnatural vices (as the Apostle states in *Romans* 1).

Q. 95. Of human law.

a. 1. Although man has a natural aptitude for virtue, the perfection of virtue required training, such as by withdrawing men from undue pleasures to which we are especially inclined, and by admonitions. But since some are found to be depraved and prone to vice and not easily amendable to words, it is necessary to restrain them from evil by force and fear, so that they desist from evil doing and leave others in peace. By being habituated in this way, they can be brought to do willingly what hitherto they did from fear (e.g., fear of punishment under law).

a. 2. Since what is not just seems to be no law at all, the force of a law may be said to depend on its justice (i.e., by being right according to the rule of reason). Consequently, every human law has just so much of the nature of law as it is derived from the law of nature, and to the extent that it deflects from the law of nature, it is no longer a law but a perversion of law. But we should note that something may be derived from the natural law in two ways: (1) as a conclusion from premises [e.g., *one must not kill* is a conclusion from *one should do no one harm*] and (2) by way of a more specific determination of something general [e.g., from *an evil-doer should be punished* one may determine by reason that such a person should be punished *in this way or in that*].