

Excerpts from St. Thomas Aquinas (1225-74),  
*Summa Theologiae* ["*Summation of Theology*"]  
Available at: <http://www.ccel.org/a/aquinas/summa/FP.html>

(This unfinished work, begun about 1264, is a massive and still authoritative compendium of Christian doctrine, elaborated "as briefly and clearly as the matter itself may allow," and "in such a way as befits the instruction of beginners" (in the words of the Prologue). The work proceeds through a series of hundreds of "Disputed Questions"—each being a sort of scholastic version of a Platonic dialogue, in which a thesis is stated as a question and then debated, with objections, then authoritative contradiction of the objections, then St. Thomas's own opinion and argument, and then finally St. Thomas's responses to the Objections (which occasionally are conceded to have won the argument). The *Summa* is made up of two great parts, of which the second is subdivided into two parts—hence the "First Part," and then the "First Part of the Second Part," and then the "Second Part of the Second Part.")

[On the Conscience:]

From the First Part (henceforth FP), Question (henceforth Q) 79, Article (henceforth A) 12: Is "*synderesis*" [the mental foundation of the conscience] a special power of the soul distinct from the others?

Answer: "*Synderesis*" is not a power but a habit; though some held that it is a power higher than reason; while others [\*Cf. Alexander of Hales, *Sum. Theol.* II, Q73] said that it is reason itself, not as reason, but as a nature. In order to make this clear we must observe that, as we have said above (A8), man's act of reasoning, since it is a kind of movement, proceeds from the understanding of certain things—namely, those which are naturally known without any investigation on the part of reason, as from an immovable principle—and ends also at the understanding, inasmuch as by means of those principles naturally known, we judge of those things which we have discovered by reasoning. Now it is clear that, as the speculative reason argues about speculative things, so that practical reason argues about practical things. Therefore we must have, bestowed on us by nature, not only speculative principles, but also practical principles. Now the first speculative principles bestowed on us by nature do not belong to a special power, but to a special habit, which is called "the understanding of principles," as the Philosopher explains (*Ethic.* vi, 6). Wherefore the first practical principles, bestowed on us by nature, do not belong to a special power, but to a special natural habit, which we call "*synderesis*." Whence "*synderesis*" is said to incite to good, and to murmur at evil, inasmuch as through first principles we proceed to discover, and judge of what we have discovered. It is therefore clear that "*synderesis*" is not a power, but a natural habit.

FP Q 79 A 13: Whether conscience be a power?

I answer that, Properly speaking, conscience is not a power, but an act. This is evident both from the very name and from those things which in the

common way of speaking are attributed to conscience. For conscience, according to the very nature of the word, implies the relation of knowledge to something: for conscience may be resolved into "*cum alio scientia*," i.e. knowledge applied to an individual case. But the application of knowledge to something is done by some act. Wherefore from this explanation of the name it is clear that conscience is an act.

The same is manifest from those things which are attributed to conscience. For conscience is said to witness, to bind, or incite, and also to accuse, torment, or rebuke. And all these follow the application of knowledge or science to what we do: which application is made in three ways. One way in so far as we recognize that we have done or not done something; "Thy conscience knoweth that thou hast often spoken evil of others" (Eccles. 7:23), and according to this, conscience is said to witness. In another way, so far as through the conscience we judge that something should be done or not done; and in this sense, conscience is said to incite or to bind. In the third way, so far as by conscience we judge that something done is well done or ill done, and in this sense conscience is said to excuse, accuse, or torment. Now, it is clear that all these things follow the actual application of knowledge to what we do. Wherefore, properly speaking, conscience denominates an act. But since habit is a principle of act, sometimes the name conscience is given to the first natural habit--namely, "*synderesis*": thus Jerome calls "*synderesis*" conscience (*Gloss. Ezech. 1:6*); Basil [*Hom. in princ. Proverb.*], the "natural power of judgment," and Damascene [*De Fide Orth. iv. 22*] says that it is the "law of our intellect." For it is customary for causes and effects to be called after one another.

### [Treatise on Law]

First Part of the Second Part (henceforth FS), Q 90 A 1: Whether law is something pertaining to reason?

I answer that, Law is a rule and measure of acts, whereby man is induced to act or is restrained from acting: for "*lex*" [law] is derived from "*ligare*" [to bind], because it binds one to act. Now the rule and measure of human acts is the reason, which is the first principle of human acts, as is evident from what has been stated above (Q1, A1, ad 3); since it belongs to the reason to direct to the end, which is the first principle in all matters of action, according to the Philosopher (*Phys. ii*). Now that which is the principle in any genus, is the rule and measure of that genus: for instance, unity in the genus of numbers, and the first movement in the genus of movements. Consequently it follows that law is something pertaining to reason.

Just as, in external action, we may consider the work and the work done, for instance the work of building and the house built; so in the acts of reason, we may consider the act itself of reason, i.e. to understand and to reason, and something produced by this act. With regard to the speculative reason, this is first of all the definition; secondly, the proposition; thirdly, the syllogism or argument. And since also the practical reason makes use of a syllogism in respect of the work to be done, as stated above (Q13, A3; Q76, A1) and since as the Philosopher teaches (*Ethics vii, 3*); hence we find in the practical reason

something that holds the same position in regard to operations, as, in the speculative intellect, the proposition holds in regard to conclusions. Such like universal propositions of the practical intellect that are directed to actions have the nature of law. And these propositions are sometimes under our actual consideration, while sometimes they are retained in the reason by means of a habit.

**FS Q 90 A 2 Whether the law is always something directed to the common good?**

**OBJ 1:** It would seem that the 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 the law is not always the common good.

**OBJ 2:** Further, the law directs man in his actions. But human actions are concerned with particular matters. Therefore the law is directed to some particular good.

**OBJ 3:** Further, Isidore says (*Etym.* v, 3): "If the law is based on reason, whatever is based on reason will be a law." But reason is the foundation not only of what is ordained to the common good, but also of that which is directed private good. Therefore the law is not only directed to the good of all, but also to the private good of an individual.

On the contrary, Isidore says (*Etym.* v, 21) that "laws are enacted for no private profit, but for the common benefit of the citizens."

I answer that, As stated above (A1), the 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: wherefore 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 bliss or happiness, as stated above (Q2, A7; Q3, A1). Consequently the law must needs regard principally the relationship to happiness. Moreover, since every part is ordained to the whole, as imperfect to perfect; and since one man is a part of the perfect community, the law must needs regard properly the relationship to universal happiness. Wherefore the Philosopher, in the above definition of legal matters mentions both happiness and the body politic: for he says (*Ethic.* v, 1) that we call those legal matters "just, which are adapted to produce and preserve happiness and its parts for the body politic": since the state is a perfect community, as he says in *Politics* i, 1.

Now in every genus, that which belongs to it chiefly is the principle of the others, and the others belong to that genus in subordination to 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 the 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.

**Reply OBJ 1:** A command denotes an application of a law to matters regulated by the law. Now the order to the common good, at which the law

aims, is applicable to particular ends. And in this way commands are given even concerning particular matters.

Reply OBJ 2: Actions are indeed concerned with particular matters: but those particular matters are referable to the common good, not as to a common genus or species, but as to a common final cause, according as the common good is said to be the common end.

Reply OBJ 3: Just as nothing stands firm with regard to the speculative reason except that which is traced back to the first indemonstrable principles, so nothing stands firm with regard to the practical reason, unless it be directed to the last end which is the common good: and whatever stands to reason in this sense, has the nature of a law.

FS Q 90 A 3 Whether the reason of any man is competent to make laws?

OBJ 1: It would seem that the reason of any man is competent to make laws. For the Apostle says (Rm. 2:14) that "when the Gentiles, who have not the law, do by nature those things that are of the law . . . they are a law to themselves." Now he says this of all in general. Therefore anyone can make a law for himself.

FS Q 90 A 3 Obj 2

OBJ 2: Further, as the Philosopher says (*Ethics* ii, 1), "the intention of the lawgiver is to lead men to virtue." But every man can lead another to virtue. Therefore the reason of any man is competent to make laws.

FS Q 90 A 3 Obj 3

OBJ 3: Further, just as the sovereign of a state governs the state, so every father of a family governs his household. But the sovereign of a state can make laws for the state. Therefore every father of a family can make laws for his household.

On the contrary, Isidore says (*Etym.* v, 10): "A law is an ordinance of the people, whereby something is sanctioned by the Elders together with the Commonalty."

I answer that, A law, properly speaking, regards first and foremost the order to the common good. Now to order anything to the common good, belongs either to the whole people, or to someone who is the viceregent of the whole people. And therefore the making of a law belongs either to the whole people or to a public personage who has care of the whole people: since in all other matters the directing of anything to the end concerns him to whom the end belongs.

Reply OBJ 1: As stated above (A1, ad 1), a law is in a person not only as in one that rules, but also by participation as in one that is ruled. In the latter way each one is a law to himself, in so far as he shares the direction that he receives from one who rules him. Hence the same text goes on: "Who show the work of the law written in their hearts."

Reply OBJ 2: 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 (*Ethic.* x, 9). 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 (Q92, A2, ad 3; SS, Q64, A3). Wherefore the framing of laws belongs to him alone.

Reply OBJ 3: 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, 1. And therefore, 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 force of law.

FS Q 90 A 4 Whether promulgation is essential to a law?

OBJ 1: It would seem that promulgation is not essential to a 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 a law that it be promulgated.

OBJ 2: Further, it belongs properly to a law to bind one to do or not to do something. But the obligation of fulfilling a law touches not only those in whose presence it is promulgated, but also others. Therefore promulgation is not essential to a law.

OBJ 3: Further, the binding force of a law extends even to the future, since "laws are binding in matters of the future," as the jurists say (Cod. 1, tit. *De lege et constit. leg. vii*). But promulgation concerns those who are present. Therefore it is not essential to a law.

On the contrary, It is laid down in the *Decretals*, dist. 4, that "laws are established when they are promulgated."

I answer that, As stated above (A1), a law is imposed on others by way of 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. Wherefore, 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. Such application is made by its being notified to them by promulgation. Wherefore promulgation is necessary for the law to obtain its force.

Thus from the four preceding articles, the definition of law may be gathered; and it is nothing else than an ordinance of reason for the common good, made by him who has care of the community, and promulgated.

Reply OBJ 1: 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.

Reply OBJ 2: Those who are not present when a law is promulgated, are bound to observe the law, in so far as it is notified or can be notified to them by others, after it has been promulgated.

Reply OBJ 3: The promulgation that takes place now, extends to future time by reason of the durability of written characters, by which means it is continually promulgated. Hence Isidore says (*Etym. v, 3; ii, 10*) that "lex [law] is derived from *legere* [to read] because it is written."

## Question 91

### FS Q 91 OF THE VARIOUS KINDS OF LAW (SIX ARTICLES)

We must now consider the various kinds of law: under which head there are six points of inquiry:

- (1) Whether there is an eternal law?
- (2) Whether there is a natural law?
- (3) Whether there is a human law?

- (4) Whether there is a Divine law?
- (5) Whether there is one Divine law, or several?
- (6) Whether there is a law of sin?

FS Q 91 A 1 Whether there is an eternal law?

OBJ 1: It would seem that there is no eternal law. Because 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.

OBJ 2: Further, promulgation is essential to law. But promulgation could not be from eternity: because there was no one to whom it could be promulgated from eternity. Therefore no law can be eternal.

FS Q 91 A 1 Obj 3

OBJ 3: Further, a law implies order to an end. But nothing ordained to an end is eternal: for the last end alone is eternal. Therefore no law is eternal.

On the contrary, Augustine says (*De Lib. Arb. i, 6*): "That Law which is the Supreme Reason cannot be understood to be otherwise than unchangeable and eternal."

I answer that, As stated above (Q90, A1, ad 2; AA3,4), a 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, as was stated in the FP, Q22, AA1,2, that the whole community of the universe is governed by Divine Reason. Wherefore the very Idea 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. 8:23, therefore it is that this kind of law must be called eternal.

Reply OBJ 1: Those things that are not in themselves, exist with God, inasmuch as they are foreknown and preordained by Him, according to Rm. 4:17: "Who calls those things that are not, as those that are." Accordingly the eternal concept of the Divine law bears the character of an eternal law, in so far as it is ordained by God to the government of things foreknown by Him.

Reply OBJ 2: Promulgation is made by word of mouth or in writing; and in both ways the eternal law is promulgated: because both the Divine Word and the writing of the Book of Life are eternal. But the promulgation cannot be from eternity on the part of the creature that hears or reads.

Reply OBJ 3: The law implies order to the end actively, in so far as it directs certain things to the end; but not passively---that is to say, the law itself is not ordained to the end---except accidentally, in a governor whose end is extrinsic to him, and to which end his law must needs be ordained. But the end of the Divine government is God Himself, and His law is not distinct from Himself. Wherefore the eternal law is not ordained to another end.

FS Q 91 A 2 Whether there is in us a natural law?

OBJ 1: It would seem that there is no natural law in us. Because man is governed sufficiently by the eternal law: for Augustine says (*De Lib. Arb. i*) that "the eternal law is that by which it is right that all things should be most orderly." But nature does not abound in superfluities as neither does she fail in necessities. Therefore no law is natural to man.

**OBJ 2:** Further, by the law man is directed, in his acts, to the end, as stated above (Q90, A2). But the directing of human acts to their end is not a function of nature, as is the case in irrational creatures, which act for an end solely by their natural appetite; whereas man acts for an end by his reason and will. Therefore no law is natural to man.

**OBJ 3:** Further, the more a man is free, the less is he under the law. But man is freer than all the animals, on account of his free-will, with which he is endowed above all other animals. Since therefore other animals are not subject to a natural law, neither is man subject to a natural law.

On the contrary, A gloss on Rm. 2:14: "When the Gentiles, who have not the law, do by nature those things that are of the law," comments as follows: "Although they have no written law, yet they have the natural law, whereby each one knows, and is conscious of, what is good and what is evil."

I answer that, As stated above (Q90, A1, ad 1), 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, in so far as it partakes of the rule or measure. Wherefore, since all things subject to Divine providence are ruled and measured by the eternal law, as was stated above (A1); it is evident that all things partake somewhat of 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 the most excellent way, in so far as it partakes of a share of providence, by being provident both for itself and for others. Wherefore 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. Hence the Psalmist after saying (Ps. 4:6): "Offer up the sacrifice of justice," as though someone asked what the works of justice are, adds: "Many say, Who showeth us good things?" in answer to which question he says: "The light of Thy countenance, O Lord, is signed upon us": thus implying that the 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.

**Reply OBJ 1:** This argument would hold, if the natural law were something different from the eternal law: whereas it is nothing but a participation thereof, as stated above.

**Reply OBJ 2:** Every act of reason and will in us is based on that which is according to nature, as stated above (Q10, A1): for every act of reasoning is based on principles that are known naturally, and every act of appetite in respect of the means is derived from the natural appetite in respect of the last end. Accordingly the first direction of our acts to their end must needs be in virtue of the natural law.

**Reply OBJ 3:** Even irrational animals partake in their own way of the Eternal Reason, just as the rational creature does. But because the rational creature partakes thereof in an intellectual and rational manner, therefore the participation of the eternal law in the rational creature is properly called a law, since a law is something pertaining to reason, as stated above (Q90, A1). Irrational creatures, however, do not partake thereof in a rational manner,

wherefore there is no participation of the eternal law in them, except by way of similitude.

**FS Q 91 A 3 Whether there is a human law?**

**OBJ 1:** It would seem that there is not a human law. For the natural law is a participation of the eternal law, as stated above (A2). Now through the eternal law "all things are most orderly," as Augustine states (*De Lib. Arb. i, 6*). Therefore the natural law suffices for the ordering of all human affairs. Consequently there is no need for a human law.

**OBJ 2:** Further, a law bears the character of a measure, as stated above (Q90, A1). But human reason is not a measure of things, but vice versa, as stated in *Metaphysics x*, text. 5. Therefore no law can emanate from human reason.

**OBJ 3:** Further, a measure should be most certain, as stated in *Metaph. x*, text. 3. But the dictates of human reason in matters of conduct are uncertain, according to *Wis. 9:14*: "The thoughts of mortal men are fearful, and our counsels uncertain." Therefore no law can emanate from human reason.

On the contrary, Augustine (*De Lib. Arb. i, 6*) distinguishes two kinds of law, the one eternal, the other temporal, which he calls human.

I answer that, As stated above (Q90, A1, ad 2), 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 stated above (*De Lib. Arb. i, 6*). 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 from the precepts of the natural law, as from general and indemonstrable principles, that 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 the other essential conditions of law be observed, as stated above (Q90, AA2,3,4). Wherefore Tully says in his *Rhetoric (De Invent. Rhet. ii)* that "justice has its source in nature; thence certain things came into custom by reason of their utility; afterwards these things which emanated from nature and were approved by custom, were sanctioned by fear and reverence for the law."

**Reply OBJ 1:** The human reason cannot have a full participation of the dictate of the Divine Reason, but according to its own mode, and imperfectly. Consequently, as on the part of the speculative reason, by a natural participation of Divine Wisdom, there is in us the knowledge of certain general principles, but not 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 general 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.

**Reply OBJ 2:** Human reason is not, of itself, the rule of things: but the principles impressed on it by nature, are general rules and measures of all

things relating to human conduct, whereof the natural reason is the rule and measure, although it is not the measure of things that are from nature.

Reply OBJ 3: The practical reason is concerned with practical matters, which are singular and contingent; but not with necessary things, with which the speculative reason is concerned. Wherefore human laws cannot have that inerrancy that belongs to the demonstrated conclusions of sciences. Nor is it necessary for every measure to be altogether unerring and certain, but according as it is possible in its own particular genus.

FS Q 91 A 4 Whether there was any need for a Divine law?

OBJ 1: It would seem that there was no need for a Divine law. Because, as stated above (A2), the natural law is a participation in us of the eternal law. But the eternal law is a Divine law, as stated above (A1). Therefore there was no need for a Divine law in addition to the natural law, and human laws derived therefrom.

OBJ 2: Further, it is written (Eccles. 15:14) that "God left man in the hand of his own counsel." Now counsel is an act of reason, as stated above (Q14, A1). Therefore man was left to the direction of his reason. But a dictate of human reason is a human law as stated above (A3). Therefore there is no need for man to be governed also by a Divine law.

OBJ 3: Further, human nature is more self-sufficing than irrational creatures. But irrational creatures have no Divine law besides the natural inclination impressed on them. Much less, therefore, should the rational creature have a Divine law in addition to the natural law.

On the contrary, David prayed God to set His law before him, saying (Ps. 118:33): "Set before me for a law the way of Thy justifications, O Lord."

I answer that, 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. And indeed if man were ordained to no other end than that which is proportionate to his natural faculty, there would be no need for man to have any further direction of the part of his reason, besides the natural law and human law which is derived from it. But since man is ordained to an end of eternal happiness which is inproportionate to man's natural faculty, as stated above (Q5, A5), therefore it was necessary that, besides the natural and the human law, man should be directed to his end by a law given by God.

Secondly, because, on account 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 appear: and yet for the perfection of virtue it is necessary for man to conduct himself aright 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 (*De Lib. Arb.* i, 5,6), 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 intercourse. 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.

And these four causes are touched upon in Ps. 118:8, where it is said: "The law of the Lord is unspotted," i.e. allowing no foulness of sin; "converting souls," because it directs not only exterior, but also interior acts; "the testimony of the Lord is faithful," because of the certainty of what is true and right; "giving wisdom to little ones," by directing man to an end supernatural and Divine.

Reply OBJ 1: By the natural law the eternal law is participated proportionately to the capacity of human nature. But to his supernatural end man needs to be directed in a yet higher way. Hence the additional law given by God, whereby man shares more perfectly in the eternal law.

Reply OBJ 2: Counsel is a kind of inquiry: hence it must proceed from some principles. Nor is it enough for it to proceed from principles imparted by nature, which are the precepts of the natural law, for the reasons given above: but there is need for certain additional principles, namely, the precepts of the Divine law.

Reply OBJ 3: Irrational creatures are not ordained to an end higher than that which is proportionate to their natural powers: consequently the comparison fails.

**FS Q 91 A 5 Whether there is but one Divine law?**

OBJ 1: It would seem that there is but one Divine law. Because, where there is one king in one kingdom there is but one law. Now the whole of mankind is compared to God as to one king, according to Ps. 46:8: "God is the King of all the earth." Therefore there is but one Divine law.

OBJ 2: Further, every law is directed to the end which the lawgiver intends for those for whom he makes the law. But God intends one and the same thing for all men; since according to 1 Tim. 2:4: "He will have all men to be saved, and to come to the knowledge of the truth." Therefore there is but one Divine law.

OBJ 3: Further, the Divine law seems to be more akin to the eternal law, which is one, than the natural law, according as the revelation of grace is of a higher order than natural knowledge. Therefore much more is the Divine law but one.

On the contrary, The Apostle says (Heb. 7:12): "The priesthood being translated, it is necessary that a translation also be made of the law." But the priesthood is twofold, as stated in the same passage, viz. the levitical priesthood, and the priesthood of Christ. Therefore the Divine law is twofold, namely the Old Law and the New Law.

I answer that, As stated in the FP, Q30, A3, distinction is the cause of number. Now things may be distinguished in two ways. First, as those things that are altogether specifically different, e.g. a horse and an ox. Secondly, as

perfect and imperfect in the same species, e.g. a boy and a man: and in this way the Divine law is divided into Old and New. Hence the Apostle (Gal. 3:24,25) compares the state of man under the Old Law to that of a child "under a pedagogue"; but the state under the New Law, to that of a full grown man, who is "no longer under a pedagogue."

Now the perfection and imperfection of these two laws is to be taken in connection with the three conditions pertaining to law, as stated above. For, in the first place, it belongs to law to be directed to the common good as to its end, as stated above (Q90, A2). This good may be twofold. It may be a sensible and earthly good; and to this, man was directly ordained by the Old Law: wherefore, at the very outset of the law, the people were invited to the earthly kingdom of the Chananaeans (Ex. 3:8,17). Again it may be an intelligible and heavenly good: and to this, man is ordained by the New Law. Wherefore, at the very beginning of His preaching, Christ invited men to the kingdom of heaven, saying (Mt. 4:17): "Do penance, for the kingdom of heaven is at hand." Hence Augustine says (*Contra Faust.* iv) that "promises of temporal goods are contained in the Old Testament, for which reason it is called old; but the promise of eternal life belongs to the New Testament."

Secondly, it belongs to the law to direct human acts according to the order of righteousness (A4): wherein also the New Law surpasses the Old Law, since it directs our internal acts, according to Mt. 5:20: "Unless your justice abound more than that of the Scribes and Pharisees, you shall not enter into the kingdom of heaven." Hence the saying that "the Old Law restrains the hand, but the New Law controls the mind" (*Sentent.* iii, D, xl).

Thirdly, it belongs to the law to induce men to observe its commandments. This the Old Law did by the fear of punishment: but the New Law, by love, which is poured into our hearts by the grace of Christ, bestowed in the New Law, but foreshadowed in the Old. Hence Augustine says (*Contra Adimant. Manich. discip.* xvii) that "there is little difference [\*The 'little difference' refers to the Latin words 'timor' and 'amor'---'fear' and 'love.'] between the Law and the Gospel---fear and love."

Reply OBJ 1: As the father of a family issues different commands to the children and to the adults, so also the one King, God, in His one kingdom, gave one law to men, while they were yet imperfect, and another more perfect law, when, by the preceding law, they had been led to a greater capacity for Divine things.

Reply OBJ 2: The salvation of man could not be achieved otherwise than through Christ, according to Acts 4:12: "There is no other name . . . given to men, whereby we must be saved." Consequently the law that brings all to salvation could not be given until after the coming of Christ. But before His coming it was necessary to give to the people, of whom Christ was to be born, a law containing certain rudiments of righteousness unto salvation, in order to prepare them to receive Him.

Reply OBJ 3: The natural law directs man by way of certain general precepts, common to both the perfect and the imperfect: wherefore it is one and the same for all. But the Divine law directs man also in certain particular matters, to which the perfect and imperfect do not stand in the same relation. Hence the necessity for the Divine law to be twofold, as already explained.

**FS Q 92 A 1 Whether an effect of law is to make men good?**

**OBJ 1:** It seems that it is not an effect of law to make men good. For men are good through virtue, since virtue, as stated in *Ethics* ii, 6 is "that which makes its subject good." But virtue is in man from God alone, because He it is Who "works it in us without us," as we stated above (Q55, A4) in giving the definition of virtue. Therefore the law does not make men good.

**OBJ 2:** Further, Law does not profit a man unless he obeys it. But the very fact that a man obeys a law is due to his being good. Therefore in man goodness is presupposed to the law. Therefore the law does not make men good.

**OBJ 3:** Further, Law is ordained to the common good, as stated above (Q90, A2). But some behave well in things regarding the community, who behave ill in things regarding themselves. Therefore it is not the business of the law to make men good.

**OBJ 4:** Further, some laws are tyrannical, as the Philosopher says (*Politics* iii, 6). But a tyrant does not intend the good of his subjects, but considers only his own profit. Therefore law does not make men good.

On the contrary, The Philosopher says (*Ethics* ii, 1) that the "intention of every lawgiver is to make good citizens."

I answer that, as stated above (Q90, A1, ad 2; AA3,4), a law is nothing else than a dictate of reason in the ruler by whom his subjects are governed. Now the virtue of any subordinate thing consists in its being well subordinated to that by which it is regulated: thus we see that the virtue of the irascible and concupiscible faculties consists in their being obedient to reason; and accordingly "the virtue of every subject consists in his being well subjected to his ruler," as the Philosopher says (*Politics* i). 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 simply or in some particular 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 pleasurable to himself, or in opposition to Divine justice; then the law does not make men good simply, but in respect 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.

**Reply OBJ 1:** Virtue is twofold, as explained above (Q63, A2), viz. acquired and infused. Now the fact of being accustomed to an action contributes to both, but in different ways; for it causes the acquired virtue; while it disposes to infused virtue, and preserves and fosters it when it already exists. And since law is given for the purpose of directing human acts; as far as human acts conduce to virtue, so far does law make men good. Wherefore the Philosopher says in the second book of the *Politics* (*Ethics* ii) that "lawgivers make men good by habituating them to good works."

**Reply OBJ 2:** It is not always through perfect goodness of virtue that one obeys the law, but sometimes it is through fear of punishment, and sometimes

from the mere dictates of reason, which is a beginning of virtue, as stated above (Q63, A1).

Reply OBJ 3: The goodness of any part is considered in comparison with the whole; hence Augustine says (*Confess.* 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. But it is enough for the good of the community, that the other citizens be so far virtuous that they obey the commands of their rulers. Hence the Philosopher says (*Politics* ii, 2) that "the virtue of a sovereign is the same as that of a good man, but the virtue of any common citizen is not the same as that of a good man."

Reply OBJ 4: 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, it aims at the citizens' being good. For all it has in the nature of a law consists in its being an ordinance made by a superior to his subjects, and aims at being obeyed by them, which is to make them good, not simply, but with respect to that particular government.

#### FS Q 94 OF THE NATURAL LAW (SIX ARTICLES)

We must now consider the natural law; concerning which there are six points of inquiry:

- (1) What is the natural law?
- (2) What are the precepts of the natural law?
- (3) Whether all acts of virtue are prescribed by the natural law?
- (4) Whether the natural law is the same in all?
- (5) Whether it is changeable?
- (6) Whether it can be abolished from the heart of man?

#### FS Q 94 A 1 Whether the natural law is a habit?

OBJ 1: It would seem that the natural law is a habit. Because, as the Philosopher says (*Ethic.* ii, 5), "there are three things in the soul: power, habit, and passion." But the natural law is not one of the soul's powers: nor is it one of the passions; as we may see by going through them one by one. Therefore the natural law is a habit.

OBJ 2: Further, Basil [\*Damascene, *De Fide Orth.* iv, 22] says that the conscience or "*synderesis* is the law of our mind"; which can only apply to the natural law. But the "*synderesis*" is a habit, as was shown in the FP, Q79, A12. Therefore the natural law is a habit.

OBJ 3: Further, the natural law abides in man always, as will be shown further on (A6). But man's reason, which the law regards, does not always think about the natural law. Therefore the natural law is not an act, but a habit.

On the contrary, Augustine says (*De Bono Conjug.* xxi) that "a habit is that whereby something is done when necessary." But such is not the natural law: since it is in infants and in the damned who cannot act by it. Therefore the natural law is not a habit.

I answer that, A thing may be called a habit in two ways. First, properly and essentially: and thus the natural law is not a habit. For it has been stated above (Q90, A1, ad 2) that the natural law is something appointed by reason, just as a proposition is a work of reason. Now that which a man does is not the same as that whereby he does it: for he makes a becoming speech by the habit of grammar. Since then a habit is that by which we act, a law cannot be a habit properly and essentially.

Secondly, the term habit may be applied to that which we hold by a habit: thus faith may mean that which we hold by faith. And accordingly, since the precepts of the natural law are sometimes considered by reason actually, while sometimes they are in the reason only habitually, in this way the natural law may be called a habit. Thus, in speculative matters, the indemonstrable principles are not the habit itself whereby we hold those principles, but are the principles the habit of which we possess.

Reply OBJ 1: The Philosopher proposes there to discover the genus of virtue; and since it is evident that virtue is a principle of action, he mentions only those things which are principles of human acts, viz. powers, habits and passions. But there are other things in the soul besides these three: there are acts; thus "to will" is in the one that wills; again, things known are in the knower; moreover its own natural properties are in the soul, such as immortality and the like.

Reply OBJ 2: "*Synderesis*" is said to be the law of our mind, because it is a habit containing the precepts of the natural law, which are the first principles of human actions.

Reply OBJ 3: This argument proves that the natural law is held habitually; and this is granted.

To the argument advanced in the contrary sense we reply that sometimes a man is unable to make use of that which is in him habitually, on account of some impediment: thus, on account of sleep, a man is unable to use the habit of science. In like manner, through the deficiency of his age, a child cannot use the habit of understanding of principles, or the natural law, which is in him habitually.

FS Q 94 A 2 Whether the natural law contains several precepts, or only one?

OBJ 1: It would seem that the natural law contains, not several precepts, but one only. For law is a kind of precept, as stated above (Q92, A2). If therefore there were many precepts of the natural law, it would follow that there are also many natural laws.

OBJ 2: Further, the natural law is consequent to human nature. But human nature, as a whole, is one; though, as to its parts, it is manifold. Therefore, either there is but one precept of the law of nature, on account of the unity of nature as a whole; or there are many, by reason of the number of parts of human nature. The result would be that even things relating to the inclination of the concupiscible faculty belong to the natural law.

OBJ 3: Further, law is something pertaining to reason, as stated above (Q90, A1). Now reason is but one in man. Therefore there is only one precept of the natural law.

On the contrary, The precepts of the natural law in man stand in relation to practical matters, as the first principles to matters of demonstration.

But there are several first indemonstrable principles. Therefore there are also several precepts of the natural law.

I answer that, As stated above (Q91, A3), 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: although, to one who knows not the definition of the subject, it happens that such a proposition is not self-evident. For instance, this proposition, "Man is a rational being," is, in its very nature, self-evident, since who says "man," says "a rational being": and yet to one who knows not what a man is, this proposition is not self-evident. Hence it is that, as Boethius says (*De Hebdom.*), certain axioms or propositions are universally self-evident to all; and such are those 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 circumscriptively in a place: but this is not evident to the unlearned, for they cannot grasp it.

Now a certain order is to be found in those things that are apprehended universally. For that which, before aught else, falls under apprehension, is "being," the notion of which is included in all things whatsoever a man apprehends. Wherefore the first indemonstrable principle is that "the same thing cannot be affirmed and denied at the same time," which is based on the notion of "being" and "not-being": and on this principle all others are based, as is stated in *Metaphysics* iv, text. 9. Now as "being" is the first thing that falls under the apprehension simply, 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 under the aspect of good. Consequently the first principle of practical reason is one founded on the notion 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 pursued, and evil is to be avoided." All other precepts of the natural law are based upon this: so that whatever the practical reason naturally apprehends as man's good (or evil) belongs to the precepts of the natural law as something to be done or avoided.

Since, however, good has the nature of an end, and evil, the nature of a 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. Wherefore according to the order of natural inclinations, is the order of the precepts of the natural law. Because in man there is first of all an inclination to good in accordance with the nature which he has in common with all substances: inasmuch 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" [*Pandect. Just.* I, tit. i], such as sexual intercourse, 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; for instance, to shun ignorance, to avoid offending those among whom one has to live, and other such things regarding the above inclination.

Reply OBJ 1: All these precepts of the law of nature have the character of one natural law, inasmuch as they flow from one first precept.

Reply OBJ 2: 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 stated above: so that the precepts of the natural law are many in themselves, but are based on one common foundation.

Reply OBJ 3: Although reason is one in itself, yet it directs all things regarding man; so that whatever can be ruled by reason, is contained under the law of reason.

FS Q 94 A 3 Whether all acts of virtue are prescribed by the natural law?

OBJ 1: It would seem that not all acts of virtue are prescribed by the natural law. Because, as stated above (Q90, A2) it is essential to a law that it be ordained to the common good. But some acts of virtue are ordained to the private good of the individual, as is evident especially in regards to acts of temperance. Therefore not all acts of virtue are the subject of natural law.

OBJ 2: Further, every sin is opposed to some virtuous act. If therefore all acts of virtue are prescribed by the natural law, it seems to follow that all sins are against nature: whereas this applies to certain special sins.

OBJ 3: Further, those things which are according to nature are common to all. But acts of virtue are not common to all: since a thing is virtuous in one, and vicious in another. Therefore not all acts of virtue are prescribed by the natural law.

On the contrary, Damascene says (*De Fide Orth.* iii, 4) that "virtues are natural." Therefore virtuous acts also are a subject of the natural law.

I answer that, We may speak of virtuous acts in two ways: first, under the aspect of virtuous; secondly, as such and such acts considered in their proper species. If then we speak of acts of virtue, considered as virtuous, thus all virtuous acts belong to the natural law. For it has been stated (A2) that to the natural law belongs everything to which a man is inclined according to his nature. Now each thing is inclined naturally to an operation that is suitable to it according to its form: thus fire is inclined to give heat. Wherefore, since the rational soul is the proper form of man, there is in every man a natural inclination to act according to reason: and this is to act according to virtue. Consequently, considered thus, all acts of virtue are prescribed by the natural law: since each one's reason naturally dictates to him to act virtuously. But if we speak of virtuous acts, considered in themselves, i.e. in their proper species, thus not all virtuous acts are prescribed by the natural law: for many things are done virtuously, to which nature does not incline at first; but which,

through the inquiry of reason, have been found by men to be conducive to well-living.

Reply OBJ 1: Temperance is about the natural concupiscences of food, drink and sexual matters, which are indeed ordained to the natural common good, just as other matters of law are ordained to the moral common good.

Reply OBJ 2: By human nature we may mean either that which is proper to man---and in this sense all sins, as being against reason, are also against nature, as Damascene states (*De Fide Orth.* ii, 30): or we may mean that nature which is common to man and other animals; and in this sense, certain special sins are said to be against nature; thus contrary to sexual intercourse, which is natural to all animals, is unisexual lust, which has received the special name of the unnatural crime.

Reply OBJ 3: This argument considers acts in themselves. For it is owing to the various conditions of men, that certain acts are virtuous for some, as being proportionate and becoming to them, while they are vicious for others, as being out of proportion to them.

FS Q 94 A 4 Whether the natural law is the same in all men?

OBJ 1: It would seem that the natural law is not the same in all. For it is stated in the *Decretals* (Dist. i) that "the natural law is that which is contained in the Law and the Gospel." But this is not common to all men; because, as it is written (Rm. 10:16), "all do not obey the gospel." Therefore the natural law is not the same in all men.

OBJ 2: Further, "Things which are according to the law are said to be just," as stated in *Ethic.* v. But it is stated in the same book that nothing is so universally just as not to be subject to change in regard to some men. Therefore even the natural law is not the same in all men.

OBJ 3: Further, as stated above (AA2,3), to the natural law belongs everything to which a man is inclined according to his nature. Now different men are naturally inclined to different things; some to the desire of pleasures, others to the desire of honors, and other men to other things. Therefore there is not one natural law for all.

On the contrary, Isidore says (*Etym.* v, 4): "The natural law is common to all nations."

I answer that, As stated above (AA2,3), to the natural law belongs those things to which a man is inclined naturally: and among these it is proper to man to be inclined to act according to reason. Now the process of reason is from the common to the proper, as stated in *Phys.* i. The speculative reason, however, is differently situated in this matter, from the practical reason. For, since the speculative reason is busied chiefly with the necessary things, which cannot be otherwise than they are, its proper conclusions, like the universal principles, contain the truth without fail. The practical reason, on the other hand, is busied with contingent matters, about which human actions are concerned: and consequently, although there is necessity in the general principles, the more we descend to matters of detail, the more frequently we encounter defects. Accordingly then in speculative matters truth is the same in all men, both as to principles and as to conclusions: although the truth is not known to all as regards the conclusions, but only as regards the principles which are called common notions. But in matters of action, truth or practical

rectitude is not the same for all, as to matters of detail, but only as to the general principles: and where there is the same rectitude in matters of detail, it is not equally known to all.

It is therefore evident that, as regards the general principles whether of speculative or of practical reason, truth or rectitude is the same for all, and is equally known by all. As to the proper conclusions of the speculative reason, the truth is the same for all, but is not equally known to all: thus it is true for all that the three angles of a triangle are together equal to two right angles, although it is not known to all. But as to the proper conclusions of the practical reason, neither is the truth or rectitude the same for all, nor, where it is the same, is it equally known by all. Thus it is right and true for all to act according to reason: and from this principle it follows as a proper conclusion, that goods entrusted to another should be restored to their owner. Now this is true for the majority of cases: but it may happen in a particular case that it would be injurious, and therefore unreasonable, to restore goods held in trust; for instance, if they are claimed for the purpose of fighting against one's country. And this principle will be found to fail the more, according as we descend further into detail, e.g. if one were to say that goods held in trust should be restored with such and such a guarantee, or in such and such a way; because the greater the number of conditions added, the greater the number of ways in which the principle may fail, so that it be not right to restore or not to restore.

Consequently we must say that the natural law, as to general principles, is the same for all, both as to rectitude and as to knowledge. But as to certain matters of detail, which are conclusions, as it were, of those general principles, it is the same for all in the majority of cases, both as to rectitude and as to knowledge; and yet in some few cases it may fail, both as to rectitude, by reason of certain obstacles (just as natures subject to generation and corruption fail in some few cases on account of some obstacle), and as to knowledge, since in some the reason is perverted by passion, or evil habit, or an evil disposition of nature; thus formerly, theft, although it is expressly contrary to the natural law, was not considered wrong among the Germans, as Julius Caesar relates (*De Bello Gall.* vi).

Reply OBJ 1: The meaning of the sentence quoted is not that whatever is contained in the Law and the Gospel belongs to the natural law, since they contain many things that are above nature; but that whatever belongs to the natural law is fully contained in them. Wherefore Gratian, after saying that "the natural law is what is contained in the Law and the Gospel," adds at once, by way of example, "by which everyone is commanded to do to others as he would be done by."

Reply OBJ 2: The saying of the Philosopher is to be understood of things that are naturally just, not as general principles, but as conclusions drawn from them, having rectitude in the majority of cases, but failing in a few.

Reply OBJ 3: As, in man, reason rules and commands the other powers, so all the natural inclinations belonging to the other powers must needs be directed according to reason. Wherefore it is universally right for all men, that all their inclinations should be directed according to reason.

**FS Q 94 A 5 Whether the natural law can be changed?**

**OBJ 1:** It would seem that the natural law can be changed. Because on *Ecclus. 17:9*, "He gave them instructions, and the law of life," the gloss says: "He wished the law of the letter to be written, in order to correct the law of nature." But that which is corrected is changed. Therefore the natural law can be changed.

**OBJ 2:** Further, the slaying of the innocent, adultery, and theft are against the natural law. But we find these things changed by God: as when God commanded Abraham to slay his innocent son (*Gn. 22:2*); and when he ordered the Jews to borrow and purloin the vessels of the Egyptians (*Ex. 12:35*); and when He commanded Osee to take to himself "a wife of fornications" (*Osee 1:2*). Therefore the natural law can be changed.

**OBJ 3:** Further, Isidore says (*Etym. 5:4*) that "the possession of all things in common, and universal freedom, are matters of natural law." But these things are seen to be changed by human laws. Therefore it seems that the natural law is subject to change.

On the contrary, It is said in the *Decretals* (*Dist. v*): "The natural law dates from the creation of the rational creature. It does not vary according to time, but remains unchangeable."

I answer that, A change in the natural law may be understood in two ways. First, by way of addition. In this sense nothing hinders the natural law from being changed: since many things for the benefit of human life have been added over and above the natural law, both by the Divine law and by human laws.

Secondly, a change in the natural law may be understood by way of subtraction, so that what previously was according to the natural law, ceases to be so. In this sense, the natural law is altogether unchangeable in its first principles: but in its secondary principles, which, as we have said (A4), are certain detailed proximate conclusions drawn from the first principles, the natural law is not changed so that what it prescribes be not right in most cases. But it may be changed in some particular cases of rare occurrence, through some special causes hindering the observance of such precepts, as stated above (A4).

**Reply OBJ 1:** The written law is said to be given for the correction of the natural law, either because it supplies what was wanting to the natural law; or because the natural law was perverted in the hearts of some men, as to certain matters, so that they esteemed those things good which are naturally evil; which perversion stood in need of correction.

**Reply OBJ 2:** All men alike, both guilty and innocent, die the death of nature: which death of nature is inflicted by the power of God on account of original sin, according to *1 Kgs. 2:6*: "The Lord killeth and maketh alive." Consequently, by the command of God, death can be inflicted on any man, guilty or innocent, without any injustice whatever. In like manner adultery is intercourse with another's wife; who is allotted to him by the law emanating from God. Consequently intercourse with any woman, by the command of God, is neither adultery nor fornication. The same applies to theft, which is the taking of another's property. For whatever is taken by the command of God, to Whom all things belong, is not taken against the will of its owner, whereas it is in this that theft consists. Nor is it only in human things, that

whatever is commanded by God is right; but also in natural things, whatever is done by God, is, in some way, natural, as stated in the FP, Q105, A6, ad 1.

Reply OBJ 3: A thing is said to belong to the natural law in two ways. First, because nature inclines thereto: e.g. that one should not do harm to another. Secondly, because nature did not bring in the contrary: thus we might say that for man to be naked is of the natural law, because nature did not give him clothes, but art invented them. In this sense, "the possession of all things in common and universal freedom" are said to be of the natural law, because, to wit, the distinction of possessions and slavery were not brought in by nature, but devised by human reason for the benefit of human life. Accordingly the law of nature was not changed in this respect, except by addition.

FS Q 94 A 6 Whether the law of nature can be abolished from the heart of man?

OBJ 1: It would seem that the natural law can be abolished from the heart of man. Because on Rm. 2:14, "When the Gentiles who have not the law," etc. a gloss says that "the law of righteousness, which sin had blotted out, is graven on the heart of man when he is restored by grace." But the law of righteousness is the law of nature. Therefore the law of nature can be blotted out.

OBJ 2: Further, the law of grace is more efficacious than the law of nature. But the law of grace is blotted out by sin. Much more therefore can the law of nature be blotted out.

OBJ 3: Further, that which is established by law is made just. But many things are enacted by men, which are contrary to the law of nature. Therefore the law of nature can be abolished from the heart of man.

On the contrary, Augustine says (*Confess. ii*): "Thy law is written in the hearts of men, which iniquity itself effaces not." But the law which is written in men's hearts is the natural law. Therefore the natural law cannot be blotted out.

I answer that, As stated above (AA4,5), there belong to the natural law, first, certain most general precepts, that are known to all; and secondly, certain secondary and more detailed precepts, which are, as it were, conclusions following closely from first principles. As to those general principles, the natural law, in the abstract, can nowise be blotted out from men's hearts. But it is blotted out in the case of a particular action, in so far as reason is hindered from applying the general principle to a particular point of practice, on account of concupiscence or some other passion, as stated above (Q77, A2). But as to the other, i.e. the secondary precepts, the natural law can be blotted out from the human heart, either by evil persuasions, just as in speculative matters errors occur in respect of necessary conclusions; or by vicious customs and corrupt habits, as among some men, theft, and even unnatural vices, as the Apostle states (Rm. i), were not esteemed sinful.

Reply OBJ 1: Sin blots out the law of nature in particular cases, not universally, except perchance in regard to the secondary precepts of the natural law, in the way stated above.

Reply OBJ 2: Although grace is more efficacious than nature, yet nature is more essential to man, and therefore more enduring.

**Reply OBJ 3:** This argument is true of the secondary precepts of the natural law, against which some legislators have framed certain enactments which are unjust.

### Question 95

#### OF HUMAN LAW (FOUR ARTICLES)

We must now consider human law; and (1) this law considered in itself; (2) its power; (3) its mutability. Under the first head there are four points of inquiry:

- (1) Its utility.
- (2) Its origin.
- (3) Its quality.
- (4) Its division.

**FS Q 95 A 1** Whether it was useful for laws to be framed by men?

**OBJ 1:** It would seem that it was not useful for laws to be framed by men. Because the purpose of every law is that man be made good thereby, as stated above (Q92, A1). But men are more to be induced to be good willingly by means of admonitions, than against their will, by means of laws. Therefore there was no need to frame laws.

**OBJ 2:** Further, As the Philosopher says (*Ethics* v, 4), "men have recourse to a judge as to animate justice." But animate justice is better than inanimate justice, which contained in laws. Therefore it would have been better for the execution of justice to be entrusted to the decision of judges, than to frame laws in addition.

**OBJ 3:** Further, every law is framed for the direction of human actions, as is evident from what has been stated above (Q90, AA1,2). But since human actions are about singulars, which are infinite in number, matter pertaining to the direction of human actions cannot be taken into sufficient consideration except by a wise man, who looks into each one of them. Therefore it would have been better for human acts to be directed by the judgment of wise men, than by the framing of laws. Therefore there was no need of human laws.

On the contrary, Isidore says (*Etym.* v, 20): "Laws were made that in fear thereof human audacity might be held in check, that innocence might be safeguarded in the midst of wickedness, and that the dread of punishment might prevent the wicked from doing harm." But these things are most necessary to mankind. Therefore it was necessary that human laws should be made.

I answer that, As stated above (Q63, A1; Q94, A3), man has a natural aptitude for virtue; but the perfection of virtue must be acquired by man by means of some kind of training. Thus we observe that man is helped by industry in his necessities, for instance, in food and clothing. Certain beginnings of these he has from nature, viz. his reason and his hands; but he has not the full complement, as other animals have, to whom nature has given sufficiency of clothing and food. Now it is difficult to see how man could suffice for himself in the matter of this training: since the perfection of virtue consists chiefly in withdrawing man from undue pleasures, to which above all man is inclined, and especially the young, who are more capable of being trained. Consequently a man needs to receive this training from another,

whereby to arrive at the perfection of virtue. And as to those young people who are inclined to acts of virtue, by their good natural disposition, or by custom, or rather by the gift of God, paternal training suffices, which is by admonitions. But since some are found to be depraved, and prone to vice, and not easily amenable to words, it was necessary for such to be restrained from evil by force and fear, in order that, at least, they might desist from evil-doing, and leave others in peace, and that they themselves, by being habituated in this way, might be brought to do willingly what hitherto they did from fear, and thus become virtuous. Now this kind of training, which compels through fear of punishment, is the discipline of laws. Therefore in order that man might have peace and virtue, it was necessary for laws to be framed: for, as the Philosopher says (*Politics* i, 2), "as man is the most noble of animals if he be perfect in virtue, so is he the lowest of all, if he be severed from law and righteousness"; because man can use his reason to devise means of satisfying his lusts and evil passions, which other animals are unable to do.

Reply OBJ 1: Men who are well disposed are led willingly to virtue by being admonished better than by coercion: but men who are evilly disposed are not led to virtue unless they are compelled.

Reply OBJ 2: As the Philosopher says (*Rhet.* i, 1), "it is better that all things be regulated by law, than left to be decided by judges": and this for three reasons. First, because it is easier to find a few wise men competent to frame right laws, than to find the many who would be necessary to judge aright of each single case. Secondly, because those who make laws consider long beforehand what laws to make; whereas judgment on each single case has to be pronounced as soon as it arises: and it is easier for man to see what is right, by taking many instances into consideration, than by considering one solitary fact. Thirdly, because lawgivers judge in the abstract and of future events; whereas those who sit in judgment of things present, towards which they are affected by love, hatred, or some kind of cupidity; wherefore their judgment is perverted.

Since then the animated justice of the judge is not found in every man, and since it can be deflected, therefore it was necessary, whenever possible, for the law to determine how to judge, and for very few matters to be left to the decision of men.

Reply OBJ 3: Certain individual facts which cannot be covered by the law "have necessarily to be committed to judges," as the Philosopher says in the same passage: for instance, "concerning something that has happened or not happened," and the like.

FS Q 95 A 2 Whether every human law is derived from the natural law?

OBJ 1: It would seem that not every human law is derived from the natural law. For the Philosopher says (*Ethics* v, 7) that "the legal just is that which originally was a matter of indifference." But those things which arise from the natural law are not matters of indifference. Therefore the enactments of human laws are not derived from the natural law.

OBJ 2: Further, positive law is contrasted with natural law, as stated by Isidore (*Etym.* v, 4) and the Philosopher (*Ethics* v, 7). But those things which flow as conclusions from the general principles of the natural law belong to

the natural law, as stated above (Q94, A4). Therefore that which is established by human law does not belong to the natural law.

OBJ 3: Further, the law of nature is the same for all; since the Philosopher says (*Ethics* v, 7) that "the natural just is that which is equally valid everywhere." If therefore human laws were derived from the natural law, it would follow that they too are the same for all: which is clearly false.

OBJ 4: Further, it is possible to give a reason for things which are derived from the natural law. But "it is not possible to give the reason for all the legal enactments of the lawgivers," as the jurist says [*Pandect. Justin. lib. i, ff, tit. iii, v; De Leg. et Senat.*]. Therefore not all human laws are derived from the natural law.

On the contrary, Tully says (*Rhet. ii*): "Things which emanated from nature and were approved by custom, were sanctioned by fear and reverence for the laws."

I answer that, As Augustine says (*De Lib. Arb. i, 5*) "that which is not just seems to be no law at all": wherefore the force of a law depends on the extent of its justice. Now in human affairs a thing is said to be just, from being right, according to the rule of reason. But the first rule of reason is the law of nature, as is clear from what has been stated above (Q91, A2, ad 2). Consequently every human law has just so much of the nature of law, as it is derived from the law of nature. But if in any point it deflects from the law of nature, it is no longer a law but a perversion of law.

But it must be noted that something may be derived from the natural law in two ways: first, as a conclusion from premises, secondly, by way of determination of certain generalities. The first way is like to that by which, in sciences, demonstrated conclusions are drawn from the principles: while the second mode is likened to that whereby, in the arts, general forms are particularized as to details: thus the craftsman needs to determine the general form of a house to some particular shape. Some things are therefore derived from the general principles of the natural law, by way of conclusions; e.g. that "one must not kill" may be derived as a conclusion from the principle that "one should do harm to no man": while some are derived therefrom by way of determination; e.g. the law of nature has it that the evil-doer should be punished; but that he be punished in this or that way, is a determination of the law of nature.

Accordingly both modes of derivation are found in the human law. But those things which are derived in the first way, are contained in human law not as emanating therefrom exclusively, but have some force from the natural law also. But those things which are derived in the second way, have no other force than that of human law.

Reply OBJ 1: The Philosopher is speaking of those enactments which are by way of determination or specification of the precepts of the natural law.

Reply OBJ 2: This argument avails for those things that are derived from the natural law, by way of conclusions.

Reply OBJ 3: The general principles of the natural law cannot be applied to all men in the same way on account of the great variety of human affairs: and hence arises the diversity of positive laws among various people.

Reply OBJ 4: These words of the Jurist are to be understood as referring to decisions of rulers in determining particular points of the natural law: on

which determinations the judgment of expert and prudent men is based as on its principles; in so far, to wit, as they see at once what is the best thing to decide.

Hence the Philosopher says (*Ethics* vi, 11) that in such matters, "we ought to pay as much attention to the undemonstrated sayings and opinions of persons who surpass us in experience, age and prudence, as to their demonstrations."

**FS Q 99 A 2 Whether the Old Law contains moral precepts?**

**OBJ 1:** It would seem that the Old Law contains no moral precepts. For the Old Law is distinct from the law of nature, as stated above (Q91, AA4,5; Q98, A5). But the moral precepts belong to the law of nature. Therefore they do not belong to the Old Law.

**OBJ 2:** Further, the Divine Law should have come to man's assistance where human reason fails him: as is evident in regard to things that are of faith, which are above reason. But man's reason seems to suffice for the moral precepts. Therefore the moral precepts do not belong to the Old Law, which is a Divine law.

**OBJ 3:** Further, the Old Law is said to be "the letter that killeth" (2 Cor. 3:6). But the moral precepts do not kill, but quicken, according to Ps. 118:93: "Thy justifications I will never forget, for by them Thou hast given me life." Therefore the moral precepts do not belong to the Old Law.

On the contrary, It is written (Ecclus. 17:9): "Moreover, He gave them discipline [Douay: 'instructions'] and the law of life for an inheritance." Now discipline belongs to morals; for this gloss on Heb. 12:11: "Now all chastisement [*disciplina*]," etc., says: "Discipline is an exercise in morals by means of difficulties." Therefore the Law which was given by God comprised moral precepts.

I answer that, The Old Law contained some moral precepts; as is evident from Ex. 20:13,15: "Thou shalt not kill, Thou shalt not steal." This was reasonable: because, just as the principal intention of human law is to create friendship between man and man; so the chief intention of the Divine law is to establish man in friendship with God. Now since likeness is the reason of love, according to Eccls. 13:19: "Every beast loveth its like"; there cannot possibly be any friendship of man to God, Who is supremely good, unless man become good: wherefore it is written (Lev. 19:2; 11:45): "You shall be holy, for I am holy." But the goodness of man is virtue, which "makes its possessor good" (*Ethics* ii, 6). Therefore it was necessary for the Old Law to include precepts about acts of virtue: and these are the moral precepts of the Law.

**Reply OBJ 1:** The Old Law is distinct from the natural law, not as being altogether different from it, but as something added thereto. For just as grace presupposes nature, so must the Divine law presuppose the natural law.

**Reply OBJ 2:** It was fitting that the Divine law should come to man's assistance not only in those things for which reason is insufficient, but also in those things in which human reason may happen to be impeded. Now human reason could not go astray in the abstract, as to the universal principles of the natural law; but through being habituated to sin, it became obscured in the point of things to be done in detail. But with regard to the other moral precepts, which are like conclusions drawn from the universal principles of

the natural law, the reason of many men went astray, to the extent of judging to be lawful, things that are evil in themselves. Hence there was need for the authority of the Divine law to rescue man from both these defects. Thus among the articles of faith not only are those things set forth to which reason cannot reach, such as the Trinity of the Godhead; but also those to which right reason can attain, such as the Unity of the Godhead; in order to remove the manifold errors to which reason is liable.

Reply OBJ 3: As Augustine proves (*De Spiritu et Litera* xiv), even the letter of the law is said to be the occasion of death, as to the moral precepts; in so far as, to wit, it prescribes what is good, without furnishing the aid of grace for its fulfillment.

FS Q 99 A 3 Whether the Old Law comprises ceremonial, besides moral, precepts?

I answer that, As stated above (A2), the Divine law is instituted chiefly in order to direct men to God; while human law is instituted chiefly in order to direct men in relation to one another. Hence human laws have not concerned themselves with the institution of anything relating to Divine worship except as affecting the common good of mankind: and for this reason they have devised many institutions relating to Divine matters, according as it seemed expedient for the formation of human morals; as may be seen in the rites of the Gentiles. On the other hand the Divine law directed men to one another according to the demands of that order whereby man is directed to God, which order was the chief aim of that law. Now man is directed to God not only by the interior acts of the mind, which are faith, hope, and love, but also by certain external works, whereby man makes profession of his subjection to God: and it is these works that are said to belong to the Divine worship. This worship is called "ceremony" [the *munia*, i.e. gifts] of Ceres (who was the goddess of fruits), as some say: because, at first, offerings were made to God from the fruits: or because, as Valerius Maximus states [*Fact. et Dict. Memor. i, 1*], the word "ceremony" was introduced among the Latins, to signify the Divine worship, being derived from a town near Rome called "*Caere*": since, when Rome was taken by the Gauls, the sacred chattels of the Romans were taken thither and most carefully preserved. Accordingly those precepts of the Law which refer to the Divine worship are specially called ceremonial.

As stated above (Q91, A3), the precepts of the natural law are general, and require to be determined: and they are determined both by human law and by Divine law. And just as these very determinations which are made by human law are said to be, not of natural, but of positive law; so the determinations of the precepts of the natural law, effected by the Divine law, are distinct from the moral precepts which belong to the natural law. Wherefore to worship God, since it is an act of virtue, belongs to a moral precept; but the determination of this precept, namely that He is to be worshipped by such and such sacrifices, and such and such offerings, belongs to the ceremonial precepts. Consequently the ceremonial precepts are distinct from the moral precepts.

**FS Q 99 A 4 Whether, besides the moral and ceremonial precepts, there are also judicial precepts?**

I answer that, As stated above (AA2,3), it belongs to the Divine law to direct men to one another and to God. Now each of these belongs in the abstract to the dictates of the natural law, to which dictates the moral precepts are to be referred: yet each of them has to be determined by Divine or human law, because naturally known principles are universal, both in speculative and in practical matters. Accordingly just as the determination of the universal principle about Divine worship is effected by the ceremonial precepts, so the determination of the general precepts of that justice which is to be observed among men is effected by the judicial precepts.

We must therefore distinguish three kinds of precept in the Old Law; viz. "moral" precepts, which are dictated by the natural law; "ceremonial" precepts, which are determinations of the Divine worship; and "judicial" precepts, which are determinations of the justice to be maintained among men. Wherefore the Apostle (Rm. 7:12) after saying that the "Law is holy," adds that "the commandment is just, and holy, and good": "just," in respect of the judicial precepts; "holy," with regard to the ceremonial precepts (since the word "sanctus"---"holy"---is applied to that which is consecrated to God); and "good," i.e. conducive to virtue, as to the moral precepts.

**FS Q 100 A 1 Whether all the moral precepts of the Old Law belong to the law of nature?**

**OBJ 1:** It would seem that not all the moral precepts belong to the law of nature. For it is written (Eccl. 17:9): "Moreover He gave them instructions, and the law of life for an inheritance." But instruction is in contradistinction to the law of nature; since the law of nature is not learnt, but instilled by natural instinct. Therefore not all the moral precepts belong to the natural law.

**OBJ 2:** Further, the Divine law is more perfect than human law. But human law adds certain things concerning good morals, to those that belong to the law of nature: as is evidenced by the fact that the natural law is the same in all men, while these moral institutions are various for various people. Much more reason therefore was there why the Divine law should add to the law of nature, ordinances pertaining to good morals.

**OBJ 3:** Further, just as natural reason leads to good morals in certain matters, so does faith: hence it is written (Gal. 5:6) that faith "worketh by charity." But faith is not included in the law of nature; since that which is of faith is above nature. Therefore not all the moral precepts of the Divine law belong to the law of nature.

On the contrary, The Apostle says (Rm. 2:14) that "the Gentiles, who have not the Law, do by nature those things that are of the Law": which must be understood of things pertaining to good morals. Therefore all the moral precepts of the Law belong to the law of nature.

I answer that, The moral precepts, distinct from the ceremonial and judicial precepts, are about things pertaining of their very nature to good morals. Now since human morals depend on their relation to reason, which is the proper principle of human acts, those morals are called good which accord with reason, and those are called bad which are discordant from reason. And as every judgment of speculative reason proceeds from the natural knowledge

of first principles, so every judgment of practical reason proceeds from principles known naturally, as stated above (Q94, AA2,4): from which principles one may proceed in various ways to judge of various matters. For some matters connected with human actions are so evident, that after very little consideration one is able at once to approve or disapprove of them by means of these general first principles: while some matters cannot be the subject of judgment without much consideration of the various circumstances, which all are not competent to do carefully, but only those who are wise: just as it is not possible for all to consider the particular conclusions of sciences, but only for those who are versed in philosophy: and lastly there are some matters of which man cannot judge unless he be helped by Divine instruction; such as the articles of faith.

It is therefore evident that since the moral precepts are about matters which concern good morals; and since good morals are those which are in accord with reason; and since also every judgment of human reason must needs be derived in some way from natural reason; it follows, of necessity, that all the moral precepts belong to the law of nature; but not all in the same way. For there are certain things which the natural reason of every man, of its own accord and at once, judges to be done or not to be done: e.g. "Honor thy father and thy mother," and "Thou shalt not kill, Thou shalt not steal": and these belong to the law of nature absolutely. And there are certain things which, after a more careful consideration, wise men deem obligatory. Such belong to the law of nature, yet so that they need to be inculcated, the wiser teaching the less wise: e.g. "Rise up before the hoary head, and honor the person of the aged man," and the like. And there are some things, to judge of which, human reason needs Divine instruction, whereby we are taught about the things of God: e.g. "Thou shalt not make to thyself a graven thing, nor the likeness of anything; Thou shalt not take the name of the Lord thy God in vain."

This suffices for the Replies to the Objections.

FS Q 100 A 8 Whether the precepts of the decalogue are dispensable?

OBJ 1: It would seem that the precepts of the decalogue are dispensable. For the precepts of the decalogue belong to the natural law. But the natural law fails in some cases and is changeable, like human nature, as the Philosopher says (*Ethics* v, 7). Now the failure of law to apply in certain particular cases is a reason for dispensation, as stated above (Q96, A6; Q97, A4). Therefore a dispensation can be granted in the precepts of the decalogue.

OBJ 2: Further, man stands in the same relation to human law as God does to Divine law. But man can dispense with the precepts of a law made by man. Therefore, since the precepts of the decalogue are ordained by God, it seems that God can dispense with them. Now our superiors are God's viceregents on earth; for the Apostle says (2 Cor. 2:10): "For what I have pardoned, if I have pardoned anything, for your sakes have I done it in the person of Christ." Therefore superiors can dispense with the precepts of the decalogue.

OBJ 3: Further, among the precepts of the decalogue is one forbidding murder. But it seems that a dispensation is given by men in this precept: for instance, when according to the prescription of human law, such as evil-doers

or enemies are lawfully slain. Therefore the precepts of the decalogue are dispensable.

OBJ 4: Further, the observance of the Sabbath is ordained by a precept of the decalogue. But a dispensation was granted in this precept; for it is written (1 Macc. 2:4): "And they determined in that day, saying: Whosoever shall come up to fight against us on the Sabbath-day, we will fight against him." Therefore the precepts of the decalogue are dispensable.

On the contrary, are the words of Is. 24:5, where some are reproved for that "they have changed the ordinance, they have broken the everlasting covenant"; which, seemingly, apply principally to the precepts of the decalogue. Therefore the precepts of the decalogue cannot be changed by dispensation.

I answer that, As stated above (Q96, A6; Q97, A4), precepts admit of dispensation, when there occurs a particular case in which, if the letter of the law be observed, the intention of the lawgiver is frustrated. Now the intention of every lawgiver is directed first and chiefly to the common good; secondly, to the order of justice and virtue, whereby the common good is preserved and attained. If therefore there be any precepts which contain the very preservation of the common good, or the very order of justice and virtue, such precepts contain the intention of the lawgiver, and therefore are indispensable. For instance, if in some community a law were enacted, such as this---that no man should work for the destruction of the commonwealth, or betray the state to its enemies, or that no man should do anything unjust or evil, such precepts would not admit of dispensation. But if other precepts were enacted, subordinate to the above, and determining certain special modes of procedure, these latter precepts would admit of dispensation, in so far as the omission of these precepts in certain cases would not be prejudicial to the former precepts which contain the intention of the lawgiver. For instance if, for the safeguarding of the commonwealth, it were enacted in some city that from each ward some men should keep watch as sentries in case of siege, some might be dispensed from this on account of some greater utility.

Now the precepts of the decalogue contain the very intention of the lawgiver, who is God. For the precepts of the first table, which direct us to God, contain the very order to the common and final good, which is God; while the precepts of the second table contain the order of justice to be observed among men, that nothing undue be done to anyone, and that each one be given his due; for it is in this sense that we are to take the precepts of the decalogue. Consequently the precepts of the decalogue admit of no dispensation whatever.

Reply OBJ 1: The Philosopher is not speaking of the natural law which contains the very order of justice: for it is a never-failing principle that "justice should be preserved." But he is speaking in reference to certain fixed modes of observing justice, which fail to apply in certain cases.

Reply OBJ 2: As the Apostle says (2 Tim. 2:13), "God continueth faithful, He cannot deny Himself." But He would deny Himself if He were to do away with the very order of His own justice, since He is justice itself. Wherefore God cannot dispense a man so that it be lawful for him not to direct himself to God, or not to be subject to His justice, even in those matters in which men are directed to one another.

**Reply OBJ 3:** The slaying of a man is forbidden in the decalogue, in so far as it bears the character of something undue: for in this sense the precept contains the very essence of justice. Human law cannot make it lawful for a man to be slain unduly. But it is not undue for evil-doers or foes of the common weal to be slain: hence this is not contrary to the precept of the decalogue; and such a killing is no murder as forbidden by that precept, as Augustine observes (*De Lib. Arb.* i, 4). In like manner when a man's property is taken from him, if it be due that he should lose it, this is not theft or robbery as forbidden by the decalogue.

Consequently when the children of Israel, by God's command, took away the spoils of the Egyptians, this was not theft; since it was due to them by the sentence of God. Likewise when Abraham consented to slay his son, he did not consent to murder, because his son was due to be slain by the command of God, Who is Lord of life and death: for He it is Who inflicts the punishment of death on all men, both godly and ungodly, on account of the sin of our first parent, and if a man be the executor of that sentence by Divine authority, he will be no murderer any more than God would be. Again Osee, by taking unto himself a wife of fornications, or an adulterous woman, was not guilty either of adultery or of fornication: because he took unto himself one who was his by command of God, Who is the Author of the institution of marriage.

Accordingly, therefore, the precepts of the decalogue, as to the essence of justice which they contain, are unchangeable: but as to any determination by application to individual actions---for instance, that this or that be murder, theft or adultery, or not---in this point they admit of change; sometimes by Divine authority alone, namely, in such matters as are exclusively of Divine institution, as marriage and the like; sometimes also by human authority, namely in such matters as are subject to human jurisdiction: for in this respect men stand in the place of God: and yet not in all respects.

**Reply OBJ 4:** This determination was an interpretation rather than a dispensation. For a man is not taken to break the Sabbath, if he does something necessary for human welfare; as Our Lord proves (Mt. 12:3, seq.).

## [On War and Killing]

### Second Part of the Second Part (henceforth SS) Q 40: OF WAR (FOUR ARTICLES)

We must now consider war, under which head there are four points of inquiry:

- (1) Whether some kind of war is lawful?
- (2) Whether it is lawful for clerics to fight?
- (3) Whether it is lawful for belligerents to lay ambushes?
- (4) Whether it is lawful to fight on holy days?

#### SS Q 40 A 1 Whether it is always sinful to wage war?

**OBJ 1:** It would seem that it is always sinful to wage war. Because punishment is not inflicted except for sin. Now those who wage war are

threatened by Our Lord with punishment, according to Mt. 26:52: "All that take the sword shall perish with the sword." Therefore all wars are unlawful.

OBJ 2: Further, whatever is contrary to a Divine precept is a sin. But war is contrary to a Divine precept, for it is written (Mt. 5:39): "But I say to you not to resist evil"; and (Rm. 12:19): "Not revenging yourselves, my dearly beloved, but give place unto wrath." Therefore war is always sinful.

OBJ 3: Further, nothing, except sin, is contrary to an act of virtue. But war is contrary to peace. Therefore war is always a sin.

OBJ 4: Further, the exercise of a lawful thing is itself lawful, as is evident in scientific exercises. But warlike exercises which take place in tournaments are forbidden by the Church, since those who are slain in these trials are deprived of ecclesiastical burial. Therefore it seems that war is a sin in itself.

On the contrary, Augustine says in a sermon on the son of the centurion [*Ep. ad Marcel. cxxxviii*]: "If the Christian Religion forbade war altogether, those who sought salutary advice in the Gospel would rather have been counseled to cast aside their arms, and to give up soldiering altogether. On the contrary, they were told: 'Do violence to no man . . . and be content with your pay' [\*Lk. 3:14]. If he commanded them to be content with their pay, he did not forbid soldiering."

I answer that, In order for a war to be just, three things are necessary. First, the authority of the sovereign by whose command the war is to be waged. For it is not the business of a private individual to declare war, because he can seek for redress of his rights from the tribunal of his superior. Moreover it is not the business of a private individual to summon together the people, which has to be done in wartime. And as the care of the common weal is committed to those who are in authority, it is their business to watch over the common weal of the city, kingdom or province subject to them. And just as it is lawful for them to have recourse to the sword in defending that common weal against internal disturbances, when they punish evil-doers, according to the words of the Apostle (Rm. 13:4): "He beareth not the sword in vain: for he is God's minister, an avenger to execute wrath upon him that doth evil"; so too, it is their business to have recourse to the sword of war in defending the common weal against external enemies. Hence it is said to those who are in authority (Ps. 81:4): "Rescue the poor: and deliver the needy out of the hand of the sinner"; and for this reason Augustine says (*Contra Faust. xxii, 75*): "The natural order conducive to peace among mortals demands that the power to declare and counsel war should be in the hands of those who hold the supreme authority."

Secondly, a just cause is required, namely that those who are attacked, should be attacked because they deserve it on account of some fault. Wherefore Augustine says (*QQ. in Hept., qu. x, super Jos.*): "A just war is wont to be described as one that avenges wrongs, when a nation or state has to be punished, for refusing to make amends for the wrongs inflicted by its subjects, or to restore what it has seized unjustly."

Thirdly, it is necessary that the belligerents should have a rightful intention, so that they intend the advancement of good, or the avoidance of evil. Hence Augustine says (*De Verb. Dom. [\*The words quoted are to be found not in St. Augustine's works, but *Can. Apud. Caus. xxiii, qu. 1*]*): "True religion

looks upon as peaceful those wars that are waged not for motives of aggrandizement, or cruelty, but with the object of securing peace, of punishing evil-doers, and of uplifting the good." For it may happen that the war is declared by the legitimate authority, and for a just cause, and yet be rendered unlawful through a wicked intention. Hence Augustine says (*Contra Faust.* xxii, 74): "The passion for inflicting harm, the cruel thirst for vengeance, an unpacific and relentless spirit, the fever of revolt, the lust of power, and such like things, all these are rightly condemned in war."

Reply OBJ 1: As Augustine says (*Contra Faust.* xxii, 70): "To take the sword is to arm oneself in order to take the life of anyone, without the command or permission of superior or lawful authority." On the other hand, to have recourse to the sword (as a private person) by the authority of the sovereign or judge, or (as a public person) through zeal for justice, and by the authority, so to speak, of God, is not to "take the sword," but to use it as commissioned by another, wherefore it does not deserve punishment. And yet even those who make sinful use of the sword are not always slain with the sword, yet they always perish with their own sword, because, unless they repent, they are punished eternally for their sinful use of the sword.

Reply OBJ 2: Such like precepts, as Augustine observes (*De Serm. Dom. in Monte* i, 19), should always be borne in readiness of mind, so that we be ready to obey them, and, if necessary, to refrain from resistance or self-defense. Nevertheless it is necessary sometimes for a man to act otherwise for the common good, or for the good of those with whom he is fighting. Hence Augustine says (*Ep. ad Marcellin.* cxxxviii): "Those whom we have to punish with a kindly severity, it is necessary to handle in many ways against their will. For when we are stripping a man of the lawlessness of sin, it is good for him to be vanquished, since nothing is more hopeless than the happiness of sinners, whence arises a guilty impunity, and an evil will, like an internal enemy."

Reply OBJ 3: Those who wage war justly aim at peace, and so they are not opposed to peace, except to the evil peace, which Our Lord "came not to send upon earth" (Mt. 10:34). Hence Augustine says (*Ep. ad Bonif.* clxxxix): "We do not seek peace in order to be at war, but we go to war that we may have peace. Be peaceful, therefore, in warring, so that you may vanquish those whom you war against, and bring them to the prosperity of peace."

Reply OBJ 4: Manly exercises in warlike feats of arms are not all forbidden, but those which are inordinate and perilous, and end in slaying or plundering. In olden times warlike exercises presented no such danger, and hence they were called "exercises of arms" or "bloodless wars," as Jerome states in an epistle [Reference incorrect: cf. *Veget., De Re Milit.* i].

SS Q 40 A 3 Whether it is lawful to lay ambushes in war?

OBJ 1: It would seem that it is unlawful to lay ambushes in war. For it is written (Dt. 16:20): "Thou shalt follow justly after that which is just." But ambushes, since they are a kind of deception, seem to pertain to injustice. Therefore it is unlawful to lay ambushes even in a just war.

OBJ 2: Further, ambushes and deception seem to be opposed to faithfulness even as lies are. But since we are bound to keep faith with all men, it is wrong to lie to anyone, as Augustine states (*Contra Mend.* xv).

Therefore, as one is bound to keep faith with one's enemy, as Augustine states (*Ep. ad Bonif. clxxxix*), it seems that it is unlawful to lay ambushes for one's enemies.

OBJ 3: Further, it is written (Mt. 7:12): "Whatsoever you would that men should do to you, do you also to them": and we ought to observe this in all our dealings with our neighbor. Now our enemy is our neighbor. Therefore, since no man wishes ambushes or deceptions to be prepared for himself, it seems that no one ought to carry on war by laying ambushes.

On the contrary, Augustine says (*QQ. in Hept. qu. x super Jos*): "Provided the war be just, it is no concern of justice whether it be carried on openly or by ambushes": and he proves this by the authority of the Lord, Who commanded Joshua to lay ambushes for the city of Hai (Joshua 8:2).

I answer that, The object of laying ambushes is in order to deceive the enemy. Now a man may be deceived by another's word or deed in two ways. First, through being told something false, or through the breaking of a promise, and this is always unlawful. No one ought to deceive the enemy in this way, for there are certain "rights of war and covenants, which ought to be observed even among enemies," as Ambrose states (*De Officiis i*).

Secondly, a man may be deceived by what we say or do, because we do not declare our purpose or meaning to him. Now we are not always bound to do this, since even in the Sacred Doctrine many things have to be concealed, especially from unbelievers, lest they deride it, according to Mt. 7:6: "Give not that which is holy, to dogs." Wherefore much more ought the plan of campaign to be hidden from the enemy. For this reason among other things that a soldier has to learn is the art of concealing his purpose lest it come to the enemy's knowledge, as stated in the Book on Strategy [*\*Stratagematum i, 1*] by Frontinus. Such like concealment is what is meant by an ambush which may be lawfully employed in a just war.

Nor can these ambushes be properly called deceptions, nor are they contrary to justice or to a well-ordered will. For a man would have an inordinate will if he were unwilling that others should hide anything from him

This suffices for the Replies to the Objections.

SS Q 64 A 6 Whether it is lawful to kill the innocent?

OBJ 1: It would seem that in some cases it is lawful to kill the innocent. The fear of God is never manifested by sin, since on the contrary "the fear of the Lord driveth out sin" (Eccls. 1:27). Now Abraham was commended in that he feared the Lord, since he was willing to slay his innocent son. Therefore one may, without sin, kill an innocent person.

OBJ 2: Further, among those sins that are committed against one's neighbor, the more grievous seem to be those whereby a more grievous injury is inflicted on the person sinned against. Now to be killed is a greater injury to a sinful than to an innocent person, because the latter, by death, passes forthwith from the unhappiness of this life to the glory of heaven. Since then it is lawful in certain cases to kill a sinful man, much more is it lawful to slay an innocent or a righteous person.

OBJ 3: Further, what is done in keeping with the order of justice is not a sin. But sometimes a man is forced, according to the order of justice, to slay an

innocent person: for instance, when a judge, who is bound to judge according to the evidence, condemns to death a man whom he knows to be innocent but who is convicted by false witnesses; and again the executioner, who in obedience to the judge puts to death the man who has been unjustly sentenced.

On the contrary, It is written (Ex. 23:7): "The innocent and just person thou shalt not put to death."

I answer that, An individual man may be considered in two ways: first, in himself; secondly, in relation to something else. If we consider a man in himself, it is unlawful to kill any man, since in every man though he be sinful, we ought to love the nature which God has made, and which is destroyed by slaying him. Nevertheless, as stated above (A2) the slaying of a sinner becomes lawful in relation to the common good, which is corrupted by sin. On the other hand the life of righteous men preserves and forwards the common good, since they are the chief part of the community. Therefore it is in no way lawful to slay the innocent.

Reply OBJ 1: God is Lord of death and life, for by His decree both the sinful and the righteous die. Hence he who at God's command kills an innocent man does not sin, as neither does God Whose behest he executes: indeed his obedience to God's commands is a proof that he fears Him.

Reply OBJ 2: In weighing the gravity of a sin we must consider the essential rather than the accidental. Wherefore he who kills a just man, sins more grievously than he who slays a sinful man: first, because he injures one whom he should love more, and so acts more in opposition to charity: secondly, because he inflicts an injury on a man who is less deserving of one, and so acts more in opposition to justice: thirdly, because he deprives the community of a greater good: fourthly, because he despises God more, according to Lk. 10:16, "He that despiseth you despiseth Me." On the other hand it is accidental to the slaying that the just man whose life is taken be received by God into glory.

Reply OBJ 3: If the judge knows that man who has been convicted by false witnesses, is innocent he must, like Daniel, examine the witnesses with great care, so as to find a motive for acquitting the innocent: but if he cannot do this he should remit him for judgment by a higher tribunal. If even this is impossible, he does not sin if he pronounce sentence in accordance with the evidence, for it is not he that puts the innocent man to death, but they who stated him to be guilty. He that carries out the sentence of the judge who has condemned an innocent man, if the sentence contains an inexcusable error, he should not obey, else there would be an excuse for the executions of the martyrs: if however it contain no manifest injustice, he does not have no right to discuss the judgment of his superior; nor is it he who slays the innocent man, but the judge whose minister he is.

SS Q 64 A 7 Whether it is lawful to kill a man in self-defense?

OBJ 1: It would seem that nobody may lawfully kill a man in self-defense. For Augustine says to Publicola (Ep. xlvii): "I do not agree with the opinion that one may kill a man lest one be killed by him; unless one be a soldier, exercise a public office, so that one does it not for oneself but for others, having the power to do so, provided it be in keeping with one's

person." Now he who kills a man in self-defense, kills him lest he be killed by him. Therefore this would seem to be unlawful.

OBJ 2: Further, he says (*De Lib. Arb.* i, 5): "How are they free from sin in sight of Divine providence, who are guilty of taking a man's life for the sake of these contemptible things?" Now among contemptible things he reckons "those which men may forfeit unwillingly," as appears from the context (*De Lib. Arb.* i, 5): and the chief of these is the life of the body. Therefore it is unlawful for any man to take another's life for the sake of the life of his own body.

OBJ 3: Further, Pope Nicolas [Nicolas I, Dist. 1, can. *De his clericis*] says in the *Decretals*: "Concerning the clerics about whom you have consulted Us, those, namely, who have killed a pagan in self-defense, as to whether, after making amends by repenting, they may return to their former state, or rise to a higher degree; know that in no case is it lawful for them to kill any man under any circumstances whatever." Now clerics and laymen are alike bound to observe the moral precepts. Therefore neither is it lawful for laymen to kill anyone in self-defense.

OBJ 4: Further, murder is a more grievous sin than fornication or adultery. Now nobody may lawfully commit simple fornication or adultery or any other mortal sin in order to save his own life; since the spiritual life is to be preferred to the life of the body. Therefore no man may lawfully take another's life in self-defense in order to save his own life.

OBJ 5: Further, if the tree be evil, so is the fruit, according to Mt. 7:17. Now self-defense itself seems to be unlawful, according to Rm. 12:19: "Not defending [Douay: 'revenging'] yourselves, my dearly beloved." Therefore its result, which is the slaying of a man, is also unlawful.

On the contrary, It is written (Ex. 22:2): "If a thief be found breaking into a house or undermining it, and be wounded so as to die; he that slew him shall not be guilty of blood." Now it is much more lawful to defend one's life than one's house. Therefore neither is a man guilty of murder if he kill another in defense of his own life.

I answer that, Nothing hinders one act from having two effects, only one of which is intended, while the other is beside the intention. Now moral acts take their species according to what is intended, and not according to what is beside the intention, since this is accidental as explained above (Q43, A3; FS, Q12, A1). Accordingly the act of self-defense may have two effects, one is the saving of one's life, the other is the slaying of the aggressor. Therefore this act, since one's intention is to save one's own life, is not unlawful, seeing that it is natural to everything to keep itself in "being," as far as possible. And yet, though proceeding from a good intention, an act may be rendered unlawful, if it be out of proportion to the end. Wherefore if a man, in self-defense, uses more than necessary violence, it will be unlawful: whereas if he repel force with moderation his defense will be lawful, because according to the jurists [*Cap. Significasti, De Homicid. volunt. vel casual.*], "it is lawful to repel force by force, provided one does not exceed the limits of a blameless defense." Nor is it necessary for salvation that a man omit the act of moderate self-defense in order to avoid killing the other man, since one is bound to take more care of one's own life than of another's. But as it is unlawful to take a man's life, except for the public authority acting for the common good, as stated above

(A3), it is not lawful for a man to intend killing a man in self-defense, except for such as have public authority, who while intending to kill a man in self-defense, refer this to the public good, as in the case of a soldier fighting against the foe, and in the minister of the judge struggling with robbers, although even these sin if they be moved by private animosity.

Reply OBJ 1: The words quoted from Augustine refer to the case when one man intends to kill another to save himself from death. The passage quoted in the Second Objection is to be understood in the same sense. Hence he says pointedly, "for the sake of these things," whereby he indicates the intention. This suffices for the Reply to the Second Objection.

Reply OBJ 3: Irregularity results from the act though sinless of taking a man's life, as appears in the case of a judge who justly condemns a man to death. For this reason a cleric, though he kill a man in self-defense, is irregular, albeit he intends not to kill him, but to defend himself.

Reply OBJ 4: The act of fornication or adultery is not necessarily directed to the preservation of one's own life, as is the act whence sometimes results the taking of a man's life.

Reply OBJ 5: The defense forbidden in this passage is that which comes from revengeful spite. Hence a gloss says: "Not defending yourselves---that is, not striking your enemy back."

#### [The Use of Coercion on Unbelievers]

SS Q 10 A 8 Whether unbelievers ought to be compelled to the faith?

OBJ 1: It would seem that unbelievers ought by no means to be compelled to the faith. For it is written (Mt. 13:28) that the servants of the householder, in whose field cockle had been sown, asked him: "Wilt thou that we go and gather it up?" and that he answered: "No, lest perhaps gathering up the cockle, you root up the wheat also together with it": on which passage Chrysostom says (*Hom. xlvii in Matth.*): "Our Lord says this so as to forbid the slaying of men. For it is not right to slay heretics, because if you do you will necessarily slay many innocent persons." Therefore it seems that for the same reason unbelievers ought not to be compelled to the faith.

OBJ 2: Further, we read in the *Decretals* (Dist. xlv can., De Judaeis): "The holy synod prescribes, with regard to the Jews, that for the future, none are to be compelled to believe." Therefore, in like manner, neither should unbelievers be compelled to the faith.

OBJ 3: Further, Augustine says (*Tract. xxvi in Joan.*) that "it is possible for a man to do other things against his will, but he cannot believe unless he is willing." Therefore it seems that unbelievers ought not to be compelled to the faith.

OBJ 4: It is said in God's person (Ezech. 18:32 [\*Ezech. 33:11]): "I desire not the death of the sinner [Vulg.: 'of him that dieth']." Now we ought to conform our will to the Divine will, as stated above (FS, Q19, AA9,10). Therefore we should not even wish unbelievers to be put to death.

On the contrary, It is written (Lk. 14:23): "Go out into the highways and hedges; and compel them to come in." Now men enter into the house of God,

i.e. into Holy Church, by faith. Therefore some ought to be compelled to the faith.

I answer that, Among unbelievers there are some who have never received the faith, such as the heathens and the Jews: and these are by no means to be compelled to the faith, in order that they may believe, because to believe depends on the will: nevertheless they should be compelled by the faithful, if it be possible to do so, so that they do not hinder the faith, by their blasphemies, or by their evil persuasions, or even by their open persecutions. It is for this reason that Christ's faithful often wage war with unbelievers, not indeed for the purpose of forcing them to believe, because even if they were to conquer them, and take them prisoners, they should still leave them free to believe, if they will, but in order to prevent them from hindering the faith of Christ.

On the other hand, there are unbelievers who at some time have accepted the faith, and professed it, such as heretics and all apostates: such should be submitted even to bodily compulsion, that they may fulfill what they have promised, and hold what they, at one time, received.

Reply OBJ 1: Some have understood the authority quoted to forbid, not the excommunication but the slaying of heretics, as appears from the words of Chrysostom. Augustine too, says (*Ep. ad Vincent. xciii*) of himself: "It was once my opinion that none should be compelled to union with Christ, that we should deal in words, and fight with arguments. However this opinion of mine is undone, not by words of contradiction, but by convincing examples. Because fear of the law was so profitable, that many say: Thanks be to the Lord Who has broken our chains asunder." Accordingly the meaning of Our Lord's words, "Suffer both to grow until the harvest," must be gathered from those which precede, "lest perhaps gathering up the cockle, you root the wheat also together with it." For, Augustine says (*Contra Ep. Parmen. iii, 2*) "these words show that when this is not to be feared, that is to say, when a man's crime is so publicly known, and so hateful to all, that he has no defenders, or none such as might cause a schism, the severity of discipline should not slacken."

Reply OBJ 2: Those Jews who have in no way received the faith, ought not by no means to be compelled to the faith: if, however, they have received it, they ought to be compelled to keep it, as is stated in the same chapter.

Reply OBJ 3: Just as taking a vow is a matter of will, and keeping a vow, a matter of obligation, so acceptance of the faith is a matter of the will, whereas keeping the faith, when once one has received it, is a matter of obligation. Wherefore heretics should be compelled to keep the faith. Thus Augustine says to the Count Boniface (*Ep. clxxxv*): "What do these people mean by crying out continually: 'We may believe or not believe just as we choose. Whom did Christ compel?' They should remember that Christ at first compelled Paul and afterwards taught Him."

Reply OBJ 4: As Augustine says in the same letter, "none of us wishes any heretic to perish. But the house of David did not deserve to have peace, unless his son Absalom had been killed in the war which he had raised against his father. Thus if the Catholic Church gathers together some of the perdition of others, she heals the sorrow of her maternal heart by the delivery of so many nations."