

strictly so called *i.e.* the application of the Eternal Law to men; (*b*) the light and order *i.e.* that portion of Eternal Law which is applied to men; (*c*) the effect of this illumination in man. The problem is to determine which of these constitutes the essence of the Natural Moral Law. As the second example is slightly more tangible and the problem remains the same, we will examine the second example before commenting on this first one.

As a second example the Natural Moral Law is said to be an *impression* of or participation of the Eternal Law¹. We can best analyse this example by reducing it to every day terms. Take a definite seal or stamp and with it stamp a bit of warm wax. In this supposition we have three elements: (*a*) the seal itself or the things to be impressed; (*b*) the actual impression of these things, or the act of the hand pressing the seal upon the wax; (*c*) the effect of this impression on the wax.

In the case of the Natural Moral Law, with which we are dealing, these elements could be resolved into: (1) the seal itself—that part of the Eternal Law which is moral *i.e.* which is to be applied to man in contrast to the whole scope of the Eternal Law governing the universe; (2) the actual application of this seal—the application of this portion of the Eternal Law to man; (3) the effects of this impression—the perpetuation of the seal in man, the image of the seal remaining permanently.

1. 1a2æ, q.91, a.2 corp; Ib. q. 106, a.1 ad 2um; Supplem. q.65, a.1

Examining the first of these three elements, we see at once that it cannot answer to the requirements of the essence of the subjective Natural Moral Law; at least this is not what we mean by the subjective side of this law. It is rather what we have already explained in our second chapter, it is strictly in God and is nothing more than a part of the Eternal Law considered apart from the rest.

The second element—the actual impression of the portion of the Eternal Law applicable to men—may perhaps answer to the requirements of the essence of the Natural Moral Law. It answers most closely to the descriptions of the law given by theologians, taking the terms of these descriptions in the strictest sense; for this is strictly “impression.” Then too, it makes no presuppositions, it carries the whole content of the law with it. But St. Thomas, in his general tract on law¹ said that law can be of only two kinds; to this our daily use of the word adds a third: (*a*) as law is in the legislator; (*b*) as it is in the subject; (*c*) as it is in some external sign, such as a code of laws, which is really nothing more than a kind of permanent promulgation. Now this actual impression is certainly not in God, the legislator, but rather comes from him. Neither is it in the subject, man, otherwise it would be the third element or the effects of the actual impression. Nor is it in some external sign, such as a book or some other means of promulgation. Rather it would seem to be a

1. 1a2æ, q.90, a.1 ad 1um; Ib. a.3 ad 1um; Ib. q. 91, a.2.

law "in transitu," on its way from the legislator to the subject. This becomes more apparent when we consider that an act of God, such as this actual impression, is executed instantaneously and without the use of an instrument. So that this actual impression can be reduced to a divine precept.

The third element—the effect of this impression in man—has the serious objection against it that it is after all an effect. It is certainly not the law as it is in the legislator; no less certainly is it not law as law is in an external sign, such as a book. But it does answer to some of the requirements for law as it is in the subject. If every law, considered as it is in the subject, is really an effect, the difficulty against this third element will be more or less answered.

Taking the example of human laws, to clarify this last statement, we have the following results. A human law, framed by the legislator, is the efficient cause of the effect it produces in the subject; and that effect is nothing more than the act of reason, by which the subject comprehends the law, and the resulting proposition of reason making this comprehension permanent¹. And this is exactly law considered as it is in the subject.

In the Natural Moral Law we have a somewhat parallel case. The legislator, God, frames the Eternal Law; this Eternal Law, applied to man, has a very definite effect on man, its subject—an effect far more reaching than the effect of a human law for its permanency and accuracy is

1. 1a2æ, q. 93, a. 5.

ensured by much more stable means than a mere proposition of reason¹.

It is also to be noted that this third element of which we are speaking, can be called "illumination" or "impression"; thus we say: "this impression is good or bad" meaning that the effect left by the seal on wax is or is not a perfect reproduction of the original seal. This third element, also, makes no presuppositions, as it is the image, the reproduction of the original seal, carrying with it the whole content of the law.

This then will be the object of our investigation: to determine just what these effects of the Eternal Law applied to man are *i.e.* what is the Natural Moral Law in man.

EXISTENCE OF THE NATURAL MORAL LAW.

The existence of the Natural Moral Law could be proved from authority, for example from the Epistle to the Romans, where St. Paul says: "For when the Gentiles, who have not the law, do by nature those things that are of the law; these having not the law are a law to themselves: Who shew the work of the law written in their hearts, their conscience bearing witness to them, and their thoughts between themselves accusing, or also defending one another".² Or it could also be proven from the authority of the Fathers, for example, St. Ambrose and St. Augustine³. But Catholics, to whom these proofs would carry

1. 1a2æ, q. 93, a. 5.

2. Ad Rom. cap. 2, ver. 14-16.

3. Confer Billuart, Tract. De Legibus, Diss. II, art. 2.

conviction, have no need of proofs, they have that characteristic of freely admitting the truths proposed and approved by common sense. And, as will be apparent from the few rational arguments we will offer, the existence of the Natural Moral Law is indeed a truth of the common sense of mankind, taking this term in its most proper, its scholastic sense.

Because of the intimate connection between the Natural Moral Law and the Eternal Law, the most obvious proof of the existence of the former is drawn from the existence of the latter. Thus it is self evident that the Eternal Law exists and is effectively applied to creatures¹. Indeed this is the only explanation of the order present in the world, an order whose presence every advance of experimental science only confirms. Since the Natural Moral Law, as it is in the legislator, is a part of the Eternal Law—namely the part to be applied to men, a fortiori the Natural Moral Law, as it is in the subjects of that law, *i.e.* in men, is nothing more than the effects of the application of the Eternal Law². Since the Eternal Law is effectively applied, a fortiori these effects exist in men³.

Proceeding from the effects, instead of from the source of these effects, the existence of the Natural Moral Law is no less evident. The reason of every man, independently of positive laws and indeed

1. confer supra p.21 seq. (Chap.II).
2. vid. supra p. 77 seq.
3. 1a2a, q.91, a.2,

previous to them,, declares that some actions are bad and must be avoided, while others are good and must be done. Since this is precisely the work of moral law, *i.e.* to regulate human actions, to be the rule of those actions, commanding the good and forbidding the bad, it is evident that there is a moral law intimately present to every man. This law we call the Natural Moral Law³. Nor is this testimony of conscience an unconscious projecting of Christian morality into the purely natural field, a generalization of what we ourselves know because of our Catholic heritage. This testimony of conscience as to the existence of the Natural Moral Law, is vouched for by such Greek philosophers as Plato, Socrates, Aristotle, and Zeno;¹ while among the Romans we find Cicero, Horatius, Tacitus, Juvenal not only admitting this law from the testimony of conscience, but extolling it².

A third argument, this time explicitly from the order of the world, and proceeding by way of analogy, clearly shows the unreasonableness of the denial of the Natural Moral Law. The universe, which is ordained to an end, is made up of irrational and rational creation. Both of these, being things created, are therefore defectible and need guidance, direction to attain their end and the end of the universe. Since the irrational creation is guided to its end, and thus to the end

3. confer Billuart, l. c.

1. cf. Roland- Gosselin, La Doctrine Politique de S. Thomas D'Aquin

p.4

2. cf. Prummer, Manuale Theologiae Moralis, p. 106, 152.

of the universe, by natural laws in consonance with the diverse irrational natures, it is, to say the very least, fitting that man also be guided to his end and to the end of the universe, by a natural law in consonance with his rational nature, *i.e.* by a natural moral law³.

ESSENCE OF THE NATURAL MORAL LAW.

Looking through the works of St. Thomas, we find three different explanations of the essence of this law, seemingly contrary one to the other. The first of these places the law in the natural inclinations of man: "Unde et in ipsa (creatura rationali) participatur ratio æterna, per quam habet naturalem inclinationem ad debitum actum et finem; et talis participatio legis æternæ in rationali creatura *lex naturalis* dicitur"¹. This same notion of the Natural Moral Law is repeated and emphasized time and again, for instance: "Sicut autem homo imprimit denuntiando quoddam interius principium actu homini sibi subjecto, ita etiam Deus imprimit toti naturæ principia priorum actu; et ideo per hunc modum Deus dicitur præcipere toti naturæ . . . Et per hanc etiam rationem omnes motus et actiones totius naturæ legi æternæ subduntur. Unde aliquo modo creaturæ irrationales subduntur legi æternæ, in quantum moventur a divina providentia; non autem per intellectum divini præcepti, sicut creaturæ rationales"². as if to say

3. cf. Prummer, l. c.

1. 1a2æ, q. 91, a. 2; Ib. cf. objectionem secundam et responsonem.

2. Ib. q. 93, a. 5 corp.

the law was the inclinations, since the government of man by the Eternal Law is the Natural Moral Law, and reason merely recognized this law. In the ex professo tract on the Natural Moral Law we find such as the following: ". . . omnia illa ad quæ homo habet naturalem inclinationem, ratio naturaliter apprehendit ut bona, et per consequens ut opere prosequenda, et contraria eorum ut mala et vitanda. Secundum igitur ordinem inclinationum naturalium est ordo præceptorum legis naturæ"¹. "Dictum est enim quod ad legem naturæ pertinet omne illud ad quod homo inclinatur secundum suam naturam. Inclinatur autem unumquodque naturaliter ad operationem sibi convenientem secundum suam formam, sicut ignis ad calefaciendum. Unde cum anima rationalis sit propria forma hominis, naturalis inclinatio inest cuilibet homini ad hoc quod agat secundum rationem: et hoc est agere secundum virtutem"². Again: "dupliciter est aliquid inditum homini: uno modo quasi pertinens ad naturam humanam, et sic *lex naturalis* est *lex indita homini*"³.

The second of these explanations, the one favoured by Billuart⁴, seems to place the Natural Moral Law in the light of reason itself, *i.e.* in the intellectual potency or faculty before its actual

1. 1a2æ, q. 94, a. 2 corp.

2. Ib. a. 3 corp. cf. Ib. a. 4 corp.

3. Ib. q. 106, a. 1 ad 2um; cf. Ib. q. 94 a. 2 ad 2um; IV Sent. d. 33, q. 1, a. 1 corp; III Sent. d. 37, q. 1, a. 1 ad 3um; Lib. V Ethic. lect. 12.

4. Tract. De Legibus, Diss, II, a 2, Dico 2.

operation⁵. St. Thomas makes direct reference to this in treating ex professo of the Natural Law when he says: "... quasi lumen rationis naturalis, quo discernimus quid sit bonum et quid malum, quod pertinet ad naturalem legem, nihil aliud sit quam impressio divini luminis in nobis. Unde patet quod lex naturalis nihil aliud est quam participatio legis æternæ in rationali creatura"¹. In other parts of the Summa Theologica this idea is brought out very strongly, *e.g.*: "Quod autem ratio humana sit regula voluntatis humanæ, ex qua ejus bonitas mensuretur, habet ex lege æterna, quæ est ratio divina; unde dicitur: Multi dicunt: quis ostendit nobis bona? Signatum est super nos lumen vultus tui, Domine"; quasi diceret: 'Lumen rationis quod in nobis est in tantum potest nobis ostendere bona, et nostram voluntatem regulare (the precise ends of law), in quantum est lumen vultus tui' id est a vultu tuo derivatum"². "Licet lex æterna sit nobis ignota, secundum quod est in mente divina, innotescit tamen nobis aequaliter, vel per rationem naturalem, quæ ab ea derivatur ut propria ejus imago, vel per aliquam revelationem superadditam"³. "Sol corporalis illustrat exterius; sed sol intelligibilis, qui est Deus, illustrat interius; unde ipse lumen naturale animæ inditum est illustratio Dei, qua illustramur ab ipso ad cognoscendum ea quæ

5. 1a, q. 12, a.2 (definition of "lumen rationis").

1. 1a2æ, q. 91, a.2 corp. circa finem.

2. 1a2æ, q. 19, a.4 corp; Same text quoted and same interpretation given in 1a, q. 88, a.3 ad 1um; In Psalm, IV, 5; De Ver. q. 16, a.3 corp.

3. 1a2æ, q. 19, a.4 ad 3um.

pertinent ad naturalem cognitionem; et ad hoc non requiritur alia illustratio, sed solum ad illa quæ naturalem cognitionem excedunt"⁴. In St. Thomas' earlier treatment of this subject, in the Commentary on the Books of Sentences, this explanation is given expressly: "Lex interior est ipsum lumen rationis quo agenda discernimus; et quidquid in humanis actibus huic lumini est consonum, totum est rectum, quod autem contra hoc lumen est, homini est innaturale et malum"¹.

The third explanation given by St. Thomas, places the Natural Moral Law in the result of an act of the practical reason, *i.e.* in the proposition of reason. Thus we find: "ideo est invenire aliquid in ratione practica quod ita se habet ad operationes, sicut se habet propositio in ratione speculativa ad conclusiones; et hujusmodi propositiones universales rationis practicæ ordinatæ ad actiones habent rationem legis; quæ quidem propositiones aliquando actualiter considerantur, aliquando vero habitualiter ratione tenentur"². That this remark does not refer only to law as it is in the legislator is evident from the following in the tract on Natural Moral Law: "Dictum est enim supra quod lex naturalis est aliquid per rationem constitutum, sicut etiam propositio est quoddam opus rationis"³.

In question 91 we find this significant remark: "Inter cætera autem rationalis creatura excellen-

4. Ib. q. 109, a.1 ad 2um.

1. II Sent, dist. 42, q.1, a.4 ad 3um.

2. 1a2æ, q.90, a.1 ad 2um.

3. Ib. q.94, a.1 corp.

tiori quodam modo divinæ providentiæ subjacet, in quantum et ipsa fit providentiæ particeps, sibi ipsi et aliis providens "1 and it is only by the use of his reason that man provides either for himself or for others. In this same article we find a more explicit statement: "quod etiam animalia irrationalia participant rationem æternam suo modo, sicut et rationalis creatura. Sed quia rationalis creatura participat eam intellectualiter et rationaliter, ideo participatio legis æternæ in creatura rationali proprie lex vocatur; nam lex est aliquid rationis, ut supra dictum est; in creatura autem irrationali non participatur rationaliter; unde non potest dici lex nisi per similitudinem "2.

In the tract on Natural Moral Law we find this interpretation referred to again and again, for example: "omnes hujusmodi inclinationes quarumcumque partium naturæ humanæ, puta concupiscibilis et irascibilis, secundum quod regulantur ratione, pertinent ad legem naturalem . . ."3; "ratio, etsi in se una sit, tamen est ordinativa omnium quæ ad homines spectant: et secundum hoc sub lege rationis continentur omnia ea quæ ratione regulari possunt "4. It must be noted that only by an act of reason and the resulting proposition, namely imperium and precept, does the reason regulate and ordain. Again we find: "Unde cum anima rationalis sit propria forma hominis, naturalis inclinatio inest cuilibet

1. 1a2æ, q.91, a.2 corp; more expressly in Con. Gentes, Lib. III, cap 78.

2. 1a2æ, q.91, a.2 ad 3um.

3. Ib. q.94, a.2 ad 2um; cf. ib. corp.

4. Ib. ad 3um.

homini ad hoc quod agat secundum rationem; et hoc est agere secundum virtutem. Unde secundum hoc omnes actus virtutum sunt de lege naturali; dictat enim hoc naturaliter unicuique propria ratio ut virtuose agat "1 i.e. this law consists in a dictate or precept of reason. In this same article this idea is repeated more strongly: "sicut ratio in homine dominatur et imperat aliis potentiis; ita oportet quod omnes inclinationes naturales ad alias potentias pertinentes ordinentur secundum rationem. Unde hoc est apud omnes communiter receptum, ut secundum rationem dirigantur omnes hominum inclinationes "2.

Frequent reference is also made to this explanation in other parts of the Summa, e.g. "ea quæ sunt Dei (among which is the Eternal Law), in seipsis quidem cognosci a nobis non possunt, sed tamen in effectibus suis nobis manifestantur, secundum illud Rom. chap. 1, ver. 20: "Invisibilia Dei, per ea quæ facta sunt, intellecta conspiciuntur "3. The word to be noted in the preceding text is "intellecta" i.e. understood, or a completed act of the reason. Again: "Lex naturalis nihil aliud est quam conceptio homini naturaliter indita, qua dirigitur ad convenienter agendum in actionibus propriis "4. This same doctrine is insisted upon in the other works of St. Thomas5 but it would serve no purpose to

1. 1a2æ, q.94, a.3 corp.

2. Ib. a.4 ad 3um.

3. Ib. q.93, a.2, ad 1um; confer. Ib. a.5 corp.

4. Supplem. q.65, a.1.

5. e.g. I Sent. d. 39, q.2, a.2, ad 4um; III Sent. d. 37, q.1, a.3; IV Sent. dist. 33, q.1, a.1 corp.; Con. Gent. lib. III, cap. 78, etc.

multiply the texts already cited. This third explanation is also the one favored by many theologians¹.

Though we find these three explanations in St. Thomas, our problem, in searching for the essential notion of Natural Moral Law, is not to choose any particular one of them. An attentive reading of St. Thomas shows that he did not consider these three mutually exclusive. In fact, as can be seen from some of the texts we have already given, he frequently mentions two or even all three of these explanations of the law in the same article. For instance: "Unde cum omnia quæ divinæ providentiæ subduntur, a lege æterna regulentur et mensurentur . . . manifestum est quod omnia participant aliquantulum legem æternam, in quantum scilicet ex impressione ejus habent inclinationes in proprios actus et fines (from this man is not excluded). Inter cætera autem rationalis creatura excellentiori quodam modo divinæ providentiæ subjacet, in quantum et ipsa fit providentiæ particeps, sibi ipsi et aliis providens (and of course it is only by the use of his reason that man provides for himself or for others—third explanation). Unde et in ipsa participatur ratio æterna per quam habet naturalem inclinationem ad debitum actum et finem (first explanation); et talis participatio legis æternæ in rationali creatura lex naturalis dicitur. Unde cum

1. e.g. Sylvius in 1am2æ, q.94, a.1; Suarez (for act, not proposition) De Legibus, lib. II, cap. 5 14; among the moderns. Lottin, O.S.B., in Ephemerides Theologicæ Lovanienses, 1925, p. 358; Lehu O.P. Philosophia Moralis, p. 239.

Psalmista dixisset: 'Sacrificate sacrificium justitiæ,' quasi quibusdam quærentibus quæ sunt justitiæ opera, subjungit: 'Multi dicunt: quis ostendit nobis bona?' Cui quæstioni respondens, dicit: 'Signatum est super nos lumen vultus tui Domine': quasi lumen rationis naturalis quo discernimus quid sit bonum et quid malum, quod pertinet ad naturalem legem (second explanation), nihil aliud sit quam impressio divini luminis in nobis. Unde patet quod lex naturalis nihil aliud est quam participatio legis æternæ in rationali creatura."¹

Very often St. Thomas mentions the natural inclinations and the dictate or proposition of reason as making up the Natural Moral Law, not making explicit mention of the light of reason, as it is, a fortiori, presupposed in the proposition of reason. Thus treating of the Eternal Law, St. Thomas says God impressed on all nature (thus including rational nature) the principles of the proper actions of each nature; and in this way all nature is subject to the Eternal Law, *i.e.* by way of natural inclination. Irrational creatures are subject to the Eternal Law in as much as they are moved passively by divine providence; but they are not subject to this law through the comprehension of a divine precept, *i.e.* by a proposition of reason, as are rational creatures². Again, in this tract on the Eternal Law, we have the explicit joining of two of these explanations of the Natural Moral Law. St. Thomas gives the

1. 1a2æ, q.91, a.2 corp.
2. 1a2æ, q.93, a.5, corp.

distinction of subjection to the Eternal Law "per modum cognitionis; alio modo per modum actionis et passionis, in quantum participatur per modum interioris principii." He then says that rational creatures are subject to the Eternal Law in both ways: *i.e.* by the natural inclinations and by the cognitive act of reason².

This same combination of these different elements runs through the tract on the Natural Moral Law, *e.g.* "omnia illa ad quæ homo habet naturalem inclinationem, ratio naturaliter apprehendit ut bona, et per consequens ut opere prosequenda, et contraria eorum ut mala et vitanda. Secundum igitur ordinem inclinationum naturalium est ordo præceptorum legis naturæ"³. "Ad legem naturæ pertinet omne illud ad quod homo inclinatur secundum suam naturam. Inclinatur tuam unumquodque naturaliter ad operationem sibi convenientem secundum suam formam, sicut ignis ad calefaciendum. Unde cum anima rationalis sit propria forma hominis, naturalis inclinatio inest cuilibet homini ad hoc quod agat secundum rationem et hoc est agere secundum virtutem. Unde secundum hoc omnes actus virtutum sunt de lege naturali; dictat (precept or proposition of reason) enim hoc naturaliter unicuique propria ratio ut virtuose agat"¹. "... sicut ratio in homine dominatur et imperat aliis potentiis; ita oportet quod omnes inclinationes naturales ad alias potentias pertinentes ordinentur

2. 1a2æ q. 93 a. 6.

3. Ib. q. 94, a. 2.

1. Ib. a. 3.

secundum rationem. Unde hoc est apud omnes communiter receptum, ut secundum rationem dirigantur omnes hominum inclinationes"².

It would seem, then, that St. Thomas placed the Natural Moral Law, not in any one of these three, but in all three taken somehow collectively. A glance at the articles in which St. Thomas treats of the essence of this law makes this point of view quite certain. Thus in question 91, the question of the existence of the Natural Moral Law is proved briefly from the existence of the Eternal Law; the rest of the article is an exposition of the nature of this law in man, what it consists of in the rational creature³. And here we have explicit mention of the inclinations, the light of reason and the result of the act of reason or the proposition, as we have already shown¹. In the first article of question 94, where St. Thomas is treating ex professo of the essence of this law, he places it unequivocally in the result of the act of reason or the proposition. Then in his response to the "Sed Contra," which in this case is an objection, he says that a boy cannot use the Natural Law, which is within him habitually, "propter defectum ætatis"—which is true of the light of reason and of the natural inclinations, but is certainly not true of the proposition of reason, for this would be sheer Platonism. In the third article of this same question (1a2æ, 94, 3), we find a third exposition of the essence of this

2. 1a2æ, q. 94, a. 4 ad 3um.

3. Ib. q. 91, a. 2.

1. vid. supra p. 87 et 88.

law and here again we see mentioned the natural inclinations of man and the dictate of reason².

If then, as seems certain, St. Thomas placed the essence of the Natural Moral Law in these three elements, namely the natural inclinations, the light of reason and the proposition of reason, taken in some way collectively, this should be apparent from his classic definition of the Natural Moral Law. This definition reads: "lex naturalis nihil aliud est quam participatio legis æternæ in rationali creatura"³. Examining the terms of this definition we see that we are familiar with the notion of the Eternal Law¹; we may reasonably suppose a general notion of the meaning of rational creature. The whole content of the definition, from our point of view lies in the meaning St. Thomas attached to "participation."

This term itself and the ordinary meaning attached to it are well known to all students of scholastic philosophy and theology. The treatment of the fundamental notion of Thomistic philosophy—"ens"—is a perfect illustration of this term "participation." Thus it is said that "ens per se" or "per essentiam" is God alone; all other beings "participate" this perfection, having it in a limited degree, "per participationem" from him who possesses it in all its plenitude, namely "per essentiam." St. Thomas applies this same notion to law and explains his meaning quite clearly as we have already shown

2. vid. supra p. 85 et 86.

3. 1a2æ, q.91, a.2 corp.

1. vid. supra Chap. II.

in our chapter on the Eternal Law². At first glance this application might seem to be limited to human laws as they are in the legislator; but a closer reading shows that St. Thomas includes all laws, consequently the Natural Moral Law under this concept of "participation" and this notion is in harmony with the active element of the Natural Moral Law which we will touch on shortly.

Investigating the meaning of this word as used by St. Thomas in relation to the Natural Moral Law, we find that he used it in a triple sense corresponding to the three elements or angles of the Natural Moral Law which we have just explained.

The first element is expressly mentioned as "participated": "Unde et in ipsa (creatura rationalis) participatur ratio æterna per quam habet naturalem inclinationem ad debitum actum et finem; et talis participatio legis æternæ in rationali creatura lex naturalis dicitur"¹. Further on in the same article we find reference to the second element: "quasi lumen rationis naturalis, quo discernimus quid sit bonum et quid malum, quod pertinet ad naturalem legem, nihil aliud sit quam impressio divini luminis in nobis, unde patet quod lex naturalis nihil aliud est quam participatio legis æternæ in rationali creatura"³.

2. vid. supra Chap. II, p. 36-4-3

1. 1a2æ, q.91, a.2 corp.

3. Ib. cf. etiam De Ver. q.16, a.3 corp; In Psal. IV, 5; la, q. 88, a.3 ad rum.

All three elements are brought out even more clearly in a response to an objection: "etiam animalia irrationalia participant rationem æternam suo modo, sicut et rationalis creatura (*i.e.* by natural inclinations). Sed quia rationalis creatura participat eam intellectualiter (by light of reason) et rationaliter (by proposition or actual use of reason), ideo participatio legis æternæ in creatura rationali proprie lex vocatur; nam lex est aliquid rationis (proposition of reason) ut supra dictum est"³. Nor is this a strained interpretation of the words of St. Thomas but a distinction given by the Angelic Doctor himself¹.

This same doctrine is briefly summed up in the *Contra Gentes*, leaving no room for doubt as to the meaning St. Thomas attached to "participation" in his definition of Natural Moral Law. "Quæcumque creatura exequitur divinæ providentiæ ordinem, hoc habet in quantum participat aliquid de virtute sibi providentis; sicut instrumentum non movet nisi in quantum per motum participat aliquid de virtute principalis agentis. Quæ igitur amplius de virtute divinæ providentiæ participant sunt executiva divinæ providentiæ in illa quæ minus participant. Creaturæ autem intellectuales plus aliis de ipsa participant; nam quum ad providentiam requiratur dispositio ordinis, quæ fit per cognoscitivam virtutem, et executio, quæ fit per operativam, creaturæ rationales utramque virtutem participant: reliquæ vero creaturæ, virtutem operativam tantum. Per

3. 1a2æ, q.91, a.2 ad 3um.

1. II Sent. d. 24, a.3 ad 2um; cf. 1a, q.79, a.8.

creaturas igitur rationales, omnes aliæ creaturæ sub divina providentia reguntur"⁷.

Because our participation of the Eternal Law by reason is the participation par excellence, mention of it is made even outside of the tract on law. For instance: "Quod autem ratio humana sit regula voluntatis humanæ, ex qua ejus bonitas mensuretur, habet ex lege æterna, quæ est ratio divina; unde dicitur: 'Multi dicunt: Quis ostendit nobis bona? Signatum est super nos lumen vultus tui Domine'; quasi diceret: 'Lumen rationis quod in nobis est, intantum potest nobis ostendere bona, et nostram voluntatem regulare, in quantum est lumen vultus tui, *i.e.* a vultu tuo derivatum'"¹. "Licet lex æterna sit nobis ignota, secundum quod est in mente divina, innotescit tamen nobis aequaliter, vel per rationem naturalem, quæ ab ea derivatur ut propria ejus imago, vel per aliquam revelationem superadditam"².

The essence of the Natural Moral Law, therefore, is not in an act of reason as Suarez³ holds, or the result of that act, the proposition, as Sylvius and many modern authors hold⁴. Neither is it in the light of reason as Billuart maintained⁵; nor is it the rational nature itself, the natural inclinations as Vasquez taught⁶. Against each one

7. *Contra Gentes*, lib. III, cap. 78.

1. 1a2æ, q.19, a.4 corp.

2. *Ib.* ad 3um. Confer 1a, q.4, a.1 ad 2um for explanation.

3. *vid. supra* Chap. III, p. 65; confer. *supra* p. 87, note 2.

4. *vid. supra* p. 87 note 2.

5. *Tract. De Legibus*, Diss II, a.2 Dico 2.

6. Vasquez. 1a2æ, disp. 150, cap.3 (quoted by Suarez, *De Legibus*, lib. II, cap. 5.

of these elements taken separately the traditional teaching on the Natural Moral Law presents insuperable difficulties. For instance : how can an act of reason or a proposition of reason be called innate in a sense as strict as the Natural Moral Law is said to be innate, or how can this act or proposition of reason be present in children, or lunatics, as the Natural Moral Law undoubtedly is ? How can the light of reason or the natural inclinations be called a law in a sense any higher than we attribute law to the irrational creatures, since moral law even in its subject must have the note of being constituted by reason ?

Evidently these three elements must be taken in some way collectively ; no less evident is it that they cannot simply be bundled together and called the Natural Moral Law, at least if we are to keep to the fundamental doctrine on law exposed by St. Thomas in his general tract on law¹. The interrelation of these three elements and the part each plays in the Natural Moral Law can be quite readily seen from a consideration of the different texts of St. Thomas where he treats of all three together.

Thus St. Thomas says : “. . . per naturalem inclinationem ordinatur homo in finem sibi connaturalem. Hoc autem contingit secundum duo. Primo quidem secundum rationem vel intellectum, in quantum continet prima principia universaliter cognita nobis per naturale lumen intellectus, ex quibus procedit ratio tam in speculandis, quam in agendis ; secundo per rectitudinem voluntatis

1. 1a2æ, q. 90.

naturaliter tendentis in bonum rationis”². From this text we see that St. Thomas reduces all three of these elements directly to *nature* ; there is no room for freedom here, the three elements flow from the very nature of man and in this sense at least they may be considered of equal value. But is there no definite order between these elements ? Is the order given in this text to be taken strictly ?

We have the answer of St. Thomas in two brief texts. “ In his autem quæ sunt ad finem rectitudo rationis consistit in conformitate ad appetitum finis debiti ; sed tamen et ipse appetitus finis debiti præsupponit rectam apprehensionem de fine, quæ est per rationem”³. “. . . bonum sub ratione boni, id est appetibilis, per prius pertinet ad voluntatem quam ad rationem : sed tamen per prius pertinet ad rationem sub ratione veri, quam ad voluntatem sub ratione appetibilis ; quia appetitus voluntatis non potest esse de bono, nisi prius a ratione apprehendatur”². Here we have the process clearly stated. First is the natural knowledge of the end by virtue of the natural light of reason ; then the natural desire for this end on the part of the will ; and finally the natural precept of the practical reason flowing from the preceding acts.

This doctrine brings out the dependance of this third element, the proposition of reason, on the other two elements. Indeed it is this very dependance which St. Thomas emphasizes to escape

3. 1a2æ, q. 62, a. 3.

1. Ib. q. 19, a. 3 ad 2um.

2. Ib. ad 1um.

the seemingly vicious circle involved by saying that the rectitude of the practical reason depends from the rectitude of the appetite, and the rectitude of the appetite depends from the practical reason. St. Thomas clears up this difficulty by explaining: "Appetitus est finis et eorum quæ sunt ad finem: Finis autem determinatus est homini a natura. Ea autem quæ sunt ad finem non sunt nobis determinata a natura, sed per rationem investiganda. Sic ergo manifestum est quod rectitudo appetitus per respectum ad finem est mensura veritatis in ratione practica. Et secundum hoc determinatur veritas rationis practicæ secundum concordiam ad appetitum rectum. Ipsa autem veritas rationis practicæ est regula rectitudinis appetitus circa ea quæ sunt ad finem. Et ideo secundum hoc dicitur appetitus rectus qui prosequitur quæ vera ratio dicit"¹.

We are now in a position to state the problem of the interrelation of these three elements more fully. The precept of practical reason, *i.e.* the proposition of reason resulting from this precept, would seem to be the Natural Moral Law in its very essence if we judge it by the principles laid down by St. Thomas as applying to all law. Thus law being the result of a precept which is itself an act of prudence, deals only with the means and not with the end². And it is this third element alone which deals with the means to the end of man. Moreover St. Thomas says unequivocally

1. VI Ethic. lect. 2 circa media.
2. 2a2æ, q. 47, a. 8; Ib. q. 50; 1a2æ. q. 90, a. 4

that law is something constituted by reason¹ and this third element is the only one of the three constituted by reason. This interpretation of the Natural Moral Law as being essentially in the proposition of reason is strengthened by the fact that it is by reason that man is distinguished from other animals, not by his appetite.

On the other hand, this proposition evidently flows from and is immediately dependent upon the natural inclination of man's appetite and the natural light of reason; both of which are no less participations of the Eternal Law than the proposition of reason itself². St. Thomas has stated this angle of the Natural Moral Law when he explained that in this law there is an element common to the Natural Laws governing irrational creation and elements peculiar to man³; by the natural inclinations this law is brought into relation with the natural physical laws; by the proposition of reason and the light of reason which it presupposes, it is lifted to heights peculiar to man, *i.e.* to the moral field.

In the Commentary on the Books of Sentences, St. Thomas has made an explicit comparison between the natural physical laws and the Natural Moral Law⁴. He explains that creatures enjoying no cognition are directed to their ends directly by their proper forms; creatures enjoying

1. 1a2æ, q. 90, a. 1 ad 2um; Ib. q. 94, a. 1.
2. *vid. supra* p. 93 seq.
3. 1a2æ, q. 91, a. 2.
4. IV Sent. d. 33, q. 1, a. 1 corp.

sensitive cognition and appetite are directed to their ends by a natural conception on the cognitive side and a natural inclination on the appetitive side; it is the latter that would seem to be the superior of the natural conception in the matter of directing the creature to its end. But in man, this natural inclination, while still present, cedes its superior position to the natural conception because—the reason is that given by St. Thomas—man knows the end and the proportion of the means to the end. The chief element in the direction of man to his end is not his appetite but his reason, for man directs himself; it is the contrary in the brutes because they do not direct themselves but are driven by another, it is not their intelligence, but another's that is responsible for the direction.

With the superiority of the proposition definitely established as regards the essential nature of Natural Moral Law, there is a temptation to dispose of the natural inclinations by applying the doctrine of St. Thomas regarding precept to this question². Thus the natural inclination takes the place of the act of election in regard to the ordinary "imperium" *i.e.* the natural inclinations are presupposed in the proposition of reason just as election is presupposed and participated by the imperium of the intellect; and, carrying the parallel further, the Natural Moral Law consists essentially in the proposition of reason, just as the "imperium" is essentially an act of reason. But

2. *vid. supra* Chap. I p. 7 seq; Chap. III, p. 54 seq.

the comparison is not so perfect. It is true that the natural inclination of man's appetite gives the motive power to the precept of reason, as does election to the imperium of reason; but over and above this, this natural inclination "per respectum ad finem est mensura veritatis in ratione practica"¹.

Thus it is clear that the Natural Moral Law is inadequately described unless all three of these elements are taken into consideration. While the precept of natural reason undoubtedly plays the major part, yet it would be unintelligible as a Natural Moral Law without the inclusion of these other two elements which are, as it were, the proximate sources of the proposition of reason.

Taken in this collective sense, this essential notion of law which we have explained answers all these difficulties from the traditional teaching. This will be even more evident when we have finished with our explanation of the Natural Moral Law. Nor does this inclusion of three elements detract from the general principle laid down by St. Thomas concerning law, namely that it must be something constituted by reason²; rather it maintains this principle and at the same time emphasizes the superiority of the Natural Moral Law in comparison with positive laws.

St. Thomas himself points out some of these elements of superiority. Thus we see clearly how far superior the Natural Moral Law is to human law by the contrast between the feeble im-

1. *vid. supra* p. 98; et *Ib.* note 1.

2. 1a2æ, q. 90, a. 1 ad 2um.

pression of a rule of action on the mind of a subject by the precept of a human legislator and the impression by God of His law on the very nature of his subjects, making it an integral part of their being through the natural inclinations and the light of reason and insuring its intelligent observation by means of the natural conception or proposition of reason². The reason for this is given somewhat laconically by St. Thomas when he says: "lex naturalis est quædam participatio legis æternæ in nobis; lex autem humana deficit a lege æterna"³. The one is human, the other divine; the one has the limited effectiveness to be expected from its human authorship; the other penetrates the very being of its subject with all the penetrating intimacy of things divine.

This explanation of the essence of the Natural Moral Law brings out clearly another superiority of the Natural Moral Law over human law—that is the active element of this law in man. Man is not merely a passive subject obeying a law: he participates, in a way, in the active, the legislative side of the law. He plays a dynamic part, or, as St. Thomas puts it, he participates in divine providence in a special way, providing for himself and for others¹. This gives the Natural Moral Law a completeness that leaves nothing to be desired and at the same time, completes the picture of man as participating the Eternal law

2. Ib. q. 93, a. 5 corp; et ad rum.

3. Ib. q. 96, a.2 ad 3um.

1. 1æ2æ, q. 91, a.2; conf. Contra Gent. lib. III, cap. 78.

"per modum imaginis." For in man, over and above the natural inclinations by which he passively participates the Eternal Law in common with irrational creatures, and the light of reason by which he passively participates it in a manner proper to himself, there is an active participation of this law by the act of reason and the proposition constituted by this act by which man provides both for himself and for others¹.

There is one difficulty to be cleared up in regard to this explanation of the essence of the Natural Moral Law, namely, the determination of the exact nature of this third element, the proposition of reason. We shall treat of this immediately in explaining the precepts of the Natural Moral Law.

CHAPTER V.

CONNECTED PROBLEMS: CRITICISM OF SUAREZ.

PRECEPTS OF THE NATURAL MORAL LAW.

WE can best understand this third element of the Natural Moral Law—the proposition of reason—by considering it in its origin. The first thing a man knows in the speculative order, *i.e.* the purely intellectual order without any proximate ordination to action, is "being"—"ens." The reason for this is that this notion is included in everything that man

apprehends; nothingness is incomprehensible. Thus the first principle of the speculative order is that founded on the notion of being, namely the principles of identity and contradiction¹.

Coming down from the speculative order to the order of action, the practical order, we see that the first thing apprehended by the practical reason is the notion of good. The practical reason ordains its knowledge to a definite work or operation; that is, it understands, not merely for the sake of understanding, but to apply this knowledge to operation. In this work or operation, man always aims at some end; and this end in itself includes the notion of the good—"bonum." The parallel is quite perfect: just as in the speculative intellect everything apprehended includes the notion of being, which is the principle of comprehension; so in the practical order, everything apprehended includes the notion of the good, for it is the good, constituted as end, which draws men to actual operation and which is consequently the first mover of the practical order, the starting point of all action. So in the practical order, the first principle is that founded on the notion of good. The basic notion of good is its desirability; it might be stated as: "good is what all desire." The principle founded on this notion is: "Good is to be done, evil is to be avoided"¹.

This principle St. Thomas calls the first precept of the Natural Moral Law¹. It is the third of the essential elements of the Natural Moral Law

1. 1a2æ, q. 94, a.2 corp.

which we have explained above for it includes all other precepts. Moreover it is naturally known, that is, it is a first principle, known as soon as its terms are understood, in this case, from the dawn of reason. This is apparent if we thoroughly understand the principle. The purpose of the inclinations of man are to direct him to his end, since they are a part of the Natural Moral Law²; as this end, like all ends, includes the notion of good, everything to which the natural inclinations of man incline him, will be judged to be good by the practical intellect and consequently to be done. The things contrary to these inclinations, since they will lead a man away from his end and consequently from the good, will be apprehended, naturally, as bad and to be avoided¹. It is to be particularly noted that this apprehension is natural, *i.e.* it is not free; the principle is known of itself, just as the first principle of the speculative order is known immediately without reasoning or investigation¹. It is a part of that participation of the Eternal Law which is the Natural Moral Law. It comes as naturally to a man as do his natural inclinations and the natural light of reason, but is none the less, eminently reasonable².

CLASSIFICATION OF THE PRECEPTS.

(a) *According to The Order Of Origin*¹.

Since the foundation of the notion of good and bad apprehended by the practical intellect is the

1. 1a2æ, q. 94, a.2

2. *vid. supra* chap. IV, p. 88 seq.

convenience or inconvenience to the natural inclinations, it follows that we can classify these precepts (which are commands to do the convenient and avoid the inconvenient) according to the classification of the inclinations themselves. This classification is triplex:¹

1. Those precepts which proceed from the natural inclinations which man has in common with all substances, namely the inclination to conserve his existence. Such precepts are those pertaining to the conservation of human life.
2. Those precepts which proceed from the natural inclinations man has in common with other animals. Such precepts are those commanding the generation and education of children, etc.
3. Those precepts which proceed from the natural inclinations which are proper to man himself, *i.e.* as a rational creature. Such are: that he avoid ignorance (in accordance with his natural inclination to know truth); that he must not offend others with whom he should live (according to his inclination to live in society), etc.

This division is evident. But it must be noted that those precepts of the first and second class, in as much as they are human acts and hence subject to Natural Moral Law, are no less rational than those of the third class. Though man's nature is virtually vegetative and sensitive, it is formally

1. 1a2æ, q. 94, a.2; ad 2um; ad 3um; Ib. a.4 ad 3um.

rational and this rational form extends its empire to all of man's deliberate actions, even though they proceed directly from other potencies¹.

(b) *According to The Cognoscibility of The Precepts:*

This second classification might also be called the order of proximity to nature, or the order of defectibility or indefectibility. But as all these points will be brought out as our treatment of the precepts proceeds the present title will be comprehensive enough. This classification is also triplex:

1. *Primary Precepts*—those which are indemonstrable principles, "per se nota," like those of the speculative order¹. These flow from nature itself, are taught by nature and need no other promulgation². Such are, for instance, "Bonum est faciendum, malum vitandum"³.
2. *Secondary Precepts*—which are immediate conclusions from the primary precepts⁴; are seen with very little consideration by even the unlearned⁵; flow from nature itself through the primary precepts and reason⁶ and thus pertain directly to the Natural Moral Law. Such precepts are the Ten Commandments⁷.

1. 1a2æ, q. 94, a.2 corp; Ib. a.4; a.6; Ib. q. 100, a.11.

2. Ib. q. 100, a.3; Ib. a.11.

3. Ib. q. 94, a.2.

4. Ib. a.4 corp et ad 2um; a.5; q. 100, a.11. Mentioned also in 1a2æ, q. 94 a.6, corp, ad 1um, ad 3um; q. 97, a.4 ad 3um.

5. 1a2æ, q. 100, arts. 1, 3, 11.

6. Ib. a.11 ad 2um. vid. note 4 of this page.

7. Ib. a.3 et a.11.

3. *Remote Conclusions*—from these first and secondary precepts. They demand long consideration and can be discovered by the wise only⁸. The reason being that in contingent things, in which fall human operations, the closer one descends to proper or particular things, the greater are the probabilities of defect and error¹.

This same triplex division is to be found in the other works of St. Thomas with the same explanation of each division². But it is to be noted that in the tract on the Natural Moral Law itself, St. Thomas mentions only the primary and secondary precepts. The reason for this is quite evident. The primary precepts are a part of the essence of the Natural Moral Law itself, making up the third element—the proposition of reason; the secondary precepts are so intimately connected with these primary precepts, are seen by everyone with no other help than that of nature itself, that they are intimately a part of the law. The remote conclusions are not so intimately bound up with the very essence of the law, since their discovery is limited to the learned and they demand such long thought over and above the teachings of nature itself.

The reason for classification is nicely stated by St. Thomas when he explains that law is the art of ordaining human life; like all arts it should have

8. *Ib.* a.1; a.3; a.11.

1. *12æ*, q. 94, a.4 corp.

2. *e.g.* *Lib. V Ethic. lect. 12*; *III Sent. d.37, q.1, a.3*; *IV Sent. d. 33, q.1a.1* (explains only primary and secondary precepts).

a distinction of rules or precepts, otherwise the confusion of precepts will destroy the utility of the laws¹. This general reason is supplemented by a profound explanation of this triplex classification which we will treat under the heading of "the scope of the precepts of the Natural Moral Law." But first it will be necessary to explain the distinction of law and precept.

DISTINCTION OF LAW AND PRECEPT.

The origin of this difficulty in speaking of law in general is evident from our treatment of law in our first chapter, where we showed that St. Thomas evidently defined law as a precept and also that there is a great deal of variety of opinion among the authors as to just what distinction should be placed between law and precept². From our explanation of the essential nature of the Natural Moral Law, this difference in regard to the Natural Moral Law is immediately apparent since the precept or proposition of reason is, at most, but one of three essential elements of the law³. Taking the active element of the Natural Moral Law alone, the proposition of reason, we see that St. Thomas identifies it, at least as regards the primary precepts, with the precepts; and this is in accordance with his general doctrine on law, taken as it is in the subject.

He defines law as a common precept⁴. Yet he says that precept implies the application of the

1. *12æ*, q.104, a.4 corp.

2. *vid. supra Chap. I, p. 6 seq*; *p. 17 seq.*

3. *vid. supra Chap. IV, p. 88 seq.*

4. *12æ*, q. 98, a.6 ad 2um; *Ib. q.90, a.1*; *Ib. a.2*; *Ib. q.92, a.2 ad 1um.*

law to the things regulated by the law², thus apparently contradicting himself. A more attentive reading shows that this is not a contradiction but a full expression of the thought of St. Thomas on precepts. It will be noted that he does not say that precept is the application of the law, as does Cajetan³, but that it *implies* this application⁴. His real thought is that the precepts can be considered from a double point of view: either from the standpoint of their common order to the same end; or from the standpoint of the particular things to which they imply an application. In the first sense, the common or universal precepts coalesce into one and coincide with positive law as it is in the subject, and, in the case of Natural Moral Law, with the active element of the Natural Moral Law—the proposition of reason. In the second sense they are multiple and can be said to be distinct from the law⁵.

It is evident that St. Thomas thus uses the word precept in a sense much wider than we give the word to-day; indeed he says as much expressly⁶. It is also evident from the whole context of his tract on law, for example he says quite plainly, speaking of the most general, or primary precepts of the Natural Moral Law, that they are really the ends of the precepts, *i.e.* taking precepts in the narrower sense in which we use the word to-day¹.

2. Ib. q. 90, a. 2 ad 1um.

3. Cajetan in 1am2æ, q. 90, a. 2 ad 1um.

4. 1a2æ, q. 99, a. 1; Ib. ad 1um; Ib. q. 94, a. 2 ad 1um.

5. Ib. q. 92, a. 2 ad 1um.

6. 1a2æ, q. 100, a. 11 corp.

SCOPE OF THE PRECEPTS.

In a wide and improper sense, all virtues may be said to fall under the Natural Moral Law. That is, if we consider them, not precisely as virtues, but as acts of reason and consequently according to reason. The explanation of this is quite simple. Those things to which man has a natural inclination are said to pertain to the Natural Moral Law; man has a natural inclination to act according to reason since every being has the inclination to act according to its form and the rational soul is the form of man². In this sense all sins are against nature because all sins are against reason³.

Considering virtues according to their proper species, that is precisely as virtues, and not from the general aspect of acts of reason, the scope of the precepts of the Natural Moral Law is much more limited, since "much is done according to virtue to which nature does not immediately incline a man"⁴.

Properly speaking the scope of the precepts of the Natural Moral Law is really a corollary from the doctrine of the essence of this law⁵ and the nature of the precepts⁶. The purpose of the inclinations (a part of the essence of the law) is to lead man to his end. Hence what is opposed to

2. Ib. q. 94, a. 3.

3. Ib. ad 2um.

4. Ib. a. 3 corp.

5. vid. supra Chap. IV, p. 88 seq.

6. vid. supra p. 103 seq (Chap. V.)

these inclinations, and consequently to reason³, will be opposed to his attaining his end. Since this end has the "ratio boni," these things opposed to the attainment of the end will have, in themselves, the "ratio mali" *i.e.* they will be "in se mala"⁴. This is the meaning of St. Thomas when he lays down the general rule: "tanto aliquid magis a ratione suscipitur quanto contrarium est gravius et magis repugnans rationi"⁵.

This opposition to the attainment of the end can be of three kinds or degrees: (a) such as will altogether prohibit the attainment of the principal end of man; (b) such as will make its attainment less congruous, less becoming; (c) such as will make impossible the attainment, not of the primary end of man, but of a secondary end⁶. It will be noted at once that these "in se mala" or things opposed to the end of man, fall into a division corresponding to the order of precepts according to their cognoscibility¹. It is these "in se mala" and their opposites, "in se bona," which are the proper matter of the precepts of the Natural Moral Law².

The correctness of this limitation of the scope of the precepts of the Natural Moral Law to "in se bona" et "in se mala" receives a confirmation from a momentary consideration of the

3. *vid. supra* Chap. V, p. 104, 105; *Ib.* p. 111.

4. *IV Sent.* d. 15, q. 3, a. 1 sol. 4.

5. *1a2æ*, q. 100, a. 6 corp.

6. *IV Sent.* d. 33, q. 1, a. 1 corp.

1. *vid. supra*, Chap. V, p. 107 seq.

2. *IV Sent.* d. 15, q. 3, a. 1 sol. 4; *1a2æ*, q. 100, a. 1; *II Sent.* d. 42, q. 2, a. 5.

intention of the legislator in framing the law and of the ordinary course followed in nature. From the first point of view, it is evident that the intention of the legislator was to lead men to virtue; hence in assigning the precepts, he used the "way of virtue" *i.e.* proceeding "ex his quæ in promptu sunt, in difficiliora tendatur," as is also the method employed in purely speculative cognition³. It was necessary to start from the very elementals; and it is with these elementals that the Natural Moral Law deals: "precepta legis naturæ communia sunt, et indigent determinatione. Determinantur autem et per legem humanam, et per legem divinam. Et sicut ipsæ determinationes quæ fiunt per legem humanam, non dicuntur esse de lege naturæ, sed de jure positivo; ita ipsæ determinationes præceptorum legis naturæ quæ fiunt per legem divinam, distinguuntur a præceptis moralibus, quæ pertinent ad legem naturæ"⁴. It was not necessary to command all acts of virtue. This would be perfection; but only those "quæ primo occurrunt facienda" *i.e.* those things without which the order of reason (the order to an end) could not be observed¹.

Looking at the order observed in the workings of the things of nature we have another confirmation of this limitation of the Natural Law to the very fundamentals. "Sicut enim natura ex parvis seminibus in maximas arbores proficit, ita etiam et lex ex his quæ in principio et in promptu

3. *III Sent.* d. 37, q. 1, a. 2, sol. 1.

4. *1a2æ*, q. 99, a. 3, ad 2um; *Ib.* a. 4, corp.

1. *III Sent.* d. 37, q. 1, a. 2 sol. 1.

sunt, in alia procedit, quæ sunt quandoque difficiliora et perfectiora”².

STABILITY OF THE PRECEPTS.

In treating of the stability of the Natural Moral Law, we limit ourselves to the precepts because it is self evident that the natural inclinations and the light of reason are absolutely immutable and universal, being an intimate part of human nature³. Nor is there any difficulty about a change in the law by way of addition, since the law remains intact after such a change as before it⁴, the only difficulty arises from a change in the law by way of subtraction *i.e.* something that was formerly a part of the law, ceases to be so. Considering the precepts in order we find:

1. *Primary Precepts*—are the same everywhere and are equally known by all⁵. They are absolutely immutable⁶ and hence can never be erased from the heart of man⁷. St. Thomas shows that the particular application of these universal principles may be erased from the heart of man in several ways, for instance through a lack of attention, or on account of some impediment, such as corporal infirmity or through passion⁸. But

2. *Ib.* ad 2um.

3. *De Veritate*, q. 16, a. 3 corp et ad 2um.

4. *1a2æ*, q. 94, a. 5.

5. *1a2æ*, q. 94, a. 4 corp; V *Ethic.* lect. 12.

6. *1a2æ*, q. 94, a. 5; III *Sent.* d. 37, q. 1, a. 3; IV *Sent.* d. 33, q. 1, a. 1.

7. *1a2æ*, q. 94, a. 6.

8. *Ib.* q. 99, a. 2 ad 2um; *Ib.* q. 77, a. 2; confer *De Ver.* q. 16, a. 3 et q. 17, a. 2; II *Sent.* d. 24, q. 3, a. 3 corp. et objectiones.

this is really the work of conscience and has no direct relation to the present question.

2. *Secondary Precepts*—are the same everywhere, “ut in pluribus,” both as regards the precepts in themselves (“quantum ad rectitudinem”) and as regards their recognition by men⁵. That is to say, they are morally universal, to be found in the very great majority of men. St. Thomas warns us that we are dealing here with human things and must not expect a metaphysical certitude: “non est eadem certitudo quærenda in omnibus,” ut dicitur. Unde in rebus contingentibus, sicut sunt naturalia et res humanæ, sufficit talis certitudo ut aliquid sit verum ut in pluribus; licet interdum deficiat in paucioribus”¹. By way of exception, “ut in paucioribus,” these secondary precepts may be changed:

(a) *Quantum ad rectitudinem*—*i.e.* as regards the binding force of the precepts considered in themselves, on account of some particular impediments². A closer reading of this text, and a comparison with parallel passages in the commentary on the Books of *Ethics*³ and the Third Book of *Sentences*⁴, makes it evident that St. Thomas means that

5. *1a2æ*, q. 94, a. 4.

1. *1a2æ*, q. 96, a. 1, ad 3um.

2. *Ib.* q. 94, a. 4.

3. V *Ethic.* lect. 12.

4. III *Sent.* d. 37, q. 1, a. 3 sol.

circumstances may change the particular material which otherwise would fall under these precepts, but which because of these new circumstances, is no longer the proper material of these precepts. This is particularly evident from the example St. Thomas repeats again and again, namely: a deposit should be returned to the depositor, but in the case, for instance, that it was a weapon which was deposited, and at the present moment the depositor calling for his property is in such a state of mind (through anger or insanity, for example) that he would certainly do some harm were the weapon given to him. Evidently the precept of justice, commanding that his property be returned to him, does not bind. It is also evident that this is really a change in the material and not a change in the precept, as a full statement of the precept would make clear.

(b) *Quantum ad notitiam*—that is, as regards the knowledge men have of these precepts¹. For this failure of the Natural Moral Law, St. Thomas assigns three causes²: depraved reason, thus a man is not able to draw these evident conclusions from the primary precepts;

5. e.g. III Sent. 1. c.

1. 1a2æ, q. 94, a. 4; Ib. q. 99, a. 2 ad 2um.

2. Ib. q. 94, a. 4; confer. Ib. a. 6.

evil customs which, preceding the proper use of reason or stifling it, hide the evidence of these conclusions; corrupt habits, or as St. Thomas calls it in another place³, "defectus amor boni" *i.e.* a perversion of the appetitive faculties.

3. *Remote Conclusions*—the general rule concerning these conclusions can be found briefly stated in this tract on Natural Moral Law, though St. Thomas does not treat of them explicitly in this place. He says: "si in communibus (intellectus practici) sit aliqua necessitas, quanto magis ad propria descenditur, tanto magis invenitur defectus"⁴. Their variability is easily seen when we consider that their recognition demands a long consideration of diverse circumstances and is limited to the wise¹. Thus we see at once three very potent sources of variety and of error: (a) the lengthy consideration involved giving room for the variety and admixture of error that follows on the lengthy intellectual labors of individual men; (b) the variety of circumstances, different in almost every case; (c) the actual intellectual capacity of the man drawing these conclusions. It is then evident that these remote conclusions are not everywhere the same, nor are they equally known

3. III Sent. d. 37, q. 1, a. 1; confer. 1a2æ, q. 94, a. 6.

4. 1a2æ, 94, a. 4.

1. 1a2æ, q. 100, a. 1 corp.

by all men; and they can very easily be erased from the minds of men by any of the causes assigned for the corruption of the secondary precepts as regards their recognition, as well as by the three causes assigned for the variety of these remote conclusions themselves.

The stability and variability of the precepts of the Natural Moral Law will be seen more clearly if we glance for a moment at their causes. The primary precepts, as we have already explained, are a part of the essence of the Natural Moral Law, as immutable as the natural inclinations and the light of reason in man². As in the inclinations and the light of reason, liberty has no part to play, there is no chance for human error, for these primary precepts are evident in themselves, forcing the assent of the intellect. Because of this, some have traced the immutability of the Natural Moral Law to the immutability of the essentials of human nature; and this is true if rightly understood. But St. Thomas would leave no room for misunderstanding, seeking out the source of this immutability and stating it plainly: "lex naturalis et divina procedit a voluntate divina . . . unde non potest mutari per consuetudinem precedentem a voluntate hominis"¹. The real root of this immutability is the Eternal Law; these primary precepts are a part of the impression of that law on man.

Because of the intimate connection between

2. vid. supra, Chap. IV, p. 88 seq.

1. 1a2æ, q. 97, a. 3 ad 1um.

the primary and secondary precepts, St. Thomas admits no real objective change in the secondary precepts. The change he does admit, as regards their recognition by men, and the variability of the remote conclusions is due to the entrance of the human factor—what St. Thomas frequently calls the "mutability of human nature." Among such human factors he mentions diverse conditions and states of men, diverse conditions of persons, times and other circumstances, etc.².

DISPENSATION FROM THE PRECEPTS.

All theologians are agreed on the question we have just treated, namely that there can be no intrinsic change in the precepts of the Natural Moral Law. The dispute about the mutability of these precepts is in reference to the external mutability of this law or the possibility of dispensation from it. There is no question about the primary precepts of the Natural Moral Law, all theologians being agreed that there can be no dispensation from these precepts; the question centers about the possibility of a dispensation from the secondary precepts, *i.e.* from the ten commandments. And even here, the question is strictly limited to divine authority granting the dispensation¹.

To understand this question thoroughly it is necessary to distinguish the two kinds of dispensation: dispensation properly and improperly

2. Confer 2a2æ, q. 57, a. 2 ad 1um; Supplem. q. 41, a. 1 ad 3um; Ib. a. 2 Ib. a. 4; Ib. q. 65, a. 2 corp et ad 1um; De Malo, q. 2, a. 4 ad 13um; 1a2æ, q. 94, a. 3 ad 3um; Ib. q. 66, a. 1.

1. Quodlib. 4, art. 13.

so called. Dispensation, properly taken, is defined as: "relaxatio legis seu ejus obligationis in aliquo particulari facta ab habente potestatem, manente materia legis sic immutata ut ejus obligatio remaneret si non accederet auctoritas dispensantis"². Improper dispensation is had: "quando legislator vel alter sic mutat materiam legis, ut desinat comprehendere sub lege"³.

The question to be solved is: whether God, by His absolute power, can dispense from the Ten Commandments.

St. Thomas answers without any qualification, that the precepts of the Decalogue are altogether indispensable¹. The foundation of this position of St. Thomas is readily seen from our exposition of law in general and the Natural Moral Law in particular.³ These precepts do not depend on the will of God; they are not extrinsically but intrinsically valid, for the Natural Moral Law, like all law, is essentially the work of reason not of will; in this case it is the divine reason which cannot be changed. Billuart offers further proof of this position by pointing out that God cannot dispense from a necessary law and the Natural Moral Law is necessary supposing the will of God to create man; that the precepts of the Natural Moral Law are founded in the nature of man; and that the Natural Moral Law is really a part of the Eternal Law if we take the former law objectively, while subjectively it is a participation of the Eternal

2. Billuart, Tract. de legibus, Diss. II, art IV.

1. 122æ, q. 100, a. 8.

3. vid. supra p. 1 seq. et p. 72 seq.

Law—all of which are very solid arguments against the possibility of dispensation⁵. But the fundamental and adequate reason against dispensation is that drawn from the intrinsic nature of this law as a work of divine reason.

St. Thomas sums up his position when he says: "Et in hoc Deus dispensare non potest, ut homini liceat non ordinate se habere ad Deum vel non subdi ordini justitiæ ejus, etiam in his secundum quæ homines ad invicem ordinantur"¹. This is precisely and exclusively the work of the Natural Moral Law—to ordain man to his end; its precepts touch only those things that of themselves lead man to this end or of themselves lead man away from this end². The distinction placed on these words of St. Thomas by Scotists—that if there were a divine dispensation from these precepts their violation would no longer be an inordination—rests on the assumption that the Natural Moral Law and the consequent moral goodness and malice of human acts governed by it are extrinsic things. We have already treated of this point of view in exposing St. Thomas' notion of the essence of the Natural Moral Law³; the fallacy of this position will be more apparent from a discussion of the obligation of the Natural Moral Law and from our criticism of Suarez⁴.

Suarez is in complete agreement with this

5. Billuart, l.c.

1. 122æ, q. 100, a. 8 ad 2um. cf. Ib. q. 104, a. 1 corp.

2. vid. supra p. 104 seq.

3. vid. supra p. 95 seq.

4. vid. infra p. 130 seq. et 147 seq.

doctrine of St. Thomas on dispensation from the Natural Moral Law⁵. Nor is he illogical in this position, in spite of his holding, with Scotus⁶, that the Natural Moral Law depends essentially on the will not on the reason of God, and is thus extrinsic¹. The morality caused by the Natural Moral Law is indeed distinct from the "natural honesty and malice" of acts, according to Suarez, yet de facto these two moralities are inseparable and God cannot refrain from commanding and prohibiting the acts which form the subject matter of the Natural Moral Law².

Against this position of the absolute indispensability of the Natural Moral Law, is the opinion of Scotus. According to Scotus³ precepts can be said to pertain to the Natural Moral Law in two ways: strictly speaking and taking the word in a larger sense. Those precepts pertain to the Natural Moral in the first way which are necessary practical principles, known as soon as their terms are known, or necessary conclusions from these principles. Such are the first two precepts of the Decalogue. Speaking less strictly, a precept is said to pertain to the Natural Moral Law, not because it follows necessarily from the principles of that law, but because it is very much in harmony with that law ("multum consona illi legi").

5. Suarez, *De Legibus*, lib. II, cap. 15.

6. Scotus, *Commentaria in IV libros Sententiarum*; lib. I, d.44, 2.

1. *vid. supra* p. 65 seq.

2. *vid. supra* p. 67 et 68; et lib. II *De legibus*, cap. 15, 4.

3. Scotus, *Commentarium in III Sent. d. 37, q. unica, 5 seq*; et in *IV Sent. d. 17, q.1, 3.*

According to Frassen, a trustworthy commentator of Scotus, both of these classes of precepts are strictly a part of the Natural Law. The second class, or those merely in harmony with the principles of the Natural Moral Law, are properly and strictly a part of natural law and they oblige independently of the act of any will commanding or prohibiting; the others, the first two precepts of the Decalogue, are most strictly a part of the Natural Moral Law, so strict that they admit of no dispensation even by the absolute power of God¹. But from his explanations given in other places² it is evident that by "any will" Frassen here means positive law, being quite willing to concede a dependence of these precepts on the will of God, which is indeed the basis of dispensation. He may be stretching the meaning of Scotus a bit in making all the precepts of the Decalogue pertain strictly to the Natural Moral Law, for Scotus himself used such expressions as "multum consona illi legi,"³ "esse de lege naturæ large loquendo"⁴ and "stricte loquendo nihil aliud est de lege naturæ, nisi principium vel conclusio demonstrata; sic tamen extendendo quandoque dicitur esse de lege naturæ etc"⁵ as descriptive of these last seven precepts of the Decalogue.

Scotus places still another distinction in the precepts, pointing out that every precept has a

1. Frassen, "*Scotus Academicus*, Vol. VI, p. 67.

2. *Ib. e.g.* p. 75, 90.

3. Scotus *Commentarium in III Senten. d. 37, q. unica, 8.*

4. *Ib. circa finem.*

5. Scotus, in *IV Senten, d. 17, a.1, 3.*

double element : negative and positive. When a precept is simply negative, then the affirmative precept implied in it only determines the means conducive to the observance of this negative precept ; when the precept is simply affirmative, then the negative precept involved in it determines only the medium necessary for the observance of the affirmative precept¹.

These distinctions being placed we are in a position to state Scotus' theory, which is : God, by his absolute power, can dispense, in the strict sense of the word, from the precepts of the Decalogue which do not refer directly to God, with the exception of the precept against lying² and perhaps from the precept referring to the worship of God, taking this precept as regards its affirmative element³ ; God cannot dispense, even by his absolute power, from the first two precepts of the Decalogue and from the third precept taken negatively³.

For purposes of criticism we need only take the first part of this thesis, for it is here precisely that the question centers. This opinion of Scotus rests on whether or not these precepts of the Decalogue which do not refer to God, *i.e.* the last seven, pertain to the Natural Moral Law as necessary conclusions from the principles of the law. Our whole exposition of the precepts of the Natural Moral Law according to St. Thomas was a proof that they are such necessary conclusions ; con-

1. Scotus, in III Sent. d. 37, 7 ; Frassen, l.c. p.84
2. Scotus, l.c. 5 seq ; Frassen, l.c.
3. Scotus, l.c. 6 ; Frassen, l.c. p. 91, seq.

sequently Scotus arguments will rather be of a negative character, tending to disprove this position of St. Thomas. Scotus offers three arguments to prove his position, which are admirably summed up and criticised by Cajetan¹. We are following the criticism of Cajetan.

*First Argument*² : These precepts do not pertain to the Natural Moral Law as necessary principles or as necessary conclusions from the principles of the Natural Moral Law. This is easily seen, because if they did, they would be altogether indispensable, whereas de facto God granted dispensations from them, *e.g.* the command to Abraham to kill his son. That these precepts would be indispensable follows from the fact that such necessary conclusions are true in themselves before a relation exists to an intellect ; so the divine will could not be good or right (*recta*) in willing their opposites, consequently it could not dispense.

Criticism : the fact alleged is not an example of true dispensation, as can be seen by the explanations in all the authors³. As to the reason brought forth to prove that these precepts would be altogether indispensable if they were necessary conclusions from the principles of the Natural Moral Law, it is quite true and is indeed the position of the Thomists. It has no demonstrating effect here because the will of God did not will the opposites

1. Cajetan in 1am2æ, q.100, a.8.
2. Scotus, l. c. d. 37, 4
3. *e.g.* St. Thomas, 1azæ, q.100, a.8 ad 3um ; Cajetan l.c. 2 ; Suarez De legibus, lib. II, cap. 15, 20 ; Billuart, Tract. de legibus, Diss II, a.4 ad 1um.

in the examples given from the Old Testament. We have not gone into this *de facto* argument, first because it is necessarily too long for the place of Scotus in this dissertation; secondly because exhaustive interpretations of these facts can be found in the sources we have indicated. We prefer rather to deal with the fundamental reasons behind the theory of Scotus.

*Second Argument*¹: If these precepts of the Decalogue do not pertain to the Natural Moral Law as simply being in harmony with the principles of that law, but rather are necessary conclusions from those principles dealing with things necessarily good and necessarily bad, then the divine will is necessarily and simply determined to things other than itself just as the intellect is determined to understand the necessarily true.

Criticism: This determination can be understood in two ways: (a) as meaning that the divine will would be determined to will the existence of these things; (b) meaning that the divine will would be determined as regards the goodness and malice of these things. The first sense is false for all being is the result of a free act of God. The second sense carries with it no inconvenience, as is evident from the fact that there are precepts, admitted by Scotus himself, dealing with things necessarily good and necessarily bad *e.g.* the first two precepts of the Decalogue. The sense of this determination is that the divine will cannot refuse to be in accord with the right and cannot be in accord with the wrong. Cajetan expresses this

1. Scotus, l.c. 4.

determination in God very well when he says: "sicut divinus intellectus naturaliter determinatus est ad Deum ipsum tantum intelligendum, et in se omnia naturaliter relucetia; ita divina voluntas ad Deum ipsum tantum volendum, et in seipsa omnia naturaliter recta, qualia sunt hujusmodi, quæ non nisi in Deo sunt antequam ab ipso communicarentur"¹.

*Third Argument*²: In the things commanded or prohibited by these precepts under discussion, there is not a goodness necessary to the goodness of the final end, or necessarily leading to the ultimate end; in the evils prohibited there is not a malice necessarily turning man away from the final end. If this good were not commanded the final end could still be attained and loved; if the evil were not prohibited, the attainment of the final end would still be possible. Consequently these precepts cannot be necessary conclusions from the principles of the Natural Moral Law.

Criticism: This argument has a triple sense. (a) In these precepts there is not a goodness that has a necessary connection with the final end. In this sense the argument is false. The proof adduced in favor of it does not prove a contingent connection but merely shows that the end does not depend from the conclusions necessarily inferred from it; just as from the fact that the principles are true without the conclusions it does not follow that the conclusions are not necessarily connected with the end or are not necessary in

1. Cajetan, in 1am2æ, q. 100, a. 8 3.

2. Scotus, l.c. 5; Frassen l.c. p. 94.

themselves, but only that the truth and knowledge of the principles do not depend upon the conclusions. (b) In these precepts there is not a goodness necessary to the existence and love of the final end. In this sense the assumption is true. But from this it does not follow that the conclusions are not necessary. (c) In these precepts there is not a goodness necessarily leading to the final end nor an evil necessarily averting from that end. In this sense the assumption is false. Just as in necessary conclusions there is a truth leading a posteriori to the first principles, so here there is a goodness in the conclusions leading necessarily a posteriori to the final end. The proof is a sophism which Cajetan calls the "sophism of the consequent"¹ *i.e.* if it is true it proves only that the conversion or aversion in regard to the final end does not depend solely from these things, but can be had also from other sources; these conclusions lead to or avert from the end a posteriori. Yet as Cajetan says² these things commanded by the latter precepts of the Decalogue are so necessarily connected with the final end that conversion to these goods and aversion from these evils, at least in "preparatione animæ" is inseparable from the love of the final end.

So much for the arguments of Scotus. For a decisive refutation of his theory it is necessary to seek its foundation. Evidently Scotus agrees that the necessary principles of the Natural Moral Law and the necessary conclusions from these prin-

1. Cajetan, in 1am2æ, q.100, a.8 4.

2. *Ib.*

ciples cannot suffer dispensation even by the absolute power of God. *i.e.* those things necessarily connected with the final end do not allow of dispensation. The reason these precepts of the Decalogue can be dispensed, according to Scotus, is because they have no necessary relation to the final end, but only a relation of convenience, a relation depending on the will of God.

A closer scrutiny of this last statement will show us the real fallacy in the theory of Scotus. The precepts which Scotus says can be dispensed are those governing the relations of man with everything that is not God; everything that does not refer directly to God has no necessary connection with the final end of man. But it is undeniably true (and we shall show this truth more exhaustively in treating of the obligation of the Natural Moral Law) that man has definite potencies that are determined, by *their very nature*, to their *own*, not to *any*, act; if they are not so determined they have no reason for existence for a potency exists *for* its act. Similarly every act is determined, by *its very nature*, to its end; otherwise it has no reason for existence, and there is no sufficient reason for any activity whatever; moreover this end of the act must eventually be the final end, if it is not the final end and is not a means leading to that final end it is unintelligible as constituting the term of an action. All this follows from the very *nature* of the potency and the act; and it is fundamentally true that all action and consequently all potency

flow from the composite *nature* of the agent acting—otherwise the idea of specific differences of natures is meaningless. Consequently when Scotus says that everything not directly referring to God has no necessary connection with the final end of man, he is denying the determined nature of potency and act, the doctrine of specific differences and ultimately the principle of finality and of sufficient reason.

OBLIGATION OF THE NATURAL MORAL LAW.¹

In his tract on the Natural Moral Law St. Thomas does not treat of the obligation of the law. Perhaps the reason was that in the Thomistic notion, law is primarily a rule of order; the idea of obligation, while essential, is derivative, secondary. But this does not mean that the idea of obligation was overlooked, as is evident from the very derivation of the word "law" by St. Thomas from "ligare"—to bind²; it is also evident from the tracts of the Summa where this notion of obligation is touched upon, *e.g.* the treatment of the Decalogue³. Indeed the notion of obligation is a direct corollary from the notion of precept; granted a true precept, an obligation is ipso facto generated in him to whom the precept is given⁴.

1. In treating this question we have adopted the solution offered by Fr. Garrigou-Lagrange in "Dieu" and Fr. Lehu in "Philosophia Moralis."

2. 1a2æ, q.90, a.1; conf. Ib. a.4.

3. Ib. q.100.

4. Quodlib. V, 19.

Nevertheless the solution of this question of obligation involves profound and careful reasoning. Its very profundity brings out all the beauty of the Thomistic conception of law as an act of reason, especially in reference to the Natural Moral Law. An appreciation of this beauty and irrefutable logic demands a very thorough conception of this solution, a comprehension of the very foundations on which it is based. We will accordingly start from the very sources of this solution.

Moral obligation is the result of a double necessity: namely the absolute necessity of an act in reference to an absolutely necessary final end. This necessity binds the will but does not destroy the liberty of the will, as it leaves the physical potency of acting or not acting; *i.e.* it binds the will in as much as the intellect proposes the end and the means to the will, there is no question of direct action or of coercion of the will¹. St. Thomas speaks of this source of the moral obligation when he says: ". . . præceptum importat rationem debiti; debitum autem aliquod est dupliciter. Uno modo secundum se; et hoc modo finis est debitus in unoquoque negotio; medicus enim propter se debet quærere sanitatem. Alio modo est aliquod debitum propter aliud; scilicet id sine quo non potest perveniri ad finem; sicut medicus debet indicare diætam infirmo, sine qua non potest sanari. Illud vero quod ordinatur in finem ut melius aut facilius finem con-

1. Lehu, Philosophia Moralis, p. 220.

sequatur; si sine hoc aliquo modo possit haberi finis, non habet rationem debiti”⁴.

Obligation consists formally in this real transcendental relation to the last end. It is defined as follows; “Proprietas actuum humanorum secundum quam dicuntur necessario ponendi vel necessario vitandi per respectum ad finem ultimum”¹.

St. Thomas explains that the final end is as necessary in the moral order as is the first cause in the physical order and the first principles in the logical order. The participation of this final end is the desirability (*desiderari vel appeti*) of the means and the secondary ends. Without this final end volition is inexplicable. If every means were wished only as a means, every end only as a means and not for itself, the process of volition would never start and consequently there would be no activity, for it is the end which draws the agent to action. Without the end there is no reason for willing the means; and as soon as an end is willed for itself alone, it is the final end, as is apparent from the very name—final, *i.e.* not directed to anything else². This last end is implicitly and necessarily in every natural activity; otherwise there would be no activity. Every created being tends towards the final cause as it depends from the first cause³. It dominates every action like the principle of identity dominates everything real

4. Quodlib. V, 19.

1. Lehu, l.c., p. 221.

2. De Verit. q.22, art. 2 et 5; V Metaph. lect. 2; 1a2æ, q.91, a.2 ad 2um; Ib. q.1, a.2; Ib. a.4; Ib q.8, a.2; Ib. q.17, a.9 ad 2um.

3. De Verit. q.22, a.2.

both actual and possible⁵.

We have already shown that this final end, as it is in reason (*finis in intentione*) is really the rule of human actions, is the first principle from which these actions proceed¹. Here we are speaking of the final natural end of human nature; what does this consist in? The final end of every nature is the happiness of that particular nature; or, in more metaphysical terms, the final end is the perfection of the form of that nature, the perfect realization of the nature². Since the form of human nature is the rational soul, man's final end will consist in the perfect realization of this form; moreover since the act of the possible intellect, the act of understanding, is the highest act of this form and is precisely the act that differentiates man from the other animals³, his happiness or his final end consists in this act which is the highest perfection of his form. In other words, man's final end is a rational good (*bonum rationis*)⁴.

This rational good appears to man's *natural* reason as desirable in itself, *i.e.* as “bonum honestum”; not something to be desired because it is useful (*bonum utile*) or as a mere source of pleasure (*bonum delectabile*). And it is so proposed to the rational appetite which *naturally* inclines to it. This appeal to reason, and con-

5. Garrigou-Lagrange, Dieu, p. 311.

1. vid. supra Chap. I, p. 9 seq.

2. II Sent. d. 39, q.2, a.1; conf. supra Chap. I, p.9 seq.

3. Contra Gent. lib. II, cap. 60.

4. III Ethic. lect. 10; Quest. Disp. De Anima. a.16 corp et ad 2um; 1a, q.62, a.1; 1a2æ, q.3, a.5; Ib. q.4, a.5 corp. et ad 2um; Ib. arts. 6, 7, 8; 2a2æ, q.47, arts 6 et 7; De Verit. q.22, a.5.

sequently to the rational appetite, is solely on the grounds that this rational good is the normal perfection of man¹. Moreover this rational good appears as the *necessary* end of human activity its final end² and consequently obligatory. And so the natural reason issues its precept, commanding man to act for this good; with the natural correlative of a command, namely obligation. This is the proximate rule of morality³.

This precept of reason is not free but natural; nevertheless it is eminently reasonable, flowing as it does from self-evident, yes, from first principles⁴. Asked why this obligation, the reason justifies its command by the principle of finality "Every agent acts for an end"⁵. Indeed the command "do good, avoid evil" is nothing more than a particularized statement of "act for your end"; and this is justified on the principle of finality which we have just quoted. This principle of finality is a first principle, a self-evident truth, whose denial includes the denial of the principles of sufficient reason, of contradiction and of identity, with which it is intimately connected. In a word, this principle has ontological value.

We have said that the principle of finality is a first principle, a self-evident truth. This is easily understood if we grasp the full meaning of the terms of this principle. By "end" is here under-

1. De Verit. q.22, a.5.

2. vid. p. 133, note 4.

3. III Sent. d. 37, q.1.a.1; II Sent. d. 42, q.2, a.5; 1a2æ, q.90, a.1;

Ib. q.95, a.2; Ib. q. 100, a.1.

4. De Verit. q.22, a.5, ad 3um; 1a2æ, q.94, a.2.

5. 1a, q.44, a.4; 1a2æ, q.1, a.2.

stood not merely the term of the action but the reason for placing the action (*causa cujus gratia*) *i.e.* a determined perfection, suitable to the agent placing the action, appearing to him as his good. Every nature has a specific activity, that is, it works for a determined end, a determined perfection suitable to the nature and indeed completing it, and this specific activity flows from the specific nature itself¹. Since this is a determined perfection and a determined suitability to the agent—as it plainly is, indeed must be, if specific differences mean anything—it is not accidental but ordained. That is, the nature tends more to this perfection than to another. Otherwise there would be no reason why this act should be placed by this particular nature any more than any other act; there would be no reason for specifically different activity from specifically different natures². St. Thomas puts this very briefly and clearly when he says: "omnia agentia necesse est agere propter finem. Causarum enim ad invicem ordinarum si prima subtrahatur, necesse est alias subtrahi. Prima autem inter omnes causas est causa finalis . . . Agens autem non movet nisi ex intentione finis: si enim agens non esset determinatum ad aliquem effectum, non magis ageret hoc quam illud. Ad hoc ergo quod determinatum effectum producat, necesse est quod determinetur ad aliquid certum quod habet rationem

1. 1a, q.44, a.1; 1a2æ, q.1, a.2; De Verit. q.22, a.1 corp. et ad 3um; ad 4um; Ib. art. 5.

2. 1a2æ, q.1, a.2; 1a, q.44, a.4; De Ver. q.22, a.1 corp et ad gum.

finis"¹ In a word an end is the only explanation of activity ; a determined end is the only explanation of a determined activity—a truth that is immediately apparent to the intellect. Indeed this principle is taken for granted in our daily lives, for instance the very commonplace question, "why was this done" on seeing an action or an effect of an action, is nothing more than the application of this principle.

In the second place we have said that a denial of this principle is a denial of the principle of sufficient reason. This can be shown very easily. The determination and determined suitability cannot be produced in the effect unless they are in some way in the cause ; this is merely applying the axiom "nemo dat quod non habet." This determination and determined suitability cannot be in the cause formally and actually as is self-evident ; but only virtually, in as much as the efficient cause tends towards this effect rather than another, in as much as the cause was ordained to the effect, *i.e.* acted for that end. Otherwise we have this determination and determined suitability to the agent existing without any sufficient reason for their existence².

Not only the effect, but the action itself is essentially intentional, or ordained to an end. Without this ordination not only the effect but the act itself has no sufficient reason for its existence ; the act exists for the end or it has no

1. 1a2æ, q.1, a.2.

2. 1a, q.44, a.4 ; De Ver. q.22, a.1.

reason for existence¹. We may go even further and say that the potency eliciting the act is conceivable only as essentially ordained to its act ; it is for the act or it has no reason for existing. Without this ordination, we have a potency existing without a sufficient reason for its existence². Our third statement, that the denial of the principle of sufficient reason is a denial of the principles of contradiction and of identity needs no explanation³.

Let us apply this doctrine to the problem before us. The command of the natural reason "do good and avoid evil" is nothing more than the command "act for your end" since, as we have already shown, "good" here means conducive to man's end and "evil" means whatever detracts from the attainment of that end⁴. Now the rational appetite of man—the will—is a potency whose object is the rational good⁵ *i.e.* the end of man. Consequently it is essentially ordained to its act, which act is in turn essentially ordained to the determined effect which is the object of the potency—the rational good of man. So that this rational appetite or will which is capable of willing the rational good or end of man, and is moreover essentially ordained to this act and object, cannot refuse to will this end of man without losing the very reason of its existence, without going contrary to the essential order of things, without losing its conformity to right reason. This is the

1. 1a, q.44, a.4 ; De Verit. q.22, a.1 ; 1a2æ, q.1, a.3.

2. 1a2æ, q.1, a.1.

3. confer Garrigou-Lagrange, p. 170 seq.

4. confer supra, p.104.

5. 1a2æ, q.1, a.3

proximate source of the obligation of the Natural Moral Law¹.

This position is briefly and clearly proved by Fr. Lehu: "Fundamentum relationis est causa ex qua exurgit relatio. Atqui causa proxima obligationis actus est quia objectum actus essentialiter dicit connexionem necessariam cum fine ultimo.. in quo consistit ordo essentialis. Ergo fundamentum proximum obligationis moralis est ordo essentialis rerum².

This essential order of things, or more particularly the rational good of man, is the proximate source of the obligation of the Natural Moral Law. It is a secondary but true cause in the moral order³ consequently it produces a true effect, a true obligation. It does not presuppose a knowledge of God for its efficacy, since it is a self-evident truth, a first principle having ontological value, just as are the principles of sufficient reason, of contradiction and of identity which certainly do not suppose a knowledge of God for their efficacy. Rather this principle can lead us to a knowledge of God since it contains this notion analytically and implicitly; and such a demonstration is contained in St. Thomas' "quarta via" in proving the existence of God⁴.

But if it is a cause of this obligation, it is not

1. confer. Lehu. l.c. p. 250; Garrigou-Lagrange, Dieu, p. 185 seq; 308 seq.
2. Lehu, l. c. p. 250.
3. 1a2æ, q. 19, a. 4 corp; ad 1um, ad 2um; Ib. q. 71, a. 6 corp et ad 4um; q. 87, a. 1; q. 95, a. 2.
4. confer Garrigou-Lagrange, l.c. p. 308 seq.

the whole cause. It is a secondary cause and consequently acts subordinately to and dependently from the first cause—the Eternal Law—from which it derives its whole causality. Just as in the physical order, secondary causes depend on the first cause and derive their causality from this first cause, yet are real causes and produce real effects, so in the moral order, the essential order of things is a true secondary cause acting under and dependent upon the first cause². If the first cause should cease to exist, this secondary cause would lose all causality, *i.e.* it could produce no obligation; and it is only in reducing this undoubted causality of the secondary cause to the first cause that it is entirely explicable and intelligible. Thus the proximate source of this obligation is the essential order of things as understood by the natural reason and proposed to the natural will; the supreme and first cause of this obligation is the Eternal Law.

It must be noted that it is quite a different question to ask what is the full reason for this obligation, what is its complete explanation and to ask does a man know he is obliged. The mere knowledge that one is obliged does not of itself include a knowledge of the existence of God, except analytically and implicitly. It is sufficient, to manifest the obligation, to show its existence by its effects, *e.g.* remorse of conscience, and to establish its immediate foundation, namely, the

2. 1a2æ, q. 19, a. 4; Ib. q. 71, a. 6 corp. et ad 4um; Ib. q. 87, a. 1 Ib. q. 74, a. 7; 1a, q. 105, a. 5; Cajetan in 1a2æ, q. 71, a. 6 9.

essential order of things, more explicitly the rational good of man. From there we are led to search for the supreme source of this obligation, its full explanation—the Eternal Law¹.

The Thomistic doctrine excludes the necessity of an explicit knowledge of God for the constitution of moral obligation; considered precisely in itself, in its essence as obligation of the Natural Moral Law. It does not deny that every man has a knowledge of God, at least in a confused way; in fact St. Thomas insists on this again and again and it is hard to understand how it could be otherwise². It is also evident from the explanation we have just given that the Thomistic doctrine insists that this very notion of obligation, considered in its proximate source, contains the notion of the existence of God analytically and implicitly, since from this principle of finality, on which the obligation is based, we can demonstrate the existence of God. The question as to the necessity of the explicit knowledge of God for the constitution of morality is rather one of theory than of fact; but one which must nevertheless be answered clearly and logically if we are to have a correct notion of the Natural Moral Law.

From this explanation of the obligation of the Natural Moral Law, it is evident that the obligation of this law, like the law itself, is really natural. It is in no sense extrinsic, imposed on man from without, since its proximate source

1. confer Garrigou-Lagrange, Dieu, p. 190 seq; p. 312 seq.
2. e.g., 1a. q. 2, a. 1 ad 1um.

is the natural reason of man himself. Yet it is not the empty autonomy of Aristotle and Kant for it is the obligation of a divine law, not a law of man; its supreme source and sole sufficient explanation is in the Eternal Law of which the Natural Moral Law is a participation and expression.

NATURAL MORAL LAW, SYNDERESIS AND CONSCIENCE.

We have already shown that the essence of the Natural Moral Law consists in the natural inclinations, the light of reason and the first principles of practical reason¹. Synderesis and conscience are the steps which bring this law into concrete realization and effectiveness. Synderesis is the habit of the practical intellect by which it knows the first principles immediately they are proposed², that is, it is a natural disposition of the intellect to recognize these principles as soon as they are proposed³. Consequently it is, in one sense, innate, it does not have to be acquired⁴; but in another sense, it can be said to be acquired, in as much as the knowledge of the terms of these principles is acquired through the senses and of course the terms of these principles have to be recognized before the truth of the principles

1. vid. supra p. 88 seq.
2. 1a, q. 79, a. 12; II Sent. d. 24, q. 2, a. 3; De Ver, q. 16 a. 1,
3. Pegues, Traite de L'Homme, in 1am, q. 79, a. 12.
4. De Ver. q. 16, a. 1 ad 14; II Sent. d. 24, q. 2, a. 3; III Sent. d. 33,
q. 2, a. 4 sol. 4.

themselves can be seen⁹. Sylvius states this point clearly: "Probabilius sentire videntur qui dicunt, eam partim esse a natura, partim ex acquisitione: a natura quantum ad lumen intellectuale; ex acquisitione quantum ad species ex sensibilibus acceptas conformiter his B. Thomas quæ (II Sent. d.24, q.2, a.3) scribit synderesim esse habitum, qui est quodammodo innatus menti nostræ ex ipso lumine intellectus agentis sicut et habitus principiorum speculativorum; ut omne totum est majus sua parte et hujusmodi, licet ad determinationem cognitionis eorum sensu et memoria indigeamus"¹.

From this it is evident that synderesis is not the reasoning faculty itself but a habit of that faculty. Nor is it any essential part of the Natural Moral Law; rather the active element of the essence of the Natural Moral Law—the first principles of the practical reason—is the object of synderesis.²

Conscience, on the contrary, is not a habit but an act³; and an act of the practical intellect corresponding to the act of judgment of the speculative intellect⁴. It is a conclusion from the universal principles furnished by synderesis and a particular fact⁵; and this conclusion does not oblige of its own power⁶ but by the power of its

9. 1a2æ, q.51, a.1; IV Metaphy.lect. 6; De Ver. q.11, a.1.

1. Sylvius in 1am, q.79, a.12.

2. 1a2æ, q.94, a.1 ad 2um.

3. II Sent. d.24, q. 2 a.4.

4. Ib. ad 2um; De Ver. q.17, a.1 ad 4um.

5. II Sent. d.24, q.2, a.4 corp et ad 2um; Ib. d.39, q.3, a.2.

6. Ib. a.3 ad 3um.

principles, *i.e.* the principles known through the habit of synderesis, and ultimately by the power of the Eternal Law¹.

We can now see quite easily the interrelation of synderesis, conscience and the active element of the Natural Moral Law—for of course there is no difficulty concerning the inclinations or the light of reason itself. St. Thomas states this relation clearly and briefly: "Et secundum hunc modum patet, qualiter differant synderesis, lex naturalis et conscientia: quia lex naturalis nominat ipsa universalia principia juris, synderesis vero nominat habitum eorum seu potentiam cum habitu (The Summa drops the idea of "potentia" altogether and limits synderesis strictly to a habit²); conscientia vero nominat applicationem quamdam legis naturalis ad aliquid faciendum per modum conclusionis cujusdam"³.

INNATE CHARACTER OF THIS LAW.

The traditional doctrine that the Natural Moral Law is innate, has been a stumbling block especially for thinkers outside the Church. The true Thomistic doctrine on this matter not only upholds the traditional doctrine but removes the foundation of most of the objections urged against this traditional doctrine by a clear explanation of the meaning of this term "innate."

St. Thomas certainly held that the Natural

1. 1a2æ, q.74, a.7; Ib. q. 19, a.4.

2. *e.g.* 1a, q.79, a.12.

3. II Sent. d.24, q.2, a.4, sol. circa finem.

Moral Law is innate. He says this explicitly¹; and time and time again he uses equivalent expressions such as "lex impressa a Deo², and "lex indita"³. As regards the first two essential elements of this law—the natural inclinations and light of reason—there is no difficulty about their being strictly innate and this is the doctrine of St. Thomas⁴. The real difficulty appears when we say that the third essential element—the proposition of reason—is also innate.

St. Thomas says quite plainly that these first principles or propositions of reason are innate⁵; yet this cannot be taken strictly or it would be sheer Platonism, totally opposed by St. Thomas and Aristotle and expressly rejected by St. Thomas⁶. The key to the solution of this difficulty is given by St. Thomas in the use of another expression in describing these first principles *i.e.* when he says they are naturally known (naturaliter nota)⁷. St. Thomas links these two ideas together in the Commentary on the Books of Sentences⁸ when he says of these principles "indita erant in naturali cognitione"; and he thus shows clearly just what he regards as the

1. 1a2æ, q.94, a.6 Sed Contra; Ib. q.90, a.4, ad 1um.
2. IV Sent., d.33, q.1, a.2 corp et ad 3um; III Sent. d.37, q.1, a.2, sol. 1 ad 3um; Ib. q.2, a.3; In Job, cap. 23, lect. 1.
3. 1a2æ, q.106, a.1 ad 2um; IV Sent. d. 33, q.1, a.1.
4. vid. supra Chap. IV, p. 88 seq.
5. Supplem. q.65, a.1; IV Sent. d. 33, q.1, a.1.
6. De virtutibus in commune, art. 8; I Sent. d. 39, q.2, a.2 ad 4um.
7. 1a2æ, q.17, a.9 ad 2um; 2a2æ, q.47, a.6; De Ver, q.24, a.1, ad 20um; De virtutibus in commune, a.8; De Ver, q.18, a.4.
8. III Sent. d. 37, q.1, a.1 ad 3um.

manner in which these propositions are innate in or impressed on man, namely, *naturally*.

It is evident from Thomistic epistemology that it is not natural for a man to have full fledged propositions of reason from the moment of birth, as St. Thomas insists: ". . . in principio (intellectus) est sicut tabula rasa, in qua nihil est scriptum" . . . Quod manifeste apparet ex hoc quod in principio sumus intelligentes solum in potentia, postmodum autem efficimur intelligentes in actu"². St. Thomas shows us the real sense of this word "natural" when he says: "similiter etiam dicendum est de scientiæ acquisitione; quod præexistunt in nobis quædam scientiarum semina, scilicet primæ conceptiones intellectus, quæ statim lumine intellectus agentis cognoscuntur per species a sensibilibus abstractis, sive sint complexa, ut dignitates, sive incomplexa, sicut ratio entive, et unive, et hujusmodi, quæ statim intellectus apprehendit. Ex istis autem principiis universalibus omnia principia sequuntur . . ."³.

Cajetan makes this idea startlingly clear when he says: "Casualitas deinde male attribuitur. Quoniam quæ ex frequenti usu proveniunt, casu nequaquam fiunt: constat autem quod universale, quod est proprium motivum intellectus, ex multis sensationibus, memoriis, et experienciis colligitur, . . . Non igitur casu, sed ex frequentioribus actibus sensuum circa hoc magis quam circa illud,

2. 1a, q.79, a.2.
3. De Veritate, q.11, a.1.

provenit quod prius intelligatur hoc quam illud. Rursus quia frequentius sensus moventur ab universalissimis, utpote cum omnibus sensatis concurrentibus; non casu, sed ex ordine naturæ est, quod primo moveatur intellectus a communissimis;”¹.

Sylvius completes the picture by showing what part extrinsic forces can play in this natural knowledge: “porro quod quispiam ad rationis usum perveniat, multum facit bona dispositio organorum seu partium sensitivarum tam interiorum quam exteriorum; sed insuper requiruntur species sensibiles; quarum tamen acquisitio sola non sufficit sed etiam necessaria est illarum ordinatio; et quoniam ad eam ordinationem juvat doctrina et educatio vel institutio; hinc est quod etiam æquales in naturalibus, non in æquali tempore perveniat ad usum rationis, sed plerumque citius ad eum veniunt pueri bene educati, quam qui inter agrestes vel rustices viventes degunt”¹.

The sense then of St. Thomas when he says the Natural Moral Law is innate is that strictly speaking, two essential elements of that law are innate—the inclinations and the light of reason; as regards the third element—the proposition of reason—the word is taken in a somewhat broader sense. In this last case it indicates that every man, by the very nature of his intellect, immediately and without any reasoning, knows the truth of these propositions once their terms are under-

1. Cajetan in 1am, q. 82, a. 4.

1. Sylvius in 1am2æ, q. 89, a. 6 ad 1um.

stood through the help of acquired sense knowledge, memory and so on.

CHARACTERISTICS OF THE NATURAL MORAL LAW.

Ordinarily four characteristics are attributed to the Natural Moral Law. It is said to be universal, that is objectively, it is applied to all men; it is said to be evident which is really saying that it is subjectively universal; it is called necessary because all men need its guidance; and it is called immutable because it does not change. With the exception of the characteristics of necessity, we have already treated all of these topics thoroughly when explaining the nature, scope and stability of the precepts of the Natural Moral Law¹. The characteristic of necessity has been treated in explaining the meaning of the phrase of St. Thomas saying that the Natural Law is a participation of the Eternal Law². Consequently, as these topics are only corollaries of the essential doctrine already given, it will not be necessary to explain them at greater length.

CRITICISM OF SUAREZ ON NATURAL LAW.

Suarez places the Natural Moral Law precisely in the act of reason, judgment³; but he admits that the light of reason may be called the Natural Moral Law and in another place, calls it the Natural Moral Law “in actu primo”⁴. Finally he admits that the rational essence, in as much as things are naturally convenient or are not convenient to it, may be said to be the foundation of

1. vid. supra p. 104 seq.

2. vid. supra Chap. II, p. 37-43.

3. vid supra Chap. III, p. 66.

4. Ib. p. 66 and 70.

“natural honesty”.¹ Comparing this superficially with the exposition we have just given of St. Thomas’ teaching on the Natural Moral Law, there would seem to be a remarkable resemblance between the two, even though they started out from general notions of law that were opposed. A closer examination of the meaning of Suarez makes it evident that this resemblance is only apparent. We might sum up the most important points of opposition in the following propositions:

NATURAL MORAL LAW.

St. Thomas.

1. Consists essentially in the proposition of natural reason as including the light of reason and the natural inclinations.
2. Human nature, considered as acts are convenient or inconvenient to it, is an essential part of the Natural Moral Law.
3. The precept or proposition of natural reason is a true secondary cause producing a real effect, sc. a real obligation.

Suarez.

1. Consists essentially in the act of practical reason—judgment.
2. Human nature in this sense is the foundation of “natural honesty.”
3. The human judgment cannot cause an obligation; it can only manifest this obligation which is the result of an act of the will of God.

1. *vid supra* Chap. III, p. 66.

St. Thomas.

4. The Eternal Law— an act of divine reason —is the cause of *all* morality.
5. The Eternal Law and its participation the Natural Moral Law are the cause of the whole obligation, which is divine.
6. In the hypothesis that God never issued this precept which is the Eternal Law and the Natural Moral Law, there would be no honesty or malice; for these consist formally in the accord or discord of human acts with a law or precept.
7. In the absence of this divine precept these acts have no morality.

Suarez.

4. This act of the will of God — Eternal Law—supposes in human acts a certain necessary honesty or malice.
5. This act of the will of God joins to this necessary honesty or malice a special divine obligation.
6. In the hypothesis that God never prohibited or commanded, we could conclude that the natural honesty or malice of human acts does not consist formally in the discord or accord with any proper law or precept.
7. In the hypothesis of the absence of this act of the will of God, these acts are evil but not prohibited.

St. Thomas.

8. Human act has goodness or malice according as it harmonizes with right reason considered as the secondary and proximate rule of morality, subordinate to and dependent on the first rule—the Eternal Law.
9. This morality of human acts according as they harmonize with right reason is the morality established by the Natural Moral Law, which is a divine law.
10. Habet autem actus humanus quod sit malus ex eo quod caret debita commensuratione. Omnis autem commensuratio

Suarez.

8. Human act has goodness or malice from its object precisely considered as it harmonizes with right reason; from this aspect it may be called evil, a sin and culpable without reference to a proper law.
9. Besides this culpability (from lack of harmony with reason) a human act has a special reason of good or evil “in ordine ad Deum” added by divine law. In this way a human act is called a sin or “culpa apud Deum” in a special way, by reason of the transgression of God’s law.
10. It is in this way that St. Thomas, 1a 2æ, q. 71, a. 6 ad 5um, distinguishes sin as against reason and as an offence against

cujuscumque rei attenditur per comparisonem ad aliquam regulam; a qua si divertat, incommensurata erit. Regula autem voluntatis humanæ est duplex: una propinqua, et homogenea, scilicet ipsa humana ratio; alia vero est prima regula, scilicet lex æterna quæ est quasi ratio Dei (1a 2æ, q. 71, a. 6 corp) . . . ” a theologis consideratur peccatum præcipue secundum quod est offensa contra Deum; a Philosopho autem morali, secundum quod contrariatur rationi” Ib. ad 5um.

11. Natural Moral Law prohibits everything that is per se evil or inordinate in human acts; without this prohibition these acts would have no morality.

God; thus in this case the act would be evil, morally a sin and culpable, not however theologically, “in ordine ad Deum” (*i.e.* in case where there was no command or prohibition from the part of God).

11. The Natural Moral Law prohibits everything that is per se evil or inordinate in human acts; without this prohibition these acts would not have (“ut sic dicam”) consummate and perfect “ratio culpæ et offensæ divinæ.”

St. Thomas.

12. The Natural Moral Law presupposes no goodness or malice; goodness or malice is the result of the obedience or disobedience of this law.

Suarez.

12. This is the only law (*i.e.* the Natural Moral Law) which presupposes goodness and malice; other laws make this moral goodness and malice by their statutes.

We might consider each of these propositions separately and criticise them, for example the idea of a "natural honesty" preceding all law is an evident contradiction in terms, since a morality would thus be constituted without any norm or rule of morality and morality precisely consists in the commensuration with a rule of morality. But the falsity of these propositions of Suarez is too evident to need indication.

It would be much more profitable to seek the foundation of these differences between Suarez and St. Thomas, and consequently the foundation of the errors of Suarez. After all these are not merely gratuitous statements on the part of Suarez; they are the logical conclusions from the principles he has laid down not only on the Natural Moral Law, but ultimately from his theory of the Eternal Law and of law in general, as are also the propositions of St. Thomas the logical conclusions from his principles concerning law, the Eternal Law and the Natural Moral Law. Suarez, as we have seen, placed the Natural

Moral Law, as it is in the legislator in an act of the will of God to oblige men; as it is in the subjects of that law, he placed it in the act of human judgment. St. Thomas, on the contrary, placed the Natural Moral Law, as it is in the legislator, in the precept of the divine reason; as it is in the subject of the law, he placed it in the precept of the natural reason of man, understanding the natural reason as we have explained it, *i.e.* including the natural inclinations and light of reason.

Applying the theory of Suarez to moral acts, the difficulty of the essences of these acts appears at once. Moral acts are realities and consequently have, like physical realities, necessary essences, *i.e.* essences which cannot be changed. Since these essences depend, not on the will, but on the intellect of God and, according to Suarez, the law is an act of the will of God, it is evident that the law as interpreted by Suarez cannot be the cause of the moral essences of human acts. That this moral essence is independent of all law and is supposed by the Natural Moral Law is the logical conclusion reached by Suarez himself.

According to St. Thomas the essences depend on the intellect of God in this way: (*a*) the metaphysical essences depend on God's simple knowledge of His essence as imitable—"scientia simplicis intelligentiæ"—dealing only with things as possible; (*b*) the physical essences, *i.e.* of things actually existing at some time, depend directly

1. 1a, q. 15, a. 2 et 3.

on the Eternal Law²; (c) the moral essences of human acts likewise depend directly on the Eternal Law³. Thus St. Thomas, placing the Eternal Law, and consequently the Natural Moral Law as it is in the legislator, in the precept of divine reason, did not, in fact could not encounter this difficulty; he was forced to conclude logically that all morality is caused by the Natural Moral Law and ultimately by the Eternal Law. These laws suppose nothing in the moral order; they establish that order.

Again Suarez agrees that law as it is in the subject can be nothing but a thing of reason; but he also maintained that the act of reason could not be preceptive, could have none of the causality which is proper to law, because this causality, this preceptive power, is invested in the will. Consequently the Natural Moral Law as it is in its subjects, must be something of reason; but since reason cannot command, the act of reason must be merely a manifestation of an act of the will commanding and this will is the divine will to oblige men. So that this Natural Moral Law, precisely as possessing preceptive power, is something extrinsic to man.

St. Thomas, maintaining that precept is essentially an act of reason and not of will, concluded that the Natural Moral Law as it is in its subjects, is a true, though a secondary cause, producing a real effect; consequently the Natural

2. *Ib.* art. 3 et supra p. 38.

3. 1a2æ, q.71, a.6 corp.

Moral Law, considered precisely as preceptive, in its precise character as law, is intimately intrinsic to man. The precept of reason is for St. Thomas a cause, not a mere manifestation of the will of God as it is for Suarez. St. Thomas places two causes, each complete in its own order, each in its own order causing the whole obligation; Suarez places two partial causes (human nature and Natural Moral Law) neither of which is the cause of the whole morality or obligation.

Since these points of opposition we have noted above are logical consequences of the opinion of Suarez and St. Thomas on the subject of the Natural Moral Law, they constitute in themselves an adequate judgment of these different opinions, indeed an eloquent judgment. We may point out in conclusion that the striking opposition of these consequences, and consequently of these two opinions, springs from the original question as to whether precept or "imperium" is an act of reason or of will. This fundamental question, with all its consequences, some few of which we have seen, represents the difference between the rationalism of St. Thomas and the voluntarism—a decidedly popular theory in modern statecraft—of Suarez and his school.

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