

Natural Law as Inclination to God

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THIS ARTICLE aims to contribute to the debates over faith and reason and the interpretation of Thomas Aquinas's ethics. More particularly, my goal is to clarify how, according to Christian thought, one can speak of *natural law as an inclination to God*. To do so, I will adopt an analytic methodology, explaining one by one the relevant concepts involved in the *title*, and trying to make understandable and reasonable the overall meaning of it. Of course, talking about "inclination to God" is not the only way to speak of natural law but, as I hope to show, it is a relevant and revealing one.

Although my approach here is philosophical, I will also reflect on some central notions of Catholic faith and doctrine. From this viewpoint, Aquinas's teaching on natural law deserves special attention, not only because he is the most important figure in the history of natural law theory, but above all because he is the *Doctor Communis* of the Catholic Church.

A few other methodological premises:

I will try to be as brief as I can. It is not my intention to deal here with either the current or the historical debate on natural law theory. Nor is it my intention to delve deeply into the many topics traditionally related to it.¹ I want only to convey as clearly as possible some key interpretative principles about both Aquinas's thought and the Catholic doctrine.

¹ For a fuller discussion, see especially Fulvio Di Blasi, *God and the Natural Law: A Rereading of Thomas Aquinas* (South Bend, IN: St. Augustine's Press, 2006); idem, "Natural Law and Natural Rights," in *Encyclopedia of British Philosophy*, ed. A. C. Grayling and A. Pyle (Bristol: Thoemmes Continuum, 2006); idem, "Practical Syllogism, *Proairesis*, and the Virtues: Toward a Reconciliation of Virtue Ethics and Natural Law Ethics," *Nova et Vetera* 2 (2004): 21–41.

Those who are well trained in natural law theory will easily recognize the many nuances and implications of my discussion.

I will also try to be old-fashioned “scholastic,” by using reason in order to understand the faith better and more consistently. I maintain (a) that there is a formal distinction between truths known in the light of faith and truths known by unaided reason. At the same time I maintain (b) that there is a unity of knowledge. That is to say, there is one truth but two means by which man comes to know it: revelation (faith) and natural reason. The proper order between these two means of knowing is contained in St. Anselm’s *credo ut intelligam*. In the words of the Holy Father’s *Fides et Ratio*, “faith liberates reason in so far as it allows reason to attain correctly what it seeks to know and to place it within the ultimate order of things, in which everything acquires true meaning. In brief, human beings attain truth by way of reason because, enlightened by faith, they discover the deeper meaning of all things and most especially of their own existence.”²

Faith and Natural Law

Before beginning an analytic explanation of the phrase *natural law as inclination to God*, I would like to recall, in this and the next section, some central points of Catholic doctrine regarding natural law, as well as the traditional definition of ethics in terms of its material and formal objects. I hope that, as we engage in our main analysis, the reader will appreciate the harmony and consistency between those points and Aquinas’s view of natural law theory.

Revelation and Natural Law

Natural law belongs to the *depositum fidei*. That is to say, it does not belong only to the so-called *natural revelation*—that is, to what God revealed to men about himself and his will through the perfections of nature—but it belongs also to the *supernatural revelation*—that is, to what God revealed to human reason through the Tradition of the Church and the inspired authors of the Bible. Both the existence and the content of natural law are, therefore, at the same time truths that belong to human reason and to the faith.

Natural Law and the Covenant

Natural law indicates what Jews, Christians, and all human beings are called to do even before receiving the highest demands coming from the New Law: the law of grace and the sacraments. In other words, natural

² John Paul II, *Fides et Ratio*, §20.

law is the content of what can be called the basic covenant between God and human beings: a covenant, that is, which depends on the primary relationship that binds creatures to their Creator, and which invites human beings to a loving answer to the gifts of existence, of freedom, and of the responsibility of being *ministers* of this world, namely, the only beings able to understand it according to the truth and to knowingly direct it back to God the Creator. Natural law is the only path to the love of God: “He who has my commandments and keeps them, he it is who loves me” (John 14:21).

The Pedagogical Character of the Law and the Commandments

Especially today, when many people try to remove from ethical theory the concepts of law and authority to the advantage of some ideals of ethical spontaneity and autonomy, it is worthwhile to reflect on the fact that both biblical pedagogy and the tradition of the Church have always presented moral life’s demands by using the semantic of the *obedience to the law of God*—which is not only the natural law, but also, and more generally, the eternal law and the divine positive law from the old and the new covenant. The commandments given to Moses have always been understood as a perfect historical expression of the natural law, and, therefore, as the basis and the ground of man’s moral life. The recent Catechism of the Catholic Church follows this ancient tradition, and presents the moral life of the faithful by commenting one by one on the ten commandments. With regard to ethics and moral life, the concept of law, and, more specifically, of natural law, is not a part (a part that can be neglected or disregarded), but the core of revelation: the right dialectic of biblical moral life being *obedience* (loving-God-more-than-ourselves) *versus disobedience* (loving-ourselves-more-than-God).

Natural Law, Free Obedience, and Moral Conscience

In this context, the main conceptual structure underneath John Paul II’s encyclical letter *Veritatis Splendor*—on the fundamentals of the Catholic Church’s moral teaching—can be correctly understood. This structure rests entirely on the relationship between the concepts of freedom, law, and moral conscience. Human beings’ true freedom resides in listening to the law of God, which manifests itself in our moral conscience, where we produce judgments about the good and the evil of every action, thought, and omission. Listening to our moral conscience is, therefore, an act of obedience to the law: “Moral conscience does not close man within an insurmountable and impenetrable solitude, but opens him to the call, to the voice of God. In this, and not in anything else, lies the entire mystery

and the dignity of the moral conscience: in being the place, the sacred place where God speaks to man.”³

Here, it clearly appears that *legal language*—that is, the language of the “law”—does not have (in the Bible as well as in the Catechism) just a pedagogical meaning. Rather, it is a language chosen by God, which expresses an intrinsic truth of our dealing with him which we cannot do without. The reason why Aquinas so much countenanced natural law was not to pay some homage to thinkers from the past or to contingent political powers (as Straussian “Thomists” seem sometimes to suggest), but to pay due attention to the Word of God.

Natural Law, Reason, and Revelation

Natural law can be known by natural reason. That is, we can know the truth of natural law by believing in God, but we can also reach the knowledge of natural law using our reason only. This does not mean that we could also go on in our moral life without revelation. God revealed natural law because without his help we cannot follow our nature, nor can we even perfectly understand it. “Because,” as Aquinas explains, “on account of the uncertainty of human judgment, especially on contingent and particular matters, different people form different judgments on human acts; whence also different and contrary laws result. In order, therefore, that man may know without any doubt what he ought to do and what he ought to avoid, it was necessary for man to be directed in his proper acts by a law given by God, for it is certain that such a law cannot err.”⁴

³ John Paul II, *Veritatis Splendor*, §58. See also the Pastoral Constitution on the Church in the Modern World, *Gaudium et spes*: “In the depths of his conscience, man detects a law which he does not impose upon himself, but which holds him to obedience. Always summoning him to love good and avoid evil, the voice of conscience when necessary speaks to his heart: do this, shun that. For man has in his heart a law written by God; to obey it is the very dignity of man; according to it he will be judged. Conscience is the most secret core and sanctuary of a man. There he is alone with God, Whose voice echoes in his depths. In a wonderful manner conscience reveals that law which is fulfilled by love of God and neighbor. In fidelity to conscience, Christians are joined with the rest of men in the search for truth, and for the genuine solution to the numerous problems which arise in the life of individuals from social relationships. Hence the more right conscience holds sway, the more persons and groups turn aside from blind choice and strive to be guided by the objective norms of morality. Conscience frequently errs from invincible ignorance without losing its dignity. The same cannot be said for a man who cares but little for truth and goodness, or for a conscience which by degrees grows practically sightless as a result of habitual sin.”

⁴ Thomas Aquinas, *Summa theologiae* I–II, q. 91, a. 4. All translations are by the Fathers of the English Dominican Province (New York: Benzinger, 1947).

One could ask: “Why all these difficulties? Why didn’t God make us able to do better on our own?” An answer to this question can perhaps be found in John Paul II’s *Crossing the Threshold of Hope*: God is not “*the God of the deists*”; “He is not the Absolute that remains outside of the world, indifferent to human suffering. He is Emmanuel, God-with-us, a God who shares man’s lot and participates in his destiny.” In God’s original design neither the world nor man is supposed to be “self-sufficient.”⁵ Nature cannot be nature by itself alone, and God wants to walk together with the good man. Nature and grace belong, so to speak, to the same primordial *system* of creation.

When we say that natural law can be known by natural reason we do not imply that man does not need supernatural aid. Just as a baby cannot develop his natural capacities without his parents, his family, and, in general, the milieu provided by other human beings, so man cannot reach the full moral truth without listening to the Word of God, and he cannot do good actions (that is, he cannot act according to natural law) without “the hidden action of grace.”⁶ “*On the path of the moral life the way of salvation is open to all,*” precisely because the “influence of grace” is always present in the actions of those who try to follow “the dictate of conscience” and “to lead an upright life,” even if, without fault, they do not “know anything about Christ or his Church” or “have not yet attained to the express recognition of God.”⁷ Revelation, grace, natural reason, and natural law are parts of a single design.

Natural Law and Love of God

Third, natural law is summed up in the precept of love: “You shall love the Lord your God with all your heart, and with all your soul, and with all your mind. This is the greatest and first commandment. And a second is like it: You shall love your neighbor as yourself. On these two commandments hang all the Law and the prophets” (Mt 22:36).⁸

Loving God and other human beings is the *ratio* of natural law, and it is therefore the central truth that all people should understand by their reason if they have to act righteously. It is not by chance that the main passages of Scripture in which it is clearly stated that we can come “to know God by the light of reason alone”⁹ are truly *moral passages*, in which

⁵ See John Paul II, *Crossing the Threshold of Hope* (London: Jonathan Cape, 1994), 50–63.

⁶ See John Paul II, *Evangelium Vitae*, §2.

⁷ *Veritatis Splendor*, §3. See also *Lumen Gentium*, §16.

⁸ See, also, Deuteronomy 6:5; Romans 13:9–10; *Catechism of the Catholic Church* (CCC), §2055.

⁹ CCC, §37.

the pagans' *refusal* to know God is the cause of their bad behavior in every field. Moreover, both failures, the refusal and the bad behavior, are strongly condemned.¹⁰ "And since they did not see fit to acknowledge God, God gave them up to a base mind and to improper conduct. They were filled with all manner of wickedness, evil, covetousness, malice. Full of envy, murder, strife, deceit, malignity, they are gossips, slanderers, haters of God, insolent, haughty, boastful, inventors of evil, disobedient to parents, foolish, faithless, heartless, ruthless" (Rom 1:28–31). Our attitude towards God and our knowledge of natural law appear in the Bible as two sides of the same coin.

Natural Law as a Preamble of the Faith

Natural law is surely a preamble of our faith in a broad sense, as it is the good work of moral reason preparing us for the gift of faith. But we might even say that it is *strictly speaking* a preamble of the faith, in the precise sense that we cannot receive (supernatural) faith without some previous knowledge of the natural law. Faith is not only something theoretical but also practical: it affects both the human mind and the human heart. And in order to receive faith we should be *naturally* able, not only *to know* God, but also *to love* God with all our heart, soul, and mind, discovering in him our final end and the source of our personal dignity.

The structure of the first part of the Catechism of the Catholic Church (entitled "The Profession of Faith") emphasizes that, with regard to faith, the first move is God's, who decides to reveal himself to human beings (chapter 2, "God Comes to Meet Man"). Only the second move is man's (chapter 3, "Man's Response to God"). But, first of all, before the Catechism speaks of God's revelation, there is a first chapter entitled: "Man's Capacity for God." The theoretical reason behind this chapter is that, if man were not *capax Dei*, he would not be able to receive God's subsequent *message*.¹¹

This first chapter of the Catechism underlines, as is obvious, that man's natural reason, starting from "the physical world and the human person," is "capable of coming to a knowledge of the existence of a personal God" (parts 2 and 3); and that is why it is possible to speak "about him to all men and with all men," and to "dialogue with other religions, with philosophy and science, as well as with unbelievers and atheists" (part 4). But the beginning of the chapter (part 1) is devoted to the *moral* natural capacity for God: "The Desire for God." Early in this section, the Cate-

¹⁰ Wisdom 13:1–9; Romans 1.

¹¹ Of course, the original move, so to speak, was by God, who reveals himself through creation (natural revelation), thus making human nature *capax Dei*.

chism recalls the following passage from *Gaudium et spes*: “The dignity of man rests above all on the fact that he is called to communion with God. *This invitation to converse with God is addressed to man as soon as he comes into being.* For if man exists, it is because God has created him through love, and through love continues to hold him in existence. He cannot live fully according to truth *unless he freely acknowledges that love and entrusts himself to his creator.*”¹²

We may wonder whether our moral capacity should not be the *second step*, insofar as we cannot desire what we do not know. (This is the reason that ethics is always grounded in, even if not deduced from, metaphysics.) Nevertheless, practical knowledge is first in its own order; and in our lives it is, in a sense, more important, because we cannot act without the original (not chosen) attraction for an end. Actually, we could not even speak of God’s existence if we were not *interested in* God. From this viewpoint, the strategy of the Catechism appears perfectly justified: it opens with desire, with ethics, and in a sense, as we shall see, with natural law in its basic (natural) religious meaning.

Question about Morality, Natural Law, and Ethics’ Religious Aspect

Veritatis Splendor likewise stresses many times the religious character of ethics. The beginning of the encyclical is almost entirely devoted to qualifying the “question about morality” which the rich young man asks Jesus as a question about God: a question “*about the full meaning of life.*” “This is in fact the aspiration at the heart of every human decision and action, the quiet searching and interior prompting which sets freedom in motion. This question is ultimately an appeal to the absolute Good which attracts us and beckons us; it is the echo of a call from God who is the origin and goal of man’s life.”¹³ Moreover, the question about morality “*is an essential and unavoidable question for the life of every man,* for it is about the moral good which must be done, and about eternal life. The young man senses that there is a connection between moral good and the fulfillment of his own destiny.”¹⁴

A few lines afterward, the Pope clearly states the connection between the question about morality and the natural law.

To ask about the good, in fact, ultimately means to turn towards God, the fullness of goodness. Jesus shows that the young man’s question is really a religious question, and that the goodness that attracts and at the same time

¹² *Gaudium et spes*, §19 (italics mine).

¹³ *Veritatis Splendor*, §7.

¹⁴ *Ibid.*, §8.

obliges man has its source in God, and indeed is God himself. God alone is worthy of being loved “with all one’s heart, and with all one’s soul, and with all one’s mind” (Mt 22:37). He is the source of man’s happiness. Jesus brings the question about morally good action back to its religious foundations, to the acknowledgment of God, who alone is goodness, fullness of life, the final end of human activity, and perfect happiness.¹⁵

The statement that “There is only one who is good” thus brings us back to the “first tablet” of the commandments, which calls us to acknowledge God as the Lord of all and to worship him alone for his infinite holiness (cf. Ex 20:2–11). *The good is belonging to God, obeying him*, walking humbly with him in doing justice and in loving kindness (cf. Mic 6:8). *Acknowledging the Lord as God is the very core, the heart of the Law*, from which the particular precepts flow and towards which they are ordered.¹⁶

This religious view of moral life constitutes the background of, and the final answer to, all the main subjects dealt with in the encyclical: from natural law to moral conscience, to intrinsically evil acts, etc. At the end of our philosophical analysis, I hope it will be easy and useful for the reader to compare at least these first passages of the document with Aquinas’s view on natural law and eternal law.

Ethics and Natural Law

Ethics can be defined as the discipline, or *scientia*, that studies human beings and their actions as good or evil in the absolute sense (*simpliciter*), as opposed to a relative or technical sense of good and evil as when we say, “You played a good match!,” “This is a good gun,” “You trained good muscles,” and the like.

Man as the Subject of Ethics

Materially speaking—that is, from the viewpoint of its material object—ethics studies the human being as a subject whose being and action are characterized by rationality. Man is an ethical being because he knows according to the truth—namely, he understands the meaning of things—and he freely acts as the owner of himself and of the things that surround him. Other beings, on the other hand, do not ask themselves why things are and what they are; instead of *acting* they are *acted upon* . . . by the laws of nature, by their instincts, etc. It is plain obvious that even the non-human animals that move in the most rational way—like the ants or termites in the anthill or the beavers in building their dams—do not

¹⁵ Ibid., §9.

¹⁶ Ibid., §11.

do it based on calculus, thoughts, and studies on why they do it and what the best way to reach their goals is; rather, they move, so to speak, automatically. Being human, on the contrary, as a specific way of existing, means to know according to the “why” (according to the truth) and to act based on this unique kind of knowledge. For this reason, unlike other beings that, unless they have physical defects, are automatically *good* with respect to their nature’s ends—as the ant is *per se* a good member of the anthill—, in the case of men, being *moral*, being *good simpliciter*, involves a free life-plan or life-vision whose result cannot be taken for granted.

The Importance of Virtue

In the first place, ethics concerns the way in which man, through his specific way of existing and acting, can become good *simpliciter*, simply speaking. This is what makes so important in ethical theory the concept of (moral) virtue, which indicates first, not the moral goodness of the actions, but of the agent. In fact, from an ethical viewpoint, the most important thing is not to have a good action, but to have a good man, who is *the cause* of the good actions.

When we say that a man is (morally) good, we point to a stable quality of his being: namely, something that he possesses—as being courageous, being loyal, being sincere, and the like. This quality is something that man supposedly acquires through his specific way of acting (free and rational), and this is why possessing a moral virtue is meritorious. Virtue is therefore a sort of peace of cloth—a *habit*—made of moral goodness: a peace of cloth that, once bought or acquired, man always wears, and keeps weaving into richer and more precious fabric.

It is only secondarily that ethics deals with specific human actions (like homicide or alms) as good or evil. To be clear: the moral character of the actions is extremely important to evaluate, of course. What I mean is that the main focus of ethical theory should rather be the good person as such: his moral character and fulfillment.

Human Action as Ethical Action

As far as actions are concerned, ethical theory deals with specifically *human* actions: namely, the actions that make man either good or evil. In other words, in order to do ethics we need truly *human actions*, in which both our intellect and our will are fully involved, and not merely *acts of man*, like the growth of our hair or our body, or the digestive process. But, most importantly, we need to look at human actions in their absolute meaning, and not just according to the relative goals they happen to have. From the viewpoint of ethical theory, there are two basic meanings of

good involved in each action: a relative one and an absolute one. To eat something when we are hungry is surely a “good” thing to do, but is it “the good” thing for us to do here and now?

Robert Spaemann explains the difference between the relative good and the absolute good:

The doctor says, “It would be a good idea to spend another day in bed.” To be precise the word “good” should be qualified in two ways. The doctor should say, “It is a good idea for you,” and “It is a good idea for you if your first priority is to get well.” These qualifications are important. If for example someone were planning a robbery involving murder for a particular day, then, all things considered, it would doubtless be “better” if that person picked up a lung infection which would put a stop to his project. Conversely, on a particular day, one of us might have something so pressing and urgent to do that we will disregard the doctor’s advice to stay in bed, and take the risk of getting a relapse of influenza. But with regard to the question of whether or not it is “good” to act in this way, the doctor, as a doctor, can make no pronouncement. From a doctor’s point of view “good” means “good for you, if your first priority is your health.” That is the doctor’s area of responsibility. Whether or not our health should always be our first priority is something about which the doctor can make a pronouncement as a fellow human being, but not in his special capacity as a doctor.¹⁷

The work of our moral conscience occurs precisely at the level of absolute good. That work is nothing more than to judge—here and now, and taking into account all the relevant circumstances we can reasonably foresee—the relative ends of our actions in light of the absolute end of our life: the final end.

Natural Law as an Approach to Ethical Theory

In light of the above definition of ethics, we can say, speaking very generally, that natural law theory is an approach to ethics under the aspect of its final foundation. For natural law is exactly the norm that decides or tells our conscience what is good and evil, here and now, in the absolute sense.

Of course, “natural law” is not just a label to express a specific branch of moral philosophy: that is, the one involving the question about the final ground of moral duty. Natural law, as we shall see, is also a very specific answer to that question. Basically, the term “natural law” means a philosophical view according to which nature is transparent to the wisdom and will of God (that is, it is known as *created*), appearing some-

¹⁷ Robert Spaemann, *Basic Moral Concepts*, trans. T. J. Armstrong (London: Routledge, 1989), 1–2.

how as a gift; and man understands that “freely taking care of the good of nature” (in all the relevant senses of good) is exactly the way for him to love God, that is, to respond to His gift.

The Term “Law”: Some Implications

It is now time to begin making the conceptual and terminological clarifications this article aims at. Our first concern is, of course, for the term “law.” In this regard, we have to deal with the following related concepts: (1) the two-subjects relation and the common good, (2) the first meaning of law, (3) the rational character of law, (4) the extrinsic principle, (5) the law’s effectiveness, and (6) the law’s autonomy.

The Two-Subjects Relation and the Common Good

The concept of law refers immediately to a relation between at least two subjects: a legislator, on the one hand, and one or more subjects (citizens), on the other, with the legislator having the power to impose his will on the citizens.

For Aquinas, this power is justified by the end of the law, which is what makes the law *rational* (or irrational, whenever it drifts away from it), and which coincides with the good that is *common* to the entire political community. It goes without saying that the ordering to the good of the whole is prerogative either of the whole as such or of someone who represents it. This is the reason why private persons cannot legislate, because “to order anything to the common good” and to make a law belong “either to the whole people or to a public personage who has care of the all people.”¹⁸

Most likely, when Aquinas cited the case in which the law is passed by “the whole people,” he was thinking of something similar to what we would call today a democratic process, with a voting assembly endowed with legislative power. Certainly, he was not thinking of a utopian society in which everybody (no exception!) always agrees about the common action to undertake (situation of perfect political unanimity). In fact, he adds that, when the ordering to the common good is done by the whole people, it is the people itself that will retain the *vis coactiva* “*quam debet habere lex*” in order to force the recalcitrant and the dissenters.¹⁹

At any rate, the “whole people” case is not an exception to the need for a two-subjects relationship, because the official act of the people acquires the nature of law precisely by taking on itself the public character of a directive authoritatively addressing all the citizens, and sanctioned

¹⁸ Thomas Aquinas, *Summa theologiae* I–II, q. 90, a. 3.

¹⁹ *Ibid.*, ad 2.

by some sort of punishment. Public authority, even when it democratically represents the citizens, conceptually remains a subject different from all the citizens addressed by the laws.

A key interpretative principle in Aquinas's treatise on law is offered precisely by his recurrent assertion that law "may be in something"—may exist—"in two ways": "first, as in that which measures and rules" (the legislator); "secondly, as in that which is measured and ruled" (the subject).²⁰ In this sense, therefore, when we properly use the term law, we should always ask ourselves who the two relevant subjects are, in which law *exists* according to those two ways. This is the reason why Aquinas says that "properly speaking, none imposes a law on his own actions."²¹ But this is also the reason why he can write that "each one is a law to himself, in so far as he shares the direction that he receives from one who rules him."²² For law, as "participated," always exists in the subject who is measured by it, and who therefore, in this sense, possesses the law in his own being.

The First Meaning

It follows, from the above, that the first meaning of law is that of "command," because what matters about law is first of all its possibility to be effective: obliging somebody to act in a certain way. To avoid misunderstandings about a possible voluntaristic approach behind this statement, we only need to specify that the first meaning of something is also the last in the series of the definition: that is to say, it is the meaning that *specifies* the nature of something. For example, in the definition of man as "rational animal," the meaning of "animal"—as the generic element of the definition—comes before the meaning of "rational," which is its specific element. However, the first meaning of "man," the meaning that *specifies* what man means, is that of "rational." Man is everything that "animal" means plus something else—the specifying element—which is indicated by the adjective "rational."

Likewise, in the case of "law," the first meaning that—inside the genus to which "law" belongs: that is, the genus of the "acts of reason"—specifies it is that of "command." "Law" is everything that "act of reason" means plus something else that comes from the concepts of "command," "common good," "authority," and "promulgation." Among these concepts, "command" seems to be the primary one that specifies the nature of the law as a particular kind of rational act.²³

²⁰ See, for example, *ST* I–II, q. 90, a. 1 ad 1.

²¹ *ST* I–II, q. 93, a. 5.

²² See *ST* I–II, q. 90, aa. 1, 3; q. 91, a. 2.

²³ See my "Law as 'Act of Reason' and 'Command,'" *Nova et Vetera* 4 (2006): 515–28.

In a sense, it is obvious that law belongs to reason because law is always an act of an intelligent being which aims at obtaining a particular effect. Law belongs to reason “since it belongs to the reason to direct to the end.”²⁴ And this is how we evaluate the rationality, or reasonableness, of a law and judge its goodness: by looking at its end and at its chosen means to achieve it.

But it is also obvious that this reference to reason would not be enough to define “law.” Again, rationality can define “law” only *generically*, as the act of an intelligent being, but not *specifically*, as a particular kind of rational act. Law “directs to an end” (generic nature) to be achieved by means of the authoritative imposition of a particular conduct (specific nature). The function of law is that of government: namely, so to speak, to make use of a variety of things by directing them to only one end (common good), or by imposing on them an *order*.²⁵ From this viewpoint, a more precise definition of law, offered by Aquinas, is “a dictate of reason, commanding something [*rationis dictamen per modum praecipiendi*].”²⁶ In the well known definition “*quaedam rationis ordinatio ad bonum commune, ab eo qui curam communitatis habet, promulgata*,”²⁷ the preceptive character is implicit in the mentioning of the authority as the proper source of the law.

The primary meaning of law is therefore heteronymous, because it refers the law to a subject (the legislator) external to those who are *bound* by it. This is a common sense observation: nobody, I think, can deny that the first idea of law we have in mind is related to the concepts of command and obligation. This is not an invention by either classical voluntarism or modern legal positivism, and there is no need to criticize it if we want to criticize these currents of thought.

This is why Aquinas begins his discussion on law by saying that “*lex* (law) is derived from *ligare* (to bind), because it binds one to act.”²⁸ While this etymology is very probably false, the supposed root of the word *lex* shows undoubtedly what is the first meaning of the concept, at least in Aquinas’s understanding. The imposition of the name relates to the grasp of the nature of something.

²⁴ ST I-II, q. 90, a. 1.

²⁵ See, for example, ScG III, c. 64; ST I-II, q. 93, a. 1.

²⁶ ST I-II, q. 92, a. 2: “Just as an assertion is a dictate of reason asserting something, so is a law a dictate of reason, commanding something.” “[S]icut enuntiatio est rationis dictamen per modum enuntiandi, ita etiam lex per modum praecipiendi.”

²⁷ ST I-II, q. 90, a. 4: “an ordinance of reason for the common good, made by him who has care of the community, and promulgated.”

²⁸ ST I-II, q. 90, a. 1.

With this first meaning of law as (rational) command, we can restate now the two-subject relation saying that we can always look at law from at least two perspectives: that of the legislator *who commands*, and that of the subject who obeys.

Extrinsic Principle

The reason why Aquinas begins the treatise on law focusing on its belonging to reason is exactly because the first common-sense-meaning of law is that of command. That is why it is so important to avoid the risk of voluntarism, by stressing immediately that law is basically a *rational* act.

Yet, we should recall that the principle ordering the treatment of “law” in Aquinas’s work is not “reason”: rather, it is the concept of “extrinsic principles of human acts.” The entire second part of the *Summa theologiae* is devoted to human acts; and in order to deal with them, Aquinas distinguishes among “intrinsic principles”—comprising the “powers of the soul” and the “habits”²⁹—and “extrinsic principles.”

We have now to consider the extrinsic principles of acts. Now the extrinsic principle inclining to evil is the devil, of whose temptations we have spoken in the First Part. But the extrinsic principle moving to good is God, Who both instructs us by means of His Law, and assists us by His Grace.

These are the opening words of the treatise on law,³⁰ in which man is looked at basically as the *measured* subject, or the obedient subject, of the law-relation. As a principle of human acts, law comes from the outside: from an authority. It is intrinsically heteronomous. And God is the source of all laws because human law also binds man as far as it is grounded on eternal (or natural) law.³¹

Effectiveness

From the point of view of the legislator, law always requires a (rational) command, on the one hand, and a principle of effectiveness, on the other. That is to say, it would be senseless to command something without having the power to make the command effective. The legislator must therefore have “the coercive power, such as the law should have, in order to prove an efficacious inducement to virtue . . . or to inflict penalties.”³²

²⁹ See *ST* I, q. 77ff; I–II, q. 49ff.

³⁰ *ST* I–II, q. 90.

³¹ See *ST* I–II, q. 96, a. 4.

³² See *ST* I–II, q. 90, a. 3, obj. 2.

This principle of effectiveness indicates the way in which *the law exists in that which is measured and ruled*. At the same time, it determines the real existence of a legislator as such: the legislator being exactly he who, as a matter of fact, has, in a particular place and at a particular time, the *coercive power* to make his will effective.³³

Generally speaking, from the point of view of the (rational) subject who obeys the law, the effectiveness can depend on the following:

1. The *reasonable confidence* in the legislator, grounded in the shared common end/good of the law, and implying (a) the reasonableness of the very existence of the authority as a way to orderly direct the political community (the need for authority), and (b) the reasonableness of the action of the effectively existing authority both at the general level of the legal system's order, and at the specific level of each individual statute. This is the physiological way for a law to be effective: when citizens see the reasonableness of it and spontaneously conform their conduct to it.
2. The *threat of punishment* in case of refusal to obey. This is the pathological way for the law to be effective. If most people obeyed most of the legal rules for this reason only, the legal system would be on the path of destruction.
3. A *mixture* of both (1) and (2): reasonableness and fear. This, I think, matches the most normal way good citizens abide by the laws of their legal systems in case of arguable issues like speed limit, the use of helmets, specific taxes, and the like. Even the good citizen sometimes breaks these laws, or abides by them *only* to avoid punishments.

The Autonomy of the Law

Both the reasonable confidence and the threat of punishment (as different ways in which law can be effective in the lives of the measured subjects) require a much deeper principle of effectiveness. That is to say, for the legislative command to have any force there must exist something that is (already) "good" for the subjects: something they are willing either to achieve by obeying or not to be deprived of by disobeying, like saying that before using the carrot and the stick, there must exist pleasure and pain.

³³ John Finnis, having grounded authority on its reasonableness, rightly asserts: "It remains true that the sheer fact that virtually everyone will acquiesce in somebody's say-so is the presumptively necessary and defeasibly sufficient condition for the normative judgment that that person has (i.e. is justified in exercising) authority in that community." Finnis, *Natural Law and Natural Rights* (Clarendon Press: Oxford 1980), 250.

From the internal viewpoint of the obeying-subject, the efficacy of “reasonable confidence” rests on the common good to be achieved through obedience, just as the efficacy of the “threat of punishment” rests on the private good not to be deprived of through disobedience (freedom, money, etc.).

In other words, the effectiveness of law presupposes what can be called a *principle of autonomy*, namely, something belonging to the nature of the agent and determining what for him is good or bad.³⁴ The human legislator cannot create this principle; that is, he cannot command impossible things (hating children, walking always on the hands . . .) because *ad impossibilia nemo tenetur*, and citizens would eventually react against him. This is basically why “every human law is derived from natural law,” because human law—like all the arts—must operate (in order to achieve its end by binding human beings) *as nature itself would have acted*.

Now, if a legislator could impose even the principle of autonomy by his will, he would be the “perfect legislator,” making nature act according to his plans. To this legislator, the term “law” would apply in its fullest sense. This is why the use of “law” for the *ordo creationis* (eternal law) is not metaphorical but analogical: “For the natural law above all has the character of law [*lex enim naturalis maxime habet rationem legis*].”³⁵ Paraphrasing Aquinas on the “names of God,” we could say that, as regards the “imposition of the names,” the term “law” is “primarily applied by us” to human law—“which we know first”; but as regards the *res significata*, it is “applied primarily to God,” because what we call “law” exists in God’s action “in a more excellent way.”³⁶

“Natural”

We have by now enough elements to understand correctly the impact of the adjective “natural” when applied by Aquinas to the term “law.”

1. First of all, it means that the natural order (*ordo creationis*) is the passive subject of a legal “two-subjects-relation” in which God is the Legislator.
2. Second, it means that the natural order as such (as *ordo*) is “rational,” and its rationality depends intrinsically on its being the product of the creative action of God.

³⁴ I use the terms “autonomy” and “heteronomy” with the same meaning they have in *Veritatis Splendor*, §41.

³⁵ *ST* I-II, q. 90, a. 4, obj. 1.

³⁶ See *ST* I, q. 13, a. 6. For a sound understanding of the logical meaning of analogy, see Ralph McInerny, *Aquinas and Analogy* (Washington, DC: Catholic University of America Press, 1996).

3. But what matters most in order to understand the specific nature of the concept is the “first meaning.” The natural order obeys a “command.” It behaves necessarily in a certain way because it is subordinate to a Legislator who created it. “God imprints on the whole of nature the principles of its proper actions. And so, in this way, God is said to command the whole of nature [*Deus imprimit toti naturae principia propriorum actuum. Et ideo per hunc modum dicitur Deus praecipere toti naturae*].”³⁷

(Natural) Inclination

We should have enough elements also to approach correctly the concept of (natural) “inclination.” Inclination is the way in which law exists in the subjects measured by it. If one law works, if it is *effective*, it means that (one way or another) it is able to generate, in the subjects it addresses, an inclination to act according to its directives. The inclination is what grounds, at the same time, the effectiveness and the autonomy of the law. And the natural inclinations are the principle of perfect effectiveness of God’s law on creation—that is, on the natural order. They make God’s law perfectly autonomous insofar as they exist, as internal principles of movement, in the nature of every created being.

“External principle”—insofar as it indicates the heteronomous character of law—and “inclination”—insofar as it indicates the autonomous character of law—are the two key concepts to be understood if one has to correctly frame the issue.³⁸

In the following passage, Aquinas makes absolutely clear what the term “inclination” means when it is used in defining the concept of law:

Since law is a kind of rule and measure, it may be in something in two ways. First, as in that which measures and rules: and since this is proper to reason, it follows that, in this way, law is in the reason alone. *Secondly, as in that which is measured and ruled. In this way, law is in all those things that are inclined to something by reason of some law:* so that any inclination

³⁷ See *ST* I–II, q. 93, a. 5.

³⁸ Of course, the reasonable confidence and the threat of punishment, insofar as they make the law effective with respect to its subjects, also come analogically under the notion of inclination: they cause a sort of inclination towards the end of the law, but, as we said, their efficacy depends on the *natural* inclinations already operating in the subjects. From this viewpoint, also the New Law comes properly under the *ratio legis* because of its effectiveness: grace acts effectively, in a sense creating in man a further and more perfect *inclination* to the supernatural end.

arising from a law, may be called a law, not essentially but by participation as it were.³⁹

Every created thing necessarily obeys the will of God because it can only behave according to its natural inclinations. It does not choose to move according to its nature; it simply is already in movement: the dog towards the meat, the boy towards the girl, and the girl towards the boy, etc. The existence of natural inclinations is the basic reason why the is-ought question is a false problem: *the world is already in motion*. No one can choose to stop it or to create a new movement. We can only work on the movements already existing, as the artists use the natural properties of the colors, the stones, the clay, etc. Moral life, too, is *already in motion*: causing happiness or unhappiness, regrets, praise, and blame. The ethicist cannot create values from the outside. He cannot *decide*, for instance, that children are important (this would definitively be a *fallacy*). But if they are—and it seems obvious that they are—then this *movement* has particular rules to work well, to be fulfilling for the agent, etc. What ethics does, if well done, is not to create “oughts,” but to try to understand the moral movements already existing in us and their rules, telling us, sometimes: whether you like it or not, this “ought” is working in you in such a manner because this thing is/is not important/good for you in this precise sense and way.

Inclination and Freedom

“Natural inclination” is a very general concept applicable both to irrational creatures and to human beings (and to the angels as well), although in different ways. For the rational creature receives a very special inclination intended to *effectively submit* his *free* acts to the order willed by God.

I know I am using a somewhat provocative and imperfect terminology, but I want to draw attention to a very important point often misunderstood. For, up to this point in Aquinas’s discussion, it is common to explain the difference between irrational and rational creatures more or less as follows: the irrational creatures obey the natural law necessarily, while the rational ones have to recognize by reason their natural inclinations and to act freely according to them. This is right, of course, but it is not enough. This simplified view risks creating a wall of separation between the realm of necessity (proper to inclinations) and the realm of freedom (proper to reason), leaving freedom out of any intrinsic guide provided by the law: that is, out of the effectiveness of law and the realm of inclinations.

³⁹ ST I–II, q. 90, a. 1, ad 1 (italics mine).

Actually, Aquinas says something different. He says:

[I]t is evident that all things partake somewhat of the eternal law, in so far as, namely, from its being imprinted on them, they derive their respective inclinations to their proper acts and ends. Now among all others, the rational creature is subject to Divine providence in the most excellent way, in so far as it partakes of a share of providence, by being provident both for itself and for others. Wherefore it has a share of the Eternal Reason, whereby it has a natural inclination to its proper act and end (*naturalem inclinationem ad debitum actum et finem*): and this participation of the eternal law in the rational creature is called the natural law.⁴⁰

The most important thing to stress here is that Aquinas speaks in the singular. The idea is that there is *one* inclination for the rational creature guiding him towards his *debitum actum et finem*, where *debitum actum* is what reason recognizes “here and now” as the action to do or to avoid, all things considered. Natural law is the moral guide for concrete (real) action. It is the “inclination to act according to reason”:⁴¹ that means, the inclination to do exactly the particular action that, after all the relevant train of reasoning involved, our conscience judges as the right thing to do. In other words, the working of this basic inclination presupposes *the conclusion* of the moral reasoning based on all our knowledge of the natural order and, especially, of the several goods we have as human beings (that is, our several natural inclinations), of the general moral principles grounded on them, and of the hierarchy existing among them with respect to our final end.⁴²

In this sense, as Ralph McInerny has insistently clarified in his work, the first principle of practical reason, “good is to be done and pursued, and evil is to be avoided,”⁴³ is already a moral one. In this formula, the term “good” “gives the formality under which the object is sought or pursued: as complete, as perfective” for the rational human (body and soul) agent. So, it expresses the *ratio boni perfecti*, or, that is, the *ratio ultimi finis*. “Natural law relates to inclinations other than reason, which have their own ends, by prescribing how we should humanly pursue those ends. For Thomas, natural law is a dictate of reason, not a physical law. It is by coming under the guidance of reason that goods that are not peculiar to man come to be constituents of the human good.”⁴⁴

⁴⁰ See *ST I-II*, q. 91, a. 2.

⁴¹ *ST I-II*, q. 94, a. 3.

⁴² See, on these concepts, my “Practical Syllogism, *Proairesis*, and the Virtues,” 21–41.

⁴³ See *ST I-II*, q. 94, a. 2: “bonum est faciendum et prosequendum, et malum vitandum.”

⁴⁴ Ralph McInerny, *Ethica Thomistica: The Moral Philosophy of Thomas Aquinas* (Washington, DC: The Catholic University of America Press, 1982 [1997 rev. ed.]),

In Aquinas's words:

All the inclinations of any parts whatsoever of human nature, e.g., of the concupiscible and irascible parts, in so far as they are ruled by reason [*secundum quod regulantur ratione*], belong to the natural law, and are reduced to one first precept: so that the precepts of natural law are many in themselves, but are based on one common foundation [*communiant in una radice*].⁴⁵

Now, of course, the set of inclinations we have “are ruled by reason” in the exact moment of choosing, every day, each one of the thousand actions we do: both mental actions and actions affecting the external reality (whether by a positive act or by omission does not matter). The regulation by reason does not happen in abstract but always in the concrete moral experience, and so it cannot work without virtue.

This does not mean that we do not use a general knowledge of the moral principles (or of the natural law *simply speaking, in universale*): that knowledge is of course necessary, and has a metaphysical and epistemological primacy with regard to the particular practical judgment by the moral conscience. But it means that the general knowledge in itself is not yet the proper work of practical reason, and it is not in itself the most basic meaning of natural law. That is also why the concrete (that is, the *real*) moral action is properly qualified as an action according to or against virtue and not according to or against the general principle or rule: for virtue is exactly what determines the normative, the ought, character of the behavior in the particular circumstances of moral life. Here the deepest meaning of natural law and the concept of virtue go perfectly together, even though natural law as inclination maintains an ontological primacy (that is, virtue is always the perfection of an inclination).

It is useful to recall that this is why Aristotle explicitly excluded practical knowledge from the realm of truth: “The object of theoretic knowledge is truth, while that of practical knowledge is action; for even when they are investigating how a thing is so, practical men study not the eternal principle but the relative and immediate application.”⁴⁶ And this is also why he emphasized that “men of experience are more successful than theorists,” because “action deals with particular things,” and prudence

40–48. See also Ralph McInerny, “Grisez and Thomism,” in *The Revival of Natural Law*, ed. N. Biggar and R. Black (Ashgate: Aldershot, 2000), 53–72.

⁴⁵ ST I–II, q. 94, a. 2, obj. 2.

⁴⁶ Aristotle, *Metaphysics*, trans. H. Tredennick (Cambridge, MA: Harvard University Press, 1989), II, 1, 993b20–25.

consequently requires “knowledge of particular facts even more than knowledge of general principles.”⁴⁷

Aquinas clearly had this doctrine in mind when, on the question “Whether the Natural Law Is the Same in All Men,” he wrote that “as regards the general principles whether of speculative or of practical reason, truth or rectitude is the same for all, and is equally known by all.” But “practical reason is busied with contingent matters, about which human actions are concerned [*sed ratio practica negotiatur circa contingentia, in quibus sunt operationes humanae*]”; and, “although there is necessity in the general principles [*etsi in communibus sit aliqua necessitas*],” as to “the proper conclusions of the practical reason, neither is the truth or rectitude the same for all, nor, where it is the same, is it equally known by all [*quantum ad proprias conclusiones rationis practicae, nec est eadem veritas seu rectitudo apud omnes; nec etiam apud quos est eadem, est aequaliter nota*].”⁴⁸

In the last resort: there is an intrinsic law of our freedom—a “special inclination” imprinted in us—*commanding* us, through the judgments of our conscience, to perform a particular action here and now (the *debitum actum*). This inclination is the most basic meaning of natural law; and the work of such inclination depends both (a) on a general theoretical and practical knowledge (which is the most usual meaning of the term “natural law”) and (b) on a good experiential knowledge of the particular reality.

Inclination to God

We now have the vocabulary enabling us to approach the overall meaning of the “natural law as inclination to God.” This term means that God wanted to make *effective* his will to be loved by us; and, being the perfect Legislator, he created the relevant *principle of autonomy* by imprinting in us an inclination to him: that is, an inclination making him *important* to us.

We have now to check if this is a reasonable interpretation of what Aquinas had in mind; and we are going to do it by clarifying (1) the concept of natural law as “participation in the eternal law,” (2) our knowledge of the eternal law, (3) what might be called the “material object” and the “formal

⁴⁷ See Aristotle, *Nicomachean Ethics*, trans. H. Rackham (London: Loeb Classical Library, 1934), VI, viii, 1141b14–23; *Metaphysics* I, 1. This is also the main reason why Aristotle asserts that the young and immature “are not fit to be students of Political Science. For they have no experience of life and conduct, and it is these that supply the premises and subject matter of this branch of philosophy” (*Nic. Eth.* I, i, 1195a1–4).

⁴⁸ ST I–II, q. 94, a. 4. See also I–II, q. 91, a. 3, ad 3: “The practical reason is concerned with practical matters [*operabilia*], which are singular and contingent: but not with necessary things, with which the speculative reason is concerned.”

object” of natural law, (4) the *dilectio naturalis* of the human will, and (5) the relation between the inclination to God and our moral experience.

“Participatio Legis Eternae in Rationali Creatura”

“Divine Wisdom, as moving all things to their due end [read: natural inclinations; intrinsic principles of effectiveness], bears the character of law. Accordingly the eternal law is nothing else than Divine Wisdom, as directing all actions and movements [*ratio divinae sapientiae moventis omnia ad debitum finem, obtinet rationem legis. Et secundum hoc, lex aeterna nihil aliud est quam ratio divinae sapientiae, secundum quod est directiva omnium actuum et motionum*].”⁴⁹

Once we understand that the eternal law directs “all actions and movements,” we can see that the natural law is not in itself different from the eternal law. So, it is obvious that, when Aquinas asks, “Whether there is in us a natural law,” the first objection he raises is this: “It would seem that there is no natural law in us. Because man is governed sufficiently by the eternal law.” And the answer plainly follows: “This argument would hold, if the natural law were something different from the eternal law.”⁵⁰

There is nothing belonging to the natural law that does not belong to the eternal law as well, because “all that is in things created by God, whether it be contingent or necessary, is subject to the eternal law.”⁵¹ Why, then, the special term “natural law”? Of course, not just because natural law is the piece of eternal law regulating human beings specifically; this would be odd: in such a case, we could call the eternal law a different name for every kind of creature.

Of course, we already know the answer from *Summa theologiae* I–II, q. 91, a. 2. In the case of man’s rational nature there is a qualitative difference: it “is subject to Divine providence in the most excellent way, in so far as it partakes of a share of providence, by being provident both for itself and for others.” More technically, man participates in the eternal law “by way of knowledge [*per modum cognitionis*],” somehow having a notion of the eternal law [*quia et notionem legis aeternae aliquo modo habet*].⁵²

But what does it mean for man to know the eternal law? Does it only mean that he has a rational nature? In other words, does it only mean that he can recognize the meanings and the natural order of things, and that he can act freely according to those meanings, and that in so doing he brings out the design of the eternal law? Of course, this would not be enough.

⁴⁹ ST I–II, q. 93, a. 1.

⁵⁰ ST I–II, q. 91, a. 2, obj. 1 and ad 1.

⁵¹ ST I–II, q. 93, a. 4.

⁵² ST I–II, q. 93, a. 6.

The connection between eternal law and man's knowledge would be merely extrinsic. As a matter of fact, he would not know the "eternal law" as "an eternal law," and the term "law" would be used only metaphorically.

I think we should take more seriously both the notion of eternal law and Aquinas's explanation of it. His point is that "Divine Wisdom" directs and moves man to act *consciously* according to the eternal law. God created man to be loved by him. Accordingly, man by his natural reason knows the eternal law as such, that is, as God directing and moving the world. And man received a special natural inclination to act according to his knowledge of the eternal law, that is, a natural inclination (a) making the design of God *important* for him, and (b) operating at the level of conscience and freedom. Thanks to this inclination man is created as a free steward (that is, he can refuse the call) of God's providential action, consciously helping Him in "moving all things to their due end,"⁵³ "by being provident both for himself and for others."⁵⁴

But let us see what Aquinas explicitly says about our knowledge of the eternal law.

Knowing the Eternal Law

When Aquinas explicitly explains how all people know the eternal law, he does not focus simply on the human capacity to know the intelligible aspects of nature (the natural inclinations and movements of all things towards their ends); neither does he refer to revealed truths and to that part of eternal law regarding the divine law (old and new). Rather, anyone acquainted with Aquinas's metaphysics immediately recognizes in his statements the epistemological *a posteriori* structure of the (philosophical) ways to know God. In this respect, knowing the eternal law and knowing God are two sides of the same coin.

Aquinas says literally that eternal law is known "in its effects, wherein some likeness of that thing is found," because "no one can know the eternal law, as it is in itself, except the blessed who see God in His Essence. But every rational creature knows it in its reflection, greater or less. For every knowledge of truth is a kind of reflection and participation of the eternal law." Furthermore, Aquinas does not deny the objection that because the eternal law is something divine we cannot know it, but he says: "We cannot know the things that are of God [*ea quae sunt Dei*], as they are in themselves; but they are made known to us in their effects, according to Rom. 1.20: *The invisible things of God . . . are clearly seen, being understood by the things that are made.*" And finally: "Although each one knows the eternal law

⁵³ ST I-II, q. 93, a. 1.

⁵⁴ ST I-II, q. 91, a. 2.

according to his own capacity, in the way explained above, yet none can comprehend it: for it cannot be made perfectly known by its effects.”⁵⁵

“The notion of the eternal law that somehow man has” (*notionem legis aeternae aliquo modo [rationalis natura] habet*)⁵⁶ is properly speaking a humanly limited—and possibly very confused—notion of God (that is, of *ea quae sunt Dei*). It is not just “the knowledge of an intelligible natural order,” but rather “the knowledge of the intelligible natural order *as related* (two-subject-relation) to the creative will of God (the Supreme Legislator).” This is the proper *natural knowledge* of the eternal law that we possess. In this regard, we should recall that Aquinas’s philosophical proof for the existence of Providence (which is another name for *lex aeterna*) is nothing but the fifth way to prove the existence of God.⁵⁷ That means that through the fifth way we do not obtain simply the knowledge of God’s existence but, more precisely, the knowledge of the existence of God as the Supreme Lawgiver “directing all actions and movements.”⁵⁸

In other words, Aquinas’s concept of eternal law should be read in the light of the entire philosophical tradition that, (a) beginning from the first pre-Socratic insights on natural teleology caused by an ordering love-Intelligence (insights interpreted by Aristotle as the discovery of the principle of movement and the final cause),⁵⁹ (b) appeared already as a strong doctrine on divine providence in Socrates and Plato, (c) and became an

⁵⁵ ST I-II, q. 93, a. 2.

⁵⁶ ST I-II, q. 93, a. 6.

⁵⁷ Cf., for example, Thomas Aquinas, *Summa contra Gentiles* III, cap. 64. “Moreover, that natural bodies are moved and made to operate for an end, even though they do not know their end, was proved by the fact that what happens to them is always, or often, for the best; and, if their workings resulted from art, they would not be done differently. But it is impossible for things that do not know their end to work for that end, and to reach that end in an orderly way, unless they are moved by someone possessing knowledge of the end, as in the case of the arrow directed to the target by the archer. So, the whole working of nature must be ordered by some sort of knowledge. And this, in fact, must lead back to God, either mediately or immediately, since every lower art and type of knowledge must get its principles from a higher one, as we also see in the speculative and operative sciences. Therefore, God governs the world by His providence. Furthermore, things that are different in their natures do not come together into one order unless they are gathered into a unit by one ordering agent. But in the whole of reality things are distinct and possessed of contrary natures; yet all come together in one order, and while some things make use of the actions of others, some are helped or commanded by others. Therefore, there must be one orderer and governor of the whole of things.”

⁵⁸ For a deeper discussion of the structure of the five ways and the nature of our knowledge of God involved in them, see my *God and the Natural Law*.

⁵⁹ See *Metaphysics* I, 1, 984b15ff.

explicit and developed universal-divine-law-view with the Stoics. Christian thought gave to the Greek final-cause-ordering-Intelligence the further connotation of an efficient/creative-cause. And (d) after the early reflections by authors like Theophilus of Antioch, Minucius Felix, Origen, and the Cappadocians, (e) and the clear notion of eternal law in Augustine, (f) the scholastic tradition could deliver to Aquinas all the needed philosophical material for his famous synthesis.

Material Object and Formal Object of Natural Law

Having clarified the sense in which the *participatio legis aeternae in rationali creatura* happens *per modum cognitionis*, we can now say, broadly speaking, that the *material object* of natural law is the knowledge of the *ordo creationis* (ourselves and the other human beings included) that we are able to achieve by our natural reason; while the *formal object* is the normative character under which that same natural order comes into our knowledge.

In other words, in the term “natural law,” “natural” means not only human nature but everything we can know about the natural order. In this respect, the natural law and the eternal law (in its philosophical meaning, which does not include the divine, old and new, laws) are the same thing.

On the other hand, the term “law” means the normativity of nature, which cannot depend for us merely on the natural inclinations of things (men included), for these inclinations bind intrinsically and necessarily everything except an *external* rational observer. The fact that the observer understands the need for iron to attract the magnet, or the need for lions to go after their prey, or the need for mothers to nurture their children, does not imply for him any ethical urge. Nature’s normativity needs something else; it depends on the understanding of what is behind the inclinations: that is, it depends on the intelligible connection between the existing inclinations and the will of God (that is, the *ratio legis*), who wanted them.

When we mention the will of God, we do not slide into a sort of voluntaristic view of natural law theory. In this regard, it is certainly useful to recall that in Aquinas’s (Aristotelian) metaphysics the notion of “good” does not add anything to the notion of “being” except that there is a relation with a will wanting it, just as the notion of “truth” adds to that of “being” only a relation with an intellect knowing it. Absolutely speaking, something is true or good not “in itself” but only “for someone,” man or God. And when man realizes that there is a good (and a beauty) in him and around him that is *independent of, and more important than, himself*, he is knowing at the same time (with more or less awareness) the will of God. That is why to the “good man” *everything* belonging to nature appears important in an absolute (transcendental)

sense—and not merely because of his desire⁶⁰—and should somehow be respected according to the meaning it intrinsically has.

In short: the term “natural law” indicates our knowledge of the natural order (material object) as created/willed by God (formal object), where the formal object is what makes the natural order absolutely important before our conscience.

Dilectio Naturalis of the Human Will

Actually, it should be clear that what has been said so far is not yet enough. For we still do not have the principle of effectiveness—or of perfect autonomy—for the will of God “as known by human beings.” All things considered, we are still *external observers* of the will of God.

That is to say, let us grant (a) that we are able to know by our natural reason the intelligible order of nature, the existence of God (even if in a very limited sense of a confused perception of a transcendental meaning of things) and the order of nature as created by God, and that that is exactly why God wanted the existence of man as a free being, to be able to know and love Him. But (b) why should all this knowledge make the natural order absolutely *important* for us? Why should all this knowledge as such be *important* for us?

The only epistemologically sound answer is that God imprinted in us, as the most basic inclination of our nature, the inclination to love him before and more than ourselves. The immanent and original work of this inclination would make the natural order morally important for us in the exact moment of knowing it as created. This basic inclination would be the principle of perfect autonomy of natural law “as such” (that is, “as the natural order known by human beings as related, in a legal two-subjects-relation, with the effective/creative will of God”), and it would be also the deepest ground of our moral conscience. But let us see what Aquinas says in this regard.

Speaking in *ST I–II*, question 60, of the *amor seu dilectio naturalis* of the angels,⁶¹ he first states that “natural love is nothing else than the inclination implanted in nature by its Author,” so “it is common to every nature

⁶⁰ When I say “absolute sense” I mean “with respect to the will of God,” and not, of course, “with respect to the other things.” With respect to the will of God, every creature is important in an absolute sense, but it is also more or less important with regard to the place it occupies in the hierarchical order of all things, and with respect to the final end.

⁶¹ It goes without saying that, since we cannot have a direct experience of the angelic nature, our philosophical understanding of it depends on the analogy between angelic nature, on the one hand, and human rational nature, on the other. As such, it presupposes an in-depth study of both human intellect and human will.

to have some inclination; and this is its natural appetite or love. This inclination is found to exist differently in different natures; but in each according to its mode. Consequently, in the intellectual nature there is to be found a natural inclination coming from the will; in the sensitive nature, according to the sensitive appetite; but in a nature devoid of knowledge, only according to the tendency of the nature to something.”⁶²

Without *dilectio naturalis* nothing could move. And, as regards man, without the inclination of his will towards his final end (happiness, *beatitudo*), he could not move, because “all other desires are caused by this natural desire [*ex hac naturali voluntate causantur omnes aliae voluntates*]; since whatever a man wills he wills on account of the end.” From here comes the difference between *dilectio naturalis* and *dilectio electiva*: in fact, “the love of that good, which a man naturally wills as an end, is his natural love; but the love which comes of this, which is of something loved for the end’s sake, is the love of choice.”⁶³

Angels and men love themselves with both *dilectio naturalis* and *dilectio electiva*. This is coherent because “a thing may be loved in two ways”: as a “subsisting good” and as an “accidental good.” In other words, a subject may be inclined simply to “procure what is good for itself” (*dilectio naturalis*), and this inclination belongs both to irrational and rational creatures: “hence angel and man naturally love self, in so far as by natural appetite each desires what is good for self.” But angel and man may wish something *per electionem*, as a means for their good. In this case, they wish the means “unto another [*alteri*],” and they love themselves with *dilectio electiva*. Aquinas gives a clear example: when we wish knowledge (*scientia*), we do not love it in itself (*ut ipsa sit bona*) “but that it may be possessed [*ut habeatur*]. This kind of love has been called by the name of *concupiscence*.”⁶⁴

At precisely this point, after having explained that angels (and men as well) love “another with natural love as he loves himself [*sicut seipsum*],”⁶⁵ Aquinas comes to the last and most important article of *quaestio* 60: “Whether an Angel by Natural Love Loves God More Than He Loves Himself [*utrum angelus naturali dilectione diligat Deum plus quam seipsum*].”⁶⁶ Here his idea on human nature is extremely clear and sharp:

From natural love angel and man alike love God before themselves and with a greater love. Otherwise, if either of them loved self more than God, it would follow that natural love would be perverse, and that it

⁶² ST I, q. 60, a. 1.

⁶³ ST I, q. 60, a. 2.

⁶⁴ ST I, q. 60, a. 3.

⁶⁵ ST I, q. 60, a. 4.

⁶⁶ ST I, q. 60, a. 5.

would not be perfected but destroyed by charity [*naturali dilectione etiam angelus et homo plus et principalius diligit Deum quam seipsum. Alioquin si naturaliter plus seipsum diligeret quam Deum, sequeretur quod naturalis dilectio esse perversa, et quod non perficeretur per charitatem, sed destrueretur*].⁶⁷

The last words of this quotation show unequivocally how much Aquinas was aware of the implications of his philosophical view on *dilectio naturalis*. Men's inclination to "love God before themselves and with a greater love" is a necessary natural ground for the action of grace. It is, strictly speaking, a preamble of the faith (*preambulum fidei*). If man did not already love God in such a way, human nature "would be perverse . . . and it would not be perfected but destroyed by charity." In other words, we cannot have, under this respect, a *natural final end* different from the *supernatural* one to love God.

The fifth article of the same question is full of important specifications.⁶⁸ For instance, (1) that loving God more than oneself is not exclusive to the supernatural love of charity (see obj. 4); or (2) that, as a natural inclination, the *dilectio naturalis* operates necessarily, that is, it remains, although in a perverse way, even in the sinner (obj. 5). But what matters most to us now is how Aquinas stresses that his specific answer to the question is intended to deny that our love for God is related to our love of concupiscence. In particular, he wants to attack both: (a) the view that, yes, we naturally love God more than ourselves, but only as an aspect of our love of concupiscence (see the main *reply*); and (b) the view that, exactly because of the love of concupiscence, we do not love God more than ourselves (see, obj. 2). Again, his words are quite clear and unquestionable.

I answer that, There have been some who maintained that an angel loves God more than himself with natural love, both as to the love of concupiscence, through his seeking the Divine good for himself rather than his own good; and, in a fashion, as to the love of friendship, in so far as he naturally desires a greater good to God than to himself; because he naturally wishes God to be God, while as for himself, he wills to have his own nature. But absolutely speaking [*simpliciter loquendo*], out of natural love he loves himself more than he does God, because he naturally loves himself before God, and with a greater intensity. The falsity of such an opinion stands in evidence. . . .⁶⁹

It is important to note that what makes Aquinas certain of his own answer is exactly his knowledge of the precepts of the natural law as God

⁶⁷ ST I, q. 60, a. 5.

⁶⁸ I briefly recall here only some main points, but I offered a more detailed comment on all of *quaestio* 60 in my *God and the Natural Law*.

⁶⁹ ST I, q. 60, a. 5.

revealed them. So, the only *sed contra* he stated against the several objections that the angel “does not love God by natural love more than he loves himself” reads:

On the contrary, All the moral precepts of the law come of the law of nature. But the precept of loving God more than self is a moral precept of the law. Therefore, it is of the law of nature. Consequently from natural love the angel loves God more than himself.⁷⁰

This *sed contra* testifies vividly to how much Aquinas, talking about the angels, was thinking both of men and of his account of natural law. But let us come back to the second objection regarding the love of concupiscence:

Objection 2. That on account of which a thing is such, is yet more so. But every one loves another with natural love for his own sake: because one thing loves another as good for itself. Therefore the angel does not love God more than self with natural love.

Reply Objection 2. When it is said that God is loved by an angel *in so far* as He is good to the angel, if the expression *in so far* [*inquantum*] denotes an end, then it is false; for he does not naturally love God for his own good [*propter bonum suum*], but for God’s sake [*propter ipsum Deum*]. If it denotes the nature of love on the lover’s part [*rationem amoris ex parte amantis*], then it is true; for it would not be in the nature of anyone to love God, except from this—that everything is dependent on that good which is God.

What does it mean that we do not love God with love of concupiscence? It simply means that our human nature has a paradoxical structure: exactly the same one characterizing Christian ethics on the supernatural level of grace.⁷¹ Namely, it means that, since our deepest inclination is “to love God before ourselves and with a greater love,” we cannot fulfill our nature, we cannot reach our happiness (or *beatitudo*) if we intentionally pursue just our happiness (Mt 10:39).

Here Aquinas’s ethics goes together with Augustine’s two loves grounding the two cities: “Two cities have been formed by two loves: the earthly by the love of self, even to the contempt of God; the heavenly by the love of God, even to the contempt of self.”⁷² But it is also perfectly in accord with the classical Aristotelian distinction between *good* (*simpliciter*) and *pleasure* as the two final formalities under which we tend towards the

⁷⁰ ST I, q. 60, a. 5, *sed contra*.

⁷¹ “He who finds his life will lose it, and he who loses his life for my sake, will find it” (Mt 10:39).

⁷² St. Augustine, *The City of God*, ed. and trans. W. J. Oates (New York: Random House, 1948), Bk. 14, ch. 28.

particular end of each action (the good as *useful* is only instrumental). Good and pleasure should go together. When we choose something mainly “because it is good” we also enjoy the pleasure coming from our action, but our intentionality takes us somehow beyond, or over, ourselves. But because of our spiritual nature, we are able to separate good, *simpliciter dictum*, from pleasure, choosing something only “because of the pleasure” we expect (whatever kind of pleasure, even intellectual). This intentionality (“love of concupiscence” in the broadest sense of the term) falls back on ourselves. Both for Aristotle and the Christian tradition, only by choosing the good in itself (*bonum honestum: quia honestum dicitur quod per se desideratur*) can man enjoy the greatest pleasure from his action (*bonum delectabile: that is, quod terminat motum appetitus ut quies in re desiderata*),⁷³ because pleasure comes from the fulfillment of nature.

Inclination to God and Moral Experience

But is it not odd, or queer, to talk about such a natural inclination, an inclination to God working necessarily in the practical reasoning of all men and women? Or is it not rather the opposite view that should appear odd and queer, at least to common sense?

Sometimes, before people who do not believe in God but fight strongly—with a sort of *firm* belief and *absolute* certainty (even with unselfishness)—for certain ethical views, we should *rationaly* wonder why they do so. If there is not anything higher, anything beyond the horizontal level of this existence, why so much stress, worry, and anxiety? And from where does that firm certainty come? Actually, most of the time the evidently unsound arguments of many moral philosophers cannot justify their ethical convictions. Of course, there is something more than *reason* in them, and in the current “atheist ethical debate” as well. (Too often, in the philosophical debate, the only difference between atheists and believers is that the former do not explicitly try to justify their faith.) Besides, we could get the same feeling of *rational exaggeration* when facing other people who give to limited goods (say, job, sport, food, order, etc.) something approaching an *absolute* value as if the importance of those kinds of goods transcended somehow their effective contingent and relative reality.

The natural inclination “to love God before ourselves and with a greater love” means that human moral life cannot work without an *absolute* point of view, one transcending all the contingencies and limitations of this world. It means that man’s authentic moral reasoning cannot work without *relativizing* himself in view of some higher value, that man

⁷³ See *ST* I, q. 5, a. 6.

needs some *absolute* moral truths, that he needs to *believe* in something and is almost always ready (knowingly or not) to sacrifice his *reason* for what he previously chose as his own *absolute* values. Again, it means that man cannot live without aspiring to *eternal life* and to an *infinite* good, without hoping that his life be *absolutely* important for Someone—beyond the transitoriness of human things, and without thinking that his good and bad actions will be a source of merit or condemnation after this brief life.

In other words, the natural inclination to God means that behind the moral life there is a notion of something absolute and transcendental, a higher goodness, importance, and truth. A notion—we should say according to the common ending of Aquinas's five ways to know God—of what "everyone calls God." In this regard, it is worthwhile to recall that, for Aquinas, every man possesses (necessarily) a certain notion of God that grounds the (necessary) inclination to God. That is why, when he criticizes the so-called (after Kant) ontological argument, he does not deny that the idea of God is already working in every human mind. He only claims that such an idea is not enough to assert clearly (*simpliciter*) the existence of God. He says explicitly: "To know that God exists in a general and confused way is implanted in us by nature [*est nobis naturaliter insertum*], inasmuch as God is man's beatitude. For man naturally desires happiness, and what is naturally desired by man must be naturally known to him. This, however, is not to know absolutely that God exists; just as to know that someone is approaching is not the same as to know that Peter is approaching, even though it is Peter who is approaching; for many there are who imagine that man's perfect good, which is happiness, consists in riches, and others in pleasures, and others in something else."⁷⁴

In the Christian tradition of ethical thought the alternative to God is not atheism but idolatry. That is, since man cannot do without his basic natural notion and inclination to God (his natural *capacity for God*), if he refuses God, the result will be to attribute to some relative end the absolute and infinitive characteristics belonging, *rationality*, only to the notion of God.

In this respect (that is, the working of the inclination to God in the concrete moral life of all men), a very important part of a sound natural law theory is precisely to deepen the inclination to God *in re* (that is, phenomenologically) in order to show the deepest feature of moral experience as (a) an experience of the transcendent (that is, of the transcendental basis of the moral good), and (b) an experience of the paradox of finding oneself (fulfilling one's nature) through the total, absolute, forgetfulness of oneself. Very often even the easiest arguments grounded on our

⁷⁴ *ST* I, q. 2, a. 1; also, *ScG* I, cap. 10–11.

knowledge of nature (for example, that there is no difference between killing the unborn and the born babies) are “accepted” by people in difficult situations only when they focus on the idea that “God exists.” This is coherent because that idea is finally what makes their moral choices absolutely “important” to human beings. And this is also why the reality of death is *naturally* so important for moral conversions.

As an example of this kind of understanding of the moral experience, it is surely suggesting what Spaemann says speaking of moral duty, that is: “Every ‘ought’ has to be linked to a want of some kind, otherwise we would have no reason to act on it.”⁷⁵ Duty is not blind. The right question about moral duty concerns what we really want beyond all the relative goods we like. It concerns the final end of human life. Moral duty reveals the deepest inclination of our rational nature. But we must go further. The real voice of moral conscience requires self-sacrifice. It says: whether you like it or not—no matter how much you might suffer—this action is good, that action is bad. This aspect of moral conscience, in which man relativizes himself, needs epistemologically a transcendental ground. That is, it needs a final (moral) end more important than the rational agent itself. In this sense, we might say that the absolute imperative of conscience reveals the inclination to God. Even our own lives become absolutely important to us only when we look at God, because, notwithstanding all the pains or sorrows we might suffer, God wants us to live. The last (and more beautiful and persuasive) natural law answer to suicide remains that God loves us eternally, and he is the final reason of our actions.

By loving God before and more than himself, man finds the *absolute* reason to love himself and others. God loves man in a special way. In this sense, from the viewpoint of the inclination to God, there is no axiological difference between oneself and others. Maybe that is why the second commandment is like the first: “You shall love your neighbor as yourself” (Mt 22:36), where *as* seems to mean “no more and no less.”⁷⁶

Conclusion: Main Theoretical Presuppositions of Classical Natural Law Theory

As we mentioned in the beginning, “natural law” is a sort of synthetic term for an overall philosophical view according to which the deepest

⁷⁵ See, R. Spaemann, *Basic Moral Concepts*, 14.

⁷⁶ It goes without saying that the inclination to God—besides giving the absolute moral character to all the moral precepts of natural law—implies *specific precepts* as well; exactly all those precepts implicitly involved in the first, and hierarchically more important, three commandments of the law given by God (the commandment of the first tablet).

meaning of human life does not lie on this earth, and according to which the experience of moral good (the moral experience) is somehow a transcendent experience: that is, the experience of transcending self-love for the sake of “what we human beings call God,” the experience of a total and absolute self-giving. Again, it is an ethical view in which the work of moral conscience is already a religious experience requiring some notion of, and the inclination to, God.

According to natural law philosophy, the order, meaning, beauty, and bounty of the world reveal God to man. And man feels that his destiny and final good lie somehow beyond this world in God, and that this world is precisely the path to reach it. The world appears to man, at the same time, as an image of God, and as a gift and a commitment, as something sacred that man has to administer.

Authentic moral experience, therefore, implies the idea of belonging, not to oneself, but to a higher order. It is the experience of profound inner peace of him who is not looking for his own will. A sound understanding of natural law theory sheds light on the strong and deep connection there is in Christian ethics between the terms “law,” “will,” “love” and “obedience.” Both in the supernatural and the natural order *obedience* is the truth of the human moral life. To the good man, who opens his eyes to creation and his ears to his conscience, moral experience is exactly the *experience of the obedience of love to the will of God*. Even the most noble and rich human realities, like, for example, family, children, and marriage, reach their full natural and sacred meaning only in the religious man who looks at them as to the main part of his *mission* in this world.

In conclusion, if we had to sketch the main theoretical presuppositions of classical natural law theory, we should say that they are:

1. that man’s unaided reason is able to spontaneously grasp, through the sensible reality offered by the senses—even if sometimes “in a general and confused way”—a certain notion of God;
2. that man’s will is naturally inclined more to God than to itself, or, in other words, that the love for God is the ultimate end of human actions and the *ratio* of natural law;
3. that man is naturally able to know by his reason an intelligible order present in nature (with himself being part of it), with an understanding of the several ends of the things and of the hierarchical order existing between them. (The specific knowledge of the objective natural order regulating the relationships between human beings goes traditionally, not under the label *lex naturalis*, but under that of

ius naturale and pertains, in Aquinas's Aristotelian approach, to the treatise on justice);⁷⁷

4. that man is able to recognize that order as willed by God, that is, as created, therefore conferring on it an absolute (transcendental) value.

This last point (4), of course, is just the other side of the first one. For the aspect of sensible reality which refers the human mind to God is nothing else than its being "created": that is, the fact that it does not have in itself the reason of its own existence. N V

⁷⁷ See *ST* II-II, q. 57ff. Unfortunately, the English terms "natural law" and "natural rights" do not translate well the Latin distinction between *lex naturalis* and *ius naturale*. See my "Natural Law and Natural Right(s): Conceptual and Terminological Clarifications," in *Natural Law Today*, ed. Christopher Wolfe, forthcoming.