

Question 94. The natural law

1. What is the natural law?
2. What are the precepts of the natural law?
3. Are all acts of virtue prescribed by the natural law?
4. Is the natural law the same in all?
5. Is it changeable?
6. Can it be abolished from the heart of man?

Article 1. Whether the natural law is a habit?

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

Objection 2. Further, Basil [Damascene, De Fide Orth. iv, 22] says that the conscience or "synderesis" is the "law of our mind"; which can only apply to the natural law. But the "synderesis" is a habit, as was shown in the I, 79, 12. Therefore the natural law is a habit.

Objection 3. Further, the natural law abides in man always, as will be shown further on (6). But man's reason, which the law regards, does not always think about the natural law. Therefore the natural law is not an act, but a habit.

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

I answer that, A thing may be called a habit in two ways. First, properly and essentially: and thus the natural law is not a habit. For it has been stated above (90, 1, ad 2) that the natural law is something appointed by reason, just as a proposition is a work of reason. Now that which a man does is not the same as that whereby he does it: for he makes a becoming speech by the habit of grammar. Since then a habit is that by which we act, a law cannot be a habit properly and essentially.

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

Reply to Objection 1. The Philosopher proposes there to discover the genus of virtue; and since it is evident that virtue is a principle of action, he mentions only those things which are principles of

human acts, viz. powers, habits and passions. But there are other things in the soul besides these three: there are acts; thus "to will" is in the one that wills; again, things known are in the knower; moreover its own natural properties are in the soul, such as immortality and the like.

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

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

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

Article 2. Whether the natural law contains several precepts, or only one?

Objection 1. It would seem that the natural law contains, not several precepts, but one only. For law is a kind of precept, as stated above (Question 92,

Article 2). If therefore there were many precepts of the **natural law**, it would follow that there are also many **natural** laws.

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

Objection 3. Further, **law** is something pertaining to reason, as stated above (Question 90, Article 1). Now reason is but one in **man**. Therefore there is only one precept of the **natural law**.

On the contrary, The precepts of the **natural law** in **man** stand in relation to practical matters, as the first principles to matters of demonstration. But there are several first indemonstrable principles. Therefore there are also several precepts of the **natural law**.

I answer that, As stated above (Question 91, Article 3), the precepts of the **natural law** are to the practical reason, what the first principles of demonstrations are to the speculative reason; because both are self-evident principles. Now a thing is said to be self-evident in two ways: first, in itself; secondly, in relation to us. Any proposition is said to be self-evident in itself, if its predicate is contained

in the notion of the subject: although, to one who **knows** not the definition of the subject, it happens that such a proposition is not self-evident. For instance, this proposition, "Man is a rational being," is, in its very **nature**, self-evident, since who says "**man**," says "a rational being": and yet to one who **knows** not what a man is, this proposition is not self-evident. Hence it is that, as **Boethius** says (De Hebdom.), certain axioms or propositions are universally self-evident to all; and such are those propositions whose terms are **known** to all, as, "Every whole is greater than its part," and, "Things equal to one and the same are equal to one another." But some propositions are self-evident only to the wise, who understand the meaning of the terms of such propositions: thus to one who understands that an **angel** is not a body, it is self-evident that an **angel** is not circumscriptively in a place: but this is not evident to the unlearned, for they cannot grasp it.

Now a certain order is to be found in those things that are apprehended universally. For that which, before aught else, falls under apprehension, is "being," the notion of which is included in all things whatsoever a man apprehends. Wherefore the first indemonstrable principle is that "the same thing cannot be affirmed and denied at the same time," which is based on the notion of "being" and "not-being": and on this principle all others are based, as is stated in Metaph. iv, text. 9. Now as "being" is the first thing that falls under the apprehension simply, so "**good**" is the first thing that falls under the

apprehension of the practical reason, which is directed to action: since every agent acts for an end under the aspect of **good**. Consequently the first principle of practical reason is one founded on the notion of **good**, viz. that "**good** is that which all things seek after." Hence this is the first precept of **law**, that "**good** is to be done and pursued, and **evil** is to be avoided." All other precepts of the **natural law** are based upon this: so that whatever the practical reason **naturally** apprehends as **man's good** (or **evil**) belongs to the precepts of the **natural law** as something to be done or avoided.

Since, however, **good** has the **nature** of an end, and **evil**, the **nature** of a contrary, hence it is that all those things to which **man** has a **natural** inclination, are **naturally** apprehended by reason as being **good**, and consequently as objects of pursuit, and their contraries as **evil**, and objects of avoidance. Wherefore according to the order of **natural** inclinations, is the order of the precepts of the **natural law**. Because in **man** there is first of all an inclination to **good** in accordance with the **nature** which he has in common with all **substances**: inasmuch as every **substance** seeks the preservation of its own being, according to its **nature**: and by reason of this inclination, whatever is a means of preserving **human** life, and of warding off its obstacles, belongs to the **natural law**. Secondly, there is in **man** an inclination to things that pertain to him more specially, according to that **nature** which he has in common with other animals: and in virtue of this inclination, those things are said to belong to

the **natural law**, "which **nature** has taught to all animals" [Pandect. Just. I, tit. i], such as sexual intercourse, education of offspring and so forth. Thirdly, there is in **man** an inclination to **good**, according to the **nature** of his **reason**, which **nature** is proper to him: thus **man** has a **natural** inclination to **know** the **truth** about **God**, and to live in society: and in this respect, whatever pertains to this inclination belongs to the **natural law**; for instance, to shun **ignorance**, to avoid offending those among whom one has to live, and other such things regarding the above inclination.

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

Reply to Objection 2. All the inclinations of any parts whatsoever of **human nature**, e.g. of the **concupiscible** and irascible parts, in so far as they are ruled by reason, belong to the **natural law**, and are reduced to one first precept, as stated above: so that the precepts of the **natural law** are many in themselves, but are based on one common foundation.

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

Article 3. Whether all acts of virtue are prescribed by the

natural law?

Objection 1. It would seem that not all acts of **virtue** are prescribed by the **natural law**. Because, as stated above (Question 90, Article 2) it is **essential** to a **law** that it be ordained to the common **good**. But some acts of **virtue** are ordained to the private **good** of the **individual**, as is evident especially in regards to acts of **temperance**. Therefore not all acts of **virtue** are the subject of **natural law**.

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

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

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

I answer that, We may speak of **virtuous** acts in two ways: first, under the aspect of **virtuous**; secondly, as such and such acts considered in their proper **species**. If then we speak of acts of **virtue**, considered as **virtuous**, thus all **virtuous** acts belong to the **natural law**. For it has been stated (2) that to

the **natural law** belongs everything to which a man is inclined according to his **nature**. Now each thing is inclined **naturally** to an operation that is suitable to it according to its **form**: thus fire is inclined to give heat. Wherefore, since the rational **soul** is the proper form of **man**, there is in every **man** a **natural** inclination to act according to reason: and this is to act according to **virtue**. Consequently, considered thus, all acts of **virtue** are prescribed by the **natural law**: since each one's reason **naturally** dictates to him to act virtuously. But if we speak of **virtuous** acts, considered in themselves, i.e. in their proper **species**, thus not all **virtuous** acts are prescribed by the **natural law**: for many things are done virtuously, to which **nature** does not incline at first; but which, through the inquiry of **reason**, have been found by **men** to be conducive to well-living.

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

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

received the special name of the unnatural crime.

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

Article 4. Whether the natural law is the same in all men?

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

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

Objection 3. Further, as stated above (2,3), to the [natural law](#) belongs everything to which a man is inclined according to his [nature](#). Now different men are [naturally](#) inclined to different things; some to the desire of pleasures, others to the desire of honors, and other men to other things. Therefore there is not

one natural law for all.

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

I answer that, As stated above (2,3), to the natural law belongs those things to which a man is inclined naturally: and among these it is proper to man to be inclined to act according to reason. Now the process of reason is from the common to the proper, as stated in Phys. i. The speculative reason, however, is differently situated in this matter, from the practical reason. For, since the speculative reason is busied chiefly with the necessary things, which cannot be otherwise than they are, its proper conclusions, like the universal principles, contain the truth without fail. The practical reason, on the other hand, is busied with contingent matters, about which human actions are concerned: and consequently, although there is necessity in the general principles, the more we descend to matters of detail, the more frequently we encounter defects. Accordingly then in speculative matters truth is the same in all men, both as to principles and as to conclusions: although the truth is not known to all as regards the conclusions, but only as regards the principles which are called common notions. But in matters of action, truth or practical rectitude is not the same for all, as to matters of detail, but only as to the general principles: and where there is the same rectitude in matters of detail, it is not equally known to all.

It is therefore evident that, as regards the general

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

Consequently we must say that the **natural law**, as to general principles, is the same for all, both as to rectitude and as to **knowledge**. But as to certain matters of detail, which are conclusions, as it were, of those general principles, it is the same for all in the majority of cases, both as to rectitude and as to

knowledge; and yet in some few cases it may fail, both as to rectitude, by reason of certain obstacles (just as natures subject to generation and corruption fail in some few cases on account of some obstacle), and as to knowledge, since in some the reason is perverted by passion, or evil habit, or an evil disposition of nature; thus formerly, theft, although it is expressly contrary to the natural law, was not considered wrong among the Germans, as Julius Caesar relates (De Bello Gall. vi).

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

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

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

inclinations should be directed according to [reason](#).

Article 5. Whether the natural law can be changed?

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

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

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

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

but remains unchangeable."

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

Secondly, a change in the [natural law](#) may be understood by way of subtraction, so that what previously was according to the [natural law](#), ceases to be so. In this sense, the [natural law](#) is altogether unchangeable in its first principles: but in its secondary principles, which, as we have said (4), are certain detailed proximate conclusions drawn from the first principles, the [natural law](#) is not changed so that what it prescribes be not right in most cases. But it may be changed in some particular cases of rare occurrence, through some special [causes](#) hindering the observance of such precepts, as stated above ([Article 4](#)).

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

Reply to Objection 2. All men alike, both guilty and innocent, die the death of [nature](#): which death of [nature](#) is inflicted by the power of [God](#) on account of

original sin, according to 1 Samuel 2:6: "The Lord killeth and maketh alive." Consequently, by the command of God, death can be inflicted on any man, guilty or innocent, without any injustice whatever. In like manner adultery is intercourse with another's wife; who is allotted to him by the law emanating from God. Consequently intercourse with any woman, by the command of God, is neither adultery nor fornication. The same applies to theft, which is the taking of another's property. For whatever is taken by the command of God, to Whom all things belong, is not taken against the will of its owner, whereas it is in this that theft consists. Nor is it only in human things, that whatever is commanded by God is right; but also in natural things, whatever is done by God, is, in some way, natural, as stated in the I, 105, 6, ad 1.

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

Article 6. Whether the law of nature can be abolished from the heart of man?

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

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

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

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

I answer that, As stated above (4,5), there belong to the **natural law**, first, certain most general

precepts, that are **known** to all; and secondly, certain secondary and more detailed precepts, which are, as it were, conclusions following closely from first principles. As to those general principles, the **natural law**, in the **abstract**, can nowise be blotted out from men's hearts. But it is blotted out in the case of a particular action, in so far as reason is hindered from applying the general principle to a particular point of practice, on account of **concupiscence** or some other passion, as stated above (Question 77, Article 2). But as to the other, i.e. the secondary precepts, the **natural law** can be blotted out from the **human** heart, either by **evil** persuasions, just as in speculative matters **errors** occur in respect of **necessary** conclusions; or by **vicious** customs and corrupt **habits**, as among some men, **theft**, and even unnatural **vices**, as the **Apostle** states (**Romans 1**), were not esteemed **sinful**.

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

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

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