

## ST. THOMAS, OUR NATURAL LIGHTS, AND THE MORAL ORDER

Lawrence Dewan, O.P., Collège dominicain de philosophie et de théologie (Ottawa)

The study of the thought of St. Thomas Aquinas draws one into considerations of the distinction and co-existence of reason and revelation, as well as of the divisions, paedagogical sequence and co-existence of the sciences. St. Thomas, in the *Summa theologiae*, insists from the start on the unity of his theological undertaking, while affirming the inclusion of all the philosophical or scientific endeavours, theoretical and practical, within this unity.<sup>(1)</sup> The recent work of John Finnis, Natural Law and Natural Rights, calls attention to such issues by the very nature of its project.<sup>(2)</sup> Finnis wishes to present a genuinely ethical discourse, as distinct from a metaphysical reflection on human action and human sciences, and he wishes to do so by making considerable use of the ethical discourse contained in the writings of Thomas Aquinas. This obliges him to say what he takes to be essential to the

- 
- (1) St. Thomas Aquinas, Summa theologiae 1.1.3. ad 2, and a. 4. This work henceforth will be identified as «ST».
  - (2) John Finnis, Natural Law and Natural Rights, Oxford, 1980: Clarendon Press (henceforth «NL»). Cf. also more recently his Fundamentals of Ethics. Washington, D.C., 1983: Georgetown University Press.

ethical discourse of St. Thomas and what he takes to be «speculative appendage added by way of metaphysical reflection» to such ethical discourse.<sup>(3)</sup> Such judgments obviously comport risks, and in the present paper I wish to underline some features of St. Thomas' doctrine of natural law which I am worried may be obscured in the Finnis presentation.

Finnis, criticizing D. J. O'Connor, rightly says: «Nor is it true that for Aquinas 'good and evil are concepts analysed and fixed in metaphysics before they are applied in morals'». <sup>(4)</sup> However, our knowledge of natural law,<sup>(5)</sup> and our knowledge of the first principles of speculative reason as well,<sup>(6)</sup> is prior not only to

- 
- (1) NL, p. 36. Flonis' assertion that the core of ~he book *Is Its* second part (p. v) *Is* meant very systematically.
- (4) NL, p. 33.
- (5) My discussion in this paper limits the term «natural law» for the most part to such precepts as are discussed in ST 1-2.94.2, which are self-evident to all, and equally well known to all: cf. 1-2.94.4 (Ottawa ed.1227b31-34); cf. also ST 1-2.100.11 (1272b15-29). - Whenever they can be of service, we will indicate the page, column and line indications of the edition of the ST published at Ottawa, 1941: Collège dominicain.
- (6) While generally St. Thomas treats these two distinctly, cf. e.g. ST 1.79.12, at 1-2.58. (1015a44-b1) he treats «intellectus» as one intellectual virtue common to the speculative and the practical. Nevertheless, at 2-2.47.15 (1676b47-51) he tells us that the universal principles of prudence are more connatural to man

Renvoi (suite)

metaphysics but also to ethics. And prior even to our knowledge of those first principles is our knowledge of their terms. Still, the metaphysician does have it as part of his proper task to reflect on such knowledge, and to judge and defend all the principles.<sup>(7)</sup> That is why so much of what the metaphysician discusses (I am speaking of the metaphysician as conceived by St. Thomas) pertains to what we all know (whether we be scientists, i.e. cultivated persons, or not). What we generally mean by St. Thomas' «doctrine of natural law», is the metaphysical reflection on the nature of our knowledge of the first practical principles, and is the metaphysician's description of our original natural knowing of those principles (I do not mean to exclude the theologian: for example, no presentation of natural law in St. Thomas' writings would be complete without reference to the effects of sin, original and actual, on our natural knowledge of things to be done, as well as on the corresponding natural inclinations).<sup>(8)</sup>

Finnis' aim to present a straight ethical discourse is certainly one which accords with St. Thomas' doctrine of modes of knowing and sequence of acquired cultural perfections. One is supposed to study ethics

---

Renvol (suite)

than the theoretical principles. Hence it is no wonder, we might add, that man has often given the primacy to the good rather than to being, in his vision of reality.

(7) ST 1-2.66.5. ad 4.

(8) ST 1-2.84.1-4 and 109.3.

before metaphysics.<sup>(9)</sup> However, such a strictly ethical ethics supposes that one gets one's starting-points by some grasp of a less probing sort than the sapiential.<sup>(10)</sup> This is satisfactory as long as agreement among the discussants prevails. A problem arises, however, when as today challenges to ethical starting-points have saturated public discussion. Accordingly, Finnis feels obliged to begin his book with a rejection of certain generally held views about natural law. Does it incorporate affirmation of the existence of a God? Does it infer the «ought» from the «is»? These are surely questions to be fully treated by the

- 
- (9) St. Thomas, Sententia libri Ethicorum 6.7 (in Opera omnia, t. 47, vol. 2, Rome, 1969: Ad Sanctae Sabinae, at lines 178-213). Cf. also Thomas' Super librum De causis Expositio, prologue (ed. H. D. Saffrey, Fribourg/Louvain, 1954: Société philosophique de Fribourg, pp. 1-2). Notice, nevertheless, St. Thomas, In Phys. 1.1 (ed. Maggiolo, #4), where it is said that philosophia prima is put before all other philosophy as determining things common to beings as beings (this as an aid to understanding how the Physics is placed before all the more particular treatises of natural science).
- (10) St. Thomas, In Metaph. 6.1 (ed. Cathala, Turin, 1926: Marletti, #1146). - Finnis, in Fundamentals, p. 5, says ethics can refute certain «meta-ethical, claims, but this sounds to me more like the ethician borrowing from metaphysics. Cf. St. Thomas, In Posteriorum analyticorum 1.21 (ed. R. M. Spiazzi, Turin, 1955: Marietti, no. 177 5): the geometer proves kits own principles according as he takes on the role of the metaphysician: "...sicut geometra probat sua principia secundum quod assumit formam philosophi primi, idest metaphysici."

metaphysician as judge and defender of the principles of particular sciences. Finnis tells us that a natural law ethics does not attempt to derive the «ought» from the «is».<sup>(11)</sup> Now, since the strictly ethical ethics he has in mind starts with indemonstrable «oughts», he can say this with conviction. Still, I would say it contains a measure of misinformation as regards St. Thomas' view of things. The metaphysician, faced with someone who denies the first principles, or even with the task of judging the first principles, does no more than call to our attention the more searching eye already present in us all - merely reaches back more searchingly than does the ethicist to what we all know. And, in that perspective, the first principles stand exposed as an intelligible hierarchy, a sequence of visions each flowing from its intelligible predecessor; and in that vision, «good» derives from «a being», or, if one will, «ought» from «is».

Concerning Finnis' positions, I will here focus on two points: I. his view of the first principles of practical reason as underived; and II. the role of our knowledge of God in natural law. In what follows, I am attempting to express things entirely from the viewpoint of Thomas Aquinas.

---

(11) NL, pp. 33-34.

I. St. Thomas' Derivation of the First Practical Principle

The human being is meant to perfect himself. He is both an agent of his own movement towards perfection and the patient of that movement. Such self-perfective procedure takes place as regards both man's cognitive side and his appetitive side. What we call «sciences» and «wisdom» are achievements which we bring about in the line of cognition, while «moral virtues» are achievements in the line of appetition. In the main, I will be speaking about the cognitive.<sup>(12)</sup>

Cognitive self-cultivation is not supposed to be carried out in just any order. The forms of cognitive perfection are determinate, the subject which they perfect has a definite nature, and so one form, i.e. one type of cognitive achievement, one type of scientific accomplishment, has a natural priority or posteriority (in the order of generation, or coming to be) with respect to another.<sup>(13)</sup> By one type of science, already achieved, the human mind is disposed to be perfected by another type, a more demanding type, of science.<sup>(14)</sup> Thus, St. Thomas has a doctrine of an order of learning vis-à-vis the sciences. One learns ethics before

---

(12) Cf. ST 102.51.2.

(13) ST 1-2.57.2, as well as the texts referred to above, n.9 (including In Phys. 1.1).

(14) Cf. ST 1.44.2 (and its many parallels, especially De substantiis separatis, c. 9) on the gradualness of the human mind's entry into metaphysics .

learning metaphysics, just as one learns mathematics before physics, and physics before ethics.<sup>(15)</sup> Finnis, as we said, was clearly right to reject the proposition that good and evil are concepts analysed and fixed in metaphysics before they are applied in ethics.

However, there is another side to the story. We are perfective of our own selves. We are self-cultivators. This means that there is in us not merely the perfectible soil but also the active principle of cultivation. We are the agents and not merely the patients. Our ability to be agents in this regard lies in the fact that we have in us, naturally given, beginnings of such development. How do these beginnings have the power to constitute us as the originators of science and virtue? It is that they are themselves more noble, of a higher actuality, than the cultivated conditions they produce. It is by our knowledge of the primary propositions that the scientific cultivation of mind is produced. The principles of cognition (both theoretical and practical) and appetite are more noble than the conclusions and moral cultivations.<sup>(16)</sup> This

---

(15) See above, n. 9 - Note, however, that paedagogy often requires early excursions into higher fields: cf. St. Thomas, In Phys. 2.5 (ed. Maggiolo. Rome/Turin, 1954: Marletti, #177), where, speaking of the four causes, St. Thomas points out that the study of causality is proper to the metaphysician.

(16) ST 1-2.51.1. ad 3. For the naturalness of the starting-points, cf. ST 1-2.51.1 and 63.1. For «nobility», and its relation to ontological

doctrine finds its culmination in St. Thomas' explanation of how the virtue of wisdom is supreme among all intellectual virtues. An objector argues that the knowledge of principles is more noble than that of conclusions, and that wisdom, like the other sciences, draws conclusions from the indemonstrable principles; hence, the virtue called «understanding», whereby we know the indemonstrable principles, is more noble than even wisdom. St. Thomas replies that the truth and knowledge of the principles depend on the notions of the terms used in the principles - given the knowledge of 'what a whole is' and 'what a part is', immediately it is known that 'every whole is greater than its own part'; now, to know the notion 'a being' and 'not a being', and 'whole' and 'part', and the others that follow upon 'a being', out of which as out of terms the indemonstrable principles are constituted pertains to wisdom, since 'a being', taken generally or universally or formally, expresses the proper effect of the highest cause, namely God (and knowledge of the highest cause pertains to wisdom). That is why wisdom, unlike the other sciences, does not merely use the indemonstrable principles so as to conclude from them; wisdom also judges concerning the first principles and argues against those who deny them. Thus, Thomas

---

Renvoi (suite)

hierarchy, cf. e.g. Summa contra gentiles 1.70 (ed. Pera/Marc/Caramello, Rome/Turin, 1961: Marietti, #594).

concludes, wisdom is a greater virtue than the «understanding of principles».<sup>(17)</sup>

Here, we see that the nobility of vision, whereby we are self-cultivators, finds its origin in our grasp of the sapiential notions, and that this grasp must be at work right from the start, in its peculiar nobility and active power, so as to be the principle of all human scientific and moral cultivation.

In this way we can see that, while ethics precedes metaphysics, taking both as fully realized cultivations of the mind, nevertheless the knowledge of sapiential seeds<sup>(18)</sup> precedes and is the generative cause of all science and even all «understanding of principles». Now, our knowledge of natural law takes us back to this domain, not of fully developed metaphysics, nor even of ethics, but of the grasp of the original seeds of our intellectual cultivation.

Ethics, of course, uses the primary propositions of natural law in its reasoning to the properly ethical

---

(17) ST 1-2.66.5. obj. 4 and ad 4. Notice (Ibid. ad 1) that wisdom is more noble than the intellectual virtues pertaining more immediately to the moral order, and commands and judges with respect to all. Cf. also 1-2.66.2, esp. ad 3.

(18) For the «seed», vocabulary, cf. ST 1-2.63.1 (1038b30 and 1039a2). For St. Thomas' conception of the seed as instrument of the generating principal cause, cf. ST 1.118.1 (700b21-46). On God as the mover of created intellect, cf. ST 1.105.3. Cf. also 1-2.9.6 and 10.1.

conclusions. However, as a particular science<sup>(19)</sup> it is not the job of ethics to judge about such starting-points, nor to defend its starting-points if someone denies them. Such judgment and defense is the work of the metaphysician (not to mention the Christian wise man).

Thus, the question as to whether the principles of ethics are themselves derived or underived from anything else is not a question for the ethical scientist. He typically takes certain starting-points and, obtaining the sort of agreement ethics requires, he goes to work with them. This is, in general, what Finnis is attempting in the core of his book.<sup>(20)</sup>

---

(19) The science of ethics, though «particular» as compared to metaphysics, remains on the level of the universal, even in its conclusions. It is not sufficient ethically, even for the making of laws for the community. Ethical science does not encompass prudence. Cf. St. Thomas, Sententia libri Ethicorum 6.7. (Leonine ea., lines 90-95). Ethics is «in sola rattone», i.e. it lacks the appetitive element attached to prudence and its associates, and among such associates of prudence is the capacity to make good laws.

(20) Finnis' ethics insists on reasonableness, in so doing imitating Thomas Aquinas (cf. NL p. 36). It is interesting to note that St. Thomas, explaining the difference between his own ethical discourse and that of Aristotle, sees Aristotle as judging evil what is harmful to others, while he himself calls «evil» what is repugnant to rightly ordered reason (ST 1-2.18.9. ad 2.) Later, speaking about the moral part of the divine law, St. Thomas relates what is essentially the same difference to the fact that

In his introductory chapters, Finnis tells us that the first principles of natural law are underived.<sup>(21)</sup> If that simply means «not inferred», well and good: after all, they are described as known immediately one understands the terms. However, syllogistic inference or demonstration is not the only sort of derivation recognized by St. Thomas. Speaking of how human law derives from natural law, he speaks of the derivation of conclusions from principles, on the one hand, and of the derivation of the more determinate from the more common, on the other.<sup>(22)</sup> While in ST 1-2.94.2, as regards natural law itself, the vocabulary of derivation is not used, nevertheless the entire discussion concerns primacy, order, and foundation, as pertaining to our natural apprehension, i.e. to our natural intellectual vision.

Let us consider the notions 'a being' and 'the good'. The human being's possession of these two notions, seemingly as an inseparable pair, is taken by St. Thomas as indicating our being immediately ordered (i.e. not through intermediaries) to the first principle

---

Renvoi (suite)

the divine (i.e. the revealed) law orders us towards community with Gcod, while it is by reason that man is united with God: thus, the divine law instructs us as regards all those things by which the reason of man is well ordered (ST 1-2.100.2).

(21) NL, p. 34.

(22) ST 1-2.95.2.

of the universe.<sup>(23)</sup> Moreover, while St. Thomas never ceases to teach that man must advance from what is more intelligible to us but less intelligible in itself (particular sciences like physics and ethics) to what is more intelligible absolutely (wisdom as knowledge of the first principle of the universe),<sup>(24)</sup> nevertheless he teaches that at the beginning of all our intellectual cultivation we know what is both more knowable in itself and to us, namely the sapiential notions pertaining to 'a being inasmuch as it is a being' (ens in quantum est ens).<sup>(25)</sup>

Can there be any doubt that for St. Thoms the knowledge of the one ('the good') derives from the knowledge of the other ('a being')? St. Thomas teaches, in ST 1-2.9.1, that the practical intellect has its priority with respect to the will, as mover of the will, precisely inasmuch as its (the intellect's) vision of 'the good' flows from its vision of 'a being' and 'the true'. The practical intellect views goodness under the

---

(23) ST 2-2.2.3 (1416a6-17).

(24) ST 1-2.57.2.

(25) St. Thomas, Sententia libri Ethicorum 6.5 (lines 97-106): «...illa quae est sapientia simpliciter est certissima inter omnes scientias, in quantum scilicet attingit ad prima principia entium, quae secundum se sunt notissima, quamvis aliqua eorum, scilicet immaterialia, sint minus nota quoad nos; universalissima autem principia sunt etiam quoad nos magis nota, sicut ea quae pertinent ad ens in quantum est ens, quorum cognitio pertinet ad sapientiam simpliciter dictam, ut patet in IV Metaphysicae.»

aspect of being and truth, sees what goodness is.<sup>(26)</sup> If goodness were not being viewed under the aspect of being, it would not be being «understood» at all.<sup>(27)</sup>

Early in the ST, St. Thomas presents the sequence of the notions:

«...it is according to this that something is prior in intelligibility, namely that it occurs previously to the mind. Now, the mind previously grasps 'a being'; and secondly it grasps 'itself being intellective with respect to a being'; and thirdly it grasps 'itself being appetitive with respect to a being'. Hence, the intelligibility 'a being' comes first, and secondly comes the intelligibility 'the

---

(26) ST 1-2.9.1 (768b12-19); the ad 2 makes it clear that it is of the practical intellect that the article is speaking.

(27) Cf. ST 1.5.2; 1.79.7; 1.79.11. ad 2. Finnis is quite right to insist on the intelligibility of the good and the basic human goods; but intelligibility just is reducibility to 'a being'. Finnis, NL, p. 103, seems to me quite wrong (always speaking from the point of view of St. Thomas) to speak of the basic aspects of human well-being as discernable only to one who thinks about his opportunities, as though he means to refer some special set of people. This error goes hand in hand with his thinking the basic goods correspond to urges and inclinations which can make themselves felt «prior to any intelligent consideration of what is worth pursuing». St. Thomas teaches that natural inclination, in man, presupposes natural knowledge (intelligent consideration): cf. ST 1.60.1. The urges and inclinations which pertain to human action are such inasmuch as they have their root in natural willing and natural understanding: ST 1-2.94.2. ad 2.

true', and thirdly the intelligibility 'the good'...»<sup>(28)</sup>

This is clearly no mere juxtaposition of items, but rather an essentially ordered series. The succeeding notion results naturally from the previous one.<sup>(29)</sup> Notice, first of all, that in the above formulae, 'a being' is always being taken formally, as part of the quidditative content of the notions of truth and goodness. The notion of truth, as containing that of intellectual apprehension, depends on the notion 'a being', taken absolutely. For St. Thomas, knowledge is not a primary object, and intrinsically self-sufficient visible item. It is the act of a passive potency, and only has visibility through the visibility of 'a being', of which it is the apprehension. Knowledge is a secondary object, participating in the per se object, 'a being'.<sup>(30)</sup>

---

(28) ST 1.16.4. ad 2.

(29) For the notion of a «natural result», as pertaining to powers of the soul flowing from the essence of the soul, cf. ST 1.77.6. ad 3; that this applies to the case of our knowledge of being, truth, and goodness can be gathered from ST 1.87.4. ad 3; 1.82.3. ad 2; 1.5.2; and 1.16.4 in corpore.

(30) For the notion of truth, cf. ST 1.16.2. For the secondariness of knowledge, as a universal metaphysical truth (and not merely as a truth applying to human knowledge as human), cf. St. Thomas De unitate intellectus, c. 5 (in Opera omnia, t. 43, Rome, 1976: Editori di San Tormaso, at lines 132-242). For the notion of one (lower

So also, it is no accident that the notion 'the good' is put in third place. It includes the notion of appetite, which itself is unintelligible without reference to cognition. The notion of appetite presupposes the notion of knowledge. It is not necessary to locate a capacity to know in every being to which inclination is attributed, but it is necessary to presuppose intellectual knowing, and indeed knowledge of the notion 'the true', vis-à-vis every inclination as such. As St. Thomas says:

«Those things which do not have cognition do not tend towards a goal, unless they are directed by a knowing and intelligent someone, like an arrow by an archer.»<sup>(31)</sup>

The idea of inclination presupposes, not just any knowledge, but knowledge of knowledge, i.e. knowledge of the proportion between the being of a thing in its own nature and the being of a thing in cognition. This is to say that the idea of inclination presupposes the idea of truth. When we know inclination, what we somehow all know is the idea of «the movement from the being of things in the mind to the being of things in their own

---

Renvoi (suite)

grade) object participating in another (higher grade) object, cf. ST 1-2.17.6. ad 2. For the peculiar level of «passivity» of knowledge, cf. ST 1.79.2; knowledge is not as “passive” as appetite: ST 1-2.22.2.

(31) ST 1.2.3 (14b44-47); cf. 1-2.1.2; 1.59.1.

nature». 'The good' is things in their own being, considered precisely as terminus of that «movement».(32)

Notice that our subject is the sequence of natural notions in the intellect. We are not yet talking about the will itself and the actual exercise of its movement, but about the occurring to the mind of the notion 'the good'. We are assisting at the mind's becoming practical. The intellect presents the will with its, the will's, object, the understood good.<sup>(33)</sup> One might think that when St. Thomas says, in the previously-quoted passage, that the mind grasps 'itself being appetitive with respect to a being', he means that we first have appetite, and then see ourselves having appetite. This is not what he means. The object, the good, the being towards which appetite is envisaged, must be given in cognition prior to our having actual appetite. Appetition is known prior to appetite occurring. Thus, the notion of the good, as including that of appetite, follows from the notions of being and intellectual apprehension. The notion of the act of the will is in the intellect, because the intellect is the

---

(32) ST 1.16.1 (113b41-114a15). My presentation, for the sake of brevity, leaves aside St. Thomas' way of bringing out the intelligible intermediacy of 'the true', as between 'a being' and 'the good'.

(33) Notice that the will «sees» by virtue of the intellect seeing: ST 1-2.17.5. ad 2. But contrast 1-2.93.5. ad 2; inclination is closer innature to cognition than is the local motion of the bodily members. Cf. also ST 1-2.13. 5. ad 1(789a49-b8): on will as intermediate between intellect and external action.

principle, the source, the cause, of the act of the will. The intellect, in conceiving 'the true', already knows itself as terminus of the «movement» from being to the soul; its natural «next thought» is of the «movement» from the soul to being.<sup>(34)</sup>

Finnis says:

«It is true that the natural law theory of, say, Aristotle and Aquinas goes along with a teleological conception of nature... But what needs to be shown by those who wish to object to natural law as an attempt to use nature as a source of

---

(34) On how the intellect knows the act of the will, cf. ST 1.87.4 corp. and ad 3. To the extent that appetite includes in its object “that which is not yet», we clearly have here to do with the intellect as capable of knowing «things which are not», i.e. being as divided by act and potency: cf. ST 1.14.9 (100b3-17). -- On the priority of the act of the intellect, cf. ST 1-2.19.3, esp. ad 2 (823b19-21); 1.82.3. ad 2; 1-2.66.3 (1055b14-18). -- Janice L. Schultz, «Is-Ought: Prescribing and a Present Controversy», The Thcmist 49 (1985), 1-23, argues that the first principle of practical reason is an imperative and so must be preceded by an act of the will (p. 12-15). I do not believe it is conceivable that the first act of the practical intellect be preceded by an act of our will. I would say Janice Schultz underestimates the naturalness of the domain of which she is speaking. The inclinative dimension of the natural law follows causally from the cognitive dimension: cf. ST 1.82.3. ad 2; 1.87.4 ad 3; 1.59.1; 1.60.1. On the two dimensions of natural law, the cognitive and the inclinative, cf. 1-2.93.6 (1223a2-12). On God as the origin of the cognitive, cf. 1.105.3 and 1.82.4. ad 3. Of course, nothing would ever be done if natural willing did not follow (naturally) upon natural practical understanding: cf. 1.19.1.

moral norms is that the conception of human good entertained by these theorists is dependent upon this wider framework. There is much to be said for the view that the order of dependence was precisely the opposite - that the teleological conception of nature was made plausible, indeed conceivable, by analogy with the introspectively luminous, self-evident structure of human well-being, practical reasoning, and human purposive action...»<sup>(35)</sup>

The pathway, as presented by Thomas Aquinas, starts with 'a being' (ens), as found in sensible, natural things;<sup>(36)</sup> becomes, not purely introspective, but comparative of inner and outer (but always by virtue of the universality of 'a being'), when it knows 'the true';<sup>(37)</sup> and continues this comparison in a more particular act of understanding and truth-grasping, when it understands 'the good'. The good is grasped as a particular true item.<sup>(38)</sup> I.e. we grasp 'a being' (with

---

(35) NL, p. 52.

(36) ST 1.87.3. ad 1; cf. 1.84.8 (523a2-5) and ad 1.

(37) 'The true' is known by an act of «composing and dividing» (ST 1.16.2), which is an act of comparison (1.85.5. ad 1). The comparison is of the being of things in the mind with the being of things in their own nature: cf. 1.14.5. ad 1 (98a9-24). All this finds its source in the universality of the notion 'a being' (see above, n. 36). As St. Thomas points out, even an angel only knows itself in the light of a more universal object, viz 'the true' or 'a being': 1.54.2. ad 2.

(38) 1.16.4. ad 1 and 1.82.4. ad 1.

an implicit, inchoate grasp of the proportion of act to potency, and so of finality) first (we could just as well say that we grasp 'a nature' first);<sup>(39)</sup> and then truth (turning towards our minds seen as grasping 'a nature'); and then 'the good', i.e. 'a nature' or 'a being' seen as the terminus of movement from being in the mind to being in things. Thus, it seems to me that Finnis does not go far enough. All our knowledge of the good is the fruit of reflection (natural spontaneous, pre-rational) on our minds, but a fruit which originally arises from our knowledge of 'what it is to be a being', seen in sensible, natural things.<sup>(40)</sup> And this we all know, not as metaphysicians, nor as ethicists, but as human beings.

---

(39) Cf. ST 1-2.10.1 (774a22-26). I do not mean that we grasp teleology first, or that we grasp nature first, where 'nature' means a cause of motion within the thing. That is too comparative an object to be first grasped.

(40) I say our grasp of 'the good' is «pre-rational», in the sense that understanding, i.e. the unqualified grasp of intelligible truth, is prior to reasoning, i.e. the moving from principles to conclusions: cf. ST 1-2.79.8. In that sense, the grasp of the good has a certain simple or absolute character. Still, it is only by participating in the absoluteness and simplicity peculiar to the object of intellect that the object of the will, the good, is intelligible: cf. ST 1.82.3 (503a33-39). Moreover, 'a being' is less comparative, more absolute, than even 'the true': 1.16.2 and 3. ad 3, and 4; 1.5.2. Still, the first and most universal object of intellect, 'a being', as known by the human intellect, is a composite intelligible, originally «indivisible» but subsequently subject

## II. The Role of Our Knowledge of God in Natural Law

Let us come now to our second point, viz how God fits into the doctrine of natural law. Finnis, in his introductory discussion, raises this issue, and points out that while natural law (always as regards its primary principles) is self-evident for St. Thomas, the existence of God is not, but rather requires demonstration.<sup>(41)</sup> When he discusses the matter later, in his metaphysico-theological reflections, Finnis shows confidence that he can demonstrate the existence of an uncaused cause, a being whose essence is identical with its existence, but he is not sure that he can demonstrate that this cause is personal and free.<sup>(42)</sup>

On the other hand, St. Thomas presents natural law as a participation in eternal law (identified with God himself).<sup>(43)</sup> The appropriateness of calling natural law «law» is traced to the situation wherein a higher mind, responsible for the universal common good,<sup>(44)</sup> speaks to subject-minds, capable of intelligently receiving and obeying precepts.<sup>(45)</sup> Indeed, it would

---

Renvoi (suite)

to division and composition: 1.85.8 (534b22-49). On comparison as proper to cognitional vitality, cf. ST 1-2.27.2. ad 2 (862b22-21).

(41) NL, p. 32.

(42) NL, p. 392; Fundamentals, p. 146.

(43) ST 1-2.91.2; 1-2.91.1. ad 3.

(44) ST 1-2.91.1.

(45) ST 1-2.91.2. ad 3.

seem that one must understand the law to be coming from someone else («...no one, properly speaking, imposes a law on his own acts...»),<sup>(46)</sup> and, in the case of natural law, from someone else who is divine.<sup>(47)</sup> Outside such a perspective, one might well ask whether such expressions as «natural law» are not fundamentally misleading.

Thus, in introducing natural law as the rational creature's participation in the eternal law, St. Thomas quotes the Psalm to the effect that the light of natural reason, by which we discern what the good is and what the bad is which pertains to natural law, is an impression on us of the divine light.<sup>(48)</sup> Asking more particularly whether all know the eternal law, he answers that while only God and the blessed know it in itself or directly, every rational creature knows its effect, in which its likeness is present, and in that way knows it. All knowledge of truth is such an effect, and all know truth to some extent, at the very least as regards the general principles of natural law.<sup>(49)</sup>

---

(46) ST 1-2.93.5 (1222a6-7); cf. 1-2.90.3. ad 1: each person is a law unto himself as receiving the law.

(47) Cf. ST 1-2.93.5 (1222a33-34), where “per intellectum divini praecepti” seems quite formally meant.

(48) ST 1-2.91.2 (1210b15-26): “quid sit bonum...” here means not merely what particular sort of thing is a good, but what goodness is; cf. ST 1.59.1 (358a41-50) and 1.60.1 (362b14-16).

(49) ST 1-2.93.2.

Our question thus is: to what extent is natural law known by all as instruction coming from a divine lawgiver? Obviously, this is directly related to our conception of our knowledge of God. Demonstrative knowledge of God's existence is clearly not available to all; as St. Thomas says:

«...the science to which it pertains to prove that God exists, and other such things about God, is put forward to be learned by men last of all, many others sciences being presupposed...»<sup>(50)</sup>

But what about knowledge of God's existence less perfect than the demonstrative? St. Thomas speaks about such knowledge in at least two places.<sup>(51)</sup> In one he asks whether to offer sacrifice to God pertains to natural law. This article is remarkable for many reasons. For one thing, its way of posing the particular ethical question is not simply: «should one offer sacrifice?» but «does it pertain to natural law that one do so?» The intention seems to be to present the offering of sacrifice as something extremely fundamental in the moral life. To associate it with natural law is to argue that it has the character of a principle. The «sed contra» argument, maintaining that it is something belonging to natural law, stresses the universality of the practice - «...in every age, among all nations of men, there has always been some offering of sacrifices», and what is the same with everyone seems to be natural. - Clearly, the

---

(50) ST 2-2.2.4 (146b51-55).

(51) ST 2-2.85.1; SCG 3.38 (2161).

«natural» here is what is determined to unity, what flows from the very «nature», meaning the essence of a being. Offering sacrifice, the argument means, is not one of reason's extensions of the natural, but is a manifestation of our very nature and the natural order of things.<sup>(52)</sup> Certainly the presentation of a practice as natural has ethical significance for St. Thomas, a point I wish to stress since Finnis appears to me at times to be denying such ethical significance concerning nature and the natural in St. Thomas' moral discourse.<sup>(53)</sup>

What is Thomas' determination of the question about sacrifice? He says:

«...Natural reason declares to man that he is subject to some higher being, because of the deficiencies that he experiences in himself, with respect to which he needs to be helped and directed by some higher being. And whatever that is, it is that which everywhere is called 'a god'».<sup>(54)</sup>

This is the first step in St. Thomas' reply. He is not presenting a scientific demonstration of the existence of

---

(52) ST 1-1.85.1. Sed contra. Concerning “nature” and the “natural” in this sense, cf. ST 1.60.1; also, 1-2.10.1: it is natural in the way that private ownership of property is not natural, but is an extension in the line of nature by virtue of man's ingenuity: cf. 2-2.66.2 ad 1, and 2-2.85.1. ad 1.

(53) Cf. NL, p. 36, quoted below at p. 91, n. 77. For another use of the natural in ethical argument, cf. ST 2-2.108.2, on vindication as virtuous; and cf. especially 2-2.154.12 (2185bl4-30), cited in part below, p. 92, n. 79.

(54) ST 2-2.85.1 (1861b48-54).

God, but is reporting and attempting to describe what is some universal spontaneous natural inference. Man's experience of himself is as of a being which cannot stand by itself, without aid, and which cannot survive without steering, without direction, from some source of intelligent direction, moving things along for man's protection and welfare.<sup>(55)</sup>

Here, then, we have a type of natural knowledge, i.e. not the fruit of deliberate study and method, but given in the way that eyes and ears are given, and yet a knowledge which is not merely the intellectual insight into starting-points, whether of simple terms like 'the good' or of propositions like 'the good is to be done and promoted, and the bad avoided', but a naturally-occurring, spontaneous reasoning process.

That a reasoning process is at work here at all, that we do not have to do with an immediate (no middle term) grasp, as of a principle too clear to allow for clarification, is a judgment pertaining to the metaphysician. Thus, in the Summa contra gentiles presentation of the knowledge of God had by almost all, Thomas recalls that some scholars have judged it to be

---

(55) The SCG 3.38 presentation is more contemplative, more theoretical, while the ST presentation is of human nature's experience of itself and of its need for a higher being to aid and guide it. The very pacify of description is undoubtedly deliberate, so as to indicate a confused knowledge of God, making many errors possible as regards the superior being. I am probably too specific in speaking of "intelligence". St. Thomas limits himself to "superiority".

innate, like an indemonstrable principle. He himself regards it as the result of a natural, instantaneous reasoning process.<sup>(56)</sup> What the common man lacks, we might suggest, is a consciousness of the number of distinct steps which are actually involved in the reasoning. It seems like a simple vision of a total situation. The eventual work of the metaphysician is to show the number and nature of the intermediate steps, knowledge of which serves to certify the conclusion.<sup>(57)</sup>

St. Thomas goes on to say, in the ST article on sacrifice, that, just as among natural things the lower are naturally subjected to the higher, so also natural reason decrees to man, in accordance with natural inclination, that he show submission and honour to that which is above man, and do so in a way which accords with human nature. This involves the manifesting of the human mind's sentiments through the use of material things and gestures; and thus he concludes that using sensible things as offerings to God, i.e. offering sacrifice, is naturally right.

Obviously, the reality of natural law here is complex. It includes two views presented by natural

---

(56) SCG 3.38 (2161).

(57) In the SCG chapter, St. Thomas stresses the imperfection of the conclusion, and the way the reasoner remains vulnerable to many possible errors. On the short distance between principle and conclusion in the domain of metaphysics, and the difficulties this gives rise to, cf. my paper «St. Thomas, Joseph Owens, and the Real Distinction between Being and Essence», The Modern Schoolman 41 (1984), at pp. 145-146.

reason, plus accord with a natural inclination. Let us limit ourselves to the knowledge of God which is included. It is found in all human beings. It is an example of explicit reference to God within the very content of natural law, thus constituting a clear case of God being the object or part of the object of that law. Still, in this instance, God is merely a part of «that which is materially the known» or «the material object», whereas our question bears on the extent to which he enters into the formal intelligibility of the object.<sup>(58)</sup> I.e. we are asking to what extent natural law is analogous to St. Thomas' doctrine concerning faith. Faith he presents as formally constituted by a recognition that God is the one who is speaking to us, not merely the one about whom someone is speaking.<sup>(59)</sup> In this regard, we should remember that the supernatural virtues are the supernatural analogue of the natural inclination whereby man is ordered to his connatural end. Within this picture, faith is the supernatural counterpart of the knowledge-component of this «natural inclination», inasmuch as reason or intellect contains the primary, universal principles known to us through the natural light of reason, from which principles reason proceeds in both the contemplative and the active

---

(58) For this distinction, cf. ST 2-2.1.1 (1401b30-36).

(59) Cf. Ibid., lines 40-46; cf. also 2-2.2.2 (1415a16-23) and 2-2.4.8. ad 2.

orders.<sup>(60)</sup> On the one hand, we should remember that the order of grace or supernature both imitates<sup>(61)</sup> and perfects nature,<sup>(62)</sup> so that we might expect a resemblance between faith and nature law, i.e. between the structure of faith and the conception of our natural knowledge of principles. Indeed, an objector to the very existence of the supernatural (theological) virtues<sup>(63)</sup> argues that man, by the very nature of reason and will, is ordered towards the first principle and ultimate end, so that the theological virtues of faith, hope, and charity would seem to be superfluous.<sup>(64)</sup>

St. Thomas, replying (and here we begin to see the other side of the situation), says that reason and will are indeed naturally ordered to God, inasmuch as he is the principle and end of nature, but ordered in a way proportionate to nature. The theological virtues are seen as ordering man to God as the object of supernatural beatitude, an ordering for which reason and will according to their nature prove insufficient.<sup>(65)</sup>

The object of faith is God himself, speaking as the one who announces and calls to supernatural

---

(60) ST 1-2.62.3.

(61) ST 2-2.31.3 (1586b31-33).

(62) ST 1.60.5 (366b24-28).

(63) There are supernatural virtues other than the “theological”: cf. ST 1-2.63.3 and 4.

(64) ST 1-2.62.1 obj. 3.

(65) Ibid. ad 3.

beatitude. Thomas, in the article on sacrifice, does not present God as the one who speaks to us, but presents natural reason as speaking to us. Reason manifests itself as natural in its universality (what occurs to just about everyone), and, presumably, in the quickness(statim) with which we grasp the situation. It is what occurs first to reason. What is first and foundational is nature and the natural, i.e. what pertains to the very being of reason. To the extent that the voice appears as natural, it appears as authoritative, as a «dignitas», an «axiomatic» voice.<sup>(66)</sup>

Still, in St. Thomas' presentation, it is not God who is directly speaking; it is natural reason speaking to us about God. This accords with St. Thomas' constant teaching that what we first know is not God. Our knowledge of God is not immediate insight, but a discursive knowledge, a knowledge which starts with one known and is somehow moved by that to another object of knowledge. Thomas relates our need for discursive knowing to the weakness of the intellectual light in us. We must begin with the mode of intelligibility to be found in material things. This intelligibility is itself a weak likeness of God, and demands a certain «putting things together» to make the divine image strong enough to lead our mind to knowledge of God.<sup>(67)</sup>

---

(66) Cf. especially ST 1-2.10.1 and 1.60.1 ad 3 (362b49-51).

(67) On why our knowledge is discursive, cf. ST 1.14.14; 1.58.3 and 4; 1.85.4 and 5. It looks to

The principles of natural law, the first notions which we all naturally have, are not notions about God, but they are notions of that in things whereby they are his proper effect. Thus, mind as mind, i.e. mind as the power having «beings as beings» as its object, is immediately prone (according to the active power within the knowing subject, itself coming from God) to compare things in such a way as to catch a glimpse of God.<sup>(68)</sup> The first notions, and the corresponding first precept, contain knowledge of God only virtually and implicitly,<sup>(69)</sup> but we are naturally disposed to exploit this virtuality of the notions.<sup>(70)</sup>

In accordance with this line of thinking, we may say that natural law has something less of the

---

#### Renvoi (suite)

me as though having all things in the object is of the essence of knowledge qua knowledge, and that what Thomas sees himself as having to explain is the movement, discontinuity, etc, of human knowledge, and thus as having to provide a certain conception of the basic unit of mental events, i.e. the quiddity of the material thing: cf. ST 1.85.8.

(68) On the notion “a being” as attaining the proper effect of the highest cause, cf. ST 1-2.66.5 ad 4; for “being” and “goodness”, cf. ST 2-2.2.3 (1416a4-17).

(69) ST 1.2.1. ad 1; on the penetrative power of intellect, to go “within” an effect to its cause, cf. 2-2.8.1 (1444a23-51). On conclusions as virtually contained in the principles, cf. ST 1.58.3 (353a19-25) and 4 (354a13-14).

(70) The first notions are “seeds” in us: cf. above, n. 18.

intelligible aspect, «law», in its absolutely first precept, than it has when God has entered the picture explicitly.<sup>(71)</sup> We do immediately catch a glimpse of God, and «to love God more than oneself» is a first and most evident principle of natural law,<sup>(72)</sup> but the mode of knowing this, the natural practical knowing, is reason naturally grasping nature and its natural order, and is thus more a simple grasping of the goodness of being, than the reception of a law from a law-giver. This is not a measure of the strength of our minds or of the noble liberty of our minds, but of the weakness of our minds. What is in fact law is only inferentially grasped by us as law. It is first grasped by us in a more immediate way, as the goodness of being. This conclusion makes it very important that we underline the role of nature in the doctrine, or, if one prefer, the role of being.

In searching for reasons why the objection to natural law as an illicit inference from facts to norms has such popularity, Finnis says «that the very name 'natural law' can lead one to suppose that the norms referred to, in any theory of natural law, are based upon

---

(71) Perhaps some such consideration was partly behind Jacques Maritain's view that the first principle of natural law is “not the law itself”: cf. J. Maritain Man and the State, Chicago, 1951: University of Chicago Press, p. 90.

(72) ST 1-2.100.3. ad 1; cf. however 1-2.100.5. ad 1 (1464a44-51), on the obscuring by sin of the law of love of God.

judgment about nature (human and/or otherwise)».<sup>(73)</sup> Now, quite apart from what the phrase may suggest, I would contend that the foundations of natural law are judgments about nature (human and/or otherwise). This is true whether the derivation is inferential or not.

First, consider nature in general (before coming to human nature). What is meant by the 'a being' (ens), which is the first thing apprehended by intellect? Certainly, it is a thing considered as having a 'nature', an 'essence', a 'form', a 'determination to unity'; it is a thing seen as a termination of generation.<sup>(74)</sup> The term 'fact' as in 'inference from fact to norm' hardly conveys the notion 'a being'. 'Fact' is, I would say, a term heavily laden with materialistic imaginings 'What it is to be a being' is what we first somehow know.

The notion 'the true', as we have seen, presupposes the grasp of things as 'beings', and the notion 'the good' presupposes the notions of 'beings' and 'the true'. This means that we do grasp human nature, in its primary feature, contemplator of intelligible truth, right from the start, and it is in the light of that

---

(73) NL, p. 35.

(74) On the inseparability of the apprehension of being and goodness from the apprehension of form, cf. ST 1-2,85.4 (1179a30-31); on "a being" and "a natur", cf. ST 1-2.10.1; on being and terminus of generation, cf. ST 1.5.1. ad 1 (27a39-47) (but note 1.26.1. ad 2). - Also of interest in De veritate 5.2. ad 7: determination to unity of natural things, from which flows all necessity of principles of knowledge, this determination coming from divine providence.

conception of oneself, as a being with such a power, that the original notion of 'the good' (the seed of our own and of all other practicality) is born in us. Natural law presupposes a natural knowledge of nature and of human nature.<sup>(75)</sup>

In presenting another reason why the facts/norms inference accusation has been levelled at Thomas Aquinas' natural law account, Finnis reminds us that as a theologian, Thomas «was keen to show the relationship between his ethics of natural law and his general theory of metaphysics and the world order.» But, says Finnis, «Aquinas takes good care to make his meaning, his order of explanatory priorities, quite clear. The criterion of conformity with or contrariety to human nature is reasonableness.»<sup>(76)</sup> This last statement might lead one to believe that 'human nature' is very much in the ethical picture, but Finnis does not think that is the case. He says:

«In other words, for Aquinas, the way to discover what is morally right (virtue) and wrong (vice) is to ask, not what is in accordance with human nature, but what is reasonable. And this quest will eventually bring one back to the underived

---

(75) Cf. SCG 3.37 (2152-2153), on contemplation of truth as what alone distinguishes man from other animals; Finnis, NL, p. 52, criticizes D. J. O'Connor for attributing to Thomas Aquinas the view that having well-disposed affections has prerequisite having “a correct insight into the nature of man”: one would have to distinguish between natural knowledge and knowledge which can only be had by study.

(76) NL, pp. 35-36.

first principles of practical reasonableness, principles which makes no reference at all to human nature, but only to human good. From end to end of his ethical discourses, the primary categories for Aquinas are the 'good' and the 'reasonable'; the 'natural' is, from the point of view of his ethics, a speculative appendage added by way of metaphysical reflection, not a counter with which to advance either to or from the practical prima principia per se nota.»<sup>(77)</sup>

I have already said that I think the notions both of 'nature' and of 'human nature' are at work in the derivation of the notion of 'the good'. I believe the whole imagery here, of an «ethical discourse» to which Thomas adds «speculative appendage(s)» is misleading. Even though we grant that ethics is prior to metaphysics in the order of learning, it is an ethics feeding on sapiential seeds, conceived as Thomas conceives them; and the metaphysician does not merely append his observations, but is able to tell the ethicist what has been feeding his ethical reflections all along, and what the pre-ethical human spirit already has somehow grasped.

What does 'reason' mean, in the Thomistic ethical context? What do we all somehow understand in the natural law: «be reasonable»?<sup>(78)</sup> As St. Thomas says:

«...The principles of reason are those things which are according to nature; for reason, having presupposed the things which are determined by nature, disposes other things in a concordant way (secundum

---

(77) NL, p. 36.

(78) Cf. ST 1-2.94.3 (1226b27-35).

quod convenit). And this is apparent both in the speculative and in the practical order...»<sup>(79)</sup>

In the very same context, St. Thomas argues that since God is the one who gives nature its order, to violate that order is to act unjustly toward God.<sup>(80)</sup> Reading such a remark, I have been tempted to see reason following the natural order because it sees that order as divinely given. While such a view of reason's natural situation is not entirely wrong, we must not ignore the priority, in our knowledge of natural law, of knowledge of natural order itself vis-à-vis knowledge of God. Reason puts nature first, not precisely because nature reveals its divine origin, but because reason sees ontological priority. Godness is seen in ontological order, and reason's giving nature priority is the recognition of that order. The ontologically determinate (i.e. nature) has more of the aspect of being than has the ontologically determinable (the operable or choosable).<sup>(81)</sup>

---

(79) ST 2-2.154.12 (2185b14-19).

(80) Ibid. ad 1.

(81) Cf. ST 1.79.9 ad 3 (490b23-50); 1-2.13.6. ad 2, and 14.1 and 3.