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THE JUSTIFICATION OF MORALS IN THE PHILOSOPHY OF THOMAS AQUINAS

BACK

THOMIST THEORY OF THE NATURAL LAW

Aquinas develops next his theory of NATURAL LAW ("*lex naturalis*" or sometimes called "*lex naturae*"), the third universal law in his hierarchy of laws. It is analogous to the concept of positive law or HUMAN LAW (fourth law in Aquinas's hierarchy of laws). Human Law, defined by him as "an ordinance of reason for the common good made and promulgated by the authority who has care of the community", is the outgrowth of Natural Law. The basis for Natural Law is the religious scheme of reality, of the human condition and of the governance of the world by God. Since all things are ruled and measured by Eternal Law, which is nothing else than God himself, it follows that all somehow share in it and their tendencies to their own proper acts and ends are from its impression. The participation of the rational creature in the Eternal Reason through which it has its own natural aptitude for its due activity and purpose Aquinas calls "NATURAL LAW." And the light of natural reason by which we discern what is good and what is evil is the impression of the divine light on us. He describes it further as the first principles of human moral activity that are self-evident, indemonstrable ("*sunt quaedam principia per se nota*"), known to all. The first command of law is "that good is to be sought and done, evil to be avoided"; on this command "are founded all the other precepts of the law of nature". The commandments of the Natural Law are recognized by the practical reason of itself as being human good ("*quae ratio practica naturaliter apprehendit esse bona humana*"). According to Aquinas the order of the natural commands corresponds to that of our natural tendencies:

- 1. The inclination towards the good of nature has in common with all substances the tendency to preserve its own natural being.**
- 2. The inclination towards things man's nature has in common with other animals, such as coupling of a male and a female, and bringing up the young.**
- 3. The human inclination for the good of his nature of intelligent being proper to him, for example, that he should know the truth about God and living in society, that he should shun ignorance, that he should not offend others with whom he ought to live in civility.**

All these inclinations fall under one single root, namely that of Natural Law. Next Aquinas argues that since

our activity of reason and will derives from what we are by nature, and since all reasoning originates from the principles which we recognize naturally as well as the desire for objectives that are subordinate to ends derives from the natural desire for the ultimate end, therefore it is only proper that first our acts should be directed towards this ultimate end by Natural Law. Aquinas assumes here that our nature depends on Eternal Reason, that there is an ultimate end that is God, for which we have a natural desire, and that the very first principles which we recognize are not reasoned out and our natural desire is not chosen. Therefore, natural here is what is preconscious, predetermined, and not reasoned out. At another place he seems to accept the definition of Ulpian that the natural is what we have in common with animals, or what is instinctive or intuitive, according to the definition of Gratian. Only later do we recognize these natural tendencies as laws, precisely because we are rational creatures. Even nonrational creatures participate in Eternal Reason in their own way: however, they cannot perceive it as a law. When referring to them we may use the word "law" only in a figurative manner. Because of the double nature of humans (rational and animal), some acts of virtue are done following Natural Law since they belong to it by the fact that our proper form is the soul. Therefore our natural tendency is to act according to virtue. Many virtues, however, do not belong to Natural Law, but are reasoned out before they are held helpful to the good life: for example, temperance modulates our natural desire for food, drink and sex. Sins, if they are against reason, are against nature. On the other hand, some special sins run against nature, such as homosexuality, which, as Thomas thought, is against the course natural to all animals.

Aquinas maintains further that the first common principles of theoretical or practical reason, "the law of nature," are the same as the truth or rightness for all and are equally recognized. With respect to the specific conclusions of theoretical reason, the truth is the same for all, though not all recognize it equally. With respect to the particular conclusions derived by practical reason, there is no general unanimity as to what is true or right, and even when there is agreement there is not the same degree of recognition. In a few cases the desire to do right or information may be wanting. He summarizes what is a natural right by quoting Gratian that natural right is that "by which everyone is commanded to do to others what he would have done to himself, and forbidden to do to others what he would not have done to himself." And it is generally held that all human inclinations should be directed according to reason.

Thus, according to Aquinas, Natural Law is a spontaneous, intuitive, instinctive reflex of tendency to seek what is good to preserve natural being, to preserve the species, and to learn about God and to venerate him. This "law" has supernatural origin being created together with human nature and is self-evident. The practical reason next arrives at the common principles of this law which may differ in details and in specific conclusions. However, he postulates one most general principle of practical reason quoting it in Gratian's formulation. This principle is taken from the Judaic tradition into Christianity, but is found in all cultures.

Natural Law can be changed by Divine Law as well as by Human Law in the sense of being added. But as for change by subtraction, meaning that something that once was Natural Law ceases to be so, it is not possible. The first principles of the law of nature ("lex naturae") are altogether unalterable. But its secondary precepts, which are like particular conclusions close to first principles, though not alterable in the majority of cases where they are right as they stand, can nevertheless be changed on some particular and rare occasions.

Now expanding the scope of the Natural Law, Aquinas is using the notion of Natural Law in a double meaning - the one, narrow as the very first principle or principles we recognize unconsciously, and second, in the broader meaning including also particular conclusions presumably derived from it in society. This very special twist led to such monstrosities as justifying religious persecutions by Natural and Divine Laws. The persecution of the so-called heretics, apostates, and unbelievers was the greatest perversion of the most fundamental human tendencies, moral conscience, instituted by the Natural Law (if we accept the existence of such a law). This is a typical example of Thomas's rationality and moral precepts of the Catholic luminary. This sophistry served only one purpose: that of justifying ecclesiastical totalitarianism.

JUSTIFICATION OF CELIBACY

To deal with the sensual side of human nature Aquinas introduces the fifth law, namely the "law of sin" ("*lex peccati*"), the LAW OF "FOMES" or urge to sensuality. This is the most bizarre among the differentiated laws. The word "*fomes*" means kindling, tinder, touchwood and signifies the readiness of our sensual nature for passion. The term comes from Peter Lombard's "Sentences" and was used by the Council of Trent to describe the effects of original sin. The Church claimed that human sensuality is sinful and originated from

divine punishment. Aquinas somehow had to explain this pathological Church view on the sexuality and sensual life of man. So he tries to explain that the urge of sensuality in nonrational animals has the character of a law; in men, however, it is rather a deviation from the rational law. Nevertheless it has the character of a law by being a penal consequence of divine justice and loss of the original dignity by men. Thomas here is at pains to explain that this law, when taken as a purely animal tendency, serves the common good, namely the conservation of species, and so it exists also in man when his sensuality is subordinate to reason. This "law" was designed to serve as a justification of celibacy and presenting it as a true, correct, original way of life, whereas noncelibacy is a sinful degeneration of human nature. Never mind the biological nonsense of this law - its purpose was to justify the psychological superiority of the clergy as a class.

THE CHURCH ON TRIAL

In time Aquinas's system was adopted by the religious organization as its own ideology. Due to the domination of the theocratic societies by the Church, Aquinas's speculations were implemented in the form of canon law or positive state laws, with disastrous results. It is enough to mention the infamous immoral laws against the so-called "heretics" and apostates which found their formal expression in Aquinas's postulates. These questions of freedom of inquiry, and of freedom of conscience are basic for the defense of human dignity and fundamental principles of morality.

Aquinas clearly stated: "Among unbelievers there are some who have never received the faith, such as gentiles and Jews. These are by no means to be compelled, for belief is voluntary..... However, there are other unbelievers who at one time accepted and professed the faith, such as heretics and apostates of all sorts, and these are to be submitted to physical compulsion that they should hold to what they once received and fulfilled what they promised.... Jews who have not accepted the faith should in no way be coerced into it. Those however who have accepted it should be compelled to keep it..." And further, he writes: "With regard to heretics there are two points to be observed, one on their side, the other on the side of the Church. As for heretics their sin deserves banishment, not only from the Church by excommunication, but also from this world by death. To corrupt the faith, whereby the soul lives, is much graver than to counterfeit money, which supports temporal life. Since forgers and other malefactors are summarily condemned to death by the civil authorities, with much more reason may heretics as soon as they are convicted of heresy be not only excommunicated, but also justly be put to death." By persecuting the heretics, apostates and unbelievers (with all reservations alluded to by Aquinas, considered) the Church was persecuting anybody who dared to develop independent opinion, who dared to think differently from what was ordered by the pope and his institution, presumably only in the questions of faith. Even so however, history proves that everything from astronomy to the state laws, from customs to the scripture, was a matter of faith and was regulated by the Pope's authority (Decretum I,12). Anyone who resisted the ruling or had his own opinion was defined by Thomas Aquinas as a heretic: "after they [points of the faith] have been defined by the authority of the universal Church, one who obstinately resisted the ruling would be counted a heretic." Once faith is accepted (i.e., baptized) one should keep it as a matter of obligation. Never mind that Catholic Church obligatorily baptized children in infancy, and later indoctrinated and brainwashed children unilaterally. At the same time any critical thought or doubt was declared to be sinful. The extermination of heretics and apostates by death Aquinas justified by Divine Law using the rule of analogy with state law: "Since forgers and other malefactors are summarily condemned to death by the civil authorities, with much more reason may heretics, as soon as they are convicted of heresy, be not only excommunicated, but also justly put to death." Obviously this unjustified statement assumes that the Church has an absolute power over the members of a society and is superior to that of the civil power, that this power is imposed on the society and does not derive from the consent of the society itself. Aquinas himself contradicts both the most fundamental moral principles and moral sensitivity (or of the fundamental principles of Natural Law, which he defined himself) and the fundamental principles of Christianity. According to Aquinas his law was dictated by God's command, the Divine Law, which he thought was given in the parable from the scripture: "Yet if heretic be altogether uprooted by death, this is not contrary to our Lord's command, which is to be understood of a case when the tares could not be weeded without uprooting the wheat."

All Catholic opponents of the freedom of conscience claimed that it was against Divine Law. Since the biblical parable is the only justification given by Aquinas or anybody else for that matter, for the persecutions as a divine command, let us examine it closer. Matthew in his Gospel (13.24-30) writes: "He put before them another parable: 'The kingdom of heaven may be compared to someone who sowed good seed in his field, but while everybody was asleep, an enemy came and sowed weeds among the wheat, and then went away. So when the plants came up and bore grain, then the weeds appeared as well. And the slaves

of the householder came and said to him; 'Master, did you not sow good seed in your field? Where, then, did these weeds come from? He answered, 'An enemy has done this.' The slaves said to him, 'Then do you want us to go and gather them?' But he replied, 'No; for in gathering the weeds you would uproot the wheat along with them. Let both of them grow together until the harvest; and at harvest time I will tell the reapers, collect the weeds first and bind them in bundles to be burned, but gather the wheat into my barn.'" The parable is a literary, metaphoric expression of a certain idea. It uses an imagery taken from the reality well known in an agricultural setting. The author of the metaphor simply tries to convey the following message: 1. we may compare the kingdom of heaven to the field of wheat; 2. the plants producing grain are virtuous people deserving reward; 3. the weeds growing among the wheat plants represent the wicked deserving to be separated and punished; 4. judgment is done only at the end of time (in accordance with religious belief) and is explicitly forbidden before. So, the parable even taken literally, has nothing to do with doctrines, intellectual speculations, views, opinions etc. Moreover, there is no indication of any power on earth authorized to pass judgment, the less so to have the power to exterminate people for ideas!

Only by an incredible sophistry, in which morals were perverted into an adherence or nonadherence to the orthodoxy of the organization, Aquinas could make such a statement! It is clear that the function of these moral laws was to maintain total and absolute dominion over the individual and society exerted by the organization, the "party." Even today the Church refuses to recognize that the unspeakable crimes it committed against humanity were a moral evil. Instead it claims that its acts were legally just. In some cases especially in the Western European countries, the Church obviously imposed its immoral law on the society, but in Poland in XVIth and XVIIth centuries, it acted even against the law. The irony is that this justification was written in 1913, long before the Nazis claimed the same excuse -most of the Nazis did not write the evil laws, they simply followed the law! The international court at Nuremberg did not accept these excuses.

Though the present leaders of the Church cannot be held personally responsible for Church crimes of the past, it is the Church itself as an organization and its moral precepts that are on trial; its crime is more grievous because it is the Church itself that created these laws! So, at least those of Aquinas's concepts that were put into use in practice, turned out to be false, morally evil, or vastly inadequate. A great deal of what Aquinas wrote, however, could be of permanent value as a collection of definitions and concepts, especially his general outlook and conception of philosophy. Also there will remain the argumentation regardless whether the arguments are sound or not, and "whether the writer wished to arrive at the conclusion at which he did in fact arrive or whether he already believed in that conclusion on other grounds", as a historical testimony to the ways in which human thoughts develop.

CONCLUSIONS

Aquinas, to a certain degree, is a realist and recognizes the conditions necessary for human actions to have moral value: They must be voluntary, they must be a rational choice, and they must depend on circumstances. As such these actions cannot be imposed by any absolute or human power.

Observation demonstrates that human moral behavior displays certain characteristics common to all people and that all people have the same very general sense of righteousness, i.e. habitual knowledge of the primary moral principles which Thomas calls '*synderesis*.' Acts of applying these moral principles to particular actions he calls '*conscientia*.' Thomas explains this characteristic by assuming the existence of a Natural Law. He defines natural as that which is predetermined, instinctive, and not reasoned out, or as that which we have in common with animals. The concept is developed analogously from the positive Human Law and put artificially into a larger scheme of hierarchy of beings and religious metaphysics of Aquinas. This law is only one of a series of laws instituted by the supreme being. It is expressed in the natural commands (imperatives) that follow the order of human tendencies. The highest of these commands is that man should know truth about God and living in society, that he should shun ignorance, that he should not offend others with whom he ought to live in civility.

Aquinas's precept about "Natural Law" as predetermined, preconscious impressions of Eternal Law does not have any justification. It is redundant and artificial. There are also many dangers in the Aquinas's paradigm. There is no logical connection between moral behavior and the metaphysically conceived happiness of man. Moreover, in the Catholic doctrine the religious organization assumes the absolute authority to determine what is good or bad. That decision is based on three sources: an arbitrary interpretation of the scripture, which in itself is contradictory; the imaginary and theoretical end of glorifying God; and the speculation of a

few individuals with the final goal of protecting the power and domination of the religious organization. These moral rules do not derive from the human experience and have nothing to do with the human sense of morality. The danger is that such a position leads to imposition of many laws which run against even "Natural Law" as postulated by Aquinas, in the name of the so-called glory of God. This allowed Aquinas to impose a prohibition on the human mind to search for the truth, forbid intellectual freedom, and persecute the so-called heretics and apostates. Clearly the whole scheme was designed to enhance the domination of the powerful institution of the Church.

Humanism recognizes the existence of a "general moral sense" or "conscience" common to people that is recognized as the universal principles of moral behavior. Its essence is the behavior of human beings toward each other and the surrounding world. Our human experience indicates that the origin of our moral sense or conscience is rational from our common living in a society. The first precepts of human behavior can be summarized in the words of *Leviticus* 19:18, *Ecclesiasticus*, and *Tobit* 4:16: "Do to no-one what you would not want done to you." These precepts were popularized in the Western world via the Judean culture, but in the East they were recorded by Confucius and Buddha. All other models of ethics are simply variations on the same theme depending on the philosophical and metaphysical orientation of the author. A XXth century Polish philosopher, Tadeusz Kotarbinski, for example, has postulated a normative secular ethic independent of religion, independent of the worldview, and independent of the social system. He started with the observation that people constantly need advice and guidance about how to live better and more happily. They also evaluate each other in the ethical categories of good and evil. Kotarbinski stated that a normative ethic is possible only because there exist in human societies certain immanent and common values, which are absolute and objective. Such an ethic is not easy and requires a reflective attitude in order to recognize these values. As a model for ethical behavior Kotarbinski postulated a realistic and practical ideal of a "dependable protector," which he contrasted with the impractical and artificial ideal of "neighborly love" postulated by traditional religious ethic.

Notes and Bibliography

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1. The text of Aquinas's "Summa Theologiae" is that published in Latin-English version by Blackfriars in conjunction with McGraw-Hill Book Company, New York, and Eyre & Spottiswoode, London, 1963-1972.
2. F. C. Copleston "Aquinas", Harmondsworth: Penguin Books, 1961, p. 20.
3. Ibidem, p. 19.
4. English text of Aristotle's "Nichomachean Ethics, in "The basic Works of Aristotle", edited and with introduction by Richard McKeon, New York: Random House, 1941.
5. *S.T.* 1a 2ae, 1,7; *S.T.* 1a 2ae, 90,2.
6. *S.T.* 1a 2ae, 1,8.
7. *S.T.* 1a 2ae, 3,8.
8. *S.T.* 1a 2ae, 3,8.
9. *S.T.* 1a 2ae, 1,3
10. *S.T.* 1a 2ae, 2,1-8.
11. "The Catholic Encyclopedia", New York: The Encyclopedia Press, Inc., 1913, pp. 126-127.

12. Freedom of conscience and worship was officially and explicitly condemned by Pope Gregory XVI in his encyclical "Mirari vos" of 1832. The Pope calls these principles "*deliramentum*" (insanity). The same was repeated by Pope Pius IX in his encyclical "Quanta Cura" of 1864. In addition he condemned the will of the people, manifested in the public opinion" as constituting "the supreme law". In the accompanying infamous "Syllabus" he condemns in the name of totalitarian domination of the ecclesiastical party over entire humanity, practically every rational, human and moral achievement of mankind, e.g.: "Human reason, without any reference whatsoever to God...;" that "Every man is free to embrace and profess that religion which, guided by the light of reason, he shall consider true;" that "Protestantism is nothing more than another form of the same true Christian religion, in which form it is given to please God equally as in the Catholic Church;" that "It appertains to the civil power to define what are the rights of the Church, and the limits within which she may exercise those right;" that "Roman pontiffs and ecumenical councils have wandered outside the limits of their powers, have usurped the rights of princes, and have even erred in defining matters of faith and morals;" that "The sacred ministers of the Church and the Roman pontiff are to be absolutely excluded from every charge and dominion over temporal affairs;" that "The immunity of the Church and of ecclesiastical persons derived from civil law;" that "The entire government of public schools in which the youth of a Christian state is educated, ... may and ought to appertain to the civil power, and belong to it so far that no other authority whatsoever shall be recognized as having any right to interfere....;" that "Kings and princes are not only exempt from the jurisdiction of the Church, but are superior to the Church in deciding questions of jurisdiction;" that "The Church ought to be separated from the State, and the State from the Church;" that "By law of nature, the marriage ties not indissoluble, and in many cases divorce properly so called may be decreed by the civil authority;" that "In the present day it is no longer expedient that the Catholic religion should be held as the only religion of the state, to the exclusion of all other forms of worship;" that "Hence it has been wisely decided by law, in some Catholic countries, that persons coming to reside there in shall enjoy the public exercise of their own peculiar worship." In Anne Fromantle, ed., "The Papal Encyclicals in Their Historical Context. The Teachings of the Popes from Peter to John XXIII," with introduction by Gustave Weigel, S.J., New York: A Mentor Omega Book, The New American Library, 1963; pp. 135 & ff.

13. Anson Phelps Stokes "Church and State in the United States", introduction Ralph Henry Gabriel, New York: Harper & Brothers Publishers, 1950, Vol. 1, pp. 340 & ff.

14. *S.T.* 1a 2ae, 93,1.

15. John Dillon "Logos and Trinity: Pattern of Platonist Influence on Early Christianity" in "The Philosophy in Christianity", edited by Godfrey Vesey, Cambridge: Cambridge University Press, 1989, pp. 1-13.

16. *S.T.* 1a 2ae, 90,4.

17. *S.T.* 1a 2ae, 94,2.

18. *S.T.* 1a 2ae, 94,2.

19. *S.T.* 1a 2ae, 91,2.

20. *S.T.* 1a 2ae, 94,2.

21. Ulpian (murdered in 223 C.E.) and Gaius (ca 110 - ca 180) were Roman jurists ("jurisperiti") who set in order Roman law. Roman law was systematized by Emperor Justinian in "Digest" ("Digesta", 533 C.E.), "Institutes" ("*Institutiones*", 533), and "Justinian's Code" ("*Codex Justinianus*", 528, 534). These were supplemented by additional decrees accumulated over the years as "*Novellae*" ("*Novels*"). Roman law was adapted to the politics of state and church. Ulpian and Gaius introduced the definition of "natural law" in terms of what we share in common with animals. Gratian published in 1141 a miscellany of texts related to legislation of the Western church entitled "*Decretum*" which became the canon law of the church and the state. "*Decretum*" I, 1,7: "*Ius naturale est commune omnium nationum, eo quod ubique instinctu naturae, non constitutione aliqua habetur*". In "Corpus Iuris Canonici, editio Lipsiensis secunda post Aemilii Ludovici Richter curas ad librorum manu scriptorum et editionis Romanae fidem recognovit et

adnotatione critica instruxit" Aemilius Friedberg. Graz: Akademische Druck U. Verlagsanstalt, 1959.

22. Gratian "Decretum" I,1: "Ius naturae est, quod in lege et euangelio continetur, quo quisque iubetur alii facere, quod sibi uult fieri, et prohibetur alii inferre, quod sibi nolit fieri."

23. Peter Lombard (1100-1160) "Sentences" ("Libri Quatuor sententiarum") published and commented by Heinrich von Gorichem, Basel 1498, reproduced by Minerva, G.M.B.H., Frankfurt, 1967. Book II, XXX.

24. Stanislaw Zapasnik "Tolerance and the Question of Rationality" in *Dialectics and Humanism*, Vol. XIV, No 1/1987, p. 147-158.

25. *S. T.* 2a 2ae, 10,8.

26. *S. T.*, 2a 2ae, 11,3.

27. Decretum Gratiani in "Corpus Iuris Canonici, editio Lipsiensis secunda post Aemilii Ludovici Richter curas ad librorum manu scriptorum et editionis Romanae fidem recognouit et adnotatione critica instruxit" Aemilius Friedberg. Graz: Akademische Druck U. Verlagsanstalt, 1959; I.12.

28. *S. T.* 2a 2ae, 11,2

29. *S. T.* 2a 2ae, 10,8

30. *S. T.* 2a 2ae, 11,3

31. *S. T.* 2a 2ae, 11,3.

32. Matthew's "Gospel", 13.24-30. In "The New Greek-English Interlinear New Testament". A new interlinear translation of the "Greek New Testament", United Biblical Societies, third, corrected edition. Translators Robert K. Brown, Philip W. Comfort, ed., J.D. Douglas. heaton, Illinois: Tyndale House Publishers, Inc., 1990.

33. "The Catholic Encyclopedia", *op. cit.*, p. 763-773.

34. F. C. Copleston *op. cit.*, pp. 17-18.

35. *S. T.* 1a 2ae, 79,12-13.

36. Wladyslaw Tatarkiewicz "Pogadanki Obyczajowe," Warsaw: Panstwowe Wydawnictwo Naukowe, 1957, p. 11, p. 21.

37. Malgorzata B. Jakubiak "Tadeusz Kotarbinski, filozof, nauczyciel, poeta", Warsaw: Krajowa Agencja Wydawnicza, 1987.