SELECTIONS
FROM THREE WORKS
OF
FRANCISCO SUÁREZ, S.J.

<DE LEGIBUS, AC DEO LEGISLATORE, 1612>
DEFENSIO FIDEI CATHOLICÆ, ET APOSTOLICÆ
ADVERSUS ANGLICANÆ SECTÆ ERRORES, 1613
DE TRIPLECTI. VIRUTUM THEOLOGICA,
FIDE, SPE, ET CHARITATE, 1621

VOLUME TWO
THE TRANSLATION
Prepared by Gwalys L. Williams,
Ammi Brown and John Waldron, with
certain revisions by Henry Davis, S.J.
and an Introduction by James Brown Scott

OXFORD: AT THE CLARENDON PRESS
LONDON: HUMPHREY MILFORD
1944
8. There is, then, a second general opinion, according to which law is an act of the lawmaker's will. In support of this opinion, one may cite all those who assign command to the will, as do Henry of Ghent (Quodlibeta, IX, qu. 6), Gabriel (on the Sentences, Bk. II, dist. xxxvii, qu. 1, art. 1, not. 3), Major (on the Sentences, Bk. III, dist. xxxiii, qu. 7), Occam (on the Sentences, Bk. III, qu. xxii [qu. xii], art. 4), Almain (Moralia, Tract. III, chap. ii), and Angest (on the Moralia, Tract. I, pt. iii, corol. iii). Bonaventure also supports this view, when he says (on the Sentences, Bk. III, dist. xvii, art. 1, qu. 1, ad penult.): 'The will is that within which resides the rule and command of what is in the person who wills.'

Joannes Medina (Codex de Oratione, Qu. 2) expresses himself in like manner. The opinion in question is furthermore attributed to Durandus and to Gregory of Rimini (on the Sentences, Bk. I, dist. xviii) in so far as they assert that the divine will is a rule to which we are all bound to conform. Scotus, too, is cited in behalf of this opinion, in that he says, in certain passages (on the Sentences, Bk. II, dist. vi, qu. 1 and dist. xxxviii, qu. 1, ad ult. and quodlib. 17), that the ordering of another to the performance of any action is a function that pertains to the will. And in yet another passage (ibid., Bk. III, dist. xxxvi, qu. 1, art. 2), he assigns the function of command to the will. This same view is defended at length by Castro (De Potestate Legis Poenalis, Bk. II, chap. i).

9. Moreover, [this second opinion] can be upheld by argument. First, it may be argued that Scripture and the civil laws (ius) 2

---

1 [The opinion is found in Bipartitum in Moralïa philosophia opusculum per magistrum Guillelmum Manherston Scotum, Paris, 1577. The work should be ascribed to Jerome Angest, as Reynaud states.—Reviser.]

2 [It is in replying to this that St. Bonaventure states that the will commands.—Reviser.]
give the name of law (lex) to the will of God, and to the will of the prince.

He hath made his ways known to Moses: his wills to the children of Israel (Psalms, xxxii [cii, v. 7]), that is to say, He hath made known His precepts. Again, we have the words: 'Teach me to do thy will' (ibid., cxlii [, v. 10]). In the second book of Machabees (Chap. i [, v. 3]), we read: 'And [may he] give you all a heart to worship him, and to do his will [, ...]', that is, to obey His law. Thus Christ our Lord has said, in the Lord’s Prayer: 'Thy will be done', which was to say, Thy law be obeyed. Again, in the prayer in the garden He said: 'Not my will, but thine be done', that is, thy command be done. For so it had been written of Him, according to the Psalms (xxix [xxxix, vv. 8, 9]): 'In the head of the book it is written of me that I should do thy will.'

The customary reply [to the argument based on these passages], an answer drawn from the Master of the Sentences [Peter Lombard] (in the Sentences, Bk. I, dist. xlvii) and from St. Thomas (Summa, Pt. I, qu. 19, art. 9 [art. 11]), is that the passages in question refer to the will as expressed by some sign, which is will not strictly but metaphorically speaking.

10. However, even though the will when expressed by a sign may be so called [only] in a metaphorical sense, it must be indicative of some true will. For, why should it be called will metaphorically, unless because it has a relation to true will? And it has no such relation save as a sign, wherefore it is called 'the will, as expressed in a sign'. Hence, the will which it has indicated is that which is fulfilled in the strict sense, and which has been designated in the passages above-cited by the term 'law'. Accordingly, in the civil law (ius) also (Digest, I. iii. 19), law (lex) is said to have its own will; for written or external law undoubtedly indicates the will of the prince, and this is declared to be the will of the law itself; therefore, will of that sort is law existing in the prince himself.

Thus we read (Digest, I. iv. i and Institutes, I. ii, § 6) that, 'What the prince has decreed, has the force of law', words which certainly indicate an act of the will.

One may also cite the philosophers who say that law 'is the decree and resolution of the state', as Plato puts it in the Dialogue already cited (Minos [p. 314 b]); or that it is the consent of the state, in the words of Aristotle (Rhetoric to Alexander, Chaps. i and ii). For a decree indicates an intention of the will and—a clearer example—consent is an act of the will.

Anselm, also, in his De Voluntate Dei, has attributed [the function

---

1 [St. Thomas, loc. cit., explains that in God the voluntas beneplaciti is the divine will strictly so called, but when God manifests His will by some sign this is called voluntas signi and is His will understood metaphorically, i.e. by the sign.—REVISER.]
of giving] precepts to the divine will; and again, in the De Conceptu Virginali et Originali Peccato (Chap. iv), he has assigned to the will the function of commanding.

11. Secondly, the opinion in question may be proved primarily on the basis of the characteristic properties of law. For all those properties which were attributed to an act of the intellect, are more appropriate to the will, and there are certain properties which are appropriate to the will and cannot be attributed to the intellect; therefore,...

The major premiss is clearly true, because, in the first place, there is assigned to law the attribute of being a rule and a measure; and this characteristic is particularly appropriate to the divine will, as may be inferred from various statements made by St. Thomas (I.-II, qu. 4, art. 4; qu. 19, art. 9; II.-II, qu. 26, last art.; and, more expressly, II.-II, qu. 105, art. 1). He says that the divine will is the first rule by which human actions should be measured; but that the wills of human superiors constitute a secondary rule, imparted by the first. The reason supporting this view is the fact that we ought to do or will that which God wills that we should, as Anselm declares in the work, De Voluntate Dei.

12. Another characteristic property of law is that it enlightens and directs the subject. In connexion with this property, indeed, we should note that it may be attributed to law, in so far as the latter dwells within the subject himself; in which sense there is no doubt but that law is an act of the reason and, formally speaking, enlightening reason, as we have remarked in the preceding Chapter. Consequently, in reading the various authorities, one should take care lest he be led astray through ambiguity. For these authorities, inasmuch as they define law in terms of reason, are often speaking of it as it exists in the subject himself, in which sense the natural law is said to be right reason, imparted by nature; and thus it is that law enlightens, since it reveals the will of the lawmaker. Therefore, it would seem that there dwells within the lawmaker himself that will which objectively (so to speak), or even effectively, enlightens the subject; in accordance with the words of Anselm (De Voluntate Dei [Chap. iv]): ‘The will of God is the master of the human will.’

13. The third characteristic property which we were to discuss, is that law orders. But this property is one which most properly pertains to the will; as Scotus (in the passage cited above) rightly declares, and as I have demonstrated in my Treatise on Predestination. Moreover, the point can be well confirmed by the statement of St. Thomas (Summa, Pt. I, qu. 107, art. 1) that one angel through his will orders his concept [to be made known] to another angel, and in this way speaks

\[1\] [This treatise is not included in these Selections.—Tr.]
to him; hence, the function of ordering pertains to the will. This explanation applies to the matter in hand. For such ordering by law takes the form either of a relation of the means to the end, or of a locution which indicates the will of the prince. And in either form, the ordering is most properly attributed to the will. For it is the will that orders the means to correspond to the end, since it is the will itself which strives towards the end, chooses the means for the sake of the end, and so decrees that these means be put into execution; and it is also the will that gives the command for the locution, while in God, or in an immaterial inferior being, the ordering of the locution is likewise accomplished through the will. Therefore, ordering by law, in so far as this property exists in the superior who orders or employs the locution, is always a matter pertaining to the will.

14. Hence, there is yet another way in which to meet the customary objection that a superior issues no command if he does not make his will known, even though he may wish that a given act be performed by the subject. For it is replied that this intimation may be external and that such an intimation is not pertinent to the discussion, since it does not reside within the lawmaker but is simply a transient act, affecting either the subject or some other external matter, in accordance with the statements made in the preceding Chapter; whereas intimation as it exists in the lawmaker would seem to consist pre-eminently in a will to intimate externally, which in its turn is an intimate part or else a consequence of the will to bind, so that, for this reason also, law pertains principally to the will.

15. It remains for us to prove the second part of the first ante-

Some characteristic conditions requisite for law are to be found in an act of the will and not, strictly speaking, in an act of the intellect.

The first condition. The first of these conditions consists in the moving and bringing of the subject to the performance of an action, omission being always included under the term, ‘action’. For the principle that moves and brings one to the performance of an action is the will, since the intellect is a motive force with regard more to the special mode of action (specificationem), and is therefore said to direct rather than to move.

The second condition is the possession of a binding force; and this condition, properly speaking, dwells in the will, not in the intellect. For the intellect is able merely to point out a necessity existing in the object itself; and if such a necessity does not exist therein, the intellect cannot impart it [to the object]; whereas the will endows [the object] with a necessity which did not formerly characterize it; and, in the matter of justice, for example,
it causes a thing to be of a given importance; and again, in connexion
with other virtues, it creates a necessity for acting here and now, which
would not exist under other circumstances and *per se*.

The third condition consists in the fact that lawmaking is an act
of jurisdiction and of superior power, a matter upon
which I shall comment below. Consequently, it is (so
to speak) the use of a form of dominion; and use is an act of the will,
particularly the use of dominion, which is a free act.

The fourth condition consists in the fact that law is an act of legal
justice. For the prince, when he makes law, should
have regard 'above all for the common good, which is
a matter pertaining to legal justice. And such justice is a virtue of the
will, although it may require the direction of prudence, a requirement
which is common to all the virtues of the will. From this it follows
simply that prudence is in the highest degree necessary to lawmaking,
as is rightly demonstrated by the grounds supporting the first opinion;
but it does not follow that this must be a formal act of prudence; even
as just distribution and right choice depend upon prudence, while never-
theless they constitute formally an act of the will operating through
the medium of distributive justice or of some other moral virtue.

16. One may adduce as a final argument the fact that it is possible,
in the light of the remarks I made when setting forth the first opinion,
to understand how difficult it is to designate the act of the intellect
that constitutes law; whereas it is easy to make such a designation in
the case of the will. For the will of a superior to bind a subject to a
given act, or—what is equivalent—to set a given matter within the
sphere of obligatory virtue, is well denoted by the term 'law'. This is
true, both because of all the facts that we pointed out in connexion
with the characteristic properties of law; and also because nothing
antecedent to this will can have the force of law (a matter on which we
have also touched), since it cannot induce necessity, while all that is
subsequent [to the said will] is rather the sign of law that has already
been conceived and established in the mind of the prince, since even
the mental locution itself is only a mental sign.

To these fundamental statements, Bartholomew Medina could
have made no answer other than a denial that a will to bind on the part
of the prince is necessary for lawmaking, and for binding through law.
24. Therefore, and thirdly, I add that, with regard to the essence of the matter, a more intelligible and more easily defensible assertion is this: law in its mental aspect (so to speak), as it exists in the lawmaker himself, is the act of a just and upright will, the act whereby a superior wills to bind an inferior to the performance of a particular deed. I find a proof of this assertion in the arguments advanced in support of the second opinion. For though such an act of the will cannot take effect in the subject unless it be sufficiently propounded to him, nevertheless this act of propounding is an application of the cause that creates obligation, rather than the true cause and basis of obligation.
CHAPTER V

IS THE NATURAL LAW NATURAL RIGHT REASON ITSELF?

1. We have assumed and demonstrated in Bk. I, chap. iii, that there is some form of natural law, and as we inquire into the nature of this law, the fact of its existence will become more certain.

Some persons have asserted, then, that the law in question is none other than rational nature itself, as such.

However, this assertion may be advanced with more than one meaning, so that we should take into account the fact that rational nature may be considered in two different aspects: from one point of view, it may be regarded as it is in itself, that is to say, on the basis of the fact that, by reason of the essential characteristics which it possesses, certain things are in accord with it, and other things, in disaccord; from another point of view, it may be regarded on the basis of its power to judge, by the light of natural reason, concerning these very things which accord or disaccord with it. This twofold method of consideration has been suggested by St. Thomas (I-II, qu. 94, art. 2), in the passage wherein he first discriminates among the various inclinations inherent in human nature, in accordance with which inclinations, reason dictates concerning those things which are good or evil for human nature; and he effects this discrimination in order that he may deduce therefrom the precepts of natural law.

Accordingly, a twofold interpretation may be applied to the assertion that the law of nature is rational nature itself. In the first place, this assertion may be understood to refer to nature itself, strictly speaking, and in so far as, by reason of its essential character, certain actions are naturally appropriate to it, and contrary actions, inappropriate. According to the other interpretation, the statement in question is to be understood as referring to nature on the basis of the [power of] rational judgment which is inherent in it, and with respect to which it has the character of law.

2. There is, then, the first opinion, asserting that rational nature, strictly speaking, is natural law itself, in the sense that rational nature involves no inconsistency and is the basis in human actions, either of all their righteousness (through their accord with the said rational nature), or else, on the contrary, of their turpitude (through their disaccord with that nature).

So Vázquez (on I-II, disp. 150, chap. iii), has pointed out in a particular passage, a doctrine which
he frequently repeats throughout his entire discussion of the subject, although he does not cite any authority for such an opinion.

The basis of this belief is, that certain actions are so intrinsically bad of their very nature, that their wickedness in no way depends upon external prohibition, nor upon the exercise of judgment, nor upon the divine will; and similarly, other actions are so essentially good and upright that their possession of these qualities is in no sense dependent upon any external cause. So I assume, at least, from the common opinion of the theologians (on the Sentences, Bk. II, dist. xxxviii); from the words of St. Thomas (I.-II, qu. 100, art. 8 [ad 3]), and from the Relectio X (De Homicidio, nos. 1 et seq.) of Victoria. Moreover, in the following sections, we ourselves confirm this point.

Briefly, the underlying reason for such a view is that moral actions have their own intrinsic character and immutable essence, which in no way depend upon any external cause or will, any more than does the essence of other things which in themselves involve no contradiction, as I at present assume from the science of metaphysics.

3. From the foregoing, then, the first argument is formulated, as follows: the upright character or the turpitude of such actions is to be found in their conformity [or lack of conformity] with some law, and not with a judgment pronounced by reason; therefore, the character of the said actions is determined by their conformity with the rational nature itself, and consequently, that rational nature in itself is the natural law, with respect to all those things which are prescribed or forbidden, approved or permitted by the natural law.

The truth of the major premiss may be assumed either from the passage in Romans (Chap. iv [-, v. 15]): ‘For where there is no law, neither is there transgression;’ or from the definition of sin given by Augustine (Against Faustus, Bk. XXII, chap. xxxvii [chap. xxvii]): ‘It is a word, an act or a desire opposed to God’s law;’ or from the words of Ambrose (On Paradise, Chap. viii): ‘Sin would not exist if no prohibition existed;’ or, finally, from the fact that all the goodness of virtue is measured by some standard which is of the nature of law.

The proof of the minor premiss runs as follows: lying, for example, is not evil because it is adjudged by reason to be evil; rather, the converse is true, that lying is adjudged evil because it is essentially evil; therefore, it is not judgment that measures the evil of this action, and consequently, it is not a prohibitory law on the subject. Wherefore, other conclusions may be proved by the converse reasoning, as follows: the action in question is evil for this reason, namely, that in its very essence it is out of harmony with rational nature; hence, [that] nature itself is the standard by which this action is measured, and, consequently, that nature is the natural law.

4. A second argument may also be advanced, as follows: the
precepts of this [natural] law are either principles self-evident from their very terms, or manifest conclusions necessarily derived therefrom and prior to every judgment framed by reason, not only to judgments of the created intellect, but also to those of the divine intellect itself. For just as the essence of things, in so far as it does not involve a contradiction, is in each case of a given nature, by virtue of the fact that it is such inherently and prior to any causality on the part of God and (as it were) independently of Him; even so, the righteousness of truth and the evil of falsehood, are such of themselves and by virtue of eternal truth. Hence, with respect to such actions and precepts, a judgment cannot have the nature of law, seeing that prior to every [possible] judgment they possess their good or evil character, and are prescribed or forbidden accordingly; and therefore, with regard to these same actions and precepts, there can be nothing endowed with the character of natural law, save rational nature itself.

In the third place, with respect to the nature of other, inferior things, the standard according to which they are good or evil, appropriate or inappropriate, is the very nature of the particular thing in question. For example, heat is inappropriate to water, and cold is appropriate; since water, by virtue of its very form and nature implies cold and not heat, being, indeed, opposed to the latter. Consequently, if one wishes to fix a standard and (as it were) a law, of movements appropriate or inappropriate to a given object, he will find no such standard and law outside the bounds of that object’s nature. Accordingly, then, [the standard in question] dwells in like manner, in rational nature; and in this harmony or discord between a free act and rational nature itself, as such, consists the goodness or turpitude of that act; so that, more properly speaking, that nature falls into the category of law.

5. I believe that the opinion expounded above contains the true doctrine in its fundamental assumption regarding the intrinsic goodness or turpitude of actions, whereby they fall under the sway of the natural law commanding or forbidding them: a matter which I shall elucidate in the course of this Chapter’s argument.

Nevertheless, this opinion, in so far as it relates to the exposition of the natural law, and this mode of speaking of the said law, are not, in my opinion, acceptable.

The first reason for my objection is that the mode of speaking in question, as we shall presently see, is foreign to the teaching of all theologians and philosophers.

Secondly, the rational nature itself, strictly viewed in its essential aspect, neither gives commands, nor makes evident the rectitude or turpitude of anything; neither does it direct or illuminate, or produce any of the other proper effects of law.
Therefore, it cannot be spoken of as law, unless we choose to use that term in an entirely equivocal and metaphorical sense, a use which would render the entire discussion futile. For, we assume, in accordance with the common opinion found not only in the words of the Doctors, but also in the canon and the civil law, that the body of natural law (ius) is a true body of law, and that particular natural law (lex) is true law.
5. However, neither of the opinions above set forth appears to me to be satisfactory; and consequently I hold that a middle course should be taken, this middle course being, in my judgment, the opinion held by St. Thomas and common to the theologians.

My first proposition, then, is as follows: Not only does the natural law indicate what is good or evil, but furthermore, it contains its own prohibition of evil and command of good. This is the inference which I draw from the words of St. Thomas, in the passage (I.-II, qu. 71, art. 6, ad 4) where he says that, in so far as human law is concerned, not all sins are evil simply because they are prohibited; but that, with respect to the natural law, which is contained primarily in the eternal law and secondarily in the judicial faculty of natural reason, every sin is wrongful simply for the reason that it is forbidden. In a subsequent passage (ibid., qu. 100, art. 8, ad 2), he says that God cannot deny Himself and therefore cannot abolish the order of His own justice; by which St. Thomas means that God cannot fail to prohibit those things which are evil and contrary to natural reason. Bonaventure (on the Sentences, Bk. II, dist. xxxv, dub. 4, circa literam) is of the same opinion; and Gerson (Tr. De Vita Spirituali, Lect. II, in entirety, especially coroll. 3) also writes clearly to this effect, when he defines the natural reason as follows: ‘The natural law in its preceptive character is a sign impressed upon every man who is not deficient in the due use of reason, a sign making known the divine will that rational human creatures shall be bound to perform certain actions or to refrain from other actions, in the attainment of their natural end.’ This definition is perhaps more comprehensive than necessary, and at present we avail ourselves of it only in so far as it serves our purpose. The assertion in question is also assumed to be true, by some of the authorities who hold the second of the two opinions discussed above; and it is furthermore defended at length by

---

1 [St. Thomas, in the passage cited, uses the term 'positive law'.—Tr.]
2 [Sézéres has indicatio, apparently a misprint, as St. Thomas, in the passage cited, employs the term indicatorium.—Tr.]
Victoria (Relectio XIII: De Pervenientibus ad Usum Rationis, Nos. 8 et seq.).

6. This proposition may be proved, first, on the basis of the peculiar nature of law. For the natural law is truly law, inasmuch as all the Fathers, theologians, and philosophers so speak and think of it; but the mere knowledge or conception of anything existing in the mind cannot be called law, a fact which is self-evident and which follows also from the definition of law given above; therefore, . . . .

A second argument may be drawn from those actions which are evil, in that they are prohibited by human law. For in the case of such acts, also, if a man is to be guilty of sin, it is necessary that there be a preceding mental judgment indicating that the thing in question is evil; yet that judgment has not the nature of a law or prohibition, since it merely indicates [a quality] existing within that thing, whatever the source of the quality may be; hence, by the same reasoning, although in those matters which fall within the province of the natural law as it relates to good or evil actions, a judgment pointing out the good or evil involved in a particular thing or act must necessarily precede [that act]; nevertheless, such a judgment has not the character of a law or of a prohibition, but is merely a recognition of some fact already assumed to be true. Accordingly, the act which is recognized as evil by the said judgment, is not evil for the reason that it is thus considered, but because it actually is evil, and is, in consequence, truly adjudged to be so; therefore, that judgment is not a rule of evil or of good; and consequently, neither is it a law nor a prohibition.

Thirdly, if the assertion in question were not true, God Himself would be subject to a natural law relating to His will; since even in God, an intellectual act of judgment logically precedes an act of His will, a judgment indicating that lying is wicked, that to keep one's promises is wholly right and necessary [, and so forth]; and therefore, if such an act of the intellect is sufficient to constitute the essence of law, then there will be a true natural law, even with respect to God Himself. For in such a case, the fact that God has no superior, will not serve as an objection, since the natural law is not imposed by any superior. Neither is any objection to the argument in question involved in the identity [of the action of God's will with that of His intellect], since a distinction in thought is sufficient, in order that God's will may truly be said to be directed to that which is manifested by His intellect, and since by that manifestation [the object of the law] is proposed [to the will]; so that [such a distinction] suffices to make

2 [In the Lyons Edition of 1586 and in Simon's edition, 1696, the title of this Relectio reads: De eo, ad quod tenetur homo cum primum venit ad usum rationis.—Tr.]
[these intellectual manifestations] law; for that process is said to suffice for the essence of law.

Finally, a judgment showing the nature of a given action is not the act of a superior, but may, on the contrary, be that of an equal or of an inferior who has no binding power; and consequently, it is impossible for that judgment to have the nature of a law or of a prohibition. Otherwise, a teacher when he points out what is good and what is evil, would be imposing a law, an assertion which cannot [truthfully] be made. Law, then, is that sort of authority which can impose a binding obligation; whereas the judgment in question does not impose an obligation, but [simply] points out what obligation should be assumed to exist. Therefore, if this judgment is to have the nature of law, it must indicate some sort of authority as the source of such obligation.

7. However, some one may object that these arguments have weight only with respect to ‘law’ [in the strict sense of] the term, and may therefore easily be rendered inefficacious by the declaration that the natural law is not termed law in the rigorous sense in which law is said to be a universal precept imposed by a superior, but is so termed for the more general reason that it is a measure of moral good and evil, such as law is wont to be.

But in answer to this objection, I shall argue further that what is opposed to the natural law is necessarily opposed to true law and to the prohibition of some superior; so that the natural law, as existing in man, points out a given thing not only as it is in itself, but also as being forbidden or prescribed by some superior. The consequent is clearly true; for if the natural law consists intrinsically in its simple object as the latter is in itself, or in the manifestation of the same, then the violation of the natural law will not be of itself and intrinsically opposed to the law of any superior inasmuch as a man would violate the natural law, even independently of all laws imposed by a superior, if he acted in opposition to those natural dictates.

The antecedent, then, may be proved, first, from the words of Augustine (Against Faustus; Bk. XXII, chap. xxvii), when he defines sin thus: ‘It is a word, deed, or desire opposed to the eternal law’, and adds that ‘The eternal law is the reason and will of God’; indicating that he believes it to be the nature of sin that it should be contrary to the strict law of some superior. Wherefore, in another passage, Augustine (De Peccatorum Meritis et Remissione, Bk. II, chap. xvi [§ 23]) says: ‘Nor can that be sin, whatever it may be, concerning which God has not enjoined that it shall not be.’ And, farther on, he adds: ‘How can [. . .] forgiveness be bestowed by God’s mercy if there is no sin; or how can a prohibition by God’s justice not exist, if there is sin?’ his meaning being that it is no less repugnant to reason that sin should exist and not be forbidden by God, than that there should be
need of forgiveness without the fact of sin. This opinion is confirmed by the definition of Ambrose (On Paradise, Chap. viii): ‘Sin is violation of the divine law and disobedience to the heavenly mandates.’ But an offence against the natural law is sin in the true sense; therefore, such an offence is a violation of a divine and heavenly mandate; and consequently, the natural law, as it exists in man, has the force of a divine mandate, indicating such a mandate (so to speak) and not merely the nature of its own subject-matter. Finally, the words of Paul are in agreement with the truth which we are discussing, for he says (Romans, Chap. iv [, v. 15]): ‘Where there is no law, neither is there transgression.’ For clearly, he is speaking of the whole law, not merely with reference to ceremonial and judicial precepts, but also with reference to the moral precepts which are part of the law of nature; because the teaching of Paul is valid for all law (natural law also being so classified), that is to say, the teaching that of itself and without the spirit of grace, the law worketh wrath. And thus it is that the passage in question is commonly interpreted, since otherwise the doctrine of the Apostle would not be complete, a fact which will be brought out more fully in our treatise on Grace. He holds, then, that every sin is contrary to some law. This conclusion, moreover, should be understood as applying to true preceptive law; both because that sort of law is referred to throughout the chapter cited, and also because words ought not to be given a strained interpretation without authority or unless there exists an urgent necessity.

8. Furthermore, the proposition in question may be supported by a priori reasoning; since all things which are declared evil by the natural law, are forbidden by God, by a special command and by that will whose decree binds and obliges us, through the force of His authority, to obey those [natural precepts]; and, therefore, the natural law is truly a preceptive law, that is to say, one which contains true precepts.

The truth of the consequent is evident.

The first proof of the antecedent premiss is as follows: God has complete providence over men; therefore, it becomes Him, as the supreme Governor of nature, to prohibit evil and prescribe that which is good; hence, although the natural reason reveals what is good and what is bad to rational nature, nevertheless God, as the Author and Governor of that nature, commands that certain actions shall be performed or avoided, in accordance with the dictates of reason.

Secondly, whatever is contrary to right reason is displeasing to God, and the opposite is pleasing to Him; for the will of God is supremely just, and therefore, that which is evil cannot fail to displease Him, nor can that which is righteous fail to please Him, inas-

1 [Not included in these Selections.—Tr.]
2 [i.e., the assertion made at the beginning of Section 5 of this Chapter; supra, p. 191.—Tr.]
much as God’s will cannot be irrational, as Anselm (Curs. Deus Homo, Bk. I, chap. viii) says; consequently, the natural reason which indicates what is in itself evil or good for mankind, indicates accordingly that it is in conformity with the divine will that the good should be chosen, and the evil avoided.

9. One may object that the existence in God of a will which approves or disapproves, does not imply as a necessary corollary that this will is compelling in a preceptive sense. For in the first place, we are not for that reason bound to conform to every expression of the divine will that is a matter of simple volition; nor even to every approving and efficacious volition; but only to those volitions whereby God wills to bind us, as I gather from St. Thomas (I.-II, qu. 19 [, art. xi]). Wherefore, by this same reasoning, although the works of counsel may be pleasing to God, it is not to be inferred on that account that His will commands that they be performed. And [similarly]—to take a second example—whatever I do contrary to reason is displeasing to a just man or to one of the blessed, and nevertheless their will in the matter is not a command.

My reply to this objection is, in the first place, that the question concerns not simply any complaisant will, but that will which is so pleased by something, in so far as it is good, that the contrary—or that which is opposed thereto by the lack [of some quality], through omission—is displeasing as being evil; and the works of counsel are pleasing not in this fashion, but in such a way that their opposites, that is, omission to perform them, involves no displeasing evil, so that the complaisance with which these works are regarded, is called simple will; whereas the former sort of will, according to which one thing is pleasing in such fashion that another thing is unrestrainedly displeasing, is held to be will in a more absolute sense.

Secondly, I reply that such a will must be regarded as existing in God as the supreme Governor, and not as it may be found in a just individual, whether in this life or in the state of glory. For God, in that absolute disapproval or complaisance, wills absolutely that the deed in question shall be done or left undone, in so far as relates to His office as a just governor; and therefore, this volition is of such a nature that through it He wishes to oblige His subjects to perform a given action or to leave it unperformed. For the volition under discussion cannot be an efficacious volition, willing that a certain action absolutely must or must not be performed; since in that case, no action could ever be done [or left undone], save in accordance with God’s will, which nevertheless is clearly not the fact. Neither is such [a mode of willing] proper to the office of Governor, to whom it pertains, to will the good in such fashion that evil is [nevertheless] permitted, and

1 [i.e., counsel of perfection, or Evangelical counsels.—Reviser.]
secondary free causes are [nevertheless] allowed to use their free wills, without let or hindrance. Therefore, the volition in question must be binding volition, for it is thus that [God] provides for His subjects in this matter, as befits a righteous and prudent providence.

10. Wherefore the [first] proposition is confirmed; for offences against the natural law are said in Scripture to be opposed to the divine will. Thus Anselm declared (De Voluntate Dei [Chap. ii]): ‘Whoever resists the natural law, fails to fulfill the will of God.’ The proof of this declaration is manifest, since a transgressor of the natural law is, in the divine judgment, deserving of punishment; hence, he is a transgressor against the divine will—for that slave shall be beaten with many stripes who does not the will of his lord, as is said in (Luke, Chap. xii [v. 47]); and therefore it follows that the natural law includes the will of God [among its various elements]. Conversely, to him who does the will of God, is promised the kingdom of heaven (Matthew, Chap. vi [v. 33]; John, Chap. ii [v. 17]), a promise which must be interpreted as referring particularly to the preceptive will [of God], for it is written: ‘If thou wilt enter into life, keep the commandments;’ hence, whosoever obeys the natural law does God’s will; and therefore, the natural law includes the preceptive will of God.

The same assertion may be further confirmed, as follows: the divine will indicated by an external sign, and as such ascribed by the theologians to God, extends even to those matters that pertain to the natural law, a fact which one infers from St. Thomas (Pt. I, qu. 19, last art.), as well as from Peter Lombard (Sentences, Bk. I, dist. xlv) and others, and which is, moreover, self-evident; for whosoever violates the natural law draws away from the will of God, and when, in the Lord’s Prayer [Matthew, Chap. vi, v. 10] we pray, ‘Thy will be done,’ we are asking also that it be done in the observance of the natural law; therefore, the natural law, as it exists in us, is an indication of some divine volition; hence, it is pre-eminently an indication of that volition whereby He wills to oblige us to the keeping of that law; and thus it follows that the natural law includes the will of God.

A third confirmation is the fact that a sin against the natural law is offensive to God, being characterized, therefore, by a certain infinite quality; consequently, it betokens opposition to God, as the Maker of that law, for it connotes a virtual contempt of Him; hence, the natural law includes God’s will, since without an act of will, no legislation exists.

The final confirmation is this: the binding force of the natural law constitutes a true obligation; and that obligation is a good in its own

---

1 [See Section 5 of this Chapter; supra, p. 192.—Tr.]

2 [According to our way of thinking, the divine will properly so called, that is, the absolute volition itself, in respect of what God wills, is the voluntas beneplacita; an external indication of the divine will is the voluntas signi, and this term is applied by a process of metonymy to the divine will itself.—Reviser.]
way, existing in point of fact; therefore, this same obligation must proceed from the divine will, which decrees that men shall be bound to obey that which right reason dictates.

11. My second assertion is as follows: this divine volition, in the form of a prohibition or in that of an [affirmative] command, is not the whole reason for the good or evil involved in the observance or transgression of the natural law: on the contrary, it necessarily presupposes the existence of a certain righteousness or turpitude in these actions, and attaches to them a special obligation derived from divine law. This second assertion is drawn from the words of St. Thomas, in the passages above cited.

The first part of the proposition may be deduced from an axiom common to the theologians, that certain evils are prohibited, because they are evil. For if they are forbidden on that very ground, they cannot derive the primary reason for their evil quality from the fact that they are prohibited, since an effect is not the reason for its cause.

This axiom, indeed, has a basis in the words of Augustine (On the Sermon of our Lord on the Mount, Bk. II; chap. xviii [§ 59]), in the passage where he says that there are certain acts which cannot be committed with a righteous intention, for example, debaucheries, adulteries, &c.; or more clearly (On Free Will, Bk. I, chap. iii) when he quotes Evodius as saying that adultery is not an evil because prohibited by law, but rather that the converse is true, [i.e., adultery is so prohibited, because it is evil], a statement of which Augustine tacitly approves. Moreover, the same opinion is held by the Scholastics, Durandus (on the Sentences, Bk. II [Bk. I], dist. xlvii, qu. 4, nos. 7 and 8), Scotus, Gabriel, and others (on the Sentences, Bk. III, dist. xxxvii), as well as by Cajetan (on I.-II., qu. 100, art. 1), Soto (De Justitia, Bk. II, qu. iii, art. 2), and other theologians, cited above. We have also the clearly expressed opinion of Aristotle (Nicomachean Ethics, Bk. II, chap. vi [§ 18]), who says: "There are some passions which essentially have their evil nature implied in their very names, for example, malvolence, shamelessness, and envy; and a number of actions, such as adultery, theft, or murder. For all these and others like them are censured because they are intrinsically wicked."

This doctrine also finds support in the metaphysical principle that the nature of things is immutable in so far as their essence is concerned, and hence also, in so far as concerns the consistency or inconsistency of natural properties. For although it is possible that a given thing may be deprived of a natural property, or that it may take on that of an

\[\text{For imprudentia read impudentia.—Tr.}\]
opposite character, nevertheless it is not possible that such a [changed]
condition should be connatural to that thing; a fact which Victoria
has brought out at length (Relectio X: De Homicidio, Nos. 4 et seq.),
which Soto has touched upon in the passage last cited, and which we
mention elsewhere (Metaphysicarum Disputationum, Disp. XXXI, at
the beginning, and De Deo Uno et Trino, Tract. III, bk. ix, chap.
vii), in treating of created essences.

There is [also] an a posteriori confirmation of these statements; for
if hatred of God, for example, involved no essential and intrinsic evil
existing prior to its prohibition, then it would be possible for this
hatred to be unprohibited. For why shall it not be allowed, if it is not
in itself evil? Hence, it could be permitted, and it could be righteous.
But this conclusion is clearly repugnant [to reason. Therefore, such
an act must be essentially evil.]

Finally, the truth of this first part of our second assertion is suffi-
ciently proven by the cause for doubt postulated at the outset [of this
Book] together with the basic reasons which are stated in the pre-
ceding Chapter in support of the first opinion. And we shall have more
to say upon this point when we treat of the indispensable character of
the law in question.

12. As for the latter half of this second proposition, its truth may
be inferred from what we have already said in connexion with the former
conclusion. For the natural law prohibits those things which are bad
in themselves; and this law is true divine law and a true prohibition;
hence it must necessarily result in some sort of additional obligation
to avoid an evil which is already evil of itself and by its very nature.
Neither is it irrational to suppose that one may add to an act which is
of itself righteous, the obligation to perform it; or that one may add to
an act of itself evil, the obligation to avoid it. In fact, even when one
obligation already exists, another may be added thereto, especially if
it be of a different character, as is clearly true of a vow, a human law,
and similar matters. Therefore, the law of nature, as it is true divine
law, may also superimpose its own moral obligation, derived from a
precept, over and above what may be called the natural evil or virtue
inherent in the subject-matter in regard to which such a precept is
imposed. This point will presently be more fully expounded, when we
reply to the contrary argument.

13. From the foregoing, then, I conclude and state as my third
proposition that the natural law is truly and properly [divine]
law; and God is its Author.

This conclusion follows clearly from the discussion
set forth above, and is taken from the works of the

---

1 [Not included in these Selections.—Tr.]
2 [In Section x, Chapter i. See p. 144.—Tr.]
3 [I.e., the opinion set forth at the beginning of Section 2 of Chapter v. See p. 178.—Tr.]
Fathers already cited, as well as from passages in Epiphanius and Tertullian, which are to be cited below, and from a work of Plutarch (Comment. In Principe Requiri Doctrinam, near the beginning [Ad Principem Ineruditum, 3, p. 780])

Moreover, its truth may be demonstrated as follows: the natural law may be considered as existing either in God or in man; and as existing in God, it implies, to be sure, according to the order of thought, an exercise of judgment on the part of God Himself, with respect to the fitness or unfitness of the actions concerned, and annexes [to that judgment] the will to bind men to observe the dictates of right reason. This entire matter has already been sufficiently explained. Moreover, it may have been this doctrine that Augustine intended to suggest in the passage (Against Faustus, Bk. XXII, chap. xxvii) wherein he said: 'The eternal law is the divine reason and will commanding the preservation of the natural order, and forbidding its disturbance.' For the particle vel is frequently understood in the sense of a connective, especially when the words between which it is placed are so related to each other that they are not to be separated [in meaning]; and this is true of the terms 'divine reason' and 'divine will', with respect to the eternal law; so that Augustine has included both.

Consequently, we may not approve the assertion of the Doctors cited in a later passage, namely, the assertion that [the action of] the divine will, whereby the natural law is sanctioned, does not presuppose the existence of a dictate of the divine reason declaring that a given act is righteous, or that it is evil; nor the further assertion that the will of God does not presuppose in the object, the existence of an intrinsic harmony or an intrinsic discord with the rational nature, by reason of which it wills that one thing be done and another avoided. For it is evident from our discussion of the second conclusion that such suppositions are false and opposed to the essence of the natural law.

Therefore, although the additional obligation imposed by the natural law is derived from the divine will, in so far as it is properly a preceptive obligation, nevertheless [such action on the part of] that will presupposes a judgment as to the evil of falsehood, for example, or similar judgments. However, in view of the fact that no real prohibition or preceptive obligation is created solely by virtue of such a judgment, since such an effect cannot be conceived of apart from volition, it is consequently evident that there exists, in addition, the will to prohibit the act in question, for the reason that it is evil.

Wherefore one concludes, finally, that the natural law, as it exists in man, does not merely indicate what is evil, but actually obliges us to avoid the same; and that it consequently does not merely point out the natural disharmony of a particular act or object, with rational

---

1 [Not an exact quotation.—Tr.] 2 [I.e., at the end of Section 16, infra, p. 203—REVISED.]
nature, but is also a manifestation of the divine will prohibiting that act or object.

14. It remains for us to reply to the argument at the root of the two [contrary] opinions. For the whole matter turns upon the following hypothesis: 'Even if God does not issue the prohibition or commands which are part of the natural law, it will still be wicked to lie, and to honour one's parents will still be a good and dutiful act.'

Two points must be considered, in connexion with this hypothesis: one is the question of what conclusion is to be drawn from it, once it has been posited; the other is the question of whether the hypothesis is admissible.

To the latter of these queries Bartholomew Medina (on I-II, qu. 18, art. 1) makes the reply that the hypothesis is inadmissible, because if it is assumed to be true, a contradiction is implied, as follows: lying, for example, is not a sin, because it is not forbidden by any law; and it is a sin, because it is contrary to reason and essentially incongruous with rational nature.

But, in opposition to this reply, one may urge that in the order of thought, such an act is evil, prior to the existence of any prohibition against it, by any law, in the strict sense of the term; that, therefore, even though one accepts the hypothesis in question, and so assumes that the action is not forbidden by God, it still does not follow that such an action is not evil, since by its very nature it does possess this quality, apart from any prohibition; and [finally] that for these reasons the self-contradictory conclusion mentioned above does not follow.

15. To this in turn one may reply that, although the negative proposition in the said conclusion does not follow on intrinsic grounds (as they say), or a priori, it does follow a posteriori and by extrinsic principles; for if the actions in question were not forbidden by God, then they would not be displeasing to Him, and consequently they would not be evil; yet, from another point of view, they are assumed to be evil; and thus the self-contradictory conclusion would indeed follow [upon the hypothesis which we are discussing]. Similarly, we may argue that, [according to this hypothesis.] if God willed that I should hate Him, then surely hatred of God would not be evil; yet, if my emotion is one of hatred, it is necessarily evil; and, therefore, that same contradictory conclusion would follow. Again, if God willed that fire should be cold by nature, that condition would surely result; but, since such a condition would be self-contradictory, it is impossible that God should will its existence. According to the reply [of Medina], then, one assumes that there is an inconsistency involved in the sup-

1 [The Latin text incorrectly has '4'.—Tr.] 2 [The Latin text incorrectly has '5'.—Tr.]
position that an act may in itself be evil and yet not be forbidden by God.

However, I do not see that his opinion can properly be supported by drawing [from the hypothesis in question] this inconsistent conclusion that a given action would [consequently] be evil and not evil at one and the same time. For, in arguing thus, one is guilty of a petitio principii and of reasoning in a vicious circle. Hence, another mode of proof must be adopted.

A more fitting reply. Accordingly, as a result of that hypothesis, whether it be admissible or inadmissible, the sole inference is that a certain evil quality residing in a human act, or in the failure to perform that act, does not formally consist in a lack of conformity with a true precept or law, whether prohibitive or preceptive. Wherefore, if this hypothesis is posited, there follows, properly enough, the conclusion that such and such an action is evil, and not forbidden; but it cannot therefore be inferred that the two conditions are in reality separable, which is the only point pertinent to the matter under discussion.

16. Nevertheless, one may urge that the foregoing remarks lead to the conclusion that, if we assume the truth of the hypothesis that an act may be evil independently of the existence of any prohibitory law, or prescinding from and putting aside the law, then it will follow also that this act is morally evil, since it is assumed to be a free act; but the evil quality of a free act, because of discord with rational nature as such, is itself a moral evil; so that, consequently, the act in question is morally wrong, and not by reason of any prohibitory law; hence, it is also a sin, apart from all question of discord with a prohibitory law. Thus the entire foundation of the opinion which we have been discussing, falls to the ground.

To this argument, however, some writers, as B. Medina notes in the passage cited above, reply by distinguishing between an evil act and a sin, on the ground that the former term is more comprehensive and does not necessarily imply opposition to any law, which is not true with respect to a sin. Wherefore, these authors admit that in the case supposed the act in question would be evil; but they deny that it would be a sin. However, this is a difficult distinction; and it appears to be somewhat discordant with the doctrine of St. Thomas, for according to that doctrine, sin is nothing other than an action that is evil because it deviates from its proper end, that is, evil because, when it is or ought to be performed in view of some particular end, it does not work duly to that end, that is to say, it deviates therefrom. Consequently, if such an action is in the moral order and is human, the very fact that it is an

---

1 [That is, assuming in a proof that which has to be proved.—Reviser.]
2 [The Latin text incorrectly has ‘6’.—Tr.]
evil act because of its deviation from right reason makes it a sin, as St. Thomas (I.-II., qu. 21, art. 1) declares; for that action deviates from the proper end toward which it should be directed, is therefore evil, and is consequently a sin.

Accordingly, other authorities reply that the action in question is indeed a sin, but that it does not involve guilt, if it is not contrary to law. But this statement, also, would seem to be opposed to the opinion of St. Thomas, as expressed in the same question (art. 2), in the course of which he says that in the case of free actions, sin and guilt are interchangeable terms and differ merely relatively, and as a matter of terminology. For a given act is termed a sin with reference to the fact that it deviates from its end; whereas it is called guilt with reference to the agent to whom it is imputed. But a free act, by virtue of the very fact that it is free, is imputed to an agent; hence, if it is both free and evil, it is in consequence a sin and involves guilt; and, therefore, even in the case supposed, and apart from the law of God, such an act would involve guilt. And thus, all the arguments set forth above [as a solution to the difficulty] in question, are bereft of force.

17. Therefore, my own reply [with regard to that difficulty] is that in any human act there dwells some goodness or evil, in view of its object, considered separately in so far as that object is in harmony or disharmony with right reason; and that, in its relation to right reason, such an act may be termed an evil, and a sin, and a source of guilt, in view of the considerations above mentioned, and apart from its relation to law, strictly speaking. In addition to this [objective goodness or wickedness], human actions possess a special good or wicked character in their relation to God, in cases which furthermore involve a divine law, whether prohibitory or preceptive; and in accordance with such laws, these acts may in a special sense be said to be sins or to involve guilt in the sight of God, by reason of the fact that they transgress a true law of God Himself. It was to this special form of wickedness that Paul [Romans, Chap. iv, v. 15] apparently referred in the term 'transgression', when he said: 'For where there is no law, neither is there transgression.'

A human action, then, opposed to rational nature, will not be characterized by this latter type of depravity, if one grants the supposition that God does not [positively] forbid this particular action; for, under such circumstances, it does not involve that virtual contempt of God which is involved in the violation of a law with respect to the legislator, as Basil declares (on Psalms, xxviii) in commenting upon the text: 'Bring to the Lord glory and honour.' The words of Paul (Romans, Chap. ii [, v. 23]) are in accord with this belief, when he says: 'By transgression of the law, thou dishonourest God.' Wherefore,

1 [The Latin text incorrectly has 'r'.—Tr.]
Augustine has said (On True Religion, Chap. xxvi): 'A prohibitory law redoubles [the guilt incurred through] all sins committed.' And in connexion with this statement, he adds: 'For it is not a simple sin to be guilty, not merely of that which is evil, but also of that which is forbidden.'
22. However, in order that the above argument may be elucidated, the following objection is raised: a divine command is an act of the will or at least presupposes the existence of volition and derives its origin therefrom; and the divine will is free in all of its external actions; hence, it is free even with respect to the act of volition in question; consequently, it is able to refrain from performing that act; and, therefore, it is able to refrain from imposing the precept under discussion.

To this objection, some persons reply that it suffices for the existence of the natural law, that there should be a natural dictate of the divine intellect whereby it judges that these evil actions should be avoided, and the good actions performed. For, in regard to those things which of themselves and intrinsically possess such qualities, that dictate is not a free act, but a necessary one; from the said dictate of divine and eternal law, in this matter, there necessarily issues a certain participation therein by the rational creature, assuming that he has indeed been created; and from this participation and derivation, without any further act of the divine will, there flows forth to the rational creature, as a natural consequence (so to speak), a special obligation, because of which he is bound to follow right reason as an indicator of the eternal rule that dwells in God. Accordingly, whatever may be true of the free actions of the divine will, this obligation and these prohibitions are necessary effects of the divine reason.

However, this reply is unintelligible, since the mere dictate of intelligence apart from will, cannot have the nature of a precept with respect to another being, nor can it impose upon that being, a particular obligation. For an obligation is a certain moral impulse to action; and to impel another to act is a work.

\[ \text{\[See note supra, p. 192—Tr.\]} \]

\[ \text{\[The Latin text incorrectly has '12'.—Tr.\]} \]
of the will. Moreover, the entire obligation in question does not transcend the force of the object, which is in itself good or evil, and from which the action involved derives its own essential goodness or evil; and the judgment of the reason merely has the office of applying and pointing out this object. Finally, the natural reason, by pointing out good and evil, has no more extensive nor stronger binding force because it is a participation of the divine reason, than it would possess in itself and viewed as being non-derivative.
CHAPTER VII

WHAT IS THE SUBJECT-MATTER DEALT WITH BY NATURAL LAW; OR, WHAT ARE THE PRECEPTS OF THAT LAW?

1. We assume from the foregoing discussion that the subject-matter of natural law consists in the good which is essentially righteous, or necessary to righteousness, and the evil which is opposed to that good; in the one, as something to be prescribed, in the other, as something to be forbidden.

The proof of this assumption is as follows: since the law in question is true law and God is its Author, it cannot be other than righteous; and, therefore, it cannot prescribe anything save that which is righteous, neither can it prohibit anything which is not opposed to righteousness. Moreover, this law prescribes that which is in harmony with rational nature as such, and prohibits the contrary; and it is evident that the former is not otherwise than righteous.

1 [Suárez has reference here to his Disp. xv, De Peccatis of Tract. De Fide, not included in these Selections.—Tr.]

2 [i.e. that which is in harmony with rational nature, as such.—Tr.]
Indeed, the natural law differs from other laws in this very respect, namely, that the latter render evil what they prohibit, while they render necessary, or righteous, what they prescribe; whereas the natural law assumes the existence in a given act or object, of the rectitude which it prescribes, or the depravity which it prohibits. Accordingly, it is usual to say that this law forbids a thing because that thing is evil, or prescribes a thing because it is good. We have already touched on this point, in the preceding Chapter.

2. The difficulty then turns upon the question of whether or not every moral good, and every contrary evil fall within the range of the natural law.

Whether or not everything that is righteous and every opposing evil fall within the range of the natural law.

The opinion of those who assert that only commonly applicable, general principles fall within the range of the natural law.

The difference between the natural and other laws.

For certain authorities have declared that the subject-matter of this law includes only general and self-evident principles concerned with goodness or evil in the moral sense, such principles as: 'one must do good, and shun evil'; 'do not to another that which you would not wish done to yourself', and that it does not include the conclusions drawn from these principles, as for example: 'a deposit must be returned'; 'usury must be shunned.' St. Thomas (I.-II, qu. 94, art. 2), is frequently cited in defence of this opinion, as is also Durandus (Tract. De Legibus). I have not been able to secure the work of the latter, but Torquemada (on Decretum, Pt. I, dist. 1, can. vii, no. 3) refers to him. Other jurists, too, support the same view to such a degree that, in their opinion, [even] the Commandments of the Decalogue embody principles, not of the natural law, but of the ius gentium, which these authorities regard as possessing a different character. Soto (De Iustitia, Bk. I, qu. v, art. 4) apparently inclines to this same opinion, as I shall point out more fully in the following Chapter. Moreover, the authors cited appear to base their stand upon a manner of speaking employed by the Roman jurisconsults, who do not attribute to the natural law those actions which are dictated by reason and solely through a process of rational reflection, as may be gathered from various passages of the Digest (I. i. 1, 2, 3 and 9, and others, also XVI. iii. 31).

3. The basis of the opinion above set forth may, in the first place, be the fact that the natural law is one to which nature itself gives an immediate inclination; and only first principles are of this kind, since those which are arrived at through reasoning have rather their origin in man himself. Hence, even with respect to habits themselves, a distinction must be drawn between a habit of applying principles and one of applying conclusions. In the second place, the law which deals with first principles is absolutely immutable, both in its essence, and
also from the standpoint of mankind, since ignorance of it is impossible; but that law which is concerned with conclusions, is mutable, and ignorance thereof is possible. Thirdly, if the opinion in question were not correct, even the virtuous acts prescribed by men would pertain to the natural law, since they are drawn from that law by a process of reasoning. Fourthly, if the said opinion were incorrect, the *ius gentium* would not be distinguishable from the natural law; but would on the contrary be a part or a subdivision of the latter.

4. Nevertheless, we must assert that the natural law embraces all precepts or moral principles which are plainly characterized by the goodness necessary to rectitude of conduct, just as the opposite precepts clearly involve moral irregularity or wickedness.

This is the opinion of St. Thomas (I.-II, qu. 91, art. 2; qu. 94, arts. 2 and 4 [art. 3]; qu. 95, art. 2; qu. 100, arts. 1, 2, and 3), as set forth in several passages, in connexion with which Cajetan, Conrad Koellin, and other commentators express a like view; as does Soto, also *(De Jusititia*, Bk. I, qu. iv, art. 2; qu. v, arts. i and 2; Bk. III, qu. i, arts. 2 and 3). One gathers that the theologians cited in the preceding Chapter are of the same mind. And this is also true of Torquemada (on *Decretum*, Pt. I, dist. 1, can. vi, in many articles, especially the first and last) and Covarruvias (on *Sexti*, rule *peccatum*, Pt. II, § 11, no. 4); as it is of Aristotle (*Nicomachean Ethics*, Bk. V, chap. vii), in the passage where he divides all law into two kinds, natural and legal, including under the former head all that which involves necessary and immutable truth. Cicero expresses this same view, in his work *(On Invention*, Bk. II [chap. xxii]), defining the natural law as, 'That which is imparted to us, not by mere opinion, but by a certain innate force, as is the case with religion, piety,' &c. Isidore (*Etymologies*, Bk. V, chap. iii [chap. iv]), too, is of a similar mind, when he expounds the natural law by means of still other illustrations. Augustine *(On Free Will*, Bk. I, chap. iii) expresses himself in like manner, in that he classifies adultery as being contrary to natural law; for the same principle would apply to every offence of a similar sort. Finally, the conclusion in question may be deduced from the *Psalms* (iv [v. 6–7]): 'Who sheweth us good things? The light of thy countenance, O Lord, is signed upon us.' For we rightly conclude from this passage that all those things which natural enlightenment makes evident, pertain to the natural law. This conclusion may be confirmed from the words of Paul, in his *Epistle to the Romans*, Chap. ii [v. 14]: 'The Gentiles who have not the law do by nature those things that are of the law'; whence he infers that the Gentiles are a law to themselves; yet those things which

1 [This is a rather loose paraphrase of Augustine's reasoning.—Tt.]
are clearly recognized by means of natural enlightenment, whether
they be recognized with or without reflection, are rightly said to be
produced by nature; therefore, ...

5. The assertion in question may also be demonstrated by reason-
ing. For those things which are recognized by means
of natural reason, may be divided into three classes.

First, some of them are primary and general prin-
ciples of morality, such principles as: ‘one must do good, and shun evil’,
‘do not to another that which you would not wish done to yourself’,
and the like. There is no doubt but that these principles pertain to
the natural law. Again, there are certain others, more definite and
specific, which, nevertheless, are also self-evident truths by their very
terminology. Examples [of the second group] are these principles:
‘justice must be observed’; ‘God must be worshipped’; ‘one must live
temperately’; and so forth. Neither is there any doubt concerning [the
fact that] this group [comes under the natural law], a point which will
become evident, a fortiori, as a result of the discussion that is to follow.

In the third class, we place those conclusions which are deduced from
natural principles by an evident inference, and which cannot become
known save through rational reflection. Of these conclusions, some are
recognized more easily than others, and by a greater number of persons;
as, for example, the inferences that adultery, theft, and similar acts
are wrong. Other conclusions require more reflection, of a sort not
easily within the capacity of all, as is the case with the inferences that
fornication is intrinsically evil, that usury is unjust, that lying can
never be justified, and the like.

The assertion set forth above may, then, be understood as applic-
able to all these [principles and conclusions]; for all of them pertain to
the natural law. And if this truth is established with regard even to the
conclusions of any one of these classes, then, the same truth will, a
fortiori, be established with regard to the other conclusions mentioned,
provided only that a degree of evidence involving certainty is reached.

6. Therefore, the proof follows; first, by a process of induction.
For the precepts of the Decalogue are precepts of natural law, a fact
accepted by all. Yet they do not all embody self-evident principles.
On the contrary, some of them require reflection, as is also evident.
This point is still more clear with regard to many natural precepts
which are included within those of the Decalogue; as, for example,
the prohibitions against simple fornication, against usury and against
vengeance inflicted upon an enemy by one’s own authority, all of which
according to Catholic doctrine, indubitably pertain to natural law. In
like manner, the affirmative commands to keep vows and promises, to
give alms out of one’s superfluous possessions, to honour one’s parents,

* Vide the first sentence of Section 4 of this Chapter; supra, p. 219.—Tr.]
are natural precepts, not only according to the faith, but also according to the philosophers and all right-thinking persons. Yet the conclusions [leading to these precepts] are not reached without reflection and, in some cases, a great deal of elaborate reasoning.

Secondly, we may advance the argument that all the [acts] dealt with by these principles and conclusions, are prescribed because they are righteous, or forbidden because they are evil, while the converse [i.e., that they are righteous because prescribed, or evil because forbidden] is not true; therefore, the said [acts] do not fall under positive law; and, consequently, they do come under natural law. For, as I have noted above, there is no branch of law outside [of these two]. The truth of the first consequent is evident from the fact that a positive law is properly one which involves additional obligation, beyond what is demanded by the intrinsic character of the subject-matter; for, as Aristotle has said [Nicomachean Ethics, Bk. V, chap. vii], positive law concerns those things which were of no import, before the enactment of the law. The truth of the antecedent is also clear. For the truth of a principle cannot stand, apart from the truth of the conclusion that is necessarily drawn [therefrom]; accordingly, if a conclusion relating to righteousness necessarily follows, from natural principles, then, even apart from any external law, that conclusion is righteous per se and by its intrinsic force; and therefore, when a law is [justly] applied [to such matter], it is applied because its object is necessarily righteous; the converse is also true, in the case of prohibitions and that which is [necessarily] evil.

7. Thirdly, no one is doubtful as to the primary and general principles; hence, neither can there be doubt as to the specific principles, since these, also, in themselves and by virtue of their very terminology, harmonize with rational nature as such; and, therefore, there should be no doubt with respect to the conclusions clearly derived from these principles, inasmuch as the truth of the principle is contained in the conclusion, and he who prescribes or forbids the one, necessarily prescribes or forbids that which is bound up in it, or without which it could not exist. Indeed, strictly speaking, the natural law works more through these proximate principles or conclusions than through universal principles; for a law is a proximate rule of operation, and the general principles mentioned above are not rules save in so far as they are definitely applied by specific rules to the individual sorts of acts or virtues.

Finally, all these precepts proceed, by a certain necessity, from nature, and from God as the Author of nature, and all tend to the same end, which is undoubtedly the due preservation and natural perfection or felicity of human nature; therefore, they all pertain to the natural law.

3 [A rather free rendering of ills membris (those members [of the threefold classification])—Tr.]
CHAPTER VIII

IS THE NATURAL LAW ONE UNIFIED WHOLE?

1. Three questions may be asked at this point. First, with respect to a single individual, is the natural law one unified whole? Secondly, with respect to all men and in all places, is it one unified whole? Thirdly,  

1 [i.e., in the sense that it is absorbed within the natural obligation to which it gives rise.—Tr.]  
2 [Vide Section 3 of this Chapter; supra, p. 209.—Tr.]  
3 [Chap. xvii; infra, p. 325.—Tr.]  

1869.74  
#f
is it also such a unified whole with respect to all times and every condition of human nature?

Before replying separately to these questions, however, I must again call attention to a fact which I have noted above, that this natural law may be conceived of either in its relationship to pure nature, or in its relationship to [divine] grace, in so far as the latter has also a nature of its own. In this sense, then, it is manifest that there is a twofold natural law; the one phase that of humanity, so to speak; the other, that of grace. For these two phases are of different orders, and are directed to widely different ends. Accordingly, one of the two is wholly connatural with human nature; the other, wholly supernatural. Cajetan (on I.-II, qu. 100, art. 1), clearly teaches that this distinction exists, and the same conclusion is to be drawn from St. Thomas himself (I.-II, qu. 100, art. 1, and more clearly in art. 3). Therefore, the three questions enumerated above may be discussed from the standpoint of each of these two divisions; and indeed, everything that we say concerning the natural law may, in due proportion, be applied to both divisions. However, we almost always speak, by way of example, of the law that is wholly natural, partly because that law is better known, and partly because authorities usually adopt this manner of speaking.

2. Turning to the first question, then, we must state that with respect to any one individual, there are many natural precepts; but that from all of these there is formed one unified body of natural law. It is thus that St. Thomas [I.-II, qu. 94, art. 2], Soto, and others explain this matter. Moreover, the same conclusion is drawn from the Digest (I. i. 1, § 2), in the following passage: "This law is made up of natural precepts." The basis of this unity, apart from the common manner of speaking, consists, according to St. Thomas, in the fact that all natural precepts may be reduced to one first principle in which these precepts are (as it were) united; for where there is union, there is also a certain unity. Basil (Regulae Fusius Tractatae, Interrogatio 1), too, upholds this opinion when he says that a [relative] order exists between the divine commands, one of them—that enjoining the love of God—being the first, the other—that enjoining the love of one’s neighbour—being the second, as stated in Matthew (Chap. xxii [v. 39]); and that the remaining natural precepts are reduced to these two, as to primary principles, a fact which Paul also has indicated (Romans, Chap. xiii [v. 8]). Finally, it may be added that all natural precepts are united in one end; in one author or lawgiver, also; and in the one characteristic of avoiding evil because it

1 [Pure nature, that is, human nature conceived of as not yet elevated by supernatural grace. We may speak of human nature under three aspects: namely, pure, fallen, and redeemed.—Reviser.]

2 [Not an exact quotation.—Tr.]
is evil, and of prescribing good because it is right and necessary; so that these facts suffice to constitute a moral unity.

3. However, in order that the multitude of precepts may be reduced to some kind of order, they may be distinguished from one another under various heads. For example, they may be distinguished with reference to the persons for whom they are—objectively, so to speak—ordained. Thus, certain precepts relate to God; certain others to one's neighbour; and still others, to the individual himself. Or, the precepts in question may be distinguished according to the virtues [which they prescribe]. For some relate to justice; others to charity or natural love; and so on. Or, again, they may be distinguished according to their respective relations to the intellect. It is thus that natural precepts are classified by St. Thomas, Cajetan, and others, even as propositions necessarily true are classified by the philosophers. For certain of these precepts are manifest in and of themselves, and with respect to all men, as is the case with the most universal precepts. Others are manifest in and of themselves, and in an immediate sense, but not in so far as relates to our apprehension, although they may have this character in so far as relates to the wise. As examples of this group, we have certain precepts regarding individual virtues, and the Commandments of the Decalogue. However, there are still other precepts, which call for reflection [in order that they may be known], and this group, in turn, admits of gradations; for certain of these precepts are recognized easily, others with difficulty. The distinctions above set forth will be useful in examining the matter of ignorance in regard to natural law, a point which we shall presently discuss.

4. Lastly, St. Thomas (ibid., qu. 94, art. 2), followed by Cajetan and others, traces this variety in the natural precepts to the varied natural inclinations of mankind. For man is (as it were) an individual entity and as such has an inclination to preserve his own being, and to safeguard his own welfare; he is also a being corruptible—that is to say, mortal—and as such is inclined towards the preservation of the species, and towards the actions necessary to that end; and finally, he is a rational being and as such is suited for immortality, for spiritual perfection, and for communication with God and social intercourse with rational creatures. Hence, the natural law brings man to perfection, with regard to every one of his tendencies and, in this capacity, it contains various precepts—for example, precepts of temperance and of fortitude, relating to the first tendency mentioned above; those of chastity and prudence, relating to the second tendency; and those of religion, justice and so forth, relating to the third tendency. For all these propensities in man, must be viewed as being in some way determined and elevated by a process of rational gradation. For, if these propensities are considered merely in their natural aspect, or as animal
propensities, they must be bridled, that virtue may be attained, as
Aristotle (Nicomachean Ethics, Bk. II, chap. ix) and Chrysostom, in
an excellent passage (Homily XIII, To the People, near the end), have
said; and on the other hand, if the same propensities are considered
with respect to their capacity for being regulated by right reason, then
proper and suitable precepts apply to each of them.