Society and Natural Law in Thomas Aquinas

Abstract

For Thomas Aquinas human society arises spontaneously from Nature, and on this basis he elaborates his understanding of Natural Law. A major challenge to modern Natural Law scholarship lies in trying to overcome the differences between our modern understanding of Nature and that of Aquinas. This challenge is even greater if Nature is understood in a “religious” sense. This presentation will explore the possibilities of Aquinas’s thought on Nature and Natural Law being relevant in our modern world.

Through exploring the approach of Aquinas to understanding human society and Natural Law, I hope to accomplish three objectives. First, to bring to light some of the essential features of a specifically Christian understanding of society as conceived in the 11th and 12th centuries; second, to illustrate how an understanding of Natural Law offers a way of situating the question of human society and ethics within the context of Nature as a whole, and thirdly, to use the scholastic understanding of human society to throw light on some hidden assumptions that shape our modern conceptions of the secular society. My underlying aim in this endeavour is to show that, if we wish to understand the relationships between religion and politics, it is absolutely necessary that we look at religion itself in terms of its own reflections on this question, rather than through the various secular ideas of religion which seems to be a tendency of much recent sociological literature on religion and politics.

What do we understand by Natural Law in this period? There is a context in which the rich reflections on Natural Law emerged in the 11th and 12th centuries. On one side there was a challenge to the Church to respond to a tendency to see the world as fallen and corrupted, while on the other hand new institutions were arising, both secular and within the Church, which required consideration of the nature of human society and just forms of administration.

In response to these challenges scholars turned their attention to three sources, classical thought on law, the new natural sciences that were emerging, and Scripture. They sought ways of reconciling these three approaches. This meant bringing together their observations of nature – of the animal and human worlds – their inheritance from the pagan philosophers and Roman jurisprudence, and the long tradition of scriptural exegesis. Thus Medieval Natural Law is a subtle synthesis of these three.
A key to the possibility of this synthesis is the understanding that the created world directly manifested the divine wisdom of God. This understanding of creation gained support from Scripture, especially from *Genesis* in which the creation is described as “good” by God, and also from recently recovered works of Aristotle, Plato’s *Timaeus* and other Neoplatonic works. By bringing these two together, the creation, or the universe, was understood not only to be good, but also to be rational and intelligible. Observation of Nature through the natural sciences showed clearly all living things had natural tendencies towards full flourishing, and this indicated that all created things, in their growth and their activities, sought the good as their natural end. This teleology of the natural world, taken in the broadest terms or simply in principle, showed that Nature was ordered in an integral and lawful way, and tended towards higher orders of synthesis or unity. That is to say, there was the clear evidence of Natural Law in the tendencies of all Nature. Nature was not a chaos of conflicting irrational forces. On the contrary, a form of reason was to be discerned even in the pre-rational creatures. Nature was intelligent and oriented towards the maximum fullness of being and reason at all levels.

Seeing Nature in this way, as rational, teleological and as revealing the divine Wisdom of God, enabled the scholastics to reconcile their third element from Classical knowledge, the various remnants from Roman jurisprudence, in particular the writings on Natural Law of Seneca and Cicero. These were shaped by the philosophy of the Stoics and their conception of the human race being one society in a single city, the city of the cosmos. This element of universality is important because it established two fundamental principles of Natural Law as it applied to mankind as a whole: the universality of all law and the natural equality of the human race. Thus Natural Law made two claims, that the same laws of Nature apply everywhere universally, and that the human race was a single family whose dwelling place was the entire cosmos. From this follows the notion of Justice as that which should govern all human affairs within that natural order of the cosmos. This classical understanding of Justice was a manifestation, from the Christian point of view, of the divine Providence and wisdom of God, and thus, in terms of the final end of human existence, an intimation of the eternal spiritual blessedness. Thus the Natural Law both ordered the created world and secured its natural good, and pointed beyond it to the ultimate spiritual good that is the true destiny of human nature.

From this brief survey it is clear that the scholastics found a way of reconciling the realm of Nature with the realm of Grace, the natural world and the divine destiny of all created things. This reconciliation between Nature and Grace, between created and spiritual destiny, is perhaps the greatest achievement of the scholastics. The Temporal and the Eternal are
not in conflict or mutually exclusive. Rather they manifest the divine wisdom in two distinct but ultimately united ways.

It is worth noting here that we often tend to think that it is Christianity that sees the temporal and the eternal to be irreconcilable, but it is worth remembering that in our modern western culture it is secularism that holds them as irreconcilable. The point at which this incompatibility emerges is where the question of teleology arises. In secular thought there is no particular end towards which human life is oriented indicated in the laws of nature or the analysis of social structures. The teleological understanding of Nature, which was common to classical Greek and Roman thought as well as to Christianity, informs their understanding of Nature in a fundamental way, and we can either miss this where it is implicit or, perhaps more likely, regard it as no more than a projection upon Nature, even an illegitimate way of making sense of the cosmic order.

But this would be misleading for two reasons. It is common for the ancients to look upon reality itself, not just Nature, as in movement, as underway, in process, as a fundamental quality of being as such. Being or existence is not static but always in act, even in the present moment of presencing. So either this integral active quality of existence is orderly or random, and that means either rational or irrational, and that means, either intelligible or unintelligible. Thus “reason” or “ratio” was understood to belong to all things, and not just to the human mind. In one way or another the universal presence of reason is fundamental to all forms of ancient ontology and epistemology.

But the teleology of Nature shapes the understanding of Natural Law in a crucial way which presents a strong challenge to the modern secular understanding of law. Natural Law, considered in its most essential ground, is itself an embodiment of the natural and just ends of Nature taken as a single whole. That is to say, each particular instance of lawfulness is lawful insofar as it is informed by the “final cause” of creation. This means that any particular action representing Natural Law is a kind of participation in the universal end of all things. It is this teleological aspect of Natural Law which distinguishes it as Natural Law, as distinct from command or decree law, which is now the basis of positive law. Natural Law is not imposed upon things, it is rather their own natural teleology connected with the universal teleology. Natural Law is not conceived as a restraint upon things, but rather as the manner in which the being of things may come to its fullest expression and development, both in itself and for the sake of all things.

It is this universal teleological understanding of Law which makes the scholastic thought upon Nature, society and Scripture so distinctive. To
illustrate this I take a passage from the *Summa Theologia* of Thomas Aquinas:

By nature parts of the body will risk themselves in order to defend the whole: without thinking, the hand wards off the blow that will harm the whole body. And in society virtue imitates nature, so that the good citizen risks death for the common good; if he were a part of society by nature it would be a natural tendency. Now by nature every creature by being himself belongs to God; so that natural love of angels and men is first and foremost for God and then for themselves. If it were not so, their natural love would be perverse and would have to be destroyed rather than fulfilled by the love of charity. One naturally loves oneself more than something else of equal rank because one is more united to oneself, but if the other thing is the entire ground of one’s own existence and goodness then by nature one loves it more than oneself: by nature parts love the whole more than themselves, and individuals the good of the species more than their individual good. God however is not only the good of a species but good as such and for all; and so by nature everything loves God in its own way more than itself. Since God is everything’s good and naturally loved by all, no one can see him for what he is and not love him. But when we do not see him and know him only through some effect or other which displeases us, we may hate God in that respect; though even then as the good of all we still by nature love him more than ourselves. (Aquinas *Summa I. 60.5*)

Here Aquinas brings together the natural instinct of self-preservation with the impulse of Nature to preserve the greater unity rather than the part, and this principle of Nature with the social order, and this with the preservation of the species, and then of all creatures with their origin and end in God as the good itself. The realms of Nature and of Grace are thus fully harmonised. In particular, there is no conflict between the personal desire for good and the desire for universal good, because the good that all beings seek is the Good in Itself, the good from whence being arises and for the sake of which it desires to exist.

In terms of the modern understanding of Nature Aquinas’s understanding of natural inclination and instinct presents a problem. If each being is striving simply for its own preservation in competition with other beings, then any teleology ends in the triumph of the particular being over the rest of Nature. The “good” becomes reduced to mere survival. The same holds if a species is seen in this way, as an end in itself. This view of Nature is still teleological, despite its contrary claims, but in a severely limited and localised sense. In principle, however, there is no reason to suppose that the whole of biological life on earth, for example, is not oriented as a whole towards its collective actualisation. Support may be found for such a view in some modern schools of evolutionary biology, ecology and complexity
theory. Indeed, the emerging consensus is that the biosphere is a “total system” in one way or another. The question that is not so easily answered is the mechanisms through which it can act as a whole.

Clearly it would be biologically wrong to project upon Nature a “moral” organising principle, and even less the imposition of an “external will”. For Aquinas Nature is self-organising through its inclinations simply to continue to exist. But “to exist” is a universal. It belongs to each being by participation. And the inclination to exist does not operate in isolation for each particular being, and every being is in one way or another interdependent with all other beings. This is the simple view of Aquinas – which of course goes right back to Aristotle.

If there is any real difficulty with this understanding of the self-organising principle of Nature, it arises at the point where the “irrational inclinations” of Nature emerge as the rational and moral inclinations of human beings. The question becomes even more difficult once we understand that, with the emergence of the human, arises also the free will.

Aquinas comes at this question in a way that has only recently been considered in modern scholarship. He modifies the teleological principle of Aristotle. Whereas for Aristotle the celestial sphere in its rational motions ordered the lower spheres through its influence, for Aquinas the innate inclinations of Nature are understood as inclinations towards the rational. Thus for Aquinas the “lower orders” of Nature “imitated” the rational orders above them. It is this which makes Nature intelligible, and mind and Nature coordinates of one another for Aquinas. Thus the inclination for mere self-preservation derives from the potential for maximum being, and the maximum of being belongs to the integration and freedom that comes with rational being. So for Aquinas the potential for maximum being is the first seed of the teleological order of the unfolding of Nature.

Seen in this way, what we regard as the instinct for self-preservation, which we would regard as pre-rational, is in essence a striving for autonomy and maximum being. It is a seeking what is lacking. What is lacking is maximum unity with all being and maximum autonomy. For Aquinas this is what all Nature strives towards, and the different levels of order within Nature, at the inanimate and animate levels are what they are by virtue of seeking yet higher order. Higher order is higher or greater unity.

The disposition of all things towards unity, autonomy and maximum being, is in fact an epistemological tendency. That is to say, all things are oriented towards becoming known. That is the essential characteristic of the hierarchical order of Nature from the irrational to the rational. This orientation of things towards becoming known is the key to the correlation
between existence and intellect, that is, between things and the human mind. This also is the key to the creative human intelligence, in the sense that human craft may draw out into intelligibility what is only potential in a thing’s essence. Thus, the relation of the intellect to things is both receptive and creative. It is therefore ontological and teleological.

Society for Aquinas, then, belongs to the rational order of Nature. In human society the inclinations, instincts and tendencies of Nature, while biologically the same in the human organism, emerge transformed in the human intellect. Through intellectual reflection the inclination of all things towards higher forms of order and intelligibility becomes directly visible. The unity and the fullness of being that Nature strives for at the irrational level, now emerges as the Good that all things seek. That is to say, the ethical aspect of Being is the Good. Very strictly speaking, for Aquinas the Good and Being are inseparable, virtually transposable, as they are for Aristotle too.

Apart from the moral aspect of Being now emerging at the level of socialisation of the human species, there are two further aspects that arise into view from the rational aspect, that is, from the principle of order. With the emergence of human reflection the potential reason of the irrational level of Nature has become actual, and this now opens up a further dimension to the inclination of all things towards higher order and unity. The human intellect not only seeks ways in which to order the human community for the common good, it also seeks a good beyond itself. This good, for Aquinas, is the divine vision or beatitude, the unity with the origin and end of all things. From the point of view of the intellect, even if we leave the religious dimension aside here, this means that mind is oriented towards total knowledge, total being, total actuality, total unity, total goodness. That is to say, in Aquinas’s way of putting it, the potential of the created, finite mind is infinite. Thus potentially it knows all things. This potentiality correlates with the orientation of all things towards being known.

It is this potentiality of the human intellect to know all things which enables the human community to curve back upon itself reflectively and see itself in relation to the totality of things. Again this understanding of human community may be traced in different forms all the way back to Aristotle and Plato, but also in this context, to the Old Testament. There appears to be a principle that the potential for the flourishing of the human community is correlated at any given time with its manner of apprehending Nature as a whole. Obviously, the manner in which Nature is apprehended as a whole, at any time, determines the way in which the human community directs itself towards the future.
Looked at in this broad but fundamental way, this correlation between self-reflection and universal apprehension opens the door to another epistemological aspect of the moral dimension that arises with human society. Human society not only situates itself within the natural order through the natural inclinations towards the fullness of being, its potential destiny depends upon a truthful correspondence with Nature as such, and thus with Natural Law.

The epistemological and the ethical are mutually bound together in the same way as Being and the Good are bound together. Thus the ethical, just as the epistemological and the ontological, is fundamentally grounded in the manner in which all things are directly interconnected with one another, at all levels in one way or another. The ethical is simply the way this unity of things manifests at the human level as giving heed to what is. That, precisely, is the essence of the meaning of Natural Law for Aquinas.

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