Ethics and Natural Law: A Critique of Thomas Aquinas

By

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Abstract
This paper is structured within the frame work of ethics and natural law in Thomas Aquinas’ conception. Aquinas believes that the universe was created by a divine supreme being with an eternal law that regulates its activities. Therefore, humans by rational inclination inherently predominant in them can participate in the eternal law which he called natural law. He further holds that the application of natural law to a particular society by "conclusion" and "determination" give rise to a just society. However, he failed to account for the various religious beliefs as well as there is of nature which could vary from what he observes as eternal law. This paper utilizes textual analysis otherwise known as content analysis as method. It reveals that, it is proper to construct moral principles that are based on reason that will not be the outcome of divine command, since every religion is free to believe whatever they feel like believing. It further reveals that moral principles based on divine command gives room for ethical relativism that could render moral ideals unstable.

Introduction
The philosophical appeal for a deductive inherent teleological drive as the foundation of human motive for action is worthy of evaluation. The variegated invocation of natural law in history as well as philosophers
approach implies the disparity of interpretation of the conception. However, despite its incoherent nature, ethicists, of the like of Plato, Aristotle, Aquinas, Hobbes, Locke, Rousseau, to mention but a few, extrapolated from human nature certain principles as the foundation and guide for human morality.

The paper is concerned with Thomas Aquinas on Ethics and Natural Law. He observed that the world is ordered by a rational being. Man is endowed with the capacity of reason and therefore can fathom out the internal working principle of the world, which he held, determines the moral structure of the universe. Therefore human morality is discoverable by reason. And that such human morality is deduced from natural principles of the universal order through the inherent rational faculty in all men. To this end, the goodness or wrongness of an action is defined by natural law that is discoverable by reason (Rachels and Rachels:50)

However, since natural law is discoverable by reason, it becomes subjective and self-evidence in nature and therefore could relativize moral ideal and render moral standard vague.

At this juncture, we shall seek to do a critical evaluation of the relationship between Aquinas' concept of natural law and a universal human morality as regards interpersonal relations. To achieve this, we will attempt to evaluate how such natural law is the same in all men, culture and religion. To explore how natural law could be the sole determinant of moral virtue, and the relationship between objective morality and natural law.

**Conceptual and Historical Analysis**

In his work, *The Voyage of Discovery*, Lawhead, summarizes Homer’s poetic work, that some occurrences in the universe are the outcome of purposeful, although often subject to change, human or divine agents. There is some forms of randomness in the universal order of events and therefore, renders some event purposeless. However, false is a picture of amoral order that bounds all objects in nature (5). Homer, also observed, that the gods appeal to moral order and interfere in human affairs using objective justice.
But the conflicting scenario was heightened in Plato's Dialogue, *The Euthyphro*, where Socrates observed, in the *Iliad*, where the gods are violently divided for and against the Greeks (185). The conflicting circumstance between the gods was a wreckage of objectivity of the gods approval of moral objectivity and therefore, they do not take into cognizance the purposeful nature of the order of the universe for their moral ideals.

In an attempt to explain the orderliness of natural phenomenon, presocratic philosophers were sharply divided; where Heraclitus upheld change to be the nature of order. For him the process of change is not haphazard movement but the product of universal reason, therefore reason is a universal law (Stumpf and Fieser 16). However, Permanides rejected the idea of flux put forward by Heraclitus for permanence on the ground that the notion of appearance and reality, change and multiplicity is the outcome of confusion which stem from inability to distinguish opinion from truth. For him change is the product of opinion. Therefore, we can infer that for him truth is unchanging and permanent, which implies that nature is fixed and can support a system of unchanging natural law that can sustain a universal morality by extension.

The foregoing triggered the Sophists, to question the possibility of universal truth, in the mist of cultural differences between various races and societies. Subsequently, the problem of the concept of universal goodness erupted. The question was, could there be a universal goodness of universal truth that cannot be known as held by Geogias. Morgan, in his work, *The Continuity Theory of Reality in Plato’s work* noted Hippias thus:

> Of natural law, or, in his terms, the ‘unwritten laws of nature,’ which have a greater claim on our obedience than manmade law, and are supposed to be universal and unbreakable. A natural law we may say, is descriptive - it states that simply and unalterably is the case - while a man made law is prescriptive, since it states what should be the case (T6 and 5).
Plato, in a bid to attenuate the polarity between Permenides and Heraclitus on the concept of change and permanence, adumbrated the world of forms that is guided by immutable, indestructible laws and then posit that the world of forms, different from the phenomenal world, is superior and that things in the physical world participate in the world of form. But that only the philosopher: one who is rigorously trained can with the aid of reason comprehend the true nature of things. To this end morality can only be practiced by aristocrats since the nature of the supernatural world cannot be known by all. However, Aristotle's ethical eudemonism is structured along the lines of what constitutes man's ultimate good. He observed that acting out the ultimate good must be, by aliening and internal disposition with the aid of reason. For him, principles of morality are discoverable by induction, perception, habituation and that each set of principle must be investigated in the natural way (Aristotle 10). These, however, set the stage for Aquinas on natural law and ethics.

**The Concept of Natural Law**

Thomas Aquinas in an attempt to provide a systematic account of divine revelation as the bases of virtuous act applied the teleological method of Aristotle in his analysis of fundamental ethical problems. In his work, *The Summa Theologica*, he outlined various kinds of law thus; Eternal Law, Natural Law, Human Law, and Divine Law (Aquinas 3665). Where, eternal law is the divine plan of the universe, natural law is that by which human, with the aid of reason participates in eternal laws. Human law, for him is the application of natural law to a particular society by "conclusions" and "determinations". Divine law is revelation expressed in the Old Testament which aids man in understanding the requirement of law and morality. The foregoing structure rests on the idea that man is able to understand nature's purpose and order which is in contrast with Plato's idea of aristocratic morality _ where only the intellectual class can have knowledge of the forms. And also a reconciliation of the pre-socratic skepticism of
natural order. He debunk the idea that man is guided by angels, this is because, the how of such guidance cannot be explained. For him, man is able to guide himself by his free will; and knows how by his natural knowledge of natural law. (Aquinas 2339). He went further to observe that the mere fact that an act is forbidden does not imply that it is evil. For an act to be evil, it must be prohibited by natural law which has its foundation in eternal law as observed by human reason in the natural law. Morally accepted acts are those acts that are non-prohibited by natural law wherein, unaccepted moral acts are those contrary to natural law, precisely because it is inordinate (Aquinas 3398).

He argued against the promulgation of law, particularly natural law; giving the facts that promulgation applies to the present, while law has the potential of binding on future generations. Therefore, due to the futuristic nature of law it ought not to be promulgated. I think he is of this view, because, since reason is inherent in all men they will not lack the ability to know what they ought to do. However, for law to have a binding force which is integral to its nature, for it to be applied in ways of nature and rules such applications is made by notification through promulgation. This is particularly applicable to human or conventional law. He further remarked that natural law is promulgated by the very fact that God instilled it into man's mind so as to be known by him naturally.

Aquinas substantiated between the teleological impute of human act and those of animals or non-humans on the basis that human act is the outcome of reason and will, whereas those of non-human is the function of nature. Therefore, the directing of human acts to their end is not the function of nature. He believes that every act of reasoning is contingent on principles that are known naturally.

In what might appear as a denial or unnecessary formulations of human law he notes thus:
It would seem that there is not a human law. For the natural law is a participation of the eternal law, as stated above ... Now through the eternal law "all things are made most orderly"... Therefore the natural law suffices for the ordering of all human affairs. Consequently, there is no need for human law. (Aquinas 3670).

Critical Evaluation
Aquinas insistence on free-will as the guide for moral choice with the aid of natural knowledge of natural law is debatable. This is because the incompatibility between free-will and natural law is evidenced, given the fact that all laws are determined which is against the idea of free-will. If morally right act are those that take cognizance of any law, such act is determined. Although, it is observed by Blatchford, in his work on the Delusion of Free-will the contrast between soft determinism which holds that moral freedom is compatible with human activity that is completely determined is possible, which might appear to be a vindication of Aquinas position, however the contrary, by libertarians, that it is completely logically impossible for one to be both free and determined morally (15). However, I think the contradiction stems from the idea of "freedom" and or moral freedom per se. Moral agents are considered free if such a one could be held morally responsible for his or her actions particularly when there are variables. But for Aquinas, we can infer that there are no variables, because, for an act to be morally right it must be determined by an already existing natural law that has no leeway. The only variable is vice, which for him does not ally with natural law. Therefore, the free-will of the individual is occasioned by the moral choice between natural law and human law that does not participate in the eternal law. To this end we can conclude that there is no free-will for one whose action is morally right but that the issue of free-will can only be in force when morally wrong actions are put forth by moral agents.
The fascinating scenario is Aquinas attempt to present how all rational
being can arrive at the same conclusion in a giving instance. His appeal to self-evidence preposition as the first principle of such knowledge is Aristotelian in scope, thus:

... for we equities are common to all good men in relation to other men ... but understanding and judgment are also concerned with things to be done, and these are ultimate. An intuitive reason is concerned with the ultimate in both directions, for both the first terms and the last are objects of intuitive reason and not of argument (Aristotle 120).

Knowledge of universal order is compatible with the ultimate principles of formal logic that are self-evidence (Elegido 34). For instance, "the whole is greater than it parts", does not demand further prove. Therefore, the truth of all ultimate premises cannot be demonstrated for they are supposed by any possible demonstrations to be self-evidently true. Aquinas applied the foregoing Aristotelian formal logic to demonstrate the principle of practical reason, since good is to be pursued and realized. Therefore, good such as life, knowledge etc. is the first principle of practical reason. For him just as every judgment of theoretical reasoning is the product of natural cognition of first principle, so also, all practical reasoning proceed from certain principles that are naturally known. However, this is not always the case when nag with difficult or doubtful cases. The choice of appealing to sacred books or the common opinion of society and possibly counsellors for decision is always the case. Sidgwick, noted that the attributes of truth and falsehood only belong formally to rules when they are changed from the imperative mood (101). For Aquinas, good human law is that which participate in natural law. But that there is no need for human law since it suffices naturally the ordering of all human affairs (Aquinas 3670). Therefore, the human experience, of the inability to arrive at a universally approved choice when nagged with difficult circumstances cast aspersion on his concept of universal conclusion of moral choice in respect to natural law. In as much as natural law is discoverable by reason it is subjective in scope,
and its universal nature as held by Aquinas is conflicting. He did not account for how and when intuitive cognition develops to objective ideal to gain universality. If he opts for the fact that natural law is universal but that it is discovered by reason, it implies that the subjective discovers the objective. To know is to participate. What then is the participation or subjectivity in objectivity?

On the other hand, the disagreement between moral agent regarding certain moral issues varying from culture, religion and society is an occasion against the universality of natural law. However, for Aquinas human law is just if it derives its principles from natural law. The practical significance of derivation can often take place through the process of determination and specification, which gives room for many practical solutions, is that in regulating human affairs, there could be alternatives for the same problem and they can all be just irrespective of their differences (Elegido 37).

Could the foregoing justify the Eskimos approval of homicide of female fetus or child on economic ground? Could this justify international arms trade and manufacture of ballistic missiles for whatever reason? Definitely no, since human law can only be just when its principle is in tandem with natural law.

Summary
While the truth remains that Aquinas adopted Aristotle’s *Nichomachean Ethics*, it is also evident that he differs, in that Aristotle was naturalistic in approach. In other words his construct was not supernatural. However, Aquinas believes Aristotle offered an imperfect and temporal eudemonia, and that for perfect and permanent happiness to be attained he appeal to God whose notion of existence is unending, perfect, omnipotent, omniscient and omnipresent. Therefore Aquinas’ is a form of divine command.

Therefore, the good life, for him is on interplay between what God commands and the human ability to rationally participate in such
command, is what Aquinas called natural law. It is the duty of ethics to discern and give an interpretive signification for proper application. The foregoing appears to be a reconciliation and reconstruction of Plato and Aristotle, where Plato held that the perfect life is transcendental in scope while Aristotle believes that the good life is immanent. Aquinas constructed an immanent participation in the transcendental which is platonic to some extent but differ in that all rational being but not only the philosopher, can participate. Plato was void of the supernatural beings as constructed by Aquinas. In order to achieve this, he distinguished between practical and speculative reason. Speculative reasoning is the first principles of reason and is self-evident in nature. In that it does not depend on further proposition for its truthfulness, while practical reasoning guides human activity. Practical activities are good oriented (Stumpf and Aquinas 371).

The Christian God conceived by Aquinas as well as Christians differs from other religions and cultures. It is believed that people that are of non-Christian culture outnumber the Christian culture. Therefore, cultural relativism abounds from religion, culture, society and the individual within negates the possibility of universal morality.

**Conclusion**

The thrust of this paper hinges on its attempt to do a critical evaluation of the relationship between Aquinas concept of natural law and a universal human morality as regards interpersonal relationship, relying on textual analysis as a method. This paper reveals that; following Aquinas concept of natural law, for action to be morally right it must be determined by an existing natural law without leeway and therefore, there is no free-will for morally right action since one could not have acted otherwise. It further reveals that since reason is the outcome of thought and therefore is subjective then it carries the possibility of the subjective individual inclination to a universal moral conclusion. It is proper to construct a morality based on rationality but not that which
is commanded by a divine being, since various religions and cultures as well as societies are free to believe whatever to avoid moral relativism for objective morality as proposed by Aquinas.

**Works Cited**


M.L. Morgan. *The Continuity Theory or Reality in Plato’s Hippias Major Journal or the History of Philosophy.*


