

It is not hard for a modern commentator to find ambiguity in the political writings of St Thomas Aquinas. Areas which seem uncertain in his reasoning abound due to an alarming tendency, when viewed from the twentieth century, to think in terms of divine concepts and superficially separate concepts belonging to human reasoning which are however inseparable from his theology. Whether these ambiguities amount to invalidation of his theory of natural law depends on whether this poses a problem to the application of his doctrine. In as much as we are presented with a system rather than a solution, it can be said that the factor which gives his method broad appeal, wide applicability, and the flexibility to cope with issues unknown to Christian tradition, or even to Aquinas, is the inherent ambiguity contained in the concepts of Aquinas's natural law.

Aquinas defines law as, 'nothing else than an ordinance of reason for the common good, made by him who has care of the community, and promulgated.'<sup>1</sup> Natural Law fits into his concept of laws as, "the rational creature's participation of the eternal law,"<sup>2</sup> where the eternal law is that in which God provides the reason which produces the ordinances. The primary precept of his natural law is that, "good is to be done and ensued, and evil is to be avoided,"<sup>3</sup> and from that tenet Aquinas would have us derive further, but secondary, precepts. These epigrammatic summaries of his understanding of law, and natural law in particular, provide an elegant basis for a way of looking at legal and moral problems. He is not providing concrete solutions, and he has a distinct aversion to testing his system with too many examples, but what he does achieve is a place to start in sorting out moral dilemmas.

There is an essential uncertainty involved in Aquinas's concept of natural law simply because of its derivation from eternal law. This is not a problem for the saint, but without

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<sup>1</sup> Aquinas, T. *The Political Ideas of Thomas Aquinas*, ed. D. Bigongiari. Hafner: New York, 1953, p.9.

<sup>2</sup> *Ibid*, p.14.

<sup>3</sup> *Ibid*, p.45.

his theology, his politics does tend to be difficult and ambiguous. His constant appeal to self-evident principles and a “certain order”<sup>4</sup> in his derivation of good as the basis for the action of practical reason, reveals an optimistic view of the world that is, in any age, likely to be unsustainable or even unthinkable without the backing of his theology. To a modern commentator not sharing his belief system the exposition would be unconvincing. While on the surface his attempt to derive the natural law without reference to divine revelation is separate from natural law’s derivation from eternal law, the process of his argument only really makes sense if God is presupposed, and is consequently not a truly different way of approaching the problem. While this can be seen as an ambiguity if God is not a certainty, this is inevitable and excusable when Aquinas is accepted as a theologian who had something to say about politics. A problem of a similar order is exposed by O’Connor<sup>5</sup> when he probes the philosopher’s looseness in the use of descriptive and prescriptive aspects of eternal law. This problem is caused by the modern perspective of the critic and the medieval world of Aquinas, in which it is quite possible to see gravitation, for example, as no more a part of God’s plan than the moral laws which also come from God.

Man’s reason is nonetheless given more importance by Aquinas than by previous Christian philosophers and because of this there is a notable tension in his works between divine revelation and the product of the human mind. As Berki points out, human reason is for Aquinas the, “radiating agency between God and man, between the eternal law of the universe and our limited intelligence.”<sup>6</sup> There is a form of doublethink involved here in using faith in God as a point of commencement of his whole discussion of law, and yet using techniques belonging to human reason to try and build his system of law on first principles or facts known to self-evident. It seems Aquinas deals with this problem by simply thinking in two modes at once, in divine and in human terms, both ways effecting

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<sup>4</sup> Ibid. p.45.

<sup>5</sup> O’Connor, D.J. *Aquinas and Natural Law*, Macmillan: London, 1967, p.59.

<sup>6</sup> Berki, R.N. *The History of Political Thought*, Dent: London, 1977, p.108.

and depending on the other, but presented in superficially separate forms. It is through such a turn of mind that the successful exposition of Aristotle's philosophy within a Christian frame becomes possible.

The objection to this duality when reason is a unity, is more an objection to a mindset in which the universe is seen as it seems to be and described without the need to fully integrate the picture. It is a consequence of the impression that, "for Aquinas, the world as it really is contains a good deal more than the world as it appears to our senses. However the world of sensible experience is the material from which we have to start if we want to know the world as it really is."<sup>7</sup> Aquinas does not have to deny God's existence to look for rational thought, from human sources and from direct experience, but he remains a theologian and cannot know the entire nature of the world until he knows God's mind. This duality of thought, while a cause of ambiguity, also allows expansion of such basic precepts within natural law as for example, self-preservation, from their usual human connotation to contain the further facet of the preservation of "the self of the immortal soul."<sup>8</sup>

A more definite ambiguity in Aquinas's thought is in the details of his political system. He is interested in a "broad picture of a legal and political system."<sup>9</sup> The details can be argued once the system is absorbed. So Aquinas, even while promoting the ideal of kingship in a treatise addressed to a king, can plead both sides of a case as, "either men are held by fear of a tyrant and they miss the best form of government, which is kingship, or they want a king and the kingly power turns into tyrannical weakness."<sup>10</sup> The ambiguity Aquinas leaves in his concept of natural law allows this sort of consideration. The system is flexible enough for Aquinas to plead the danger of rebelling against a tyrannical king, for fear of

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<sup>7</sup> O'Connor, op. cit., p.12.

<sup>8</sup> MacIntyre, A. *A Short History of Ethics*, Routledge: London, 1967, p.118.

<sup>9</sup> Morral, J.B. *Political Thought in Medieval Times*, Hutchinson University Library: London, 1958, p.70.

<sup>10</sup> Aquinas, op. cit. p.186.

getting a worse ruler, yet maintain, “a tyrannical law... is not a law, absolutely speaking, but rather a perversion of law,”<sup>11</sup> and so not binding on the people. The duality of supporting subjection to the State but allowing resistance to unjust laws in certain circumstances allows coverage of a multitude of hypothetical and real political situations.

Aquinas recognises the uncertainty of his natural law applying to all men in the same way, by claiming that it does but only, “in its first common principles.”<sup>12</sup> The further precepts derived from these will be distorted by the individual whose particular impediments will prevent more than just the more modest aim of arriving at norms accepted by the majority, rather than a universal unanimity of what the natural law comprises. This flexibility reinforces D’Entreves notion that natural law is more significant, “in its function than in the doctrine itself.”<sup>13</sup> He goes on to suggest natural law as a way of looking at problems to which Christianity has no solutions. Only the ambiguity left within the system allows it to operate in this way over such a broad range of subjects and problems.

The requirement of a divine law confirms the separation of natural law from being solely the concern of the Christian world, as indeed the idea of a natural law within all rational men demands. That, “those precepts of the divine law that are not precepts of natural law are not binding on non-Christians,”<sup>14</sup> means the application of Aquinas’s system need not be limited to Catholic or even Christian philosophy. There is no reason even that a non-Christian God could not be the rational force behind the eternal law. Even leaving Aquinas’s God in that position, the derivation of natural law via a Christian eternal law has to sit together with human reason, which while a gift from God, can deny God’s existence.

The system by including natural and divine laws maintains the problem of people outside

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<sup>11</sup> Ibid, p.26.

<sup>12</sup> Ibid, p.186.

<sup>13</sup> D’Entreves, A.P. “St Thomas Aquinas and Natural Law”, in *GT223 Subject Reader*, School of External studies and Continuing Education, UQ: St Lucia, 1989, p.6.

<sup>14</sup> Donagan, A. “The Scholastic Theory in Moral Law in the Modern World”, in Kenny, A, *Aquinas*, Macmillan: London, 1969. p.326.

the Church and maintains the scope of natural law which otherwise would be limited to Christian issues.

The possibility of change to natural law is admitted via addition or subtraction, for while the primary principles are unchanging the secondary principles may do so. The openness of Aquinas's turn of phrase, "in this sense nothing hinders the natural law from being changed, since many things for the benefit of human life have been added over and above the natural law,"<sup>15</sup> allows the flexibility in his concept of natural law. It is therefore not possible to list a definitive set of all precepts of natural law, and Aquinas doesn't attempt it, as it is a growing and changing law, always relating back to the primary precept, but responding to differing circumstances. Again the ambiguity which is present is instrumental in allowing this potential for his system to cover a wide area in time as well as breadth.

The ambiguities in Aquinas's system then are of two main kinds, those due to the inseparable theology which, if not shared, can make his arguments unconvincing, and those which exist as part of the flexibility of the method. These are the aspects of the concept of natural law which have made it enduring and useful, so rather than vitiating his theory of natural law, the ambiguity is either inescapable, or a major strength of his doctrine.

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<sup>15</sup> Aquinas, *op. cit.*, p. 52.

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