

## **10. Natural Law and Government**

Natural law is not the same as the "laws of nature" such as gravity. Natural law is an inward inclination toward the good and the avoidance of evil. It is a natural operating system. Thomas explicitly teaches it is not chiefly a set of moral commandments. Rather, it is an inclination humans have toward the good. Before he introduces natural law, Thomas speaks of the "eternal law." Eternal law is the divine governance of all created things. We might think of it as divine providence. Natural law is the way in which rational animals (human beings) participate in God's eternal law.

As we grow and learn more and more things through our five senses, we begin to associate information with our inward inclination toward the good. We experience justice and injustice. We begin to associate stealing cookies with "wrong" and paying wages as "right." Soon our inner "software" begins to arrange data into a clear set of commands. What emerges is something like the Ten Commandments in our souls. These are the primary precepts of natural law.

Now then, Thomas realizes this doesn't always work out. In fact, Thomas is explicit that natural law is not sufficient for guiding humans - especially when humans are plagued with original sin and what he calls the "law of sin." This law of sin (derived from Saint Paul's Epistle to the Romans 5-7) is what Catholic theology identifies as "concupiscence." It's our sinful tendency to be ruled by our passions and not by our intellect.

Not only do we humans have to struggle with the "Law of sin" or "concupiscence," but we may also have negative social pressures. A child raised by Satanists is not going to rightly associate the moral data that she receives as a child. Although natural law can never be suppressed in any human, as Thomas teaches, the emerging precepts can be confused and erased. So it is possible for a child to grow up with the false opinion that sex before marriage is permissible or that polygamy is permissible.

Returning to our prior analogy, the software (natural law) is always working, but the data being inputted in the software can be jumbled and confused. This is one of the several reasons why natural law, by itself, is never enough. However, it does provide the basis in every human soul for a moral code.

### **Are Stop Signs Morally Binding?**

Saint Thomas begins to build on natural law. He says that humans naturally begin to expand on the precepts of natural law for the common good of society. We

create "human law." Human law, like all law, must conform to the four causes:

### **Formal Cause: A law must be reasonable**

Material Cause: promulgated in public so that people know about it  
Efficient Cause: by a proper authority, such as a king or legislature.  
Final Cause: for the common good. So we can take something from the natural law, such as Thou shalt not kill, and create more laws to insure that killing does not happen. For example, Thou shalt not speed in a school zone is just a practical expansion of Thou shalt not kill applied to a certain situation.

Likewise, Stop at a red light is established by humans to protect human life. If we didn't have stoplights, we would crash into each other and people would die painful deaths. Think about it in the context of the four causes above. It's reasonable to have people obey stoplights. It's been officially promulgated. All Americans know about it and how to respond. Drivers Education classes teach new drivers this principle. The laws about stoplights have been promulgated by proper authorities. Last of all, stoplights are for the common good. This reveals a just law.

And of course, there are arbitrary elements to it. We could change the colors of the lights. Purple could mean "stop." Orange could mean "prepare to stop." Blue could mean "go." If the government promulgated it, then this would become binding. It wouldn't be prudent to do so, but it could happen. There is nothing eternally true about "green light means go." Human laws are like that. However, "green light means go" is based on natural law. It is part of a system that tries to save human lives.

### **Is the Bible Binding By Law?**

We now move to what Saint Thomas calls divine law. Divine law is given by God through public revelation. If Moses, a prophet, Jesus Christ, or an Apostle taught something it belongs to divine law. Baptism belongs to divine law. Natural law is never going to come up with the following: "In order to receive the remission of sins and sanctifying grace, it is necessary to receive a washing of water over the head while someone says, 'I baptize you in the name of the Father and of the Son and of the Holy Spirit. Amen.'"

Not even Socrates, Plato, or Aristotle would have come up with that law. Why? It was a law revealed by God through a divine oracle: either through a prophet, through an apostle, or by the Son of God Himself. As such, divine laws only apply to those who have been incorporated into the true religion of God. Before Christ, those were the followers of Abraham and Moses. After Christ, it is the Christians.

Divine law, unlike natural law, is not immediately and universally binding because it requires the response of supernatural faith, something not everyone has. For example, the divine laws about going to confession or receiving the Holy Eucharist do not apply to a Hindu.

Let me now correct the biggest distortion of Saint Thomas' teaching on divine law. The fact that divine law does not apply to a Hindu does not mean divine law has nothing to offer the Hindu. This is not a theology of religious indifference. The Son of God explicitly stated numerous times the divine law of the Gospel (which Thomas calls 'the New Law') should be made universal (or catholic) through prayer and persuasion by those who bear the name of Christian. The New Law of the Gospel fulfills what was lacking in the natural law. It is required that every Christian seek to prayerfully persuade every man and woman on earth to enter into the New Law of Christ.

Christ established the Catholic Church with her hierarchy and sacraments to ensure the offer of the New Law would be offered to all nations until the end of time. Of course, if an entire nation accepted Christ (for example, medieval France), then that nation could in fact enforce the divine law on her subjects. So Thomas believes a citizen in such a country could be civically punished for blaspheming the name of Christ. In such a Catholic country, Thomas believes heresy should be a crime punishable by law. In such Catholic countries, non-Christians such as Jews or Muslims would not be expected to observe the divine law, but they would have to honor the religion of the majority. This is Thomas' doctrine of the Church and State. Thomas Aquinas certainly did not believe in Thomas Jefferson's separation of Church and State. Although they shared the name Thomas, they did not share the same political theory.

### **How To Begin Your Journey with Saint Thomas**

You now have the basic knowledge that you need to read and understand Saint Thomas Aquinas. Here is what we have covered:

The Biography of Thomas Aquinas

The Difference Between Theology and Philosophy

How We Come to Know Things

The Existence of God and the Five Ways

The Importance of Analogy

Analogy of Being

The Existence — Essence Connection in God

The Attributes of God

The Nature of Angels

The Nature of Humans  
Role of the Intellect and Will with Regard to Passions  
Your 11 Passions  
Four Cardinal Virtues  
Three Theological Virtues  
Meaning & Role of Virtue Ethics  
The Kinds of Law  
Natural Law and the Basis of Politics

### **How to Begin the *Summa Theologiae* of Saint Thomas**

Now you need to begin reading the *Summa theologiae* on your own. It can be confusing. Here's how it works:

First, Thomas lists "objections" to his own position that he doesn't really believe. There can be two or more of these.

Second, Thomas rejects the "objections" by listing his "sed contra" or "but on the contrary."

Third, Thomas gives his response.

Fourth, Thomas refutes each of the objections he listed at the beginning of the article.

The best way is to read each article in order. However, beginners sometimes feel more comfortable skipping the initial objections and just going straight to the "On the contrary" and his response. I would recommend you begin this way.