3

AQUINAS

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In the past many college courses in the history of political theory moved directly from Cicero to Machiavelli, a space of more than 1,500 years, regarding the writings of St. Augustine and St. Thomas Aquinas and the Middle Ages as works of theology rather than political philosophy. More recently Augustine has received attention for his pessimistic view of the possibilities of politics and human justice. In the case of Aquinas it is now recognized that his theory of natural law is an original synthesis of earlier approaches that can be applied to many contemporary moral problems, including war, sexuality, economics, and the relation of religion and politics. In addition, the revival of interest in Aristotle’s philosophy as providing a possible solution to the dilemmas of modern philosophy has increased interest in Aquinas as one of his most influential interpreters. Also, the increased diversity of opinion among Roman Catholic interpreters (Kerr 2002) since the Second Vatican Council (1962–65) has produced a large and controversial interpretive literature in recent decades. And the increased recognition of the influence of religious assumptions on political behavior has heightened interest in the relation between theology and political philosophy.

1. Biographical Background

Thomas Aquinas was born in 1225 in a castle (the ruins of which remain today) outside the town of Rocca Secca midway between Rome and Naples. The de Aquino family belonged to the lesser nobility of the Kingdom of Sicily, ruled by Frederick II, who had been crowned Holy Roman Emperor in 1208. Like many of his predecessors Frederick was in continual conflict with the pope, the borders of whose temporal possessions, the Papal States, extended to an area north of the Aquino castle. The family sent Thomas to be educated at the nearby Benedictine abbey, Monte Cassino, but when it was occupied by Frederick’s soldiers, Thomas was sent to the new university that Frederick had founded in Naples. There he was influenced by the Dominicans, a new reforming religious order founded by St. Dominic to convert the Muslims. Over the family’s opposition, which included detention by his brother for more than a year, he joined the Dominican order and went to study with them at the University of Paris. In Paris, the works of Aristotle, newly translated from the Arabic, were the subject of controversy between those who saw his teachings as contrary to the faith, and those who, like Aquinas’s Dominican mentor, Albert (later to be known as St. Albert the Great) sought to develop a synthesis of reason and faith, based on the assumption that “grace does not contradict nature but perfects it.” After studies in Paris and Cologne Aquinas received his degree from the University of Paris in 1252, and he taught and wrote in Paris and in
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Italy for the rest of his life. He died in 1274 several months after he discontinued work on the unfinished Part III of his most important work, the *Summa Theologiae* (Summary of Theology).

Aquinas's *Summa contra Gentiles* (*Summary against the Gentiles*) (1264) and the *Summa Theologiae* (1265–73) were theological rather than political works, but the latter work, especially Part II, contains discussions of law, politics, and ethics, as well as the relations of religion and politics that were part of Aquinas's impressive synthesis of both Christian (the Bible, the Church Fathers, and St. Augustine) and classical (Aristotle, Neo-Platonism, Roman law) thought. His only specifically political writings were the first section of a work entitled *On the Governance of Princes* (*De Regimine Principum*) or *On Kingship* (*De Regno*) and his commentaries on Aristotle's *Politics* and *Nicomachean Ethics*.

2. The Influence of Neo-Platonism

Aristotle was not the only classical element in the Thomistic synthesis. His cosmological world view is Christian, but the particular vision of the universe that he lays out in his writings is derived from Neo-Platonism, and especially from (Pseudo) Dionysius the Areopagite. Dionysius, or Denys as his name is sometimes translated, was a fifth-century monk who was the principal agent of the transmission to the Middle Ages of late Platonism. The Neo-Platonists gave a theological interpretation to Plato's logical writings, identifying Plato's references to the One and to the Idea of the Good with a divinity that has created the universe as an overflowing of divine Goodness from which the world and everything in it descends in a hierarchical fashion and to which it strives to return. The works of Dionysius are frequently cited in the *Summa Theologiae*. They had acquired an almost scriptural status since he was mistakenly taken to be the “Dionysius” mentioned in the *Acts of Apostles* (Acts 13) who was converted to Christianity by St. Paul on the hill of the Areopagus in Athens. Man fits into the Neo-Platonic hierarchical world view between the angels and lower animals and is designed to find his fulfillment (happiness) in returning to God. He will do so through contemplation of God in this world and union with Him in the beatific vision after death.

Plato's dualism, the sharp division between the physical world of appearances and the unchanging ideal world of the spirit also influenced the Church Fathers including Augustine who read Plato in Latin translation. Their vision of an ordered hierarchical and unchanging world of the spirit, and the changeable and unstable world of the flesh, was easily combined with the Christian message in a world view that contrasted heaven and earth, and argued that the power of God's grace could overcome the weakness of the flesh.

3. The Metaphysics and Epistemology of Aristotle

The sudden irruption into Latin Europe of the entire corpus of the works of Aristotle in the first half of the thirteenth century presented a different view of the world. Aristotle outlined four causes, which he called formal, material, efficient, and final—i.e. the basic matter, the organizing principle or form, the instrument that acts to produce change, and the purpose or goal that is demonstrated by its structure and functioning. Instead of a static disjunction between the physical and spiritual worlds, matter is given a dynamic character in developing towards its inbuilt purposes and the changing world
has a patterned meaning available to human inquiry. Those purposive changes indicate that there must be a substance that caused them, whom Aristotle calls the Prime Mover, that is eternal, infinite, intelligent, and good. Because man is composed of the body as matter, and the soul as form, he can think and reason to the purposes that are evident from the intelligent design of the world.

What Aristotle’s writings presented to Muslims, Jews, and Christians was an organized philosophy that seemed to have many similarities to the biblical message, as well as important differences from it. Two responses were possible. One could emphasize those differences and, suspicious of reason, adhere to the sacred texts as the sole reliable source of both religious and philosophical knowledge. This was the initial reaction of Church authorities in Paris when the translations of Aristotle first appeared; they tried, usually in vain, to prevent the reading and teaching of the new texts. In the case of Islam, after a period in which the study and commentary on Aristotle flourished, this was also the reaction as the religious and civil authorities made the fateful decision that the Koran would be the sole source of religious and philosophical truth.

Aquinas was aware that the Muslim interpreters had attributed to Aristotle some doctrines that were contrary to Christianity, e.g., the eternity of the world, and the existence of a world-soul, thus denying the individuality of the soul. However, he saw the possibility of a synthesis of Aristotelianism and Christianity that could give a philosophic foundation to the doctrines of divine revelation. Although he was aware that the human intellect and will had been damaged by the effects of sin, he believed that God reveals Himself to man through both revelation and reason, and that rightly understood the two will not conflict.

### 4. Christianizing the Politics and Ethics of Aristotle

An important change that Aquinas made was to make the Prime Mover a personal God and place in the mind of God the purposes of nature that had been expressed in the doctrine of final causation. Where Aristotle had said “nature does nothing in vain,” Aquinas attributed rational purposes to the mind of God as expressed in the teleological (from telos—end, goal, purpose) structure of the created universe. Ideally those purposes should not contradict one another since an intelligent Creator has established a harmonious universe. Human beings are composed of body and soul, matter and form, and the soul shares with God reason that enables us to observe from human behavior and goals the intentions of a rational Creator.

What this meant for politics is that a philosophical foundation was established for government. From the human tendency to work together in the family, the community, and larger entities, Aquinas concludes that “Man is by nature a political and social animal” thus correctly translating Aristotle’s zoon politikon which has a broader meaning than the political alone. Politics is not a negative enterprise concerned mainly with curbing the evil tendencies resulting from sin, as in Augustine, but a way of achieving common goals for the betterment of society. The family is a natural institution that has an important educational role and monogamous marriage is the best way to carry out the purposes of God and society in developing human beings who find their fulfillment in working with others for human betterment. Reason can also demonstrate the existence of a beneficent, eternal, spiritual God who guides human development by divine providence. Since he intends the good of his creation he wishes men to be happy and ultimately to find the fullness of happiness in union with him. This is done by living
a life of practice of the virtues described in the *Nicomachean Ethics*, and, more importantly, of the supernatural virtues of faith, hope, and charity. Aquinas’s ethical naturalism should not be exaggerated. There is always revelation as a guide and corrective of reason. But the intellectual basis for rational argument about politics and ethics has been established and reason legitimated as a source of norms. In contrast with what was occurring in the Islamic world at the same time, rational analysis of politics and ethics is legitimated in Christian Europe.

5. **Natural Law: Context and Content**

The most important and influential application of Aristotle’s teleological approach is Aquinas’s theory of natural law. However, Aquinas also draws on many other sources besides Aristotle, and his work is set in a theological and cosmological framework that is important for the continuing debate about the contemporary relevance of Thomistic natural law.

The discussion of natural law is part of a broader set of arguments in Questions 90–97 of the First Part of Part II of the *Summa Theologiae* that are sometimes referred to as Aquinas’s Treatise on Law. Like the rest of the *Summa* it is organized in the format that scholastic philosophy (philosophy of “the schools” or “schoolmen”) employed, which reflected the structure of the oral disputations at the university: a topic presented as a Question, followed by a series of Objections, then a Response to the Question, followed by answers to the Objections.

Aquinas begins with a definition of law as “an ordination of reason (i.e. a rational command) for the common good made by the one who is in charge of the community.” He then applies the definition to God’s rule of the world, describing divine providence as the operation of the reason of God in providing for the good of his creation. This, he calls the Eternal Law which he describes as the “plan of divine wisdom moving all things to their appropriate ends”—thus linking Aristotle’s teleology to the mind of God. He then defines Natural Law as “the participation in the Eternal Law by rational creatures” who have been created with a natural ability—which he calls a “natural inclination” to understand God’s purposes as expressed in the moral order of the world. The basic principles of the natural law are known directly and he describes them as “indemonstrable.” When they are applied to specific circumstances they become that foundation for Human Law, which he later divides into civil law and the law of nations. Aquinas then argues that Divine Law, by which he means the law contained in the Bible, provides additional certainty about basic moral principles, and it also covers areas that Human Law, which is concerned with external conduct, cannot regulate because they involve internal motivations or direct man to his supernatural goal, union with God.

Aquinas then discusses each of these types of law in a separate question. His description of natural law in Qu. 94 has been a subject of many debates both over its interpretation, and its relationship to the other forms of law outlined above. Beginning with the self-evident proposition that good is to be done and evil avoided, Aquinas then argues that since good is an end, we can know about it from examining the “natural inclinations” to moral conduct which God and nature have instilled in us as subjects of the natural law. Aquinas singles out the instinct to self-preservation that is shared with all beings, union of man and woman and the upbringing of children that is shared with all animals, and the natural inclination shared with all rational creatures to live in society, and to worship God. The basic principles related to these inclinations are known by
all, but more specific conclusions and applications are less certain. In addition, specific provisions that are convenient for society (Aquinas cites private property and slavery) may be added to the natural law. If we are looking for examples of the way in which the natural inclinations are translated into moral or legal principles we must wait until the next part of the *Summa*, which deals with individual issues. At this point we know he will link them to insights into more or less permanent needs, aims, and characteristics of human nature that have been designed by God to produce human fulfillment and happiness.

What happens if the various laws appear to conflict? Aquinas believes that God, who has created a harmonious and rational universe, would not allow a genuine conflict to emerge. If a human law conflicts with natural law, it is unjust—even “an act of violence” and need not be obeyed. Aquinas does not indicate who decides in cases in conflict. He suggests numerous candidates, depending on the area in question, including the pope, the civil authority, and the individual.

6. The Best Forms of Government

The law is made by the one who is in charge of community. What does this mean in practice? Aquinas has often been portrayed as an advocate of monarchy and he clearly endorses it in the unfinished work *On Kingship*. Monarchy is the best form of government because it is most effective in providing unified decisions about the common good, and it reflects the unity of God and the patterns of nature (including, for example, borrowing from Aristotle, the “king-bee”). Yet he makes favorable comments about the Roman Republic, and observes that while monarchy is the best form of government, tyranny is the worst. His conclusion is that monarchy should be limited and he promises to suggest ways to limit it. He does not deliver on the promise, but in his discussion of the legal provisions of the Old Testament (“the Old Law”) in the *Treatise on Law* of the *Summa* he declares that “the best form of government for a city or a kingdom is one in which one person rules in accordance with virtue and under him are others who govern in accordance with virtue, and all have some part in government because all are eligible to govern and those who govern are chosen by all” (*Summa Theologica*: II-II, Qu. 105). He describes the result as a combination of monarchy, aristocracy, and democracy. Similarly in his discussion of human law, after describing the characteristics of monarchy, oligarchy, and democracy, he states that “here is another form which is a mixture of these, and this is the best form of government” (ST: I-II, Qu. 95, a.4). Aquinas is usually described as an advocate of monarchy but his discussion of the role of the people was cited, centuries later, by the proponents of European and Latin American Christian Democracy.

Some late-medieval writers, especially in the Conciliar Movement of the fourteenth and fifteenth centuries that attempted to limit the absolute power of the pope, made an argument for the consent of the people or the bishops to Church decisions (Sigmund 1995). For Aquinas as a member of a religious order under the pope, writing in a period of legal and doctrinal centralization, the pope was the final authority in matters of Church doctrine. And in chapter 14 of *On Kingship* his authority seems to go much further when Aquinas argues that because the Church guides men to a higher end kings should be subject to priests, especially the pope. However, there are passages in the *Summa* that seem to limit clerical jurisdiction to spiritual matters, recognizing what appears to be an independent area of authority of the civil ruler (ST: II-II, Qu. 60, a.6). On the other
hand, Aquinas’s treatment of heresy recommending that the heretic be turned over to the secular arm “to be removed from the world by death” (ST: II-II, Qu. 10, a.6) seems to proceed from a belief in subordination of the state to the Church in this area.

On the question of resistance to unjust laws, Aquinas’s answer is ambiguous. On the one hand, deference to one’s betters would seem to be the solution, and in the case of extreme tyranny, Aquinas’s solution in On Kingship seems to be prayer to God. On the other hand, Aquinas says that individuals are not obliged to obey superiors if they issue commands that violate the individual’s rights in “matters relating to human nature ... since by nature all men are equal” (ST: II-II, Qu. 104, a.5).

One of the best-known sections of the Summa Theologiae is the second part of Part II where Aquinas deals with specific moral issues. Earlier in the thirteenth century, the Council of Lyons had made annual confession of sins to a priest obligatory for all the faithful. There was, therefore, a need for guidance to confessors who were responsible for assigning penances and would be interested in advice as to the gravity of various sins. “Penitentials” or guides for confessors already existed but Aquinas carried out a more systematic discussion based partly on the teleological approach which he had taken from Aristotle and utilized as the foundation for his theory of natural law. Many of his arguments continue to be discussed today, because of their influence both on Christian moral theology, and on writers on issues of national and international law such as just war, property, and social welfare policy.

On the question of the use of coercion in the area of faith, Aquinas takes the position that no one should be forced to accept Christianity because, by definition, the nature of faith is such that it is only genuine if it is freely accepted. Parental responsibility for the education of their children means that Jewish parents have a right to bring up their children in their faith, until they are mature enough to make religious decisions of their own free will. The religious practices of Jews and pagans are to be tolerated, particularly if suppressing them would cause harm to the public good. Pagan rulers have the right to rule unless they interfere with the faith because the Divine Law does not abolish human law “which is based on reason.”

This represents a relatively liberal attitude in a society that assumed religious uniformity but Aquinas made significant concessions to existing practice. The Jewish religion is tolerated because it prefigures Christianity and so that we can learn from “our enemies.” Heretics have committed a sin of promoting false doctrine that is more serious than counterfeiting money. If they persist after two admonitions, “the salvation of others” should be protected by handing them to a secular judge who is to impose the death penalty. Apostates who have accepted the true faith and later rejected it are to be deprived of their right to rule and their subjects absolved from their oaths of fealty. Pagan rulers may also be deposed if there are religious reasons for the church to do so.

7. War, Property, Lying, and Sex

These arguments, liberal for the age in which Aquinas wrote, are no longer relevant in a society that accepts religious freedom and rejects the use of coercion in matters of faith. However, Aquinas’s analysis of the conditions of just war continues to be discussed in the literature on the subject. For a war to be just it must be carried out by a legitimate public authority (thus rejecting the common resort to private violence in his day), it must have a just cause which he defines broadly, and it must continue to be carried out for good purposes. Aquinas is also the locus classicus for the doctrine of double effect,
that is, that destructive weapons can be used in a just war even if it is known that their use will have an unintended bad effect, such as the loss of life by innocent civilians (called today “collateral damage”). He also appeals to the doctrine in his discussion of the legitimacy of self-defense in which the action of killing an aggressor as the only way to save one’s life is foreseen but not intended.

Aquinas then turns to the question of private property. Here he has a problem of reconciling Aristotle’s defense of private property as natural to rational human beings, provided it is used in a socially responsible fashion, with the statements by the Church Fathers and some legal sources that community of property is the ideal. Aquinas resolves the contradiction by adopting Aristotle’s arguments about the advantages of a private property regime, but describing it as an addition to the natural law created by human reason and agreement. Aquinas also adds that God intends that material goods be used to supply the necessities of all mankind, so that property holders are obliged to provide for the needs of the poor, and a person in imminent danger of starvation can take what he needs from another and not be guilty of theft.

The classical and biblical traditions did not conflict in their opposition the payment of interest for money lending—the sin which Aquinas calls usury. Aquinas repeats Aristotle’s teleological argument that since money is not productive there is no loss by lending it as there would be in the case of the loan of a cow or a house. He then interprets the Old Testament prohibition of the taking of interest from one’s neighbors as now applicable to all, although he recognizes that usury is tolerated by human law “because of the imperfection of men.”

Aquinas’s discussion of lying is an example of the use of the teleological approach to justify an absolute prohibition. Lying is intrinsically evil because it violates the nature of speech which is to communicate truth to others. Since evil may not be done so that good may come of it, lying is not permitted even in extreme cases such as the likelihood that a lie could save many lives. To mitigate the harshness of this advice, Thomas quotes Augustine who allows the use of “prudent dissimulation,” short of an outright lie.

The teleological approach is also used as basis for sexual morality. Aquinas begins with a surprising question, “Is virginity lawful?” He asks this question because it might appear that the natural inclination to form families and bring up children seems to be frustrated in such a case, calling into question the religious vows of celibacy and chastity. Aquinas responds that the duty to continue the human race is a general one and one may give up sex and family life to devote oneself to “the contemplation of the divine for the improvement and welfare of mankind.”

For Aquinas, the nature and purpose of sexual relations are such that they may only be enjoyed in marriage. Aquinas then ranks sexual sins by degrees of sinfulness. Fornication is contrary to the nature of man because the children that may result cannot be brought up by both a mother to nurse them and a father to defend and educate them. For similar reasons adultery is wrong. Other forms of sexual activity outside of marriage are described as unnatural and “opposed to the natural order of the sex act” including in order of increasing seriousness non-coital sex, masturbation, homosexuality, and incest.

Our focus on what is allowed and what is forbidden by natural law may give a misleading impression of Aquinas’s approach to morality. Natural law is only analyzed in a single question out of the hundreds in the Summa. Far more attention is given to divine and human law—and even more to the development of virtue, especially the theological virtues of faith, hope, and charity. Moreover, Aquinas constantly emphasizes the
necessity of cooperating with God’s grace in order to live a good life—and the importance of the Sacraments and the message of Christ in leading human beings to their ultimate goal, eternal life and the face-to-face vision of God.

8. Later Influence of Thomistic Political Thought

Some of Aquinas’s statements were included in a long list of condemned propositions issued after his death by the diocese of Paris which were believed—erroneously—to reflect the heretical doctrines espoused by the Muslim philosopher, Averroes. The condemnation was retracted and Aquinas was canonized as a saint in 1323. His writings, in particular the *Summa Theologiae*, were promoted by the Dominican order but rival theologies, notably that of William of Ockham, were also used in seminaries and universities. However, in the sixteenth century, in response to the Reformation, the *Summa* became the standard theological text and was placed on the altar along with the Bible at the Council of Trent (1545–63). In Spain and Italy there was a renewed interest in his work on the part of the Dominicans and the members of the newly founded Jesuit order. Spanish writers used Aristotelian-Thomistic arguments to argue—unsuccessfully—against the enslavement of the Indians in America. In England, the Anglican theologian, Richard Hooker, wrote *The Laws of Ecclesiastical Polity* (1593) which drew on Aquinas’s natural law to develop arguments for community consent to government that were quoted in the seventeenth century by John Locke in his *Second Treatise of Civil Government* (1689). *On the Laws and God, the Lawgiver* (1608) by the Spanish Jesuit Francisco Suarez also drew on Aquinas’s theories to argue that political authority is derived from God through the consent of the people.

In the nineteenth century, the papacy under Pope Pius IX (1846–78) opposed the liberal revolutions in Europe, especially in Italy where the Italian unification movement led to the seizure of the Papal States. Pius’s successor, Leo XIII, sought to develop a theological and philosophical alternative to liberalism based on an updated Thomism. In 1879 Leo issued the encyclical *Aeterni Patris* making the study of Aquinas the basis of courses in theology and philosophy in Catholic seminaries and universities. His response to the twin challenges of socialism and capitalism was to publish *Rerum Novarum* in 1891 which used appeals to nature to defend private property and the family which he saw as threatened by socialism, while also criticizing capitalism as based on usury and greed. Quoting St. Thomas, the pope advocated the promotion of associations to protect “natural rights,” including the right of workers to form unions in order to secure a living wage for themselves and their families. Forty years later in *Quadragesimo Anno*, Pope Pius XI developed these ideas further, arguing for what he called the principle of “subsidiarity” that protects and promotes intermediate groups between the individual and state as well as councils in which labor and management can work together for the common good. What this meant in political terms was that the church encouraged the organization of Catholic trade unions, and supported social legislation. What came to be known of Social Catholicism claimed to offer a middle way between capitalism and socialism, which could trace its ancestry back to St. Thomas Aquinas and the medieval guilds.

The message of the social encyclicals was taken up by Catholic parties which had emerged in a number of European countries to defend Catholic institutions against what were seen as efforts by socialists on the left and nationalists on the right (e.g. Otto von Bismarck) to bring them under state control. Those parties were committed to democracy
although official church teaching accepted democracy and religious pluralism as tolerable in a situation of religious diversity although the ideal was still a Catholic state.

In the first half of the twentieth century a Neo-Thomist movement emerged in France and Germany that not only made major scholarly contributions to the study of Aquinas, but also attempted to reinterpret his political and moral teachings to support democracy, religious freedom, and human rights. The most influential writer on Aquinas’s political and social thought was the French philosopher, Jacques Maritain (1881–1973). Beginning in the 1930s, Maritain argued that Aquinas’ writings could be reinterpreted in support of democracy, religious freedom, and human rights. During World War II he published The Rights of Man and the Natural Law (Maritain 1943) which included a full list of human rights that could be developed out of Aquinas’s writings. In a later work, Man and the State (Maritain 1951), he made his theory more broadly acceptable by arguing that Aquinas’s references to natural inclinations as the foundation of natural law meant that despite deep religious and philosophic differences, human beings possess an intuitive knowledge of the basic provisions of the natural law that had made it possible for the United Nations to adopt the Universal Declaration of Human Rights in 1948.

Maritain’s writings defending democracy, human rights, and religious pluralism also provided the ideological foundation of the new Christian Democratic parties that emerged in Europe after World War II and in Latin America in the 1950s and 1960s. They contributed to the reorientation of Catholic political thought associated with the reforms of the Second Vatican Council (1962–65) including the decrees Gaudium et Spes endorsing democracy, and Nostrri Aetatis supporting religious freedom, both of which employed Thomistic natural law arguments.

Cases involving direct application of Neo-Thomist social thought include worker “co-determination” in Germany in the 1950s and the establishment of worker-owned and -managed firms in Peru in the 1970s. In Germany a law supported by both the Christian Democrats and the Social Democrats requires boards of directors of business firms over a certain size to include representatives elected by the workers. In Peru the military government in power at the time financed the establishment of worker-owned and -managed factories and required all firms to distribute 10 percent of their annual profits in shares to the workers. (The Peruvian experiments were discontinued after the return to democracy, and in the German case ways have been found to circumvent the law.) Also in Latin America the new Christian Democratic parties that were active in the 1960s in many Latin American countries cited St. Thomas on the “social function” of property to justify their support of agrarian reform.

The tight link between Roman Catholicism and Thomism was loosened as a result of the opening to other religions and philosophies initiated by the Second Vatican Council (1962–65). Catholic universities no longer required courses in Thomism, and their philosophy departments became more diversified. Papal documents tended to cite the Bible rather than St. Thomas, although the popes continued to argue that reason guided by faith could attain moral truth. The attempt to promote a third position between capitalism and socialism was abandoned, and in 1991 Centesimus Annus, an encyclical published, as its title indicates, 100 years after Rerum Novarum, Pope John Paul II recognized the advantages of the market system, while insisting that it should be subject to national and international regulation.

Aquinas’s writings on natural law received renewed attention because of the writings of John Finnis, Professor of Philosophy at Oxford and Notre Dame. His book, Natural
Law and Natural Rights (Finnis 1980), increased interest in the Thomist approach at a time of growing interest in human rights theories. A later book by Finnis, Aquinas: Moral, Political, and Social Theory (Finnis 1998), highlighted the liberal elements in his thought by selective quotations from his writings that downplayed his views on the execution of heretics, his derogatory comments on women, and his (tepid) justification of slavery.

Finnis was an early advocate of what became known as the New Natural Law. Finding the teleological approach that derived moral norms from natural functioning and structures unpersuasive, representatives of the New Natural Law developed its moral theories from a list of Basic Goods that were or could be recognized by all as underlying moral experience. More traditional Thomist writers denied that this could be found in Aquinas’s writing, but the New Natural Law writers argued that the natural inclinations of which he wrote, and his description of basic values as indemonstrable indicated that their theory could be derived from his writings.

9. Criticisms

The most frequent criticism of Aquinas’s political and ethical philosophy is that it is not philosophy at all, but a set of arguments designed to support pre-established theological assumptions. The editor of the Cambridge edition of his Political Writings accuses him of being “fundamentally dishonest” because he is “committed in advance to a closed system of moral and religious beliefs” (Dyson 2002: xxxiv). Such a view can lead to the arbitrary rejection of philosophical arguments by attacking the motives of the authors, or worse, the refusal to take seriously any philosophical arguments by religiously committed philosophers. The hope of natural law reasoning is that there can be dialogue on the basis of rational approaches that are available to all. To give one example, the Thomist-influenced writings of Alasdair MacIntyre (e.g., MacIntyre 1990) have been widely discussed and debated in recent years. Natural law was at its outset a classical rather than Christian approach, its modern natural rights formulation is not dependent on religious assumptions, and its arguments about God are based on reason, rather than revelation.

A second criticism of the argument from natural law is that identifying morality with nature means that such beliefs are fixed and not subject to criticism or new understandings. It also requires an identification of “natural” with “moral” when the two terms have different meanings. In reply one can point to the development of natural law and natural rights theory which has been anything but static. Jacques Maritain’s theory of natural law that distinguishes between a natural law based on inclination and the evolving content of written versions of it suggests the possibility of coming to new understandings of the implications of moral values as a result of human experience.

A third criticism would be David Hume’s argument that natural law theory commits a logical error in failing to distinguish between factual and normative statements. Nature just “is.” Is does not contain an “ought” and to assign an “ought” to a fact is fundamentally arbitrary. The defender of Thomist natural law would reply that it is possible for an observer to arrive at an understanding of common human needs and potentialities the fulfillment of which are required for what Aristotelians would call human flourishing (George 1999) and, as in human rights theory, a division can be made between those that are fundamental and those that constitute an ideal.

In the case of Thomas Aquinas, however, these criticisms are not central to his basic
moral theories. Aristotle, Cicero, and medieval theories of politics and ethics are only a part of his approach to moral conduct. It is more important to develop habits of virtue and to cooperate with God's grace. Politics and ethics are only means to higher goals. But, as described above, Aquinas's theories in those areas have made important contributions to political and social theory.

Related Topics
Natural Law and Rights Theory, War, Authority and Legitimacy, Toleration, Religion in Public Life

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Further Reading