

ARISTOTLE'S INFLUENCE ON THE NATURAL LAW THEORY OF ST THOMAS AQUINAS

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Abstract

This paper will compare Aristotle's Natural Law theory with St Thomas Aquinas' Natural Law theory in order to examine the extent of Aristotle's influence on the Natural Law theory of Aquinas. By focusing on the context of each philosopher, the author will argue that, although Aquinas was profoundly influenced by Aristotelian ideas, he was not a 'blind worshipper' of Aristotle. Ultimately, Aquinas employed Aristotelian Natural Law philosophy only to the extent it assisted him to validate the Christian doctrine and the existence of God.

I INTRODUCTION

Philosophers often test and develop the ideas of their predecessors.¹ A famous example is that of St Thomas Aquinas (1225-1274 AD) drawing on the work of Aristotle (384-322 BC). However, did St Thomas Aquinas plunder Aristotle's ideas when writing his seminal work, the *Summa Theologiae*?

Aristotle and St Thomas Aquinas are recognised as key contributors to classical Natural Law jurisprudence.² Natural Law theory involves evaluation of the content of laws against moral, or in Aquinas' case, even spiritual principles.³ Natural Law advances a metaphysical⁴ inquiry, and is concerned with issues such as man's⁵ moral obligations as a citizen and the limits of lawful government action.⁶

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¹ Steven Cahn (ed), *Exploring Philosophy: An Introductory Anthology* (Oxford University Press, 2nd ed, 2000) 7, 13.

² Plato (c 429-347) and Cicero (106-43 BC) also made significant contributions to Natural Law theory. See Plato, *Laws* (Benjamin Jowett trans, Forgotten Books, 2008) book IV. See also Marcus Tullius Cicero, *The Republic and The Laws* (CD Yonge trans, Digireads.com, 2009).

³ Brian Bix, 'Natural Law: The Modern Tradition' in Jules Coleman and Scott Shapiro (eds), *The Oxford Handbook of Jurisprudence and Philosophy of Law* (Oxford University Press, 2002) 61, 62, 66.

⁴ Brian Bix, *A Dictionary of Legal Theory* (Oxford University Press, 2004) 135. 'Metaphysics' is 'any inquiry beyond the empirical, reaching the most basic and abstract questions of thought and existence'.

⁵ In this paper, 'man' is used to refer to human beings in general, and includes both men and women.

⁶ Bix, 'Natural Law: The Modern Tradition', above n 3, 62-3.

Aristotle is credited with developing the first theory of Natural Law.⁷ Aristotle deals with Natural Law theory in book V of *Nicomachean Ethics*,⁸ and in book III and other parts of *The Politics*.⁹ Aquinas's legal theory appears in part II of his *Summa Theologiae*.¹⁰ Both Aristotle and Aquinas discussed law by reference to morality, justice and ethics, although Aquinas tailored his discussion to the Catholic doctrine.¹¹

This paper will examine the context and philosophical traditions which informed the thinking of Aristotle and Aquinas. Further, the paper will compare Aristotle and Aquinas' theories on law and justice in order to determine whether Aquinas plundered Aristotle and simply adapted Aristotelian ideas to a Christian context.

II ARISTOTLE

A Aristotle's context: Ancient Greece

Socrates (470-399 BC) and Plato (c 429-347) preceded Aristotle. As a student at Plato's Academy in Athens, Aristotle was influenced by Plato and Socrates' theories on truth and justice.¹² Aristotle also reflected on the 'Golden Age' of Ancient Greece (c 480-431BC) which consisted of a league of free cities, dominated by Athens.¹³ Although Athens was a democracy, freedom of speech and voting rights were restricted.¹⁴ Athenians sought guidance on ethical and political questions from orators like Socrates, Plato and Aristotle, who had the power to influence the masses.¹⁵

B Aristotle's theory of Natural Law

Aristotle's works, *Nicomachean Ethics* and *The Politics* illustrate the close link between legal and political philosophy.¹⁶ In *Nicomachean Ethics*, Aristotle argued that law supports a virtuous existence, advances the lives of individuals and promotes the 'perfect community'.¹⁷ He proposed people should employ practical wisdom or active

⁷ Marett Leiboff and Mark Thomas, *Legal Theories in Principle* (Lawbook, 2004) 54; Cf John Finnis, 'Natural Law: The Classical Tradition' in Jules Coleman and Scott Shapiro (eds), *The Oxford Handbook of Jurisprudence and Philosophy of Law* (Oxford University Press, 2002) 1, 3.

⁸ Jonathan Barnes (ed), *The Complete Works of Aristotle* (Princeton University Press, 1984), 1790-1.

⁹ John Finnis, 'Natural Law: The Classical Tradition', above n 7, 18.

¹⁰ *Ibid.*

¹¹ Ralph McInerny, 'Thomistic Natural Law and Aristotelian Philosophy' in John Goyette, Mark Latkovic and Richard Myers (eds), *St Thomas Aquinas and the Natural Law Tradition: Contemporary Perspectives* (Catholic University of America Press, 2004) 25.

¹² Leiboff and Thomas, above n 7, 53-4.

¹³ *Ibid.*

¹⁴ Pamela Bradley, *Ancient Greece: Using Evidence* (Cambridge University Press, 2001) 202-3. For example, Socrates was executed for 'corrupting' the youth.

¹⁵ Leiboff and Thomas, above n 7, 53-4.

¹⁶ WD Ross, *Aristotle* (Methuen, 1923) 187; John Finnis, 'Natural Law: The Classical Tradition', above n 7, 18. Aristotle referred to this as the 'philosophy of human affairs'.

¹⁷ John Finnis, 'Natural Law and Legal Reasoning' in Kenneth Himma and Brian Bix (eds), *Law and Morality* (Ashgate, 2005) 3, 4.

reason in order to behave in a way that is consistent with a virtuous existence.¹⁸ Aristotle defined justice as ‘a state of mind that ... encourages man ... to perform just actions’, ‘just’ meaning ‘lawful’, ‘fair’ and ‘virtuous’.¹⁹

Aristotle divided ‘political’ justice into ‘natural’ and ‘conventional’ justice. According to Aristotle, the content of ‘natural’ justice (or ‘universal’ law) is set by nature, which renders it immutable and valid in all communities.²⁰ In contrast, ‘conventional’ justice comprises rules devised by individual communities to serve their needs.²¹ Aristotle argued ‘conventional’ justice is subject to change (depending on the form of government), and is therefore subordinate to ‘natural’ justice.²²

In *Nicomachean Ethics*, Aristotle identified a further two types of justice: distributive and corrective. For Aristotle, distributive justice involves allocating common property proportionally to individuals on the basis of merit.²³ Corrective justice serves to redress any unfairness which may result from private transactions that violate an individual’s property rights or other rights.²⁴ Whilst distributive justice promotes proportionate equality within society, corrective justice deals with the administration of the law through a judge or mediator.²⁵

In *The Politics*, Aristotle proposed the law should function to promote the ‘perfect community’. For Aristotle, the ideal political entity was a *polis* or city state ruled by a balance of tyranny and democracy, a combination which creates the most stable state.²⁶ Aristotle also suggested people are ‘political animals’ and are naturally suited for life in a city state.²⁷

In developing his theories, Aristotle employed a syllogistic method; he divided knowledge into categories, a method still employed to this day.²⁸ Aristotle made another important contribution when he developed the teleological approach. Teleology is a method of reasoning whereby a phenomenon is explained by reference to the purpose it serves.²⁹ Teleology enabled Aristotle to understand which natural human inclinations are ‘good’ and how a ‘perfect’ society may be achieved.³⁰

¹⁸ Leiboff and Thomas, above n 7, 54.

¹⁹ JAK Thomson, *The Ethics of Aristotle* (Penguin Classics, 1953) book V, 120-2.

²⁰ Ibid 137-8.

²¹ Ibid.

²² Ibid 138.

²³ Ibid 127-8.

²⁴ Ibid 125-6.

²⁵ Ibid 129-130.

²⁶ Leiboff and Thomas, above n 7, 53-4; Ross, above n 16, 264-5.

²⁷ See generally Aristotle, *Politics* (Trevor Saunders trans, Oxford University Press, 1995) book II.

²⁸ Leiboff and Thomas, above n 7, 54.

²⁹ See *Oxford English Dictionary*, <<http://dictionary.oed.com.prospero.murdoch.edu.au/cgi/entry>>.

³⁰ Leiboff and Thomas, above n 7, 54. In this context, ‘perfect’ refers to a thing that has completed its aims.

III ST THOMAS AQUINAS

A *St Thomas Aquinas' context: Medieval Western Europe*

At the age of five, Aquinas was sent to an abbey for religious schooling; at the age of 20, he became a Dominican monk.³¹ Soon after Aquinas moved to Paris, he met Albert the Great (1200-1280 AD), who recognised Aquinas' enormous potential and became his teacher.³² Albert the Great had produced an encyclopaedia of Aristotelian thought through access to Arabic and Greek translations of Arab and Jewish scholars.³³ Although Ancient Greek teachings were re-emerging in Western Europe at the time of The Crusades (c 1098-1492 AD), the Church had banned these works.³⁴

Aquinas was exposed to the texts of Christian philosophers, such as St Augustine of Hippo³⁵ (354-430 AD), as well as Ancient Greek texts.³⁶ He became fascinated by Aristotle's works, despite the fact that Aristotle had been a pagan philosopher. It was also dangerous for St Thomas Aquinas to rely on Islamic texts during The Crusades.³⁷ The Catholic Church considered Aristotle's philosophy dangerous to Christianity, and attempted to prevent its re-emergence.³⁸ Christianity is based on a monotheistic³⁹ model which assumes law and reason are derived from God. In contrast, classical Greek philosophy assumed that the source of law and reason was found in nature or things.⁴⁰ Aquinas was drawn to Aristotle's philosophy because it accepted the reality of the material world, and Aquinas deemed it useful in attempting to validate the Christian doctrine.⁴¹

Aquinas also encountered Cicero's work, which exemplified Stoic philosophy.⁴² For Cicero, Natural or True Law was based on 'right reason in agreement with nature'.⁴³ Cicero proposed that True Law applied across all communities and he identified God as both the law-maker and law-enforcer.⁴⁴ Cicero stated that justice was based on right

³¹ Frederick Copleston, *A History of Philosophy* (Burns, Oates & Washbourne, 1951) vol II, 302.

³² *Ibid.*

³³ Hans Küng, *Great Christian Thinkers* (Continuum, 1994) 104-5.

³⁴ *Ibid* 105.

³⁵ Leiboff and Thomas, above n 7, 57. St Augustine of Hippo proposed that 'good' was directed by God's eternal law.

³⁶ Küng, above n 33, 106.

³⁷ *Ibid* 104-7.

³⁸ *Ibid* 105.

³⁹ See *Oxford English Dictionary*, <<http://dictionary.oed.com.prospero.murdoch.edu.au/cgi/entry>>. 'Monotheism' is the 'doctrine or belief that there is only one God'. Cf 'Polytheism', which is 'the belief that there is more than one God'.

⁴⁰ Saint Thomas Aquinas, *On Law, Morality and Politics* (William Baumgarth and Richard Regan trans, Hackett, 1988) xiv.

⁴¹ *Ibid* xiv-xv.

⁴² Leiboff and Thomas, above n 7, 56.

⁴³ Vilho Harle, *Ideas of Social Order in the Ancient World* (Greenwood Press, 1998) 99. 'True Law' is the equivalent of Aristotle's Universal Law.

⁴⁴ *Ibid.*

reason, which encouraged people to fulfil their obligations and prohibited them from committing certain acts.⁴⁵

In analysing Aquinas' work, it is imperative to recall the context in which he wrote in order to acknowledge the value of his ideas.⁴⁶

B *St Thomas Aquinas' theory of Natural Law*

Aquinas outlined his theory of Natural Law in the *Summa Theologiae*, the first detailed and systematic discussion of Natural Law theory.⁴⁷ For Aquinas, law was 'nothing else than an ordinance of reason for the common good, promulgated by him who has care of the community'.⁴⁸ Aquinas elaborated on the concept of Human Law by reference to his understanding of Eternal Law, Natural Law and Divine Law.⁴⁹

For Aquinas, Eternal Law was the divine and rational model according to which God created the world; this model provided the foundation for Aquinas' three other types of law.⁵⁰ Aquinas opined that the world is ruled by Divine Providence or 'divine reason'.⁵¹ Divine reason is called 'eternal' because it is not temporal.⁵² The Eternal Law is not ordained to an end; that end is 'God Himself'.⁵³

The Divine Law is derived from God and guides man to perform acts in order to reach his or her end, which is 'eternal happiness'.⁵⁴ Divine Law consists of the Scriptures, which reveal elements of the Eternal Law to man.⁵⁵ Aquinas argued that man's natural inclination is towards virtue or goodness,⁵⁶ and that by acting according to reason, man acts in accordance with virtue.⁵⁷ Aquinas wrote that man's 'good' tendencies are to preserve human life, to have children, to live in society, and to know God.⁵⁸ For Aquinas, the purpose of law was to promote the 'common good', which leads to the 'perfect community'.⁵⁹

⁴⁵ Ibid.

⁴⁶ Aquinas, above n 40, xxi.

⁴⁷ Raymond Wacks, *Understanding Jurisprudence: An Introduction to Legal Theory* (Oxford University Press, 2005) 22.

⁴⁸ Aquinas, above n 40, 17 (Question 90, Art 4).

⁴⁹ Bix, 'Natural Law: The Modern Tradition', above n 3, 71.

⁵⁰ Anthony Lisska, *Aquinas's Theory of Natural Law* (Clarendon Press, 1996) 95.

⁵¹ Aquinas, above n 40, 18 (Question 91, Art 1).

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Ibid (Question 91, Art 2; Question 90, Art 4).

⁵⁵ Wacks, above n 47, 22.

⁵⁶ Aquinas, above n 40, 12 (Question 92, Art 1; Question 93, Art 6).

⁵⁷ Ibid 14 (Question 94, Art 2).

⁵⁸ Lisska, above n 50, 100. Aquinas and Aristotle were concerned with man's 'moral' (rather than non-moral) end purpose. See especially Question 94, Art 2.

⁵⁹ Aquinas, above n 40, 16 (Question 90, Art 3).

On the other hand, Natural Law is the process whereby man, as a rational being, participates in the Eternal Law.⁶⁰ Aquinas argued that Natural Law is called ‘law’ *only* because of man’s participation.⁶¹ Whilst irrational beings are subject to the Eternal Law,⁶² they cannot participate in a rational manner.⁶³

Human Law emerges when a public person entrusted with ‘care of the community’⁶⁴ exercises human reason in order to interpret the Eternal Law and create laws.⁶⁵ A private person cannot make laws because he or she does not have coercive power, or the power to ‘inflict penalties’.⁶⁶ A Human Law creates a moral obligation if it has been promulgated to men by the law-maker,⁶⁷ and if it is just or consistent with ‘divine’ reason (ie promotes the common good, does not exceed law-maker’s authority and does not impose a disproportionate burden on individuals).⁶⁸ Aquinas acknowledged man-made laws may be morally fallible and therefore unjust.⁶⁹

On account of his comments, Aquinas has been said to endorse the maxim *lex injusta non est lex*,⁷⁰ which suggests that an unjust law lacks legal validity.⁷¹ However, Aquinas accepted that even an unjust law should be followed if disobedience leads to ‘scandal or greater harm’.⁷² Aquinas merely stated that an unjust law does not ‘bind in conscience’;⁷³ he did not propose that every unjust law lacks legal validity.⁷⁴ In practice, man is required to make a moral judgement as to whether he should obey an unjust law.⁷⁵ Aquinas appeared most concerned with the ‘common good’ of the community, rather than with the validity of the law. On this basis, some authors argue Aquinas never

⁶⁰ Ibid 18 (Question 91, Art 2). In Question 94, Art 1 Aquinas stresses that man participates by employing reason, and not through habit.

⁶¹ Leiboff and Thomas, above n 7, 60.

⁶² Aquinas, above n 40, 12 (Question 93, Art 5).

⁶³ Ibid 18 (Question 91, Art 2).

⁶⁴ Ibid 15 (Question 90, Art 3).

⁶⁵ Ibid 18 (Question 91, Art 3). The human agent uses reason to interpret the Eternal Law and make Human Law.

⁶⁶ Ibid 16 (Question 90, Art 3).

⁶⁷ Ibid 17 (Question 90, Art 4).

⁶⁸ David Lyons, ‘Moral Aspects of Legal Theory’ in Kenneth Himma and Brian Bix (eds), *Law and Morality* (Ashgate, 2005) 109, 114; Aquinas, above n 40, 12-3 (Question 90, Art 1).

⁶⁹ Lyons, above n 68, 113.

⁷⁰ Translated as ‘an unjust law is not law’.

⁷¹ Norman Kretzmann, ‘*Lex Iniusta Non Est Lex*: Laws on Trial in Aquinas’ Court of Conscience’ (1988) 33 *American Journal of Jurisprudence* 99, 100-1.

⁷² Aquinas, above n 40, 14 (Question 96, Art 4).

⁷³ Aquinas, above n 40, 14 (Question 96, Art 4).

⁷⁴ Bix, ‘Natural Law: The Modern Tradition’, above n 3, 72-3.

⁷⁵ See Gabriël Moens, ‘The German Borderguard Cases: Natural Law and the Duty to Disobey Immoral Laws’ in Suri Ratnapala and Gabriël Moens, *Jurisprudence of Liberty* (Butterworths, 1996) 160.

endorsed a literal interpretation of the maxim *lex injusta non est lex*,⁷⁶ but merely observed that an unjust law is not a full-fledged law.⁷⁷

IV THE EXTENT OF ARISTOTLE'S INFLUENCE ON ST THOMAS AQUINAS

Undoubtedly, Aquinas was heavily influenced by Aristotle's work. Aquinas adopted Aristotle's ideas of 'universal' and 'conventional' law and further developed them.⁷⁸ Aquinas approved of Aristotle's description of man as a 'social animal'; he agreed that man may only achieve virtue when he or she is part of society.⁷⁹ Aquinas agreed with Aristotle that the purpose of law was to promote the good of the community, or the 'common good'.⁸⁰

Aquinas employed Aristotle's syllogistic method and teleological approach. One plausible explanation is that Aquinas found 'truth' in Aristotle's approach (ie Aristotle's systematic and logical approach appealed to Aquinas).⁸¹ Aquinas' *Summa Theologiae* exemplifies his preference towards a systematic, detailed and logical approach.⁸²

However, Aquinas did not adopt these ideas as a 'blind worshipper' of Aristotle.⁸³ Aquinas tested the validity of Aristotle's philosophies through extensive study and detailed commentaries,⁸⁴ and he assessed whether he could use these principles to prove God's existence. Once he was satisfied, Aquinas adapted these principles to suit his monotheistic goals.⁸⁵ On this point, Aquinas diverged from Aristotle in a significant way.

Aquinas' deeply Christian upbringing and spiritual life influenced him profoundly. Aquinas' end goal was to create a pyramid model of Natural Law, with God at the apex.⁸⁶ In contrast, Aristotle's goal was to create a 'perfect' community. Aquinas employed Aristotelian philosophy only to the extent it assisted him to validate the Christian doctrine and the existence of God.⁸⁷ Aquinas was preoccupied with showing

⁷⁶ Kretzmann, above n 71, 100-1, 115. St Augustine's original statement was: 'that which is not just does not seem to me to be a law'. Aquinas' quote omits the words 'to me' (see *Summa Theologiae*, Question 96, Art 4) and has potentially been taken out of context.

⁷⁷ Kretzmann, above n 71, 115.

⁷⁸ Küng, above n 33, 114.

⁷⁹ Immanuel Bekker (ed), *Aristotelis Opera* (Academia Regia Borussica, 1831) *Pol I*, 13.1253a31.

⁸⁰ Daniel Nelson, *The Priority of Prudence: Virtue and Natural Law in Thomas Aquinas and the Implications for Modern Ethics* (Pennsylvania State University, 1992) 32.

⁸¹ Copleston, above n 31, 423.

⁸² Küng, above n 33, 108.

⁸³ Copleston, above n 31, 323.

⁸⁴ McInerney, above n 11, 26.

⁸⁵ Küng, above n 33, 106-7; Copleston, above n 31, 323.

⁸⁶ Michael Freeman, *Lloyd's Introduction to Jurisprudence* (Sweet & Maxwell, 7th ed, 2001) 105.

⁸⁷ Küng, above n 33, 106-7.

faith as consistent with and supported by reason, though he admitted some aspects of faith could only be known through revelation.⁸⁸

Some scholars have argued that Aquinas' appropriation of Aristotle constitutes a 'distortion of genuine Aristotelianism'.⁸⁹ Other scholars have proposed that Aquinas' 'blind' following of Aristotle and his linking of Natural Law to Catholic doctrine served to discredit Aristotle's contribution to Natural Law jurisprudence.⁹⁰ Neither claim has been convincingly supported.

V CONCLUSION

Although condemned by some of his contemporaries for embracing the work of a pagan philosopher,⁹¹ St Thomas Aquinas succeeded in making his works acceptable to Christians. Based on his life and works, he was canonised in 1323,⁹² and in 1917 his philosophy became part of the official teachings in the seminaries of the Catholic Church.⁹³

Contemporary Natural Law philosopher, John Finnis (1940-), proposed that Aquinas' work, when taken out of context, may be misinterpreted.⁹⁴ This observation may be crucial in explaining why Aquinas has been accused of 'stealing' from Aristotle. To claim that Aquinas plundered Aristotle's ideas is to discredit Aquinas's significant contribution to classical Natural Law theory and Christian philosophy as we know it today.

⁸⁸ Aquinas, above n 40, xviii.

⁸⁹ Nelson, above n 80, 5.

⁹⁰ Copleston, above n 31, 322.

⁹¹ Küng, above n 33, 113. In 1277, the Bishop of Paris condemned Aquinas' theses.

⁹² Aquinas, above n 40, xiii.

⁹³ Küng, above n 33, 114.

⁹⁴ John Finnis, *Natural Law and Natural Rights* (Clarendon Press, 1980) 23-4; Aquinas, above n 40, xxi.