

# Understanding the Context of the “Natural Inclinations” and the Natural Law in *Summa Theologiae* I–II, q. 94, a. 2

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*Abstract:* There have been multiple interpretations of Thomas’s account of the “inclinations” in *ST* I–II, q. 94, a. 2, some of which turn them into the basis of an entire ethical system. I argue in what follows, that these “inclinations” should be understood in the context of the discussions carried on in the twelfth century among the decretists about the different levels of “nature” and “law.” Thomas uses a passage from Cicero’s *De officiis* to help him organize this material more coherently. I also point out why it is essential that we not separate Thomas’s discussion of the natural law from his later accounts of the divine law, especially his discussion of the moral precepts of the Old Law which, according to Thomas, reveal the fundamental precepts of the natural law, or from his extended discussion in the *secunda secundae* of the virtues, much of which is also borrowed from Cicero.

When the subject of the natural law in Thomas Aquinas’s *Summa theologiae* comes up, modern Thomists are likely to think of the influence of Aristotle. When Thomas was writing, however, Aristotle’s authority was still being questioned—sometimes rejected entirely. It’s worth remembering that there were no complete Latin translations of the *Nicomachean Ethics* from the Greek until Robert Grosseteste’s in 1247, and there were plenty of treatises on the virtues before then.<sup>1</sup>

So, without Aristotle, what did people do? Many turned to Cicero. In fact, it is not recognized as much as it probably should be now that Cicero was one of the most important pagan authorities in the twelfth and early thirteenth century,

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<sup>1</sup>Before Grosseteste’s translation, scholars had to depend on the so-called *Ethica vetus*, which contained only books II and III of the *Ethics*, and the *Ethica nova*, which contained book I as well as some excerpts from the other books. For a nice overview of this complicated history of translation, see Pieter Beullens, “Robert Grosseteste and the Fluid History of the Latin Nicomachean Ethics,” in *Revista Española de Filosofía Medieval*, 30, no. 1 (2023): 177–98, <https://doi.org/10.21071/refime.v30i1.15609>.

especially with regard to the virtues.<sup>2</sup> The list of the cardinal virtues and their auxiliary virtues in the *secunda secundae* of Thomas's *Summa*, for example, is not Aristotle's; it was largely borrowed from the place most medieval commentators turned when they wanted a list and description of the virtues: book 2, sections 53 and 54 of Cicero's *De inventione*.

Our present concern, however, is not the virtues per se, but the natural law, and in particular, Thomas's discussion in *ST* I–II, q. 94, a. 2 of the “inclinations” that are supposed to tell us something about the natural law, a text out of which entire moral systems have been generated (which hereafter I will abbreviate simply as “94.2”).<sup>3</sup>

Popular editors will often criticize scholarly writers for “burying the lede” and not “getting to the point.” Allow me, therefore, to state my thesis right up front. My claim is that the “inclinations” in 94.2 are taken from Cicero's *De officiis*, and Thomas uses them to catalog and distinguish different levels or kinds of natural law. Making this series of distinctions among different inclinations was his way of cataloging and simplifying the different lists of *ius naturale* that were ubiquitous in the works of the canon lawyers and theologians in the late twelfth and early thirteenth centuries. That's the claim. In this article, I provide evidence for this claim.

## I. The Absence of *Ius Naturale* Among Twelfth-century Theologians

In the works of the twelfth-century canonists, discussions of the *ius naturale* were common and customary because their concern was law. In the works of the theologians, however, discussions of natural law if they appeared at all (and often they did not), were always preliminary to long treatments of the virtues, both theological and cardinal, and the gifts of the Holy Spirit. There was often (but not always) room left for a discussion of the Ten Commandments.<sup>4</sup> These topics were much more common and much lengthier than discussions of the

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<sup>2</sup>For an invaluable guide to Cicero's importance and influence during this period, see Cary Nederman, *The Bonds of Humanity: Cicero's Legacies in European Social and Political Thought, ca. 1100–ca. 1550* (University Park, PA: Penn State University Press, 2020).

<sup>3</sup>All citations from the *Summa theologiae* (*ST*) are from Thomas Aquinas, *Summa Theologica*, trans. Fathers of the English Dominican Province (Cincinnati: Benzinger Brothers, 1947).

<sup>4</sup>So, for example, in the massive four volumes of William of Auxerre's *Summa aurea*, one finds a brief discussion of *ius naturale* in bk. 3, tract 18. This section is interspersed between his discussion of the theological virtues and what he calls the “political virtues” (bk. 3, tract 19, *de virtutibus politicis*), which precedes his discussion of the gifts of the Holy Spirit. See Guillelmus Altissiodorensis, *Summa Aurea* (Paris: Éditions du Centre National de la Recherche Scientifique, 1980).

natural law (*lex naturalis*) or natural right (*ius naturale*).<sup>5</sup> In the whole of Peter Lombard's *Sentences*, for example, the word “*ius naturale*” appears only twice, while the virtues take up half of book 3.

On the rare occasion that the natural law *was* discussed by the theologians, it was cited mostly to clarify certain difficulties. So, for example, it was common to find discussions of *ius naturale* to help distinguish why, although according to Genesis and Christ marriage is supposed to be between one man and one woman—two who become “one flesh”—God still allowed the patriarchs of the Old Testament have multiple wives; or why, although all property is said to be “common” according to the Book of Genesis and natural law traditions going back to Cicero, yet we now have private property.<sup>6</sup> The resolution of such puzzles required thinkers to make distinctions among the senses of nature and natural law and between “nature” before the fall and after.

Just as discussions of the natural law were always preliminary to much longer discussions of the Ten Commandments and the virtues and gifts among the works of Thomas's predecessors, so too, in Aquinas's *Summa*, the brief comments on the natural law are preliminary to much longer discussions of the Old Law, the New Law, and grace in the remainder of the *prima secundae*, all of which is preliminary to the questions on the theological and cardinal virtues in the *secunda secundae*. This does not make these questions unimportant, merely preliminary. Or, to put this another way, Thomas didn't intend to generate an entire moral system out of these few questions in 90 through 97 or out of 94.2. What he intended to do in qq. 90 through 97 was to clarify the different meanings of “law” that he had inherited. And what he intended to do in 94.2, as I will show below, was to clarify the different meanings of “natural law” that he had inherited.

So, if the theologians weren't especially interested in the natural law, who was? From whom did Thomas inherit the natural law tradition going back to the ancient Greeks and Romans? A study of twelfth century thought reveals that the writers most interested in the natural law were the canon lawyers. Something

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<sup>5</sup>In fact, the term *lex naturalis* was very rarely used until well into the thirteenth century. Almost everyone refers to *ius naturale*. However, as I will argue in greater detail in a monograph I am preparing, they are not synonyms, nor are they the same.

<sup>6</sup>These are the questions to which William of Auxerre devotes most of his brief section on *ius naturale* in bk. 3, tract 18 of the *Summa aurea*. The notion that, according to *ius naturale*, all things should be in common goes back at least to Cicero in the Latin tradition. But medieval Christians had to deal with Isidore's statement in *Etymologies* 5.4 that “the possession of all things in common, and universal freedom, are matters of natural law” (*communis omnium possessio, et una libertas, est de iure naturali*). See Isidore Hispalensis, *Etymologies*, ed. Peter K. Marshall, Giovanni Gasparotto, Miguel Rodríguez-Pantoja Márquez, and Cantó Llorca (Paris: Belles Lettres, 1900). Thomas deals with this passage, for example, in *ST* I–II, q. 94, a. 5. But many others before him had struggled with them as well.

these writers quickly realized was that there are several possible meanings of “nature” and thus several possible things one could be referring to by the terms “natural law” or “natural right” (*ius naturale*).

## II. The Lists of Different Meanings of Nature and *Ius Naturae* in the Works of the Decretists

Gratian's *Decretum* became the most authoritative work on canon law in the Middle Ages. In the opening lines of that work, Gratian famously claimed that:

Natural law [*Ius naturale*] is what is contained in the Law and the Gospel. By it, each person is commanded to do to others what he would want done to himself and prohibited from inflicting on others what he does not want done to himself. So Christ said in the Gospel: “Whatever you want men to do to you, do so to them. For this is the Law and the Prophets” (cf. Mt 22:40).<sup>7</sup>

*Ius naturae* is “common,” wrote Gratian in a subsequent chapter, “by reason of its universal origin in an instinct of nature [*instinctu naturae*] and not because it is contained in a constitution.”<sup>8</sup> By an “instinct of nature,” however, Gratian does not mean “instinct” in our modern sense of an irrational force found in many animals; rather he makes clear that *ius naturae* “began with the appearance of rational creatures.”<sup>9</sup>

After Gratian's *Decretum*, most texts on canon law were essentially commentaries on it—so much so that these later canonists are commonly called “decretists.” And yet, although the decretists were scholars of the law, their works were always grounded in theology.

So, for example, one of the most influential of the early “glossators” commenting on the *Decretum* was Rufinus, who taught in Bologna in the mid-twelfth century. Likely influenced by the school of Anselm of Laon (d. 1117), Rufinus warned that, after sin, man remained confused about *ius naturale*, drawn to the view that nothing was sinful. Man's understanding of *ius naturale* was reformed by the Ten Commandments, but not fully. Man still needed the Gospel whereby “the natural right might be repaired in all its generality and, by being repaired, perfected” (*ubi ius naturale in omnem suam generalitatem reparatur et reparando*

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<sup>7</sup>Gratian, *The Treatise on Laws (Decretum DD. 1–20) with the Ordinary Gloss*, D. 1, pt. 1, prol., trans. Augustine Thompson and James Gordley, *Studies in Medieval and Early Modern Canon Law* 2 (Washington, DC: The Catholic University of America Press, 1993). References will be given as Distinction, part, chapter, section. So this passage can be found in D. 1, pt. 1, prol., which appears before c. 1 and §1.

<sup>8</sup>Gratian, D. 1, pt. 2, c. 7, §2.

<sup>9</sup>Gratian, D. 5, pt. 1, §1.

*perficitur*).<sup>10</sup> And in this manner, says Rufinus poetically, “the rivers of moral goodness return to the sea of natural right which were almost lost in the first man, revealed in the Mosaic law, perfected in the Gospel, and decorated in good character.”<sup>11</sup>

Rufinus rejects what he calls the “most general” definition of *ius naturale* as “what nature has taught all animals.” This was the famous definition from the first century Roman jurist Ulpian that these twelfth-century authors would have found in Justinian’s Code. Having rejected this definition, Rufinus insisted instead that, more properly speaking, *ius naturale* “is ascribed only to the human race” and that it is “a certain force [*vis quedam*] instilled by nature in the human creature for doing good and avoiding the contrary.”<sup>12</sup> Rufinus’s “force instilled by nature” seems to have been his version of Gratian’s “instinct of nature” (*instinctu naturae*). Both men were likely echoing Cicero’s definition in book 2 of *De inventione* (2.53.161): *ius naturae* is “that which has not had its origin in the opinions of men but is a certain force [*vis*] implanted by nature” (*quaedam in natura vis insevit*).<sup>13</sup>

After Rufinus, attempts to identify what this “force instilled in us by nature” *is* became a prominent topic of discussion among later decretists. Is it the force of will? Is the force derived from our grasp of goodness in the intellect? Or is this force the force of goodness itself, or perhaps the desire for God which draws us to Him? As authors continued to grapple with this question, they also began to consider the different senses or levels of “nature.”

In the *Summa Monacensis*, for example, an early text out of the Parisian school of canon law (1175–1178), we find the author distinguishing several different “forces” in nature. The author (unknown) writes:

*Ius naturale* is sometimes a force inherent in anything by which it is governed [*vis cuilibet rei insita qua regitur*]; whence the superior things are said to rule inferior by means of natural *ius*, as the sun completes its course.

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<sup>10</sup>“Ubi ius naturale in omnem suam generalitatem reparatur et reparando perficitur.” Rufinus, *Summa decretorum*, I, d. 1, 1. See *Die Summa Decretorum des Magister Rufinus*, ed. H. Singer (Paderborn: F. Schöningh, 1902), 6. Rufinus goes on in this passage to refer to the importance of equity so that the goods of *ius naturale* may be preserved. We do not yet have a full picture of justice, but even Rufinus the lawyer understands that mere obedience to the law or to what is required by *ius naturale* is not sufficient.

<sup>11</sup>*Ibid.*, 7: “Et hunc in modum flumina honestatis humane redeunt ad mare iuris naturalis quod in primo homine pene perditum, in lege mosaica revelatur, in Evangelio perficitur, in moribus decoratur.”

<sup>12</sup>Rufinus, *Summa decretorum*, I, D. 1, 1 (Singer ed., 5).

<sup>13</sup>Cicero, *De Inventione*; *De Optimo Genere Oratorum*; *Topica*, trans. H. M. Hubbel (Cambridge: Harvard University Press, 1949).

And sometimes there is an innate force in living beings [*vis animantibus insita*] by which they are drawn to commingle, and to the procreating and education of offspring, which belongs both to brutes and rational beings; for man is driven to this without reason, by the impulse of nature [*impetus nature*].

And sometimes there is a reason innate in every rational person by which he discerns what should be done and what should not be done, as, for example: "What you do not want done to you," etc.

And sometimes *ius naturale* is called divine because it derives its origin from natural reason.<sup>14</sup>

We can see this author working to distinguish "nature" as a force that orders the cosmos from nature as a force that drives creatures (including humans) to procreate and then distinguish these from nature as that force in us that impels us to do good and avoid evil.

And although we moderns generally think of calling something "divine" when its source is divine revelation rather than natural reason, here the natural law is called "divine" *because* it derives its origin from natural reason. The author likely has in mind the idea that our reason is a gift from God at our creation when we are made "in the image of God." But he is also echoing Gratian's (and before him, Isidore's) association of the divine and natural law.

As the years progressed, the lists in these commentaries got longer and the descriptions more detailed. So, for example, in the standard gloss, the *Glossa Ordinaria*, on Gratian's *Decretum* that most thirteenth century thinkers would have seen, they would have found in the margin this note:

*Ius naturale.* To understand this, note that the word "nature" is used in many ways. Sometimes nature means a force residing in things [*vis insita in rebus*] so that like propagates like.

Second, sometimes nature means the stimulus or instinct of nature proceeding from physical desire [*quidam stimulus, seu instinctus naturae*] in respect to appetite, procreation, and child-rearing.

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<sup>14</sup>See Odon Lottin, *Le droit naturel chez Saint Thomas d'Aquin et ses prédécesseurs* (Bruges: Beyaert, 1931), 107: "Ius naturale quandoque vis cuilibet rei insita qua regitur; unde superiora, et inferiora, media dicuntur regi iure naturali, ut sol cursum perficere. Quandoque est vis animantibus insita qua trahuntur ad commiscendum, ad retuum procreationem et educationem, quod perique brutis et rationalibus convenit; homo enim sine ratione, impetus nature, ad id trahitur. Quandoque est ratio cuilibet rationali insita qua discernit quid faciendum quid non, ut: quod tibi non vis fieri, etc. Quandoque divinum ius naturale dicitur, quia originem, trahit a naturali ratione."

Third, nature means an instinct of nature proceeding from reason [*instinctus naturae ex ratione proveniens*], and *ius* proceeding from nature in this sense is called natural equity [*aequitas*]. . . .

Fourth, the natural law are the natural precepts [*ius naturale precepta naturalia*], such as ‘do not kill,’ ‘do not commit adultery.’ Thus all divine law is said to be natural law [*omne ius divinam dicitur ius naturale*].<sup>15</sup>

Thus, by the mid-thirteenth century, a fairly standard hierarchy of “nature” and “natural law” had emerged. First, there is a general “law” or *ius* governing all creation. Second, there is a *ius* common to all animals which is an “instinct of nature” proceeding from sensuality. Third, there is a *ius* proper to human beings which proceeds from reason. And fourth, as this glossator notes, “all divine law said is said to be natural law” (*ius divinum . . . ius naturale*), which is exemplified in “natural precepts” such as “do not kill,” “do not commit adultery,” etc.

Such lists were common among Thomas’s contemporaries, but they were complicated and not always internally coherent, still leaving unclear “which law is which?” Thomas’s challenge, therefore, was to take this list of different senses of natural law and organize them within a meaningful order. This, I suggest, was his goal in the latter part of 94.2 in the section on the inclinations. But to understand what Thomas was proposing, we must first understand what he means by “inclinations” (*inclinationes*) in the context of 94.2.

### III. The Context of 94.2

So what’s going on in 94.2? Well, first of all, its famous analogy between the first principles of speculative reasoning and practical reasoning is not something that Thomas originated.<sup>16</sup> That analogy goes back at least to the *Summa aurea* of William of Auxerre, written about 1220.<sup>17</sup> In fact, by the time Thomas was composing 94.2, that analogy had become something of a commonplace. So too was the (rather obvious, commonsensical) claim in that article that all humans “seek the good and avoid the contrary.” Indeed, the claim was so common by the time Thomas was writing the *Summa* that there were major treatises which

<sup>15</sup>Gratian, 6. I have taken the liberty of inserting the original Latin text which does not appear in Thompson and Gordley’s translation. The original Latin of this marginal note, taken from Johannes Teutonicus’s *Apparatus glossarum in compilationem tertiam*, can be found in Rudolf Weigand, *Die Naturrechtslehre der Legisten und Dekretisten von Irnerius bis Accursius und von Gratian bis Johannes Teutonicus* (Munich: Max Hueber, 1967), 255, n. 435.

<sup>16</sup>STI–II, q. 94, a. 2 sc: “The precepts of the natural law in man stand in relation to practical matters, as the first principles to matters of demonstration.” And again, in the *resp*: “As stated above (Q91, A3), the precepts of the natural law are to the practical reason, what the first principles of demonstrations are to the speculative reason.”

<sup>17</sup>See William of Auxerre, *Summa aurea*, bk. 3, tract 18.



began with the “the good” as the fundamental end all humans seek, such as the *Summae “de bono”* (“on the good”) of Philip the Chancellor and Albert the Great. It is not surprising, therefore, nor would it have been startling at the time, for Thomas to say at the beginning of the *prima secundae* that:

Whatever man desires, he desires it under the aspect of good (*sub ratione boni*). And if he desire it, not as his perfect good, which is the last end, he must, of necessity, desire it as tending to the perfect good, because the beginning of anything is always ordained to its completion; as is clearly the case in effects both of nature and of art. Wherefore every beginning of perfection is ordained to complete perfection which is achieved through the last end.<sup>18</sup>

And yet, adds Thomas, although “all agree in desiring the last end, since all desire the fulfillment of their perfection,” the problem is that all men are not agreed as to what will bring them this fulfillment of their nature (*ST I–II*, q. 1, a. 7). So, what will bring them the fulfillment of their nature? Thomas answers: only God.

So we get to the questions on law (qq. 90 and ff.), and we read in *ST I–II*, 91, a. 2 that all things “are subject to divine providence” and thus are

ruled and measured by the eternal law . . . insofar as from its being imprinted on them, they derive their respective inclinations [*inclinationes*] to their proper acts and ends. Now among all others, the rational creature is subject to Divine Providence in the most excellent way, insofar as it partakes of a share of Providence, by being provident both for itself and for others. Wherefore it has a share of the Eternal Reason, whereby it has a natural inclination [*habet naturalem inclinationem*] to its proper act and end: and this participation of the eternal law in the rational creature is called the natural law.

Why did Thomas introduce the term “eternal law” here? Well, for one, it had been resurrected from the works of Augustine by Jean de la Rochelle and had appeared in the section on the laws in the Franciscan *Summa Halensis*.<sup>19</sup> But it also worked well here because Thomas could import a legal term, “eternal law,” as an expression of Divine Providence, in his discussion of various kinds of “law.”

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<sup>18</sup>*ST I–II*, q. 1, a. 6.

<sup>19</sup>See, e.g., Augustine, *De libero arbitrio* 1.6.14–5, ed. Francis E. Tourscher (Philadelphia: The Peter Reilly Company, 1937). Thomas cites this text over ten times in qq. 91 through 93 of the *prima secundae*. See also John de la Rochelle, *Tractatus de legibus et praeceptis*, inq. 1. This text is now available in a modern critical edition. See Alexander Halesius, *Summa Theologica Halensis: De Legibus et Praeceptis, Lateinischer Text Mit Übersetzung Und Kommentar*, ed. Michael Basse (Berlin: De Gruyter, 2018).



What we know so far is that all creatures have a natural inclination to the perfection of their nature—an inclination to the full realization of their being as the kind of thing they are—that is to say, in accord with their created nature. Petunia seeds become petunias, not oak trees. Tadpoles become frogs, not dogs. Things have a natural directedness to actualize their inherent potencies.<sup>20</sup>

Thus, I suggest that, in 94.2, as earlier in *ST* I–II, q. 91, a. 2, Thomas uses the term “natural inclination” to refer to a thing’s natural directedness to the full realization of its created nature. We also know from *ST* I–II, q. 91, a. 1 that different creatures are directed to the full realization of their nature in different ways. What distinguishes human beings from other creatures is that we have reason, which allows us to “partake of a share of providence by being provident both for itself and for others.”<sup>21</sup> We are not merely “moved” to our proper end, we can also move ourselves and move ourselves *knowingly*. And yet, in certain ways, we are also simply “moved” the way other creatures are. We grow, our cells divide, our heart pumps blood, our digestive system produces energy and discards waste. So human nature is complex. We grow like plants; we are ambulatory and procreate bi-sexually like animals; and yet we have other potencies: namely, for knowing and for being “political”—that is, we have the ability to live in cities, in communities that involve acts of collective rationality for the common good of all.

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<sup>20</sup>In contemporary parlance, an “inclination” is often taken to be a kind of biological instinct or drive. For Thomas, it is a teleological orientation. Oak tree seeds have an inclination to become full-grown oak trees not by “instinct” or a “drive.” It is, rather, their *telos*—the actualization of their potencies. On this, see for example, Robert Sokolowski, “What is Natural Law? Human Purposes and Natural Ends,” *The Thomist* 66, no. 4 (October 2004): 507–29.

<sup>21</sup>My colleague Steven Jensen, in his book *Knowing the Natural Law: From Precepts and Inclinations to Deriving Oughts* (Washington, DC: The Catholic University of America Press, 2015), 44, identifies three possible meanings of “inclination” in 94.2. They might be “inborn emotional desires,” “natural desires of the will,” and/or “non-conscious inclinations,” such as the inclination a tree has “to grow or to reproduce.” He provides references to scholars who hold each of these three positions. As will soon become clear, my understanding of the “inclinations” in 94.2 does not fall comfortably into this threefold division, which I take it is also true of Prof. Jensen’s position. My own view is that humans have all three levels of inclination—to self-preservation, to procreation, and to know the truth about God and live in society. But it is only the third of these that is “proper” to man. And it is the realization of these two fundamental goods—knowledge of the highest things and living in society—which Aristotle had claimed all men “by nature” desire, that undergirds the two precepts to love God and love neighbor and the rest of the moral precepts of the Old Law. It is also important that human beings are directed to their natural end by reason. Since our reason has been damaged by sin, however, we need the instruction and help God offers in the divine law, both Old and New.

#### IV. Having a Natural Inclination Does Not Mean A Creature Is Passive

But plants also need water, nourishing soil, sunlight, and air to realize their end. Dogs need water, nourishment, sunlight, and air, but in different ways (you don't plant puppies in the soil and pour water on their heads), and they require something more: they need to move about. Horses need many of the same things that dogs do, but they eat oats, not meat.

Thus, having a natural inclination does not mean the beings are passive. In some ways, creatures are merely moved to their end. But they must also move themselves. Plants must put down roots. Dogs must hunt. And horses graze. In the case of humans, when we move ourselves, we can do it consciously and with self-awareness. So too, things are not simply individual. Mosses grow in patches. Dogs hunt in packs. Horses herd to protect themselves from predators. Human beings come together in communities and cities. Creatures must *act* in certain ways in concert with others and in relation to their environment to realize, actualize, and fulfill the potencies of their nature. So too, human beings must actualize the potencies of their specific nature in their own way. Humans are similar to other creatures in certain respects (needing food, water, etc.) but they differ in this essential way: humans can come to know by reason (or by being taught, which is also a function of reason) what things are appropriate to our nature, and then we can either choose them or not.

Some functions operate "automatically," as it were: things like heartbeat, respiration, and growth, although even here we need to do our part to nourish these functions properly. We need to eat the right foods, get the right exercise, and stay away from things that stunt our growth and damage our health. So, we can say with Thomas that the order of the natural law is related to the order of nature or, to be more precise, the order and character of the natural inclinations. Thus, although we need to eat, drink, get sunlight, and exercise, like the dog and horse, we also need something more: we need the goods "proper" to human nature.

#### V. The Inclination to the Twofold Good "Proper" to Human Nature

What are the goods *proper* (specifically) to human nature? These are related to the basic characteristics of human nature that differentiate us from other beings, that specify us as a species in the genus animal. For his answer, Thomas turned turn to "the Philosopher," Aristotle, who made two famous statements. The first is that "all men by nature desire to know."<sup>22</sup> And so too, according to

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<sup>22</sup>Aristotle, *Metaphysics* 1.1. (980a1): πάντες ἄνθρωποι τοῦ εἰδέναι ὀρέγονται φύσει. English translation by Hugh Tredennick, in *Aristotle in 23 Volumes*, Loeb Classical Library 17 (Cambridge, MA: Harvard University Press, 1933).

Aristotle, the highest form of knowledge, which is wisdom, is the knowledge of first principles and causes.<sup>23</sup> And thus “that science is supreme, and superior to the subsidiary, which knows for what end each action is to be done; i.e., the Good in each particular case, and in general the highest Good in the whole of nature.”<sup>24</sup> And the second important statement is that “man is by nature a political-social animal” (*politikon zoon*).<sup>25</sup> So although we need food, drink, and sunlight like other animals, if we haven’t actualized our potency to seek the truth and develop wisdom and to live successfully with others in society, then we will not achieve the flourishing proper to (and possible to) human beings.

Everyone in the twelfth and thirteenth centuries agreed that what distinguished human beings from other animals was their reason. There was also common agreement that human beings shared a “common life together” in ways that the other animals did not. In the *Digest* 1.1.1 (4) of the *Corpus iuris civilis* (a.k.a. Justinian’s Code), one finds *ius naturale* distinguished from *ius gentium* this way: “*ius gentium* is that used by the human race, and it is easy to understand that it differs from *ius naturale*, because the latter is common to all animals, while the former only concerns men in their relations to one another” (*hoc solis hominibus inter se commune sit*).<sup>26</sup> And then, in *Digest* 1.1.9, we find that “whatever natural reason has established among all men . . . is called the *ius gentium*.”<sup>27</sup>

The way Thomas summarizes, in his amazingly concise style, this twofold inclination to the good “proper” (*propria*) to man in 94.2 is to say that “man has a natural inclination”—that is to say, an inclination proper to his nature as a human being (not “natural” in the sense that everyone does it)—to know the truth about God and to live in society.”

## VI. A Natural Inclination to Know the Truth About God?

Readers sometimes wonder about Thomas’s claim that human beings have a natural inclination “to know the truth about God.” I do not wish to lengthen this article needlessly with an extended defense of this claim. Suffice it to say that nearly everyone in the twelfth and thirteenth centuries believed and affirmed

<sup>23</sup>Aristotle, *Metaphysics* 1.2 (982a): ὅτι μὲν οὖν ἡ σοφία περὶ τινὰς ἀρχὰς καὶ αἰτίας ἐστὶν ἐπιστήμη, δῆλον.

<sup>24</sup>Aristotle, *Metaphysics* 1.2 (982b): ἀρχικωτάτη δὲ τῶν ἐπιστημῶν, καὶ μᾶλλον ἀρχικὴ τῆς ὑπηρετούσης, ἡ γνωρίζουσα τίνος ἕνεκέν ἐστι πρακτέον ἕκαστον: τοῦτο δ’ ἐστὶ τὰγαθὸν ἕκαστου, ὅλως δὲ τὸ ἄριστον ἐν τῇ φύσει πάση.

<sup>25</sup>Aristotle, *Politics* 1.2 (1253a1): ὁ ἄνθρωπος φύσει πολιτικὸν ζῷον.

<sup>26</sup>For all texts from the *Corpus iuris civilis*, see *The Codex of Justinian: A New Annotated Translation, with Parallel Latin and Greek Text*, ed. Bruce W. Frier (Cambridge: Cambridge University Press, 2016).

<sup>27</sup>Ibid.

that human beings have a natural desire to know the truth about God. Nearly all of their predecessors had told them this.

Cicero told them that “the characteristic that most distinguishes human nature from that of other animals is his reason,” which is “the gift of the gods.” This reason has been given to him from above, and so his reason must be in accord with this transcendent standard: “the highest reason” (*summa ratio*), the “supreme law” which has existed from all eternity.<sup>28</sup> Thus, when men seek to know this “supreme law,” they are seeking to know “the primal and ultimate mind of God, whose reason directs all things.”<sup>29</sup> The first lines of the *Institutes* of the *Corpus iuris civilis* told them that “jurisprudence is the knowledge of matters divine and human, and the comprehension of what is just and what is unjust” (*iurisprudentia est divinarum atque humanarum rerum notitia, iusti atque iniusti scientia*).<sup>30</sup> And when Aristotle’s *Metaphysics* was translated, they found, as I noted above, that Aristotle had said that “all men desire to know” and that “that knowledge is supreme [ἀρχικωτάτη δὲ τῶν ἐπιστημῶν] which knows for what end each action is to be done; i.e., the Good in each particular case, and in general the highest Good in the whole of nature” (τοῦτο δ’ ἐστὶ τὰγαθὸν ἐκάστου, ὅλως δὲ τὸ ἄριστον ἐν τῇ φύσει πάσῃ).<sup>31</sup> So too, he had said that “all believe that God is one of the causes and a kind of principle” (ὁ τε γὰρ θεὸς δοκεῖ τῶν αἰτίων πᾶσιν εἶναι καὶ ἀρχή τι).<sup>32</sup> And so, it would have come as no surprise to anyone that Thomas affirmed that human beings have a natural inclination to know the truth about God.<sup>33</sup>

<sup>28</sup>Cicero, *De legibus* 1.19, ed. J. G. F. Powell, *Oxford Classical Texts: M. Tulli Ciceronis: De Re Publica; De Legibus; Cato Maior de Senectute; Laelius de Amicitia* (Oxford: Oxford University Press, 2006).

<sup>29</sup>*De leg.* 2.8: “Hanc igitur video sapientissimorum fuisse sententiam, legem neque hominum ingeniis excogitatam, nec scitum aliquod esse populorum, sed aeternum quiddam quod universum mundum regeret, imperandi prohibendique sapientia. Ita principem legem et ultimam, mentem esse dicebant omnia ratione aut cogentis aut vetantis dei; ex qua illa lex quam dii humano generi dederunt recte est laudata. Est enim ratio mensque sapientia. ad iubendum et ad deterrendum idonea.” Well, then, I find that it has been the opinion of the wisest men that Law is not a product of human thought, nor is it any enactment of peoples, but something eternal which rules the whole universe by its wisdom in command and prohibition. Thus they have been accustomed to say that Law is the primal and ultimate mind of God, whose reason directs all things either by compulsion or restraint. Wherefore that Law which the gods have given to the human race has been justly praised; for it is the reason and mind of a wise lawgiver applied to command and prohibition.

<sup>30</sup>*Corpus Iuris Civilis* (Institutes), 1.1.1.

<sup>31</sup>*Meta.* 1.2 (982b7–8).

<sup>32</sup>*Meta.* 1.2 (983a9). Thomas’s Latin translation of Aristotle had: “*Deus autem videtur causa omnibus esse, et principium quoddam.*” See also Thomas’s comments on this passage in his *Commentary on Metaphysics*, bk. 1, lect. 3, nn. 64–5.

<sup>33</sup>This may cause those of us in the modern world epistemological quandaries, but there is no doubt Thomas held it.

VII. The List of Inclinations in 94.2 and Cicero's *De Officiis*

This brings us to the famous list of inclinations in 94.2. Thomas says that the two inclinations “proper” to human beings are the inclination to know the truth about God and to live in society. What about the other inclinations in 94.2? There are many different interpretations of the inclinations in 94.2, but an important key to understanding them, I would suggest, involves recognizing that Thomas borrowed and adapted them from Book 1 of Cicero's *De officiis* in order to catalog and distinguish the different categories or “levels” of natural law that he inherited from the accounts of the twelfth century decretists. Thomas's predecessors knew Cicero and used Cicero's definitions. They also made lists of different senses of nature and natural law. But none of them used the hierarchy in *De officiis* 1.4.11–13 as a structuring device.

Here, for example, is the famous text from 94.2 about the different natural inclinations. (I have divided the text to make Thomas's distinctions visually clearer on the page.)

Wherefore according to the order of natural inclinations, is the order of the precepts of the natural law.

Because in man there is first of all an inclination to good in accordance with the nature which he has in common with all substances: inasmuch as every substance seeks the preservation of its own being, according to its nature: and by reason of this inclination, whatever is a means of preserving human life, and of warding off its obstacles, belongs to the natural law.

Second, there is in man an inclination to things that pertain to him more specially, according to that nature which he has in common with other animals: and in virtue of this inclination, those things are said to belong to the natural law, which nature has taught to all animals, such as sexual intercourse, education of offspring and so forth.

Third, there is in man an inclination to good, according to the nature of his reason, which nature is proper to him: thus man has a natural inclination to know the truth about God, and to live in society: and in this respect, whatever pertains to this inclination belongs to the natural law; for instance, to shun ignorance, to avoid offending those among whom one has to live, and other such things regarding the above inclination.<sup>34</sup>

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<sup>34</sup>ST I–II, q. 94, a. 2. I have not included the entire body of the article both because it is very long and because the earlier material about principles that are “self-evident” (*per se nota*) is not immediately relevant to the present discussion. Thomas borrowed this earlier material from a different set of sources (e.g., William of Auxerre's *Summa aurea* and Albert's *Summa de bono*) and then merged it with this second set of considerations based on the three inclinations, which he

Compare the passage from 94.2 above with this passage from book 1 of Cicero's *De officiis* (1.4.11–3). (I have divided the text to clarify the distinctions, as I did above with 94.2.)

First of all, Nature has endowed every species of living creature with the instinct of self-preservation, of avoiding what seems likely to cause injury to life or limb, and of procuring and providing everything needful for life—food, shelter, and the like.

[Next] A common property of all creatures is also the reproductive instinct (the purpose of which is the propagation of the species) and also a certain amount of concern for their offspring.

But the most marked difference between man and beast is this: the beast, just as far as it is moved by the senses and with very little perception of past or future, adapts itself to that alone which is present at the moment; while man—because he is endowed with reason, by which he comprehends the chain of consequences, perceives the causes of things, understands the relation of cause to effect and of effect to cause, draws analogies, and connects and associates the present and the future—easily surveys the course of his whole life and makes the necessary preparations for its conduct.

Nature likewise, by the power of reason, associates man with man in the common bonds of speech and life; she implants in him above all, I may say, a strangely tender love for his offspring. She also prompts men to meet in companies, to form public assemblies and to take part in them themselves; and she further dictates, as a consequence of this, the effort on man's part to provide a store of things that minister to his comforts and wants—and not for himself alone, but for his wife and children and the others whom he holds dear and for whom he ought to provide; and this responsibility also stimulates his courage and makes it stronger for the active duties of life.

[And finally] Above all, the search after truth and its eager pursuit are peculiar to man. And so, when we have leisure from the demands of business cares, we are eager to see, to hear, to learn something new, and we esteem a desire to know the secrets or wonders of creation as indispensable to a happy life.<sup>35</sup>

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borrowed from Cicero. Merging material from diverse sources was characteristic of his style. My goal is not to provide an exegesis of the entire article, merely to show the relevance of Cicero's *De officiis* and to explain how and why Thomas employed it.

<sup>35</sup>Cicero, *De officiis*, trans. Walter Miller, Loeb Classical Library (Cambridge, MA: Harvard University Press, 1913).

It seems clear that Thomas borrowed and adapted Cicero's list for use in 94.2. We find the same threefold list of ends or goods-to-be-achieved: (1) self-preservation, (2) the procreation and rearing of offspring, both of which we share with other creatures, and (3) what is “proper” to human beings alone, namely, the use of our reason to search after the truth and to live in society with one another, joined in “common bonds of speech and life.”

But note that, in the *De officiis*, after this list, a scant couple of lines later, Cicero adds:

But all that is morally right rises from some one of four sources: it is concerned either (1) with the full perception and intelligent development of the true [prudence]; or (2) with the conservation of organized society, with rendering to every man his due, and with the faithful discharge of obligations assumed [justice]; or (3) with the greatness and strength of a noble and invincible spirit [fortitude]; or (4) with the orderliness and moderation of everything that is said and done, wherein consist temperance and self-control [temperance].<sup>36</sup>

This is noteworthy because Thomas also ties the natural law to the virtues in *ST* I–II, q. 94, a. 3, and his catalog of the cardinal virtues in the *secunda secundae* is taken mostly from Cicero. In fact, not only does he choose Cicero's four cardinal virtues rather than Aristotle's longer list, but he incorporates all the other virtues under those four, following closely the order he would have found in Cicero's *De inventione*. But this passage is also noteworthy because it is an example of how the classical natural law tradition (borrowed in this case from the work of Cicero), was tied strongly to the tradition of reflection on the cardinal virtues, for whom the major authority on this subject during the twelfth and thirteenth centuries was also Cicero.

So why use Cicero to structure the “inclinations” in 94.2? Well, again, Cicero is a highly respected authority. But Cicero's account here also provided Thomas with an elegant solution to the problem of how to catalog different levels of natural law that had appeared in the lists of his predecessors.

#### VIII. Thomas's Reformulation of the Decretists' Lists of Various Meanings of Nature and Natural Law Using Cicero's Threefold Hierarchy in *De Officiis*

So, to summarize: Thomas took the highest level, the order by which all things are governed—which some decretists described as *summa natura*, “the highest nature” or “nature, that is God”—and he gave it a new name, which he borrowed

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<sup>36</sup>Cicero, *De off.* 5.15.



from John de la Rochelle, who had recovered it from the works of Augustine: the eternal law. It governs all things.

Then Thomas associates what others had described as the tendency to self-preservation by eating or hunting with Cicero's first level of inclinations, but he deepens it by making it a metaphysical point about all things, not merely animals. All things have a natural inclination to the ends proper to them. Thomas, schooled by Aristotle in addition to Cicero, knows this is true of all things, not merely animals, which is the focus of the passage in Cicero's *De officiis*. As I said above, in certain ways, this inclination in humans is actualized "automatically" or "instinctually"—we don't have to *think* about it for our heart to beat or our cells to reproduce—but we also must *act*, and this requires us to use our reason.<sup>37</sup>

The second level is where Thomas puts the "instinct of nature" that we share with other animals to procreate and care for offspring. This is where Thomas puts Ulpian's "what nature has taught all animals." But what we learn from reading everyone from Gratian to Thomas is that absolutely no one thought that Ulpian's definition defined the natural law proper to human beings. To the contrary, most thinkers distanced themselves from it. They understood that, unlike other creatures, the inclination to procreation in humans required *reason* and, as Cicero suggested, a "tender love for his offspring."

And finally, there are the inclinations "proper" to human beings because they have reason: namely, "to know the truth about God and to live in society." These inclinations to the goods proper to man correspond to, and are protected by, the two fundamental commandments to "love God" and "love one's neighbor as oneself," which Thomas describes as "the first general principles of the natural law . . . self-evident to human reason, either through nature or through faith (*prima et communia praecepta legis naturae, quae sunt per se nota rationi humanae, vel per naturam vel per fidem*)."<sup>38</sup> All the precepts of the decalogue are referred to these, says Thomas, as conclusions to general principles (*omnia praecepta Decalogi ad illa duo referuntur sicut conclusiones ad principia communia*).<sup>39</sup>

What happened to the natural precepts such as don't kill, don't steal, and the other Ten Commandments, the claim that "all divine law is said to be natural law," and Gratian's claim that "the natural law is what is contained in the law and Gospel"? Thomas distinguished more clearly between the natural law and the divine law, showing that they are not completely different but must be distinguished. The divine law has two parts: the Old Law and the New Law. The

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<sup>37</sup>The distinction Thomas makes in the early part of the *prima secundae* is between movements that originate from within the creature and involve knowledge of the end and those that originate from outside. See esp. *ST I-II*, q. 6, a. 1.

<sup>38</sup>*ST I-II*, q. 100, a. 3, ad 1.

<sup>39</sup>*Ibid.*

Old Law contains moral precepts, and though they are “divine law,” these are written expressions of the fundamental precepts of the natural law.<sup>40</sup>

However, since, like Rufinus (and everyone else), Thomas understood that the human nature we have now is no longer the “integral” nature we had at our creation, and we no longer understand the good nor can we do it even when we do understand it, God helps us in a twofold way: He instructs us by means of the law and assists us by means of grace.

What does the Old Law teach us? It teaches us the Ten Commandments and that at the heart of the law are the two commandments to love God and love your neighbor as yourself. But even when we know what we ought to do, we still don’t do it. As St. Paul says, we do not do the good we want but the evil we do not want. So God sends us the New Law, the grace of the Holy Spirit by which charity is spread abroad in our hearts—the love of God that helps perfect our ability to know the truth about God and live in society.

Crafting his text in this way, Thomas was able to do what none of his predecessors had done. Although they had many of the puzzle pieces, they were not able to fit them together into a coherent picture. Thomas did. And in this, he showed himself to be the model of the wisdom he extolled at the beginning of the *Summa contra gentiles* of “those men being called ‘wise’ who order things rightly,” directing them fittingly to their end, because the end of everything is its good.” And as Thomas understands, the ultimate good of all things is union with God, and because humans have reason and understanding, their ultimate end is the Beatific Vision, wherein they realize fully the knowledge and love of God within the communion of saints, an end that we participate in and prepare for in this life, to the extent we can, if, aided by grace, say yes to the love of God and neighbor.

And that, in the final analysis, is what 94.2 is about.

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<sup>40</sup>See, e.g., *STI-II*, q. 99, a. 2. Note as well, however, that it was common among Thomas’s predecessors to list the commandments of the Decalogue as one form of natural law. Thomas was not unique in seeing this overlap between the divine law and the natural law.