

## THOMAS AQUINAS ON THE TEN COMMANDMENTS AND THE NATURAL LAW

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To begin with, let me suggest that Thomas Aquinas's famous discussion in qq. 90-97 of the *prima secundae* of the *Summa of Theology*—a selection often published separately under the title 'The Treatise on Law'<sup>1</sup>—should be seen in terms of a larger theological project in the second part of the *Summa*, one which involved integrating the new Aristotelian 'virtue-ethics' approach to morality that was becoming popular in the mid-thirteenth century on the one hand with the 'law-based' approach that Thomas had inherited from the Old Testament Scriptures on the other. In what follows, I want to sketch out Thomas's approach to the Decalogue, along with a bit of the historical context that helped make that approach possible.

1. I still have my trusty 1963 Gateway edition of the so-called *Treatise on Law*, which I used as a freshman in college, with the introduction by Stanley Parry, reprinted from the 1948 Benziger Brothers edition of the Fathers of the English Dominican Province translation of the *Summa of Theology*: Thomas Aquinas, *Treatise on Law* (Chicago: Henry Regnery, 1963). In 1996, Gateway replaced this translation with the translation of R.J. Henle, SJ, and gave the text a new introduction by Ralph McInerny. Henle's translation had originally appeared with facing Latin text in a 1993 volume published by the University of Notre Dame Press. Regnery Press had also published a volume in 1948 under the title *The Treatise on Law*, as part of their 'The Great Books Foundation' series. All of these volumes share the title 'Treatise on Law', and all contain only qq. 90-97 of the *prima secundae* of the *Summa*. Things may be changing, though. In 2000, Hackett published the *Treatise on Law* translated by Richard Regan and although it contained only qq. 90-97 in their entirety, it also included a 'note' on qq. 98-108, several articles from q. 100 on 'the moral precepts of the Old Law' and one article from q. 105 dealing with the Old Law. And finally, 2009 saw the publication by St Augustine's Press of Alfred J. Freddoso's translation of 'the complete text' of the 'Treatise on Law'. The front cover of the volume proclaims itself proudly (and accurately) as 'the only free-standing English translation of the entire *Treatise*, which includes both a general account of law (Questions 90-92) and also specific treatments of what St Thomas identifies as the five kinds of law: the eternal law (Question 93), the natural law (Question 94), human law (Questions 95-97), the Old Law (Questions 98-105), and the New Law (Questions 106-108)'.

*The Importance of the Old Law in the Thirteenth Century*

The noted French Dominican scholar Marie-Dominique Chenu once suggested that it should give us pause when we realize that most of the subjects in Thomas's *Summa* that we in the modern world consider absolutely essential, such as the proofs for the existence of God or the nature of the theological *scientia*, often occupy no more than one column in the Leonine edition and include generally no more than three or four objections and responses, whereas the Questions on the Old Law, by contrast, are by far the longest in the whole *Summa*, many of them extending to over 30 Leonine columns and employing as many as 15 objections and 15 responses.<sup>2</sup> What might seem to us to a rather odd disproportion is brought into a somewhat different perspective, however, when we discover that nearly every major theologian in and around Paris in the thirteenth century wrote similarly long and extremely detailed commentaries on the Mosaic Law of the Old Testament, most of them containing what we find in Thomas's *Summa*: namely, a short introductory section laying out the various definitions and distinctions among the different types of law (in Thomas's *Summa*, that would be qq. 90 through 97), which serves as a preface to a much longer—indeed, in most cases, a *very* long—treatise on the Old Law.<sup>3</sup> A broad study of these *summae* suggests, thus, that the really burning question on the minds of Thomas and his contemporaries was precisely the status of the literal meaning of the Mosaic Law of the Old Testament, which all agreed was based on a fundamental structure provided by the Decalogue.

Why this renewed interest in the Old Testament Mosaic Law? In brief, let me suggest it had to do with a convergence of factors: renewed interest in the literal sense of the Old Testament, on the one hand, along with the cultural challenges presented by the rediscovered and newly translated Aristotelian corpus, on the other. As Beryl Smalley and others have shown, the thirteenth century saw a flowering of interest in the *literal* or *plain* meaning of the Old Testament.<sup>4</sup> At roughly the same time, the newly translated texts

2. Cf. M.-D. Chenu, OP, 'La théologie de la loi ancienne selon saint Thomas', *RevThom* 61 (1961), pp. 485-97 (486). 'C'est d'ailleurs donner une suite, et une suite raisonnable, à la surprise que les lecteurs de la *Somme*, professionnels ou non, éprouvent en voyant les trois articles concernant les dispositifs cultuels de la Loi [q. 102, a. 4, 5, 6] s'étendre sur quarante-neuf colonnes, alors que les articles touchant la plus exigeante métaphysique théologique dépassent rarement une colonne. Il faut, même si on n'est pas d'accord, donner un sens à ce fait.'

3. For a good overview, see Beryl Smalley, 'William of Auvergne, John of La Rochelle and St Thomas Aquinas on the Old Law', in *St Thomas Aquinas (1274-1974): Commemorative Studies* (Toronto: Pontifical Institute of Mediaeval Studies, 1974), II, pp. 1-71.

4. See Beryl Smalley, *The Study of the Bible in the Middle Ages* (Oxford: Oxford University Press, 1941); reprinted most recently by University of Notre Dame Press, 1989.

of Aristotle were flooding into the medieval Christian universities, opening up exciting new intellectual vistas for some, while seeming to present dangerous new threats to others.<sup>5</sup> With Aristotle's *Ethics*, scholars were uncovering, it seemed, a total science of ethics whose foundations and formulations were completely independent of biblical revelation. In this new cultural context, dominated as it was by reverence for logical categories and the arts of dialectic, the old modes of moral teaching by means of biblical moral allegory of the sort showcased by Gregory the Great in his famous *Moralia in Job* were in serious intellectual circles no longer considered adequate foundations for a serious ethical *scientia*. It was within the context of these challenges that Christian theologians of the thirteenth century such as Thomas Aquinas had to give a convincing account of how the Bible, with all its various odd and seemingly disconnected laws, could still be considered a reliable source of ethical knowledge.

Another contributing factor, falling somewhere between these other two, was the influence of the work of the Jewish philosopher Maimonides, who had argued, on good Aristotelian principles in the *Guide for the Perplexed*, that if laws are ordinances of reason, then God, since he is the most reasonable Lawgiver, must have given the Jewish people the most reasonable laws.<sup>6</sup> Reading Maimonides inspired medieval Christian theologians to believe that they too could discover sensible 'reasons' for each of the precepts of the Old Testament law, which they promptly set about to try to do in these long treatises on the Old Law.<sup>7</sup>

The concern to establish a rational foundation for a theologically meaningful biblical ethics led these scholars to undertake a critical reappropriation of the classical natural law tradition. It was St Paul who was understood to have opened the door to this sort of approach when he wrote in his Letter

5. The story of the 'Aristotelian invasion' and its various influences on medieval Christian thought is well told in David Knowles, *The Evolution of Medieval Thought* (New York: Vintage Books, 1964); see esp. Chapter 15 ('The Rediscovery of Aristotle') and Chapter 18 ('The Philosophical Revolution of the Thirteenth Century'). For another good treatment, see the essay on 'The Reception and Interpretation of Aristotle's *Ethics*' by Georg Wieland in Norman Kretzmann *et al.* (eds.), *The Cambridge History of Later Medieval Philosophy: From the Rediscovery of Aristotle to the Disintegration of Scholasticism, 1100–1600* (Cambridge: Cambridge University Press, 1982); and for additional background information, see also in the same volume the earlier essays on 'Aristoteles Latinus' by Bernard Dod and on 'The Medieval Interpretation of Aristotle' by C.H. Lohr. For a good account of the ecclesiastical reaction to Aristotle especially in and around Paris, see John F. Wippel, 'The Parisian Condemnations of 1270 and 1277', in Jorge Gracia and T. Noone (eds.), *A Companion to Philosophy in the Middle Ages* (Oxford: Blackwell Publications, 2003).

6. See Moses Maimonides, *Guide for the Perplexed*, part III, chaps. 31–54.

7. For Maimonides' influence on these early thirteenth-century treatises on the law, see Smalley, 'William of Auvergne', esp. pp. 30–31, 33–34, 36, 43, 52, 60, and 62.

to the Romans that, ‘when Gentiles that have not the law do by nature the things of the law, these, though they have not the law, are yet a law unto themselves, in that they show the work of the law written on their hearts’ (Rom. 2.14). The context here, of course, is the question of how the Gentiles, who did not have the written Jewish law, could be held accountable by God for not following the written laws, precepts and prohibitions, for which Paul’s answer was to reply that the Gentiles *did* have the law, at least in a certain sense, because they had another law—the unwritten law, or what came to be called the natural law—*written*, as it were, *on their hearts*.

Reading this passage from Paul’s Letter to the Romans in terms of the natural law had become standard practice by Thomas’s time. Contemporary studies on the *Ordinary Gloss* show that when a thirteenth-century reader of Paul’s letter would get to this passage in Rom. 2.14 in his or her Bible, he or she would find the following gloss: ‘[Paul] had said that a Gentile is condemned if he has acted wickedly and saved if he has acted well. But since he does not have the law and does not know, as it were, what is good or what is evil, it would seem that neither should be imputed to him. On the contrary, the apostle says that even if he does not have the written law, he has the natural law...’<sup>8</sup> Indeed, in q. 91, art. 2 of the *prima secundae*, Thomas Aquinas answers the question ‘Whether there is in us a natural law’ by citing in his *sed contra* the authority of this very gloss, saying: ‘A gloss on Romans 2.14: “When the Gentiles, who have not the law, do by nature those things that are of the law”, comments as follows: “Although they have no written law, yet they have the natural law...”’.

### *The Decalogue as a Revealed Articulation of the Natural Law*

So what does any of this have to do with the Decalogue? Well, if we read the *whole* of the final section from the *prima secundae* of Thomas’s *Summa of Theology* on law and grace—not stopping, as so often happens, after Question 97—what we will find is that, according to Thomas, the content of the natural law is revealed authoritatively in the moral precepts of the Old Law, especially those of the Decalogue. But to understand the relationship

8. There is fortunately now a convenient English translation of the entire *Glossa ordinaria on Romans* (trans. with an introduction and notes by Michael S. Woodward; Kalamazoo: Medieval Institute Publications, 2011); see esp. pp. 39–41 for the glosses on Rom. 2.14 and following. The references to the natural law are frequent throughout this entire section. On p. 41, for example, in reference to the verse in Rom. 2.17 that reads in part ‘But if you are called a Jew and rely on the law...’, the gloss comments: ‘The Gentile has only the natural law, but you, a Jew, have more...you do not wander into errors as those who are without the law’. The glosses on Rom. 6–8 are also a good section in which to find frequent references to the natural law. See *Glossa ordinaria*, pp. 88–137.

between the Old Law and the natural law as Thomas does, we must begin with an important distinction.

In *Summa theol.* 1-2, q. 98, art. 5, Thomas announces to his reader that: 'the Old Law showed forth (*manifestabat*) the precepts of the natural law'.<sup>9</sup> And yet, in saying this, we must be careful to distinguish, as Thomas does, between the moral precepts (*moralia*), the ceremonial precepts (*caeremonialia*), and the judicial precepts (*judicialia*) of the Old Law.<sup>10</sup> It is only the first of these, says Thomas, the moral precepts, that relate directly to the natural law. The latter two, the ceremonial and judicial precepts, are essentially positive law precepts given by God to the Jewish people to deal with their particular needs during the historical circumstances of the Old Testament period. Though related to the natural law, they represent more specific 'determinations' of the natural law. These precepts, says Thomas, were explicitly binding only on the Jewish people and only until the coming of Christ.<sup>11</sup>

When it comes to the moral precepts, on the other hand, they are said to be binding on all people at all times because, according to Thomas, they are *de lege naturae*.<sup>12</sup> Indeed, the identity between the moral precepts of the Old Law and the natural law is expressed in particularly strong terms. In q. 99, art. 4 of the *prima secundae*, for example, Thomas says that the moral precepts refer to the *dictamen* of the natural law. He uses the same term when he distinguishes the moral precepts from the judicial and ceremonial precepts in q. 104, art. 1, declaring there that the moral precepts 'derive their binding force (*vim obligandi*) from the *dictamen* of reason itself (*ex ipso dictamine rationis*)'.<sup>13</sup>

Now this term, *dictamen*, carries strong connotations in Latin which we have trouble capturing with any single English term. Often, the English words 'utterance', 'statement', or 'dictum' are forced into service.<sup>14</sup> In

9. Cf. *Summa theologiae* (hereafter *Summa theol.*) 1-2, q. 98, art. 5.

10. See *Summa theol.* 1-2, q. 99, arts. 2-4.

11. On this, see esp. *Summa theol.* 1-2, q. 99, art. 4: 'We must therefore distinguish three kinds of precept in the Old Law, viz., *moral* precepts, which are dictated by (*dictamen* of) the natural law; *ceremonial* precepts, which are determinations of [the general principles of the natural law that apply to] the divine worship; and *judicial* precepts, which are determinations of [the general principles of the natural law that apply to] the justice to be maintained among men'. It is worth noting, in this regard, that in the *Glossa ordinaria on Romans*, to which Thomas referred frequently as we know from numerous citations throughout the *Summa theol.* (see, for example, n. 8 above), we find next to the text of Rom. 3.31 ('Do we therefore destroy the law through faith? By no means! Rather we establish the law') a gloss that reads: 'i.e., the moral precepts of the law'.

12. See *Summa theol.* 1-2, q. 98, art. 5 and *Summa theol.* 1-2, q. 100, art. 1.

13. *Summa theol.* 1-2, q. 104, art. 1.

14. On this, cf. for example the definitions of *dictamen* given by R.J. Deferrari in his

the Latin Middle Ages, however, the term *dictamen* referred primarily to a written dictation, taken down by a scribe, which represented in writing an authoritative statement, usually from a superior to his subordinates.<sup>15</sup> The scribal art of taking dictation was, in fact, called the *ars dictaminis*. In Lewis and Short's Oxford Latin Dictionary, we find under the entry for *dictamen* the following: 'late Latin for *dictum*, *praescriptum*', and most tellingly, '*praeceptum*'. Now why would a *dictamen*, a dictation, come to be understood as a 'prescript' or, more tellingly, a 'precept'? Because a *dictamen*, in addition to being a precise written account of someone's words (their *dicta*, as it were), carried with it a clear authority of command—the authority of the one whose words had been so scrupulously recorded—and thus constituted for those under that person's authority a 'precept' or a 'command'. What Thomas is implying, then, I suggest, when he uses the word *dictamen* here, is that the moral precepts of the Old Law should be understood to serve a written articulation of what the natural law expresses in an unwritten way, just as a medieval *dictamen* was a written dictation of a royal command that was expressed originally in an unwritten way.

### *Why Do We Need a Revealed Articulation of the Natural Law?*

But why do we need a divinely revealed *dictamen* of the natural law if the natural law is in us 'naturally'? Thomas's answer and the answer of his Christian contemporaries is that the moral precepts of the Old Law are

*Latin-English Dictionary of St Thomas Aquinas* (St Paul: Daughters of St Paul, 1960, 1986).

15. The *ars dictaminis*, the art of letter writing, became a very precise and valued one during the Middle Ages. Scribes trained in letter writing were invaluable at court. The treatises on the 'art' applied Ciceronian rhetorical principles to the actual mechanics of writing a letter. As a result, a five-part letter format was developed and systematized. The art became so systematized, in fact, that collections of formularies and model letters (*dictamina*) began to circulate for verbatim copying by those unable or unwilling to compose letters of their own. The association of *dictamina* with form letters need not concern us at present, although I believe it strengthens my case that the word *dictamen* was frequently associated with the notion of verbatim copying. The literature on the *ars dictaminis* is vast, but there is a useful introduction to the development of the practice in James J. Murphy, 'Ars dictaminis: The Art of Letter-Writing', in *Rhetoric in the Middle Ages: A History of Rhetorical Theory from Saint Augustine to the Renaissance* (Berkeley: University of California Press, 1974, 1981). For annotated guides to the bibliography, see Murphy, 'Letter Writing: Ars dictaminis', Chapter 4, in *Medieval Rhetoric: A Select Bibliography* (Toronto: University of Toronto Press, 2nd edn, 1989), pp. 76-103; and Luke Reinsma, 'The Middle Ages', in Winifred Bryan Horner (ed.), *Historical Rhetoric: An Annotated Bibliography of Selected Sources in English* (Boston: G.K. Hall, 1980), pp. 43-108. An account of more recent scholarship can be found in Martin Camargo, *Ars dictaminis, ars dictandi* (Turnhout: Brepols, 1991). Camargo has a bibliography of current scholarship, but only works not listed in either Murphy or Reinsma.

needed as a remedy for sin: in particular, as an instruction to remedy the ignorance that resulted from sin. Dom Odon Lottin has accurately described this theology of history as follows:

The school of Anselm of Laon spread, on the subject of the natural law, a conception which exercised a profound influence. Before the epoch of the Mosaic Law, humanity was subject to the reign of the natural law, which *naturalis ratio* dictated to them. It was condensed into this principle: Do not do to another that which you would not want for him to do to you. But this natural reason was soon obfuscated by sin, to the point that few men remained faithful to the true God. The Mosaic Law, thus, became necessary to revive the natural law in the heart of man.<sup>16</sup>

And indeed, we find this same theology of history at work in Aquinas. In *Summa theol.* 1-2, q. 98, art. 6, for example, Thomas argues that humanity's chief defect since the Fall has been pride, and thus 'it was fitting that the Law should be given at such a time as would be appropriate for the overcoming of man's pride'. Now humanity is proud of two things in particular, says Thomas: knowledge and power.

He was proud of his knowledge, as though his natural reason could suffice him for salvation: and accordingly, in order that his pride might be overcome in this matter, man was left to the guidance of his reason without the help of a written law: and man was able to learn from experience that his reason was deficient, since about the time of Abraham man had fallen headlong into idolatry and the most shameful vices. Wherefore, after those times, it was necessary for a written law to be given as a remedy for human ignorance: because 'by the Law is the knowledge of sin' (Rom. 3.20).<sup>17</sup>

In this regard we must remember that, for Thomas and his contemporaries, the operations of human nature since the Fall are not at all the workings of a well-oiled and efficient machine. Human nature has been so corrupted by the effects of sin that what was characteristic or 'natural' for human beings in that time when their nature was healthy and uncorrupted is no longer so. Humanity's acts and dispositions are the result of severely weakened capacities. Certainly one of the most often ignored categories of law within the Treatise on Law is what Thomas calls in the *Summa theol.* 'the law of the *fomes* [i.e., fuel] of sin' and what he calls elsewhere, more

16. Cf. O. Lottin, *Le droit naturel chez Saint Thomas d'Aquin et ses prédécesseurs* (Bruges: Beyaert, 2nd edn, 1931), p. 27: 'L'école d'Anselme de Laon a répandu, au sujet de la loi naturelle, une conception qui a exercé une profonde influence. Avant l'époque de la Loi mosaïque, l'humanité était soumise au règne de la loi naturelle que lui dictait la *ratio naturalis*. Elle se condensait en ce principe: Ne fais pas à autrui ce que tu ne voudrais pas qu'on te fit. Mais cette raison naturelle fut bientôt obnubilée par le péché, au point que peu d'hommes restèrent fidèles au vrai Dieu. La Loi mosaïque devenait ainsi nécessaire pour faire revivre la loi naturelle au coeur de l'homme.'

17. *Summa theol.* 1-2, q. 98, art. 6.

simply, 'the law of concupiscence'.<sup>18</sup> In either case, what Thomas is actually referring to is what St Paul describes when he says in Rom. 7.23 that 'I see another law at work in my members, fighting against the law of my mind, and bringing me under captivity under the law of sin which is in my members'. As Paul makes clear, he *knows* the law; indeed, he even 'delights' in it. And yet he finds that he *still* cannot *do* it, stating famously: 'For the good which I would do, I do not; but the evil which I would not, that I do' (Rom. 7.19).

So too on Thomas's understanding, our 'natural' powers—and in particular, the power of the natural law; that is, the light of natural reason by which we come to know what ought to be done and what ought to be avoided—has been corrupted by sin, especially original sin. Thus, according to Thomas, we must consider human nature in two ways: first, in its full integrity or wholeness (*in sui integritate*), as it was in the first man before he sinned, and second, as it exists in us now, corrupted owing to original sin (*corrupta in nobis post peccatum primi parentis*).<sup>19</sup> At their creation, before the Fall, human beings were able to act in accord with the natural law. It was at that point, says Thomas, 'according to his proper natural condition that [man] should act in accordance with reason'; indeed, 'this law was so effective in man's first state', says Thomas, 'that nothing either outside or against reason could take man unawares'. After man turned away from God, however, 'he fell under the influence of his sensual impulses', which began to rule him as though they themselves were a kind of law. This law, the law of the *fomes*, is, says Thomas, 'a deviation from the law of reason'. The more human beings fell under its sway, the more they 'departed from the path of reason'—so much so that Thomas proclaims rather dramatically in his *Collationes de decem praeceptis* that 'the law of nature was *destroyed* by the law of concupiscence'.<sup>20</sup>

The result, according to Thomas, is that, in their present fallen state, humans are largely *not* able—that is, no longer able—to do the good proportioned to their nature.

In the state of integrity of nature (*in statu naturae integrae*) man by his natural endowments could will and do the good proportioned to his nature (*homo per sua naturalia velle et operari bonum suae naturae proportionatum*),

18. On the 'fomes' of sin, see esp. *Summa theol.* 1–2, q. 91, art. 6; and for the term *lex concupiscentiae*, see for example the proemium of his *Collationes de decem praeceptis* where he speaks of a 'fourfold law' (*quadruplex lex*) found in humans: *et prima quidem lex naturae, quam Deus in creatione infudit; secunda lex concupiscentiae; tertia lex Scripturae; quarta est lex caritatis et gratiae, quae est lex Christi*.

19. On this cf., for example, *Summa theol.* 1–2, q. 109, art. 2.

20. Thomas Aquinas, *The Commandments of God: Conferences on the Two Precepts of Charity and the Ten Commandments* (trans. L. Shapcote, OP; London: Burns Oates & Washbourne, 1937), Prologue, p. 2.



which is the good of acquired virtue... But in the state of corrupted nature (*sed in statu naturae corruptae*), man falls short even of what he can do by his nature (*etiam deficit homo ab hoc quod secundum suam naturam potest*), so that he is unable to fulfill all of it by his own natural powers.<sup>21</sup>

On Thomas's account therefore, our understanding has been obscured because of sin, and we need a sort of divinely given 'brush-up course' on the fundamental principles of the moral life, principles that we could and should know by reason alone, but too often lose sight of because our intellect has been blinded by sin. Given this account, since the moral precepts of the Old Law represent a divinely authorized revelation of the fundamental precepts of the natural law, then we can (and indeed *should*) use the moral precepts of the Old Law to help reacquaint us with the natural law.

### *The Three Grades of Moral Precept in Aquinas*

And what would such a revealed picture of the natural law look like? Well, if we turn to Question 100 of the *prima secundae* of the *Summa of Theology*, we find Thomas describing in several places the sort of hierarchy he believes obtains among the moral precepts of the law.<sup>22</sup> There he identifies three 'levels' or 'grades' (the word is *gradus* in the original Latin) of moral precept in the law, which he distinguishes according to their degree of universality or particularity and thus according to their accessibility to human reason. Thus, according to Thomas, just as every judgment of speculative reason proceeds from the natural knowledge of first principles, so every judgment of practical reason proceeds from 'certain naturally known principles'.<sup>23</sup> First in order among these naturally known principles are what Thomas calls 'the first and common precepts of the natural law, which are *per se nota* to human reason'.<sup>24</sup> It is generally known that there have been virtually endless debates among scholars in the twentieth century about what the primary precepts of the natural law might be.<sup>25</sup> Indeed, this is often

21. *Summa theol.* 1-2, q. 109, art. 2.

22. For a more developed treatment of Thomas's treatment of the relationship between the natural law and the Mosaic Law, see my article 'What the Old Law Reveals about the Natural Law according to Thomas Aquinas', *The Thomist* 75 (January 2011), pp. 95-139.

23. *Summa theol.* 1-2, q. 100, art. 1.

24. See, for example, *Summa theol.* 1-2, q. 100, art. 3, ad 1.

25. In this regard, R.J. Armstrong's book entitled *The Primary and Secondary Precepts in Thomistic Natural Law Teaching* (The Hague: Martinus Nijhoff, 1966) is very instructive. Examples of what might constitute the primary, invariable precepts of the natural law range from Viktor Cathrein's 'You should observe the order which is fitting for you as a rational being, in your relations with God, your fellow men and yourself', to Louis Le Fur's 'one ought to pay compensation for damage unjustly inflicted on another

taken to be one of the most debated issues in contemporary natural law theory. And yet, for all that, if we read beyond the confines of q. 97 into qq. 98 and following on the Old Law, we will soon discover without much difficulty what Thomas considers the primary precepts of the natural law to be. In q. 100, art. 3, for example, he says very explicitly of the two great commandments to 'love the Lord your God with all your heart, soul, and mind', and to 'love your neighbor as yourself', that 'these two precepts are the first and common precepts of the natural law, which are self-evident to human reason'.<sup>26</sup> Thomas makes clear elsewhere that there are also other, alternative forms of the commandment 'Love your neighbor as yourself', such as 'Do unto others as you would have them do unto you', or the negative form of the same, 'Don't do to others what you wouldn't want them to do to you'. These function for Thomas as the primary precepts of the natural law.

The precepts of the second 'grade', then, are said to be derived from those of the first and are related to them as 'conclusions to common principles'. They still concern matters so evident (*adeo explicita*), says Thomas, that 'at once, after very little consideration (*statim, cum modica consideratione*), one is able to approve or disapprove of them by means of these common first principles'.<sup>27</sup> This is a relatively simple moral judgment, insists Thomas, of which everyone, even the untrained, is capable.<sup>28</sup> As examples of the second 'grade' of precept—those which 'the natural reason of every man of its own accord and at once, judges ought to be done or not done'—Thomas lists the following: 'Honor your father and mother', 'Thou shalt not kill', and 'Thou shalt not steal'<sup>29</sup>—in other words, the basic Commandments of the Decalogue.

The third 'grade' of precept, finally, are those that require a more complex moral judgment. These, says Thomas, require not a 'slight consideration' (*modica consideratione*) as do the precepts of the second grade, but 'much consideration' (*multa consideratio*) of the various circumstances. Not all are able to do this carefully, says Thomas, 'but only those who are wise; just as it is not possible for all to consider the particular conclusions of the

person', to Armstrong's own suggestion: 'the sexual relationship requires some form of regulation'. Another favorite of scholars is the principle that 'good is to be done and evil avoided', which Thomas mentions in passing in *Summa theol.* 1–2, q. 94, art. 2. On the relationship between the principle that 'good is to be done and evil avoided' and the 'first and common precepts of the law', see the discussion in my dissertation, '*Regula caritatis*: The Natural Law and its Relationship to the Old Law, the New Law, and the Virtues in Thomas Aquinas's Moral Theology' (Dissertation, University of Notre Dame, 1998), pp. 109–64.

26. *Summa theol.* 1–2, q. 100, art. 3, ad 1.

27. *Summa theol.* 1–2, q. 100, art. 1.

28. Cf. *Summa theol.* 1–2, q. 100, art. 11.

29. *Summa theol.* 1–2, q. 100, art. 1.

sciences, but only for those who are philosophers'.<sup>30</sup> As an example of this third 'grade' of precept—those, he says, 'which are judged by the wise to be done after a more subtle (*subtiliori*) consideration of reason'—Thomas lists: 'Rise up before the hoary head, and honor the person of the aged man'.<sup>31</sup> Thomas insists that even the precepts of this third 'grade' belong to the law of nature (*de lege naturae*), and yet they are such that 'they need to be taught, the wiser giving instruction to the less wise'.<sup>32</sup>

Thomas helpfully summarizes the essential elements of this threefold hierarchy in *Summa of Theology* 1–2, q. 100 (art. 11), declaring that: 'The moral precepts derive their efficacy from the very dictate of natural reason... And of these there are three grades (*triplex est gradus*).'<sup>33</sup>

[First] For some are most certain (*certissima*), and so evident as to need no promulgation (*ideo manifesta quod editione non indigent*). **Such are the commandments of the love of God and our neighbor**, and others like these [such as 'Do unto others as you would have them do unto you'] ... which are, as it were, the ends of the commandments (*fines praeceptorum*); and so no man can have an erroneous judgment about them (*unde in eis nullus potest errare secundum iudicium rationis*).

[Second] Some precepts are more particular (*magis determinata*), the reason of which any person, even an uneducated one, can at once easily grasp (*quorum rationem statim quilibet, etiam popularis, potest de facili videre*); and yet they need to be promulgated, because human judgment, in a few instances, happens to be led astray concerning them. **These are the precepts of the decalogue.**

[And third] Again, there are some precepts the reason for which is not so evident to everyone, but only to the wise (*quorum ratio non est adeo cuilibet manifesta, sed solum sapientibus*); and **these are the moral precepts added to the decalogue**...<sup>34</sup>

This, in a nutshell, is Thomas's outline of the Decalogue and its relationship to the natural law. Although Thomas has added his usual precision to the discussion, I suggest he is not being particularly unique or original here. One can find nearly identical comments throughout the Christian intellectual tradition about the relationship between the natural law and the two commandments to 'love God' and 'love your neighbor as yourself', as well as about the relationship between the two love commandments and the two tablets of the Decalogue.

30. *Summa theol.* 1–2, q. 100, art. 1.

31. *Summa theol.* 1–2, q. 100, art. 1.

32. *Summa theol.* 1–2, q. 100, art. 1.

33. The division of the text and the textual emphases in the following paragraph are my own; they were done to make the structure and substance of the text easier for the reader to grasp.

34. *Summa theol.* 1–2, q. 100, art. 11.

*A Look at Aquinas's Medieval Predecessors*

It is beyond the scope of the present work to go into the patristic sources of this tradition, largely because they are so vast and go back to the earliest Church,<sup>35</sup> but I hope the reader will bear with me if I provide a smattering of examples from some of Thomas's immediate predecessors in attempt to give a sense of the sort of historical and intellectual context within which Thomas was working.

There is, first of all, the great Anselm of Laon (d. 1117), founder of one of the most important and widely influential theological schools of the early twelfth century, who declared in his *Sentences on the Divine Page*, for example, that: 'The natural law is this: what you do not wish to be done to you, you do not do to others'.<sup>36</sup> Later in the twelfth century, we find Hugh of St Victor (d. 1141), writing in Book I of the *De sacramentis* that

[God] wrote one precept in man's heart: 'See you never do to another what you would hate to have him do to you' (Tob. 4.16). Concerning those which are to be ordered, similarly one precept: 'Whatsoever you would that men should do to you, do you also to them' (Mt. 7.12), so that clearly man might learn from consideration of himself of what nature he should maintain himself toward his neighbor.<sup>37</sup>

Then shortly thereafter, in the same section, he adds: 'But those which under the natural law had been included in two precepts, afterwards through the written law were set forth and distinguished in these seven which were published in the second table [of the Decalogue]'.<sup>38</sup> Thus for Hugh, as later also for Thomas Aquinas, the Decalogue is understood to be divided according to the two 'tables' or tablets: the first relating to the love of God, the second relating to the love of neighbor. In the text above, however, Hugh is speaking of the two precepts customarily related to the 'second tablet': 'Do

35. For an interesting overview of the role of the Golden Rule among the Fathers, see Albrecht Dihle, *Die goldene Regel: Eine Einführung in die Geschichte der antiken und frühchristlichen Vulgärethik* (Göttingen: Vandenhoeck & Ruprecht, 1962). On p. 27, for example, Dihle lists some 27 references to the Golden Rule in patristic literature, with references including the *Didache*, Justin, Tertullian, Irenaeus, Clement of Alexandria, Lactantius, John Chrysostom, Jerome, Augustine and others.

36. Anselm of Laon, *Sententie diuine pagine*; see F. Bliemitzrieder, *Anselms von Laon Systematische Sentenzen* (Beiträge zur Geschichte der Philosophie des Mittelalters, 18; Münster: Aschendorff, 1919), p. 79: *Lex naturalis hec est: quod tibi non uis fieri, alii ne feceris*.

37. Hugh of St Victor, *De sacramentis* 1.11.9 (PL, CLXXVI, col. 347B); cf. *On the Sacraments of the Christian Faith* (trans. Roy J. Deferrari; Cambridge, MA: The Medieval Academy of America, 1951), p. 186.

38. Hugh of St Victor, *De sacramentis* 1.11.9 (PL, CLXXVI, col. 348A); *On the Sacraments of the Christian Faith*, p. 187.

unto others as you would have them do unto you', and the negative form of the same, from the book of Tobit (4.16): 'Don't do to others what you don't want done to you'. This is why he speaks only of the 'seven' Commandments written on the second table, and not the three on the first, which refer to the love of God. In the context, however, Hugh makes clear that both, when understood properly, must be related to the love of God.

Both Anselm and Hugh had a profound effect on the work of the mid-twelfth century canon lawyer Gratian, whose *Decretum*, like Peter Lombard's *Sentences*, quickly gained prominence after its publication and became a standard textbook among university students. It was Gratian who famously described the natural law as 'that which is contained in the Law and the Gospel'. 'By it', says Gratian (that is, by the natural law), 'each person is commanded to do to others what he wants done to himself and is prohibited from inflicting on others what he does not want done to himself.'<sup>39</sup> Once Gratian had picked up this tradition, we find it repeated over and over by the legion of medieval commentators on the *Decretum* called the 'decretists'. Sicard of Cremona (d. 1215), for example, to name just one, tells his readers that, 'the natural law consists in precepts such as to love the Lord your God'.<sup>40</sup> So, too, the *Summa lipsiensis* (c. 1186–87) quotes as an authority St Hilary as saying: 'the natural law is to do injury to no one, carry off nothing of anyone's and, to speak more generally: not to do something to someone that one does not wish done to oneself'.<sup>41</sup>

As we move to the early thirteenth century, we find William of Auxerre, master of theology at Paris (d. 1231), claiming in his *Summa aurea* that

These are two rules of the natural law, in which are contained all the precepts of the natural law—those which pertain to neighbors, namely: 'Don't do to others what you do not wish done to you'; and 'All things that you would wish that men do to you, do also to them'; and those which pertain to God are contained in this: 'Love the Lord your God', etc. For this is a precept of the natural law because natural reason dictates this, even though one is unable to fulfill this on one's own.<sup>42</sup>

William distinguishes among the various precepts of the natural law not, as Thomas does, in terms of three 'grades' of universality and comprehensibility,

39. Gratian, *The Harmony of Discordant Canons*, D. 1, pt 1; see Gratian: *The Treatise on Laws (Decretum DD. 1–20) with the Ordinary Gloss* (trans. James Gordley; Washington, DC: Catholic University of America Press, 1993), p. 3.

40. Quoted from Lottin, *Le droit naturel chez Saint Thomas*, p. 20 n. 1. Cf. Bamberg, Staatliche Bibliothek, Can. 38 (D.II.20), p. 116.

41. Quoted from Lottin, *Le droit naturel chez Saint Thomas*, p. 108, Appendix 4. Cf. Universitätsbibliothek Leipzig, 986, fol. 3'a-b. I have not as yet, however, been able to locate this comment among the extant works of Hilary.

42. William of Auxerre, *Summa aurea* (ed. Jean Ribailier; Rome: Editiones Collegii S. Bonaventurae, 1986), Book 3, tr. 18, c. 3.

but by adopting an older set of categories, common among the decretists (although he attributes it to his teacher Gilbert Prevostin, known as 'Praepositinus', chancellor at the University of Paris between 1206 and 1209), distinguishing between 'precepts' (*precepta*), 'prohibitions' (*prohibitiones*) and 'demonstrations' (*demonstrationes*). The 'precepts', says William, are those commandments derived from the positive form of the Golden Rule: 'Whatsoever you would wish that men do to you, do also to them'; the 'prohibitions' are derived from the negative form: 'Do not do to others what you do not wish done to you'—'in this prohibition are contained (*continentur*)', according to William, 'the prohibitions of the decalogue'—and finally the 'demonstrations' are those further, more particular commandments derived from the 'precepts' and 'prohibitions'.<sup>43</sup>

So although the terms William uses differ from the ones Thomas employs, the basic thrust of their positions is similar: the Commandments of the Decalogue are 'derived from' or 'contained in' the more fundamental commandments to love God and love one's neighbor as oneself—or in the case of the latter, the alternative formulations to 'Do unto others what you would want them to do to you', or 'not do to another what you wouldn't want done to you'—while the rest of the moral precepts of the Old Law are 'derived from' or 'contained in' the basic Ten Commandments of the Decalogue.

Nor was this view to be found exclusively among the theologians. Among the secular masters who wrote on the subject of ethics, perhaps none is better known, albeit somewhat notoriously, than Peter Abelard (d. 1142). Abelard's concern, as is made clear in his *Ethics*, is primarily with the interior act of the will or the 'intention'; this is perhaps his most famous contribution to the history of ethics. Yet he too, confirms that the foundations of the natural law are expressed by the two great love commandments and the two forms of the Golden Rule. Commenting on the verse in Rom. 2.14 that says 'For it is not those who hear the law who are righteous', Abelard suggests that 'we do not please God by exterior works, but rather by the will', but goes on to add, tellingly, that 'not only those who hear the words of the natural law are just, but those who fulfill them in practice'. But the words of the natural law are those which commend the love of God and neighbor, such as these: 'What you do not wish, do not do to others', and 'What you wish that men do to you, you also do to them'.<sup>44</sup>

When we turn to the theologians working in and around Paris during the generation that directly preceded Thomas's (the early to mid 1200s), we find once again that these thinkers commonly define the natural law

43. William of Auxerre, *Summa aurea*, Book 3, tr. 18, c. 1.

44. Peter Abelard, *Commentary on the Epistle to the Romans* (Fathers of the Church: Mediaeval Continuation; trans. Steven R. Cartwright; Washington, DC: Catholic University, 2011), p. 133.

in terms of either the Golden Rule, or in terms of love of God and neighbor. Indeed, some of the most striking parallels to Thomas's discussion of the natural law in the *Summa of Theology* can be found in the work of the two Franciscan regent masters, Alexander of Hales (d. 1245) and his successor John of La Rochelle (d. 1245), who together authored what has become known to history as the *Summa fratris Alexandri*, or more simply, the *Summa halensis*.<sup>45</sup> We know that Thomas read the *Summa halensis* before composing the questions on the law in his own *Summa of Theology* because it is from the *Summa halensis*, for example, that Thomas adopted the useful and important category of the 'eternal law'.<sup>46</sup> Like Aquinas, John argues that the precepts of the written law are manifestations of the precepts of the natural law given to man because of his failure to understand the natural law. According to John, the innate 'law of nature' was inscribed upon the heart of man at his creation. Before the Fall, there was no need for a written law because 'man was provided with a spiritual mind' (*homo spirituali mente praeditus*) and he did not have need of a 'prohibition for restraining concupiscence, which was not inordinate' (*nec prohibitio ad coercendum concupiscentiam, quae inordinata non erat*). Thus, says John, quoting Augustine:

45. What seems to have happened is that John's treatise *De legibus* was woven into the *Summa theologiae* attributed to Alexander of Hales. On this, see for example, the judgment of Smalley in 'William of Auvergne', p. 47: '*De legibus* [of John of La Rochelle] was quoted, though not swallowed whole. Much of it is woven into the texture of the *Tractatus de praeceptis et legibus* which forms part of the *Summa* ascribed to Alexander of Hales, OFM. Modern research has established that John of La Rochelle, OFM, compiled the *Tractatus*. It is older than the *Summa*. John collaborated with Alexander in preparing some parts of the latter, 1236–45, but his teaching on natural law differs from Alexander's, as we have it in Alexander's *Sentences*, to such an extent that we must credit John with authorship of the *Tractatus*; it represented an original contribution to the *Summa*. John was master of theology at Paris in 1238 and died in February, 1245.' On this, see also O. Lottin, *Psychologie et morale aux XIIe et XIIIe siècles* (Louvain: Abbaye du Mont César, 1942–60), I, pp. 128, 135; II, pp. 19, 52; and W.H. Steinmüller, 'Die Naturrechtslehre des Joannes von Rupella und des Alexander von Hales', *Franziskanische Studien* 41 (1959), pp. 310–422.

46. On this, see for example the judgment of Michael Crowe, *The Changing Profile of the Natural Law* (The Hague: Martinus Nijhoff, 1977), p. 172: 'A close parallel shows that St Thomas must have been conversant with the Franciscan synthesis when he came to write the articles on the eternal law in the *Summa theologiae*. Before then he only refers to the eternal law in a passing way. Once in the *Commentary on the Sentences*... The eternal law is not mentioned in the *Summa contra Gentiles* although both "divine law" and providence are prominent there. Nor is it mentioned in the *prima pars* [of the *Summa theologiae*]... It seems, then, probably, that St Thomas became acquainted with the Franciscan account of the eternal law about the time of writing the *Prima-Secundae*.' See also Lottin, *Psychologie et morale*, II, pp. 52–63, 67.

As Augustine says in the *Questions on the New and Old Testament*: 'The first Law did not have to be given formatted in letters, because inserted in nature in a certain manner is the very knowledge of the Creator. For who does not know what is appropriate to the good life or is ignorant that, "what he does not wish done to himself, ought to be done to others"? Hence first it was necessary that man use the natural law, and when that failed him, as it did Adam...the [written] Law was added to him.'<sup>47</sup>

The written law was 'added' (*adderetur*), then, so that it might reveal the unwritten natural law, which had become obscured by sin. Once again quoting Augustine as his authority, John says of the Ten Commandments:

[The Law of the Decalogue] is compared to the law of nature as something to be manifested (*Lex Decalogi comparatur ad legem naturae manifestandum*), namely so that the things which were hidden through the shadows of sin might be made manifest. Whence Augustine, in the *Questions on the New and Old Testament*, says: 'the Law was given so that the things that might be known would have authority, and the things which began to be hidden would be made manifest'.<sup>48</sup>

The written law reveals or 'manifests' the natural law by making explicit what the natural law, implanted in the conscience, holds implicitly, in an unwritten way. John explains—once again claiming Augustine as his guiding authority:

For what the natural law, which is implanted in each person's conscience has implicitly (*Nam quod lex naturalis quae insita est conscientie cuiuslibet habet implicate, lex scripta decalogi habet explicite*)—for example, the natural law says, 'do not do to others what you would not want done to you'—the written Law makes this explicit: 'Do not kill', etc. according to what Augustine says.<sup>49</sup>

The use of Augustine here is quite fascinating, since Augustine is well known for the idea that what was hidden implicitly in the Old Testament was 'made manifest' in the New.<sup>50</sup> And yet, in this context, it is 'the written law', especially the Commandments of the Decalogue, that 'makes explicit' what is implicit in each person's conscience. Indeed, these basic principles

47. *Summa halensis*. Book 3, pt 2, inq. 3, tract. 1, q. 1, chap. 3, *solutio*; cf. Augustine, *Quaestionibus Novi et Veteri Testamenti*, q. 4 (PL, XXXV, col. 2219). Citations from John's *De legibus* are taken from the *Summa fratris Alexandri*, IV (Quaracchi: Collegii S. Bonaventurae, 1948).

48. *Summa halensis*. Book 3, pr. 2, tr. 2, sec. 1, q. 1, tit. 2, c. 3 (283); cf. Augustine, *Quaestionibus Novi et Veteri Testamenti*, q. 4 (PL, XXXV, col. 2219).

49. *Summa halensis*, Book 3, pr. 2, inq. 3, tr. 2, sec. 1, q. 2, tit. 10, no. 2 (396); cf. Augustine, *Sermo* 9, c. 19, n. 14 (PL, XXXVIII, col. 86).

50. For this oft-quoted statement of St Augustine's, see his *Quaestiones in Heptateuchum*, 2.73.



of the natural law are not only 'implicit', they are, like the 'shadows' of the Old Testament, 'hidden through the shadows of sin', so much so that 'the Law of the Decalogue' was given so that 'the things which began to be hidden would be made manifest'. Thus just as the New Testament makes explicit what was hidden implicitly in the Old, so too, analogously, the Commandments of the Decalogue make explicit what was implicit in the consciences of humanity and which had begun to be hidden by the shadows of sin.

Thomas, as we now know, incorporated much of the material from the treatise *De legibus* in the *Summa halensis* into his own treatment of the various kinds of law in the *Summa*. But when we turn to the *Summa de bono* of Thomas's great teacher, Albert the Great, we see a treatment in many ways even closer to Thomas's, especially with regard to the 'universality' and relative certainty of the most fundamental precepts of the natural law, and also with regard to their being fundamentally in accord with right reason. So, for example, we read in the *Summa de bono* that

The universal [principles] of the law are in the natural judgment, as in a similar vein the Apostle says to the Romans (2.15): 'They show that the work of the law is written in their hearts'. And the universal [principles] of the law are those things which direct us in our actions, in which there is neither error nor doubt, and in which the natural judgment of reason, or informed synderesis, grasps what ought to be done or not done. Thus, however much more universal the common rules of human law are [than the particular ones], so much the more substantially [universal] are the common rules of the natural law; such as those two which are given in comparison to each other; of which one is taken from the Gospel: namely: 'All things whatever you wish that men do to you, do also the same to them', and the other which is taken from Tobit, namely: 'What you do not wish done to you, do not do to others'...for all these things are universally accepted as belonging to the natural law and are written in man in that he accepts reason.<sup>51</sup>

And finally, if we turn to Thomas's own generation, and look at the work of Thomas's colleague at Paris, the Franciscan master Bonaventure, we will find all the same elements we have been reviewing above. We find him, like Thomas, and certainly in imitation of his Franciscan predecessors Alexander of Hales and John of La Rochelle, reducing the whole of the law to the Decalogue, and the Decalogue in turn to the two great commandments to love God and love your neighbor as yourself. In his *Collations on the Ten Commandments* for example, we find Bonaventure saying to his fellow Franciscans:

51. Albertus Magnus, *De bono*, in H. Kühle et al. (eds.), *Alberti Magni opera omnia* (Cologne: Institutum Alberti Magni, 1951), tr. 5, q. 1, a. 1 (504.27-34).

But, 'What is the first and greatest commandment of the Law?' The Lord replies in *Matthew*: 'You shall love the Lord your God with all your heart and with all your soul and with all your mind. This is the greatest and the first commandment. Moreover the second is like it; you shall love your neighbor as yourself. On these two depend the whole Law and the Prophets.'<sup>52</sup>

And then several sentences later, he adds, with respect to the Decalogue in particular that:

The holy decalogue which was given to Moses on Mount Sinai shows how we should keep the commandments. And I wish to show you that just as there are eight parts of speech, which are the basis of all those things which can be expressed in language, and just as there are ten categories, which are the basis of all those things which can be determined by logic; so the ten commandments are the basis for all laws and divine precepts. And this was the reason why the Lord wished that they be given to Moses.<sup>53</sup>

And finally, after listing the Ten Commandments, he distinguishes them according to the famous 'two tablets':

And it should be noted that the whole of the Law commands nothing but justice. For the Law is the rule of justice. Moreover justice is that which orders the human person to God and to his neighbor. And so there is a twofold justice; one by which we are ordered to God, and the other by which we are ordered to our neighbor. And so two tables were given to Moses: on the first are contained the commandments ordering us to God; on the second the commandments ordering us to our neighbor.<sup>54</sup>

With regard to the precepts on the second table—those ordering us with respect to our neighbor—Bonaventure reduces them, finally, as we have seen others before him do, to the two forms of the Golden Rule, which he equates with the natural law:

On the second table are contained the seven commandments ordering us to our neighbor, which are expressed by two precepts of natural law; namely, do to others what you would wish done to yourself, and do not do to others what you do not wish done to yourself.<sup>55</sup>

The Franciscans and Dominicans of the thirteenth century may have been divided on any number of important issues in philosophy and theology, but on the question of the Decalogue and its fundamental relationship to the natural law, they were largely of one mind.

52. St Bonaventure, *Collations on the Ten Commandments* (trans. Paul Spaeth; St Bonaventure, NY: The Franciscan Institute, 1995), 1.19; cf. *Collatio de decem praeceptis*, 1.19 in *Sancti Bonaventurae opera omnia*, V (Quaracchi: Collegii S. Bonaventurae, 1891).

53. Bonaventure, *Collations*, 1.20.

54. Bonaventure, *Collations*, 1.21.

55. Bonaventure, *Collations*, 1.23.

Now it should go without saying with respect to the quick review we've made of Thomas's predecessors in this section that I've not developed in an adequate way the thought of any one of these remarkable twelfth- and thirteenth-century thinkers, nor, for example, have I really made clear the interesting and important differences that remained between them. My goal in reviewing these texts has been simply to give a general picture of the intellectual context within which Aquinas was operating and in response to which he had to craft his own contributions. I trust that by now the point has been made: once we become aware of the relevant historical context within which Thomas lived and worked, it becomes clear that it would not have been at all controversial or strange for Thomas to relate the Decalogue to the natural law. Indeed, given what we now know of that context, it would have been stranger if he hadn't.

### *The Old Law and the New Law*

I should like to make a final point before closing, however, if I may, with regard to Aquinas and the Decalogue. As readers of Aquinas know, the 'divine law' has two parts: the Old Law *and* the New Law.<sup>56</sup> The Old Law is good, says Thomas, but it is incomplete. Along with 'instructing us by means of his law', says Thomas, it remains for God to 'assist us by means of his grace'.<sup>57</sup>

Indeed, Thomas and his contemporaries agree that human nature has been so corrupted by the effects of sin that what was characteristic or 'natural' for human beings in that time when their nature was healthy and uncorrupted is no longer so. On this view, the 'natural law' with which we were created has been effaced by sin—not completely, but in substantial and critical ways. Our *knowledge* of the natural law has not been completely eradicated, claims Thomas. We still know, for example, 'the first and common precepts of the natural law' such as 'love your neighbor as yourself' and 'Do unto others as you would have them do unto you'. These, he thinks, *cannot* be abolished from the heart of man.<sup>58</sup> As to the secondary precepts, such as 'Do not lie' or 'Do not steal', these can in some instances be abolished from men's hearts, claims Thomas, but generally only owing to 'vicious customs and corrupt habits'.<sup>59</sup> What *has* been effaced substantially since the Fall, however, is the ability of our will to do the good that we know.<sup>60</sup> Recall, in this regard, St Paul's famous complaint that 'the good

56. On this, see in particular Thomas's discussion in *Summa theol.* 1–2, q. 91, art. 5.

57. This is a comment Thomas makes in his prologue to the entire Treatise on the Law; cf. the *divisio textus* at the very beginning of *Summa theol.* 1–2, q. 90, art. 1.

58. On this, see in particular the discussion in *Summa theol.* 1–2, q. 94, art. 6.

59. *Summa theol.* 1–2, q. 94, art. 6.

60. On this, see in particular Thomas's discussion in *Summa theol.* 1–2, q. 109 on 'the

which I would do, I do not; but the evil which I would not, that I do' (Rom. 7.19). Even when we manage to have the law written on our minds, it is too often still not 'written on our hearts'.

Similarly, it is important to remember that, on Thomas's view, the first and common precepts that lie behind the Decalogue are the two commandments to 'love God' and 'love your neighbor as yourself'. What this means, according to Thomas, is that we are not meant merely to obey the commandments out of fear, but to heed them freely as an expression of the wisdom of a God of love.<sup>61</sup> We are called by a God who has revealed his selfless love to us in salvation history, a history culminating in the sacrifice of his own beloved Son on the cross, to see the commandments as an expression of the respect we owe the dignity of others and abide by them willingly out of love. The problem is that if we are not animated by this kind of selfless love, then the moral rules that are meant to be a divine guide to moral wisdom can become instead for me, sadly, a horrible 'burden', or perhaps even a goad to greater sin. As Thomas says:

Now [fulfilling the law] is very difficult to a man without virtue: thus even the Philosopher states (*Eth.* v, 9) that it is easy to do what a righteous man does; but that to do it in the same way, viz. with pleasure and promptitude, is difficult to a man who is not righteous. Accordingly we read also (1 Jn 5.3) that 'His commandments are not heavy': which words Augustine expounds by saying that 'they are not heavy to the man who loves; whereas they are a burden to him that loves not'.<sup>62</sup>

I mention these last points merely as a way of gesturing meekly at the larger theological project of which Thomas's treatment of the natural law and the Decalogue is merely a part. For Thomas, even the divinely authorized teaching of the natural law such as is found in the Decalogue alone is not enough; it is merely the first part of a two-part remedy for sin. For after God 'instructs us by means of his Law', says Thomas, it remains for him to 'assist us by means of his grace': both are necessary to help restore in us the 'law written on our hearts' at our creation, a law effaced tragically by sin and that can only be restored fully, not by fear, but by God's love and our response in love.

Thus the divine law, according to Aquinas, has two parts: the Old Law and the New Law, which are related to one another as the imperfect is to the perfect. The Old Law is good, says Thomas, but it is incomplete. It requires the grace given with the New Law, by which 'charity is spread abroad in our

necessity of grace', esp. art. 1 (Whether without grace man can know anything), art. 2 (Whether without God's grace man can do or wish any good) and art. 4 (Whether without grace man can keep the commandments of the Law).

61. On this, see Thomas's discussion in *Summa theol.* 1–2, qq. 106 and 107.

62. *Summa theol.* 1–2, q. 107, art. 4.

hearts'. The second and truly essential step in restoring in us the 'law written on our hearts' at our creation, but effaced by our own sin, comes with the advent of the new covenant when, as the prophet Jeremiah says, God will 'give His laws into our minds and in our hearts will He write them' and when, as the prophet Ezekiel promised 'God will give us a new heart and a new spirit, spreading charity abroad in our hearts, so that we may walk in the Lord's commandments and keep them' (Ezek. 36.26-27). For we know that we are children of God, the Apostle John tells us, when we love God and keep his commandments, and when keeping his commandments is not burdensome (cf. 1 Jn 5.1-3).