

Sources on natural law (for Natural Law Forum):

Cicero, *De Legibus* [Of Laws], I.16-19.

**16.** [N]am sic habetote, nullo in genere disputandi potest magis pateferi, quid sit homini a natura tributum, quantam uim rerum optimarum mens humana contineat, cuius muneris colendi efficiendique causa nati et in lucem editi simus, quae sit coniunctio hominum, quae naturalis societas inter ipsos. His enim explicatis, fons legum et iuris inueniri potest.

...

**17.** [S]ed nobis ita complectenda in hac disputatione tota causa est uniuersi iuris ac legum, ut, hoc ciuile quod dicimus, in paruum quendam et angustum locum concludatur. Natura enim iuris explicanda nobis est, eaque ab hominis repetenda natura, considerandae leges quibus ciuitates regi debeant; tum haec tractanda, quae composita sunt et descripta iura et iussa populorum, in quibus ne nostri quidem populi latebunt quae uocantur iura ciuilia.

...

**18.** [L]ex est ratio summa, insita in natura, quae iubet ea quae facienda sunt, prohibetque contraria. Eadem ratio, cum est in hominis mente confirmata et perfecta, lex est.

**19.** Itaque arbitrantur prudentiam esse legem, cuius ea uis sit, ut recte facere iubeat, uetet delinquere, eamque rem illi Graeco putant nomine *nomon* a *suum* cuique tribuendo appellatam, ego nostro a legendo. Nam ut illi aequitatis, sic nos delectus uim in lege ponimus, et proprium tamen utrumque legis est. Quod si ita recte dicitur, ut mihi quidem plerumque uideri solet, a lege ducendum est iuris exordium. Ea est enim naturae uis, ea mens ratioque prudentis, ea iuris atque iniuriae regula. Sed quoniam in populari ratione omnis nostra uersatur oratio, populariter interdum loqui necesse erit, et appellare eam legem, quae scripta sancit quod uult aut iubendo aut prohibendo, ut uulgus appellare solet. Constituendi uero iuris ab illa summa lege capiamus exordium, quae, saeculis communis omnibus, ante nata est quam scripta lex ulla aut quam omnino ciuitas constituta.

**16.** For recognise that no kind of argument can be more revealing of that which nature bestows on human beings; how many of the most excellent things are contained in the human mind; what is the work for which we born, and were illuminated to carry out and achieve; what is the relationship that unites human beings, and what natural sociability exists between them. Once these matters have been explained, we will have found the source of laws and of the right.

...

**17.** But our discussion must encompass the complete cause of universal right and laws, so that what is called civil law is confined only to a narrow field. We must explain the nature of law, which must be discovered within human nature; and we must consider the laws by which cities ought to be ruled. Then we must treat the composed and written laws and mandates of the people, in which what we call the civil laws of the people are to be found.

...

**18.** [L]aw is highest reason, implanted in nature, which commands that which is to be done, and prohibits the contrary. This same reason, when confirmed and perfected in the human mind, is law.

**19.** Therefore [the wise] take law to consist in prudence, which commands what is proper and forbids what is wrongful. But where they think this term derives from the Greek word (*nomos*) for according to each person what is theirs, I think that it derives from [the Latin for] 'choosing'. For just as they consider equity as an effect of law, so we place the quality of choice into it; in fact both are properly a part of law. If this is correct, as it seems to me for the most part to be, then the source of right is to be found in law. For this is the effect of nature, it is the mind and reason of the prudent person, and the measure of right and wrong. But, since all our way of speaking is for the concourse of the people, it is sometimes necessary to adopt the popular speech, and to describe as laws those written measures that satisfy what the mob wants, either by commanding or prohibiting, as the mob are wont to say. But let us begin by drawing the beginning of right from the highest law, which is common to all generations, before any written law was made, and before any city was established.

Cicero, *De Re Publica* [On the Republic], III.33.

Est quidem vera lex recta ratio naturae congruens, diffusa in omnes, constans, sempiterna, quae vocet ad officium iubendo, vetando a fraude deterreat; quae tamen neque probos frustra iubet aut vetat nec improbos iubendo aut vetando movet. Huic legi nec obrogari fas est neque derogari ex hac aliquid licet neque tota abrogari potest, nec vero aut per senatum aut per populum solvi hac lege possumus, neque est quaerendus explanator aut interpres eius alius, nec erit alia lex Romae, alia Athenis, alia nunc, alia posthac, sed et omnes gentes et omni tempore una lex et sempiterna et immutabilis continebit, unusque erit communis quasi magister et imperator omnium deus, ille legis huius inventor, disceptator, lator; cui qui non parebit, ipse se fugiet ac naturam hominis aspernatus hoc ipso luet maximas poenas, etiamsi cetera supplicia, quae putantur, effugerit.

There is indeed a true law that is right reason in conformity with nature, instilled into all persons, which is constant, everlasting, which summons us to our duty by commanding and deters from fraud by prohibition. The upstanding abide by its commands or prohibitions, whereas they have no effect on the wicked. This law cannot be rightfully changed or restricted, and it is incapable of being entirely annulled. Neither the senate nor the people can release us from the obligation to obey this law, nor do we need to seek for any expositor or interpreter other than our own self. Nor is there one law for Rome and another for Athens, nor a law for the present and another for the future. Rather there is one law, encompassing all peoples and all times, that is everlasting and immutable; and there is one God who is common ruler and governor of all things, who is the creator and maker, and interpreter, of this law. One who disobeys it will be alienated from his true self, and will suffer the gravest of penalties, even though he escape all so-called punishments [in the present life].

Aquinas, *Summa Theologiae*, I-II.94.2c ('Whether the natural law contains many precepts, or only one')

Respondeo dicendum quod, sicut supra dictum est, praecepta legis naturae hoc modo se habent ad rationem practicam, sicut principia prima demonstrationum se habent ad rationem speculativam, utraque enim sunt quaedam principia per se nota.

I answer that, as stated above [I-II.91.3], the precepts of natural law stand to practical reason in the same way as the primary principles of demonstration stand to speculative reason, because both constitute self-evident principles.

Dicitur autem aliquid per se notum dupliciter, uno modo, secundum se; alio modo, quoad nos. Secundum se quidem quaelibet propositio dicitur per se nota, cuius praedicatum est de ratione subiecti, contingit tamen quod ignorantia definitionem subiecti, talis propositio non erit per se nota. Sicut ista propositio, homo est rationale, est per se nota secundum sui naturam, quia qui dicit hominem, dicit rationale, et tamen ignorantia quid sit homo, haec propositio non est per se nota. Et inde est quod, sicut dicit Boetius, in libro de Hebdomad., quaedam sunt dignitates vel propositiones per se notae communiter omnibus, et huiusmodi sunt illae propositiones quarum termini sunt omnibus noti, ut, omne totum est maius sua parte, et, quae uni et eidem sunt aequalia, sibi invicem sunt aequalia. Quedam vero propositiones sunt per se notae solis sapientibus, qui terminos propositionum intelligunt quid significant, sicut intelligenti quod Angelus non est corpus, per se notum est quod non est circumscriptive in loco, quod non est manifestum rudibus, qui hoc non capiunt.

However, something can be called 'self-evident' in two senses: in one way, in itself; in another way, relatively to us. Any proposition in which the predicate is contained in the meaning of the subject is said to be self-evident 'in itself', but if a person does not know the meaning of the subject, the proposition will not be self-evident to him. For instance, the proposition *The human being is a rational animal* is self-evident in its own nature, since the intelligibility of 'human being' includes that of 'rational animal'; but to one who did not understand the meaning of 'human being', it would not be self-evident. Thus, as Boethius says (*De Hebdomadibus*), certain axioms or propositions are self-evident to everyone without exception: these are propositions in which the terms are understood by all, as with *Every whole is greater than its parts* and *Things that are both equal to a third thing are equal to each other*. But some propositions are self-evident only to the learned, who comprehend the meaning of their constituent terms. Therefore to one who understands that angels are not physically embodied, it is self-evident that their being is not bounded within some place, but this is not evident to the unlearned, who fail to grasp it.

In his autem quae in apprehensione omnium cadunt, quidam ordo invenitur. Nam illud quod primo cadit in apprehensione, est ens, cuius intellectus includitur in omnibus quaecumque quis apprehendit. Et ideo primum principium indemonstrabile est quod non est simul affirmare et negare, quod fundatur supra

Now there is amongst those things that are apprehended by everybody a certain hierarchy. For that which first falls within the grasp of the mind before anything else is *Being*, the comprehension of which is included in whatsoever else a person apprehends. Therefore the absolutely first principle, which does not derive from any prior demonstration, is that *The same thing cannot be simultaneously affirmed and denied*: this

rationem entis et non entis, et super hoc principio omnia alia fundantur, ut dicitur in IV Metaphys. Sicut autem ens est primum quod cadit in apprehensione simpliciter, ita bonum est primum quod cadit in apprehensione practicae rationis, quae ordinatur ad opus, omne enim agens agit propter finem, qui habet rationem boni. Et ideo primum principium in ratione practica est quod fundatur supra rationem boni, quae est, bonum est quod omnia appetunt.

Hoc est ergo primum praeceptum legis, quod bonum est faciendum et prosequendum, et malum vitandum. Et super hoc fundantur omnia alia praecepta legis naturae, ut scilicet omnia illa facienda vel vitanda pertineant ad praecepta legis naturae, quae ratio practica naturaliter apprehendit esse bona humana.

Quia vero bonum habet rationem finis, malum autem rationem contrarii, inde est quod omnia illa ad quae homo habet naturalem inclinationem, ratio naturaliter apprehendit ut bona, et per consequens ut opere prosequenda, et contraria eorum ut mala et vitanda. Secundum igitur ordinem inclinationum naturalium, est ordo praeceptorum legis naturae.

Inest enim primo inclinatio homini ad bonum secundum naturam in qua communicat cum omnibus substantiis, prout scilicet quaelibet substantia appetit conservationem sui esse secundum suam naturam. Et secundum hanc inclinationem, pertinent ad legem naturalem ea per quae vita hominis conservatur, et contrarium impeditur.

Secundo inest homini inclinatio ad aliqua magis specialia, secundum naturam in qua communicat cum ceteris animalibus. Et secundum hoc, dicuntur ea esse de lege naturali quae natura omnia animalia docuit, ut est coniunctio maris et feminae, et educatio liberorum, et similia.

Tertio modo inest homini inclinatio ad bonum secundum naturam rationis, quae est sibi propria, sicut homo habet naturalem inclinationem ad hoc quod veritatem cognoscat de Deo, et ad hoc quod in societate vivat. Et secundum hoc, ad legem naturalem pertinent ea quae ad huiusmodi inclinationem spectant, utpote quod homo ignorantiam vitet, quod alios non offendat cum quibus debet conversari, et cetera huiusmodi quae ad hoc spectant

principle is based on the intelligibility of being and non-being, and upon this principle all subsequent principles are based (as stated in *Metaphysics* IV.) But in the same way that Being is the absolutely first thing of which the mind has an intellection, so *Good* is the first thing to fall within the understanding of the mind when reasoning practically, that is, when deliberating about action: for all agency is directed to an end, which has the intelligible significance of 'good'. The first principle of practical reason is thus one founded upon the intellection of good, namely, that good is that to which all things incline.

Accordingly, this is the primary precept of law: *The good is to be done and pursued, and the bad is to be avoided.* All other precepts of natural law are founded upon this precept, so that whatsoever is naturally conceived by practical reason as a human good falls within the precepts of natural law as to-be-done, and whatever is naturally conceived as contrary to human good falls under the natural law as to-be-avoided.

Because 'good' has the intelligibility of 'end', and 'evil' of 'contrary to end', it follows that all those things to which a person has a natural inclination are naturally apprehended by reason as goods (and thus as objectives to be brought about through deliberate effort), and those things that run contrary to inclination as evils (and thus to be avoided). Therefore, the order that obtains amongst the precepts of natural law corresponds to the order that obtains amongst the natural inclinations.

Accordingly, there is in the human being first of all an inclination to those goods that are in conformity with the dimension of his nature that he has in common with all substances: namely, that everything is inclined, in its own way, toward the preservation of its own being. Because of this inclination, those things that are means unto the preservation of life, and which ward off threats to life, belong to natural law.

Secondly, there is in the human being an inclination to things that pertain to him more specifically, which conform to the dimension of his nature that he has in common with other animals. In virtue of this inclination, those things are said to fall under the natural law 'that nature has taught to all animals', such as the sexual union of male and female, the upbringing of children, and other things of this kind.

Thirdly, there is in a human being an inclination to those goods which pertain specifically to the rational dimension of his nature, which is proper to him. Thus the human person has a natural inclination to know truths concerning God, and to live in society. Accordingly, those things that relate to inclinations of this kind fall under natural law: such as the avoidance of ignorance, and the avoidance of actions that would offend those among whom he must live, and yet other things that pertain to these inclinations.

#### NOTES:

The Latin *homo* properly translates as 'human being' (or conceivably as 'person') rather than 'man', for which the Latin is *vir*; English lacks the gender-neutral pronouns available to Aquinas.

This is the body of Aquinas's reply; the objections and specific replies are omitted. The division into paragraphs is mine.

Respondeo dicendum quod, sicut supra dictum est, ad legem naturae pertinent ea ad quae homo naturaliter inclinatur; inter quae homini proprium est ut inclinetur ad agendum secundum rationem. Ad rationem autem pertinet ex communibus ad propria procedere, ut patet ex I Physic. Aliter tamen circa hoc se habet ratio speculativa, et aliter ratio practica. Quia enim ratio speculativa praecipue negotiatur circa necessaria, quae impossibile est aliter se habere, absque aliquo defectu invenitur veritas in conclusionibus propriis, sicut et in principiis communibus. Sed ratio practica negotiatur circa contingentia, in quibus sunt operationes humanae, et ideo, etsi in communibus sit aliqua necessitas, quanto magis ad propria descenditur, tanto magis invenitur defectus.

Sic igitur in speculativis est eadem veritas apud omnes tam in principiis quam in conclusionibus, licet veritas non apud omnes cognoscatur in conclusionibus, sed solum in principiis, quae dicuntur communes conceptiones. In operativis autem non est eadem veritas vel rectitudo practica apud omnes quantum ad propria, sed solum quantum ad communia, et apud illos apud quos est eadem rectitudo in propriis, non est aequaliter omnibus nota. Sic igitur patet quod, quantum ad communia principia rationis sive speculativae sive practicae, est eadem veritas seu rectitudo apud omnes, et aequaliter nota. Quantum vero ad proprias conclusiones rationis speculativae, est eadem veritas apud omnes, non tamen aequaliter omnibus nota, apud omnes enim verum est quod triangulus habet tres angulos aequales duobus rectis, quamvis hoc non sit omnibus notum. Sed quantum ad proprias conclusiones rationis practicae, nec est eadem veritas seu rectitudo apud omnes; nec etiam apud quos est eadem, est aequaliter nota.

Apud omnes enim hoc rectum est et verum, ut secundum rationem agatur. Ex hoc autem principio sequitur quasi conclusio propria, quod deposita sint reddenda. Et hoc quidem ut in pluribus verum est, sed potest in aliquo casu contingere quod sit damnosum, et per consequens irrationabile, si deposita reddantur; puta si aliquis petat ad impugnandam patriam.

Et hoc tanto magis invenitur deficere, quanto magis ad particularia descenditur, puta si dicatur quod deposita sunt reddenda cum tali cautione, vel tali modo, quanto enim plures conditiones particulares apponuntur, tanto pluribus modis poterit deficere, ut non sit rectum vel in reddendo vel in non reddendo.

Sic igitur dicendum est quod lex naturae, quantum ad prima principia communia, est eadem apud omnes et secundum rectitudinem, et secundum notitiam. Sed quantum ad quaedam propria, quae sunt quasi conclusiones principiorum communium, est eadem apud omnes ut in pluribus et secundum

I answer that, as stated above [I-II.94.2-3], those things to which the human being is naturally inclined belong to the natural law, and among these things it is proper to the human being to act in accordance with reason. It pertains to reason to proceed from the universal to the particular (as stated in *Physics* I). However, in this matter the speculative reason is different from practical reason. Because the speculative reason is concerned with necessary things, regarding which the contrary is impossible, the truth is contained in its particular conclusions without defects, exactly as it is found in the universal principles. But practical reason is concerned with contingent matters, which include human acts; thus even though there is a kind of necessity in the universal principles, the more one descends to particulars the more there will be deficiency.

Thus in speculative matters the truth is the same for all persons, as to both principles and conclusions, even if truth is not *known* to every person at the level of conclusions, but only at the level of principles (which are termed common conceptions). But in regard to actions, truth and practical rectitude are the same for all persons only at the level of universal principle, but not at the level of particulars; and even where rectitude is the same for all in particular cases, it is not equally known by all. Thus it is evident that in regard to universal principles, whether speculative or practical, truth and practical rectitude is the same for all persons; and in regard to particular conclusions of speculative reason, truth is the same for all even though it is not equally known to all: hence it is true for all persons that all the angles of a triangle equal two right angles, even if not all persons know this. But, regarding the particular conclusions of practical reason, truth and practical rectitude is not the same for all persons, nor, even for those for whom it is the same, is it equally known to all.

Thus for instance: it is right and according to truth for everyone to act in accordance with reason, from which it follows as a kind of particular conclusion that items held on trust ought to be returned. Yet while this holds true in the majority of cases, it may prove harmful and thus unreasonable in a given case to return property that has been entrusted to one: for example, if the owner were intending to fight against one's country.

Furthermore, the further we descend into particulars, the more the general principle will fail: as for example when it is said that entrusted goods should be returned only with specified provisions, or in a specified way. For the greater the number of conditions that are added, the greater the number of ways in which the principle can fail, and so be rightful to return or to withhold entrusted goods.

Thus, it should be said that in relation to universal first principles, the natural law is the same for every person, in regard to both rectitude and knowledge. But with the particular rules that are akin to conclusions [*quasi conclusiones*] from the universal principles, natural law is the same for all only in a majority of cases, in regard to both

rectitudinem et secundum notitiam, sed ut in paucioribus potest deficere et quantum ad rectitudinem, propter aliqua particularia impedimenta (sicut etiam naturae generabiles et corruptibiles deficiunt ut in paucioribus, propter impedimenta), et etiam quantum ad notitiam; et hoc propter hoc quod aliqui habent depravatam rationem ex passione, seu ex mala consuetudine, seu ex mala habitudine naturae; sicut apud germanos olim latrocinium non reputabatur iniquum, cum tamen sit expresse contra legem naturae, ut refert Iulius Caesar, in libro de bello Gallico.

rectitude and knowledge. But it can fail in a smaller number of cases, both as to *rectitude*, due to particular impediments (in the same way that natures subject to generation and corruption are defective in some cases, due to impediments), and as to *knowledge*, because in some persons the faculty of reason has been perverted by emotion, or bad practices, or by a bad natural disposition. Thus for instance, although theft is patently contrary to the natural law, it was at one time not considered wrongful among the Germanic peoples, as is reported by Julius Caesar in *The Gallic War*.

Aquinas, *Summa Theologiae*, I-II.94.6c & ad 1 ('Whether the natural law can be erased from the human heart')

Respondeo dicendum quod, sicut supra dictum est, ad legem naturalem pertinent primo quidem quaedam praecepta communissima, quae sunt omnibus nota, quaedam autem secundaria praecepta magis propria, quae sunt quasi conclusiones propinquae principiis. Quantum ergo ad illa principia communia, lex naturalis nullo modo potest a cordibus hominum deleri in universali. Deletur tamen in particulari operabili, secundum quod ratio impeditur applicare commune principium ad particulare operabile, propter concupiscentiam vel aliquam aliam passionem, ut supra dictum est. Quantum vero ad alia praecepta secundaria, potest lex naturalis deleri de cordibus hominum, vel propter malas persuasiones, eo modo quo etiam in speculativis errores contingunt circa conclusiones necessarias; vel etiam propter pravas consuetudines et habitus corruptos; sicut apud quosdam non reputantur latrocinia peccata, vel etiam vitia contra naturam, ut etiam apostolus dicit, ad Rom. I

**Ad primum** ergo dicendum quod culpa delet legem naturae in particulari, non autem in universali, nisi forte quantum ad secunda praecepta legis naturae, eo modo quo dictum est.

I answer that, as stated above [I-II.94.4-5], the natural law contains first of all extremely general precepts that are known to all persons, and also certain secondary precepts that are akin to conclusions which are closely related to the primary principles. As far as the universal principles are concerned, it is in no way possible to erase the natural law entirely from the human heart. However it is erased with regard to specific actions to the extent that reason is prevented by concupiscence or other passions from applying a universal principle to a particular action, as was stated above [I-II.77.2]. But in regard to the other, secondary precepts, it is possible for the natural law to be erased from the human heart, whether by bad convictions, just as errors occur in speculative matters regarding necessary conclusions, or in virtue of depraved customs or corrupt dispositions, as among some peoples theft or even vices contrary to nature were not deemed to be sins, as the Apostle stated in Romans I.

**Ad 1:** I reply that sin erases the law of nature as to particulars, but not as to universals, except perhaps as regards the secondary precepts of natural law, as has been explained.

Grotius, *De Iure Belli ac Pacis* [Of the Law of War and Peace], Prolegomena §§5-11 & I.10

**V.** Cum vero frustra de iure suscipiatur disputatio, si ipsum ius nullum est, & ad commendandum & ad praemuniendum opus nostrum pertinebit, hunc gravissimum errorem breviter refelli. Ceterum ne cum turba nobis res sit, demus ei advocatum. Et quem potius quam Carneadem, qui ad id pervenerat, quod Academia: suae summum erat, ut pro falso non minus quam pro vero vires eloquentiae posset intendere? Is ergo cum suscepisset iustitiae, huius praecipue de qua nunc agimus,

**5.** Since the discussion of law is pointless if there is no law, in order both to recommend our work and protect it from objections, it is necessary briefly to refute this most grave error. So that we do not have to deal with a mob of opponents, let us assign them an advocate. For this role there is none more suitable than Carneades, who so excelled in the supreme aim of Academic philosophy, that is to employ the power of eloquence for falsehood no less than for truth. He strove to argue against justice, especially of the kind that concerns us now;

oppugnationem, nullum invenit argumentum valiaius isto: iura sibi homines utilitate sanxisse varia pro moribus, & apud eosdem pro temporibus saepe mutata: ius autem naturale esse nullum: omnes enim & homines & alias animantes ad utilitates suas natura ducente ferri: proinde aut nullam esse iustitiam aut si sit aliqua, summam esse stultitiam, quoniam sibi noceat alienis commodis consulens.

**VI.** Verum quod hic dicit philosophus, & sequitur poeta:

Nec natura potest iusto discernere iniquum

admitti omnino non debet. nam homo animans quidem est, sed eximum animans, multoque longius distans a ceteris omnibus, quam ceterorum genera inter se distant: cui rei testimonium perhibent multae actiones humani generis propriae. Inter haec autem quae homini sunt propria, est appetitus societatis, id est communitatis, non qualiscunque, sed tranquillae, & pro sui intellectus modo ordinatae, cum his qui sui sunt generis: quam *ὁἰκευωὶν* Stoici appellabant. Quod ergo dicitur natura quodque animal ad suas tantum utilitates ferri, ita universe sumtum concedi non debet.

**VII.** Nam & ceterarum animantium quaedam utilitatum suarum studium, partim foetuum suorum, partim alforum sibi congenerum, respectu aliquatenus temperant: quod in illis quidem procedere credimus ex principio aliquo intelligente extrinseco, quia circa actus alios, istis neutiquam difficiliores, par intelligentia in illis non apparet. Idemque de infantilis dicendum, in quibus ante omnem disciplinam ostendit se ad bene aliis faciendum propensio quaedam, prudenter a Plutarcho observata: sicut & in ea aetate misericordia sponte prorumpit. Homini vero perfectae aetatis, cum circa similia similiter agere norit cum societatis appetitu eccellente, cuius peculiare solus inter animantes instrumentum habet sermonem, inesse etiam facultatem sciendi agendique, secundum generalia praecepta, par est intelligi, cui quae conveniunt ea iam sunt non omnium quidem animantium, sed humanae naturae congruentia.

**VIII.** Haec vero, quam rudi modo iam expressimus, societatis custodia, humano intellectui conveniens, fons est eius iuris, quod proprie tali nomine appellatur: quo pertinent alieni abstinentia, & si quid alieni habeamus, aut lucri inde fecerimus restitutio, promissorum implendorum obligatio, damni culpa dati reparatio. & poenae inter homines meritum.

**IX.** Ab hac iuris significatione fluxit altera largior: quia enim homo supra caeteras animantes non tantum vim obtinet socialem de qua diximus, sed et iudicium ad aestimanda quae delectant aut nocent,

but he discovered no more powerful argument than this, that human beings out of utility had created laws for themselves, as diverse as their various customs, and which change with the times even within the same society; but there is no natural law, because all human beings and all other animals are impelled by their nature to whatever gives an advantage. In consequence, either there is no such thing as justice, or if it does exist it is the pinnacle of foolishness, since one does harm to one's own interests in furthering the interests of others.

**6.** But what is here said by the philosopher, and affirmed by the poet:

Nature alone does not distinguish just and unjust

must in no way be admitted. For though the human being is an animal, he is a superior kind of animal, and is further removed from all animals than the various kinds of animals are removed from one another. Among the characteristics peculiar to the human being is the appetite for society, that is a life in common with others: not indiscriminately, but in peaceful order in accord with his intellect, amongst others of his own kind. The Stoics called this 'sociability.' Hence the proposition that every kind of animal is naturally compelled to seek only its own advantage, if stated as a universal law, must not be conceded.

**7.** Indeed even in other animals the pursuit of their own advantage is qualified, in part by concern for their offspring, and in part the concern for others of the same species. This seems to proceed from an extrinsic intelligent principle, because other actions that pose no more difficulty than these do not seem to contain the same degree of intelligence. The same is to be said of infants, in whom appears a disposition to do good before any education has begun, as was wisely observed by Plutarch: for example, compassion spontaneously comes forth at that age. Indeed, a mature human being has the knowledge that inclines him toward similar actions under similar conditions, along with a noble inclination for society, for which alone among animals he has the instrument of speech. He has also the faculty of learning and acting in accordance with general precepts, and whatsoever is in accordance with this faculty is not common among all animals, but is in specific conformity with human nature.

**8.** This care for society, which we have expressed in a rough way, and which is in agreement with human intelligence, is the source of law understood in the proper sense: to which pertains abstention from that which belongs to another; restitution of anything of another's that we possess, and of any profit we have made from it; the obligation to fulfil promises; repairing of damage caused through fault; and the imposition of penalties on persons according to what is merited.

**9.** From this signification of 'law' there has flowed another more extended meaning: since human beings are superior to other animals not only in the strength of the urge for social life, as we have said, but also in the power of discerning between the agreeable and the hurtful,

non praesentia tantum, sed et futura, et quae in utrumvis possunt ducere; pro humani intellectus modo etiam in his iudicium recte conformatum sequi, neque metu, aut voluptatis praesentis illecebra corrumpi, aut temerario rapi impetu, conveniens esse humanae naturae; & quod tali iudicio plane repugnat, etiam contra ius naturae, humanae scilicet, esse intelligitur.

**X.** Atque huc etiam pertinet in his quae cuique homini aut coetui propria sunt elargiendis prudens dispensatio, ut quae nunc sapientorem minus sapienti, nunc propinquum extraneo, nunc pauperem diviti, prout actus cuiusque, & rei natura fert, praeposit: quam iuris proprie stricteque dicti partem iam olim multi faciunt, cum tamen ius illud proprie nominatum diversam longe naturam habeat, in eo positam ut quae iam sunt alterius alteri permittantur, aut impleantur.

**XI.** Et haec quidem quae iam diximus, locum aliquem haberent etiamsi daremus, quod sine summo scelere dari nequit, non esse Deum, aut non curari ab eo negotia humana: cuius contrarium cum nobis partim ratio, partim traditio perpetua, inseverint; confirmant vero & argumenta multa & miracula ab omnibus saeculis testata, sequitur iam, ipsi Deo, ut opifici & cui nos nostraque omnia debeamus, sine exceptione parendum nobis esse, praecipue cum is se multis modis & optimum & potentissimum offenderit, ita ut sibi obedientibus praemia reddere maxima, etiam aeterna, quippe aeternus ipse, possit, & voluisse credi debeat, multoque magis si id disertis verbis promiserit: quod Christiani indubitata testimoniorum fide convicti credimus.

**Lib. I.X.** Ius naturale est dicatum rectae rationis indicans, actui alicui, ex eius convenientia aut disconvenientia cum ipsa natura rationali ac sociali, inesse moralem turpitudinem aut necessitatem moralem, ac consequenter ab auctore naturae Deo talem actum aut vetari aut praecipari. Actus de quibus tale exstat dictatum, debiti sunt aut illiciti per se, atque ideo a Deo necessario praeecepti aut vetiti intelliguntur: qua nota distat hoc non ab humano tantum iure, sed & a divino voluntario, quod non ea praecipit aut vetat, quae per se ac suapte natura aut debita sunt, aut illicita, sed vetando illicita, praecipiendo debita facit [...]

Eft autem ius naturale adeo immutabile, ut ne a Deo quidem mutari queat. Quanquam enim immensa est Dei potentia, dici tamen quaedam possunt ad quae se illa non extendit, quia quae ita dicuntur, dicuntur tantum, sensum autem qui rem exprimat nullum habent; sed sibi ipsis repugnant. Sicut ergo ut bis duo non sint quatuor ne a Deo quidem potest effici, ita ne hoc quidem, ut quod intrinseca ratione malum est, malum non sit.

not only in the present but also the future, and that which leads to each one. In such matters it is proper for human understanding to follow a soundly formulated judgment, and not to be deflected either by fear or the temptation of immediate pleasures, nor to be carried away by reckless impulses. Anything that is clearly opposed to such a judgment is to be understood as also contrary to the natural law, and so to human nature.

**10.** To this judgment pertains the prudent allocation to each human being or body of human beings of those things that are rightfully theirs. According to such judgments, priority is given in some cases to the wise person over the unwise, or to a neighbour over a stranger, and in other cases to a poor person over one who is rich, all depending upon what the actions of each or the nature of the thing requires. Some have understood this reasonable allocation to be a part of law in the strict and proper sense; however in reality, law in the strict sense is greatly different in its nature, because its central requirement is that of leaving to another what belongs to him, and of fulfilling our obligations.

**11.** And what we have said would retain much of its status even were we to concede that which cannot be conceded without uttermost wickedness, that there is no God, or that He has no care for human affairs. The contrary is known to us partly through reason, and partly through everlasting and unbroken tradition, and is confirmed by many arguments and miracles that have been attested through the ages. So it follows that God the creator of us all, to Whom we owe all that we are and have, is to be obeyed without exception, especially since through many ways He has shown Himself to be supremely good and supremely powerful, so that He is able to bestow the greatest rewards on those who obey Him, even eternal rewards for He is Himself eternal. And we ought to believe Him to be not only capable but also willing to do this, even more so where He has promised this in plain words, as we Christians believe based upon the indisputable credence of testimonies.

**Bk I.10.** Natural law is the directive of right reason that indicates that any act, according to whether it is in harmony or disharmony with rational nature, has the character of moral depravity or moral necessity: and as a consequence, whether such an act is forbidden or commanded by God. Acts in relation to which such a directive exists are morally necessary or unlawful in themselves, so must be understood as necessarily commanded or forbidden by God. By this characteristic, the natural law differs from not only human law but also willed divine law, which does not forbid or command acts that are in themselves and by their own nature either obligatory or unlawful, but rather makes them unlawful by forbidding them or obligatory by commanding them [...]

The natural law is immutable so that even God cannot change it. Though the power of God is without measure, yet there are some things over which it does not extend: such things can be spoken but are without meaning and are self-contradictory. In this way, just as it is impossible for God to make two times two not equal four, so He cannot make that which is intrinsically evil not be evil.

