

**IN DEFENCE OF NATURAL LAW IN THE LIGHT OF ST. THOMAS AQUINAS'  
PHILOSOPHY**

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**BENIN CITY.**

**SEPTEMBER, 2025.**

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**AN ORIGINAL ESSAY SUBMITTED TO THE DEPARTMENT OF  
PHILOSOPHY, FACULTY OF ARTS, UNIVERSITY OF BENIN, BENIN CITY IN  
PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE AWARD OF  
THE BACHELOR OF ARTS DEGREE IN PHILOSOPHY, UNIVERSITY OF  
BENIN, BENIN CITY**

**SEPTEMBER, 2025**

## CERTIFICATION

This is to certify that this project work titled, **IN DEFENCE OF NATURAL LAW IN THE LIGHT OF ST. THOMAS AQUINAS' PHILOSOPHY** was carried out by Adeyemo princess Grace with matriculation number **ART2101064**, and it meets the requirement for an award of Bachelor of Arts in Philosophy.

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Prof. George Ukagba  
Project Supervisor

Date

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Dr. Wesley. T. Osemwengie  
Ag. Head of Department

Date

## **DEDICATION**

I dedicate this work to God and my beautiful mother, Mrs. Omogbeme Sarah Stella who has always been there for me and supported me in every way possible.

## ACKNOWLEDGEMENTS

I am most grateful to God Almighty and I return all the glory to Him, for impartation of knowledge and grace that have sustained me throughout this program.

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## ABSTRACT

*This project is a defense of natural law, grounded in the philosophical framework of Thomas Aquinas. As a philosopher who seamlessly integrated Aristotelian thought with Christian theology, Aquinas' synthesis has been a profound influence on my intellectual journey. Initially, my passion lay with the study of law, but as I delved into philosophy, I discovered an unexpected affinity for the subject. Now, my appreciation for law has evolved, informed by the philosophical insights gleaned from Aquinas' works. This project employs a dual- methodological approach, combining the hermeneutic method and the critical method. The hermeneutic method, a philosophical approach centered on interpretation and understanding, is utilized to examine and elucidate the meanings embedded in Thomas Aquinas' texts, symbols, and cultural artifacts. Complementing this, the critical method was applied to scrutinize and analyze the underlying assumptions, beliefs, and values that inform Aquinas' natural law theory. By integrating these two methods, this project aims to provide a nuanced and comprehensive understanding of Aquinas' philosophy. My interest in medieval philosophers, particularly Thomas Aquinas, has challenged the common notion that philosophers are inherently atheistic. Contrary to this view, my studies have revealed a rich tradition of philosophical thought that integrates faith and reason. Furthermore, despite some scholars' dismissive views on natural law, I firmly believe that natural laws represent fundamental principles that govern the world and are inherently part of human nature. This project seeks to reaffirm the validity and significance of natural law, and to provide a robust defense of its relevance in understanding human existence. Through this project, we hope to have achieved the following: gaining proper insight into the concept of natural law, evaluation of the relevance of Aquinas ideas to modern interpretation of law of the relationship between faith and reason and finally contributing to the ongoing debates and discussions in philosophy and beyond.*

# CHAPTER ONE

## GENERAL INTRODUCTION

### 1.1 Background to the Study

Anarchy is a state of lawlessness, characterized by the absence or ineffectiveness of law and order. It often results in violence, chaos, and ultimately the collapse of societal structures. Recent developments in Nigeria serve as a clear example, where lawlessness seems to have become the norm. "According to Umez, both leaders and the led, having been socialized by the prevailing African value system, are generally the same in their attitudes to life struggle: both generally believe that corruption is a normal and necessary part of life (hence he who no dey fast, na him go board last) parlance."<sup>1</sup>

One of the most alarming manifestations of this decay is internet fraud, popularly known as "yahoo yahoo." This form of theft has become rampant, yet is often not viewed as a criminal offense by many. Young men openly flaunt their ill-gotten wealth, driving exotic cars and living lavish lifestyles. Rather than curbing this menace, some law enforcement agents accept bribes, enabling these fraudsters to operate without consequence. As the great African philosopher and theologian, St. Augustine, once said, "Remove justice, and what are kingdoms but gangs of criminals on a large scale."<sup>2</sup> This quote aptly describes the current state of Nigerian society, where the absence of justice and effective law enforcement has created fertile ground for lawlessness.

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<sup>1</sup> Ukagba G. (2005). "Law, Morality and social order in Africa" in *Ogiris: A New journal of African studies*, volume 2 No 3, pp. 163-175

<sup>2</sup> Augustine, *The City of God*, Book 4, Ch.2

In the absence of a strong central authority, violence has taken over. The insurgency of Boko Haram, with its daily killings, kidnappings, and other atrocities, have become a daily routine. When corruption thrives unchecked among leaders, there is little to prevent them from acting solely in their own interest. "There is a cruel moral vacuum reigning unacknowledged but very effectively in the land and affecting governance in more ways than one. The destruction of the moral basis equally led to the destruction of norms- the principles that guide the 'do's and the don'ts'(Law)."<sup>3</sup> This work seeks to explore the relevance of natural law, particularly in light of St. Thomas Aquinas' metaphysical framework, as a way to understand and potentially restore order in a disordered society.

## **1.2 Statement of the Problem**

This research explores the fundamental question of what constitutes the "*Grundnorm*" in a society, essentially examining the basis of law. The issue is characterized by a dichotomy between two philosophical schools: legal positivism and natural law theory. Proponents of legal positivism argue that the efficacy of their framework lies in the enforcement and compliance ensured by agents such as law enforcement officials, military personnel, and security officers. These agents act as watchdogs, guaranteeing adherence to laws grounded in social facts and human institutions.

Legal positivists argue that natural law theory lacks explicit enforcement mechanisms, relying on external authorities to ensure compliance. However, this criticism overlooks

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<sup>3</sup> Ukagba G. Op. Cit., pp. 163-175.

the profound role of conscience as an internalized enforcement agent. As St. Thomas Aquinas astutely observed, conscience serves as the ultimate habitat of moral rectitude, guiding individuals towards virtuous actions and away from malicious deeds. The principle "good must be done and evil avoided"<sup>4</sup> underscores the importance of moral conscience.

In contrast, legal positivists emphasize external enforcement agents, but this approach has limitations. The complexities of human nature and the nuances of moral dilemmas often render external enforcement inadequate. For instance, laws prohibiting murder are not always effective, as some individuals still commit homicide, and not all perpetrators can be apprehended. This limitation highlights a lacuna between legal positivism and natural law theory.

This research aims to bridge this gap by adopting the metaphysical approach of St. Thomas Aquinas and his conception of natural law. By exploring the intersection of moral conscience, human nature, and the law, this study seeks to fill the lacuna between school of thought

### **1.3 Purpose of the Study**

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<sup>4</sup> Krapiec, M. A. (1985). *I-MAN: An outline of philosophical anthropology* (Abridged version). Connecticut: Mariel Publications.

This study aims to investigate the significance of law in society and explore the enduring relevance of Saint Thomas Aquinas' natural law theory, despite criticisms from legal positivism. By examining the intersection of law, morality, and society, this research seeks to provide a nuanced understanding of natural law and its implications for modern society. This research also aims to contribute to ongoing debates about the nature of law, morality, and their relationship to society. By reevaluating the relevance of natural law, this study seeks to inform discussions about the role of natural law in promoting justice, human rights, and the common good.

#### **1.4 Significance of the Study**

This study will provide an insight into the diverse ideas propounded by philosophers on natural law, exploring the historical context and philosophical debates surrounding Aquinas' interpretation of the relationship between faith and reason. By examining these concepts, this study will contribute to the ongoing discussion around natural law, offering students of philosophy and interested individuals a deeper understanding of the subject matter.

#### **1.5 Scope of the Study**

This study focuses on the conception of Natural Law Theory as espoused by Saint Thomas Aquinas, with particular emphasis on his metaphysical foundation. The scope of this research is limited to an examination of Aquinas' philosophical ideas on Natural Law

Theory, as well as comparative analyses with other philosophers who share similar perspectives.

## **1.6 Methodology of the Study**

Methodology is a systematic and scientific way of carrying out a research. This study employs a dual methodological approach, combining both hermeneutic and critical methods. The hermeneutic method seeks to interpret the metaphysics of Thomas Aquinas, providing a deeper understanding of the philosophical foundations of Natural Law Theory, while the critical method will be applied to scrutinize and analyze the underlying assumptions, beliefs, and values that inform Aquinas' Natural Law Theory. This critical examination will facilitate a nuanced understanding of the theory's strengths and limitations.

## **1.7 Clarification of Terms**

In this Project, it is important we define our key terms. In the course of this project, we shall define some terms, these terms include:

### **a. Aquinas' Philosophy**

Aquinas, an Italian philosopher-theologian, the most influential thinker of the medieval period. Aquinas clearly distinguishes between strictly philosophical investigation and theological investigation. "If philosophy is based on the light of natural reason, theology (*sacra doctrina*) presupposes faith in divine revelation. While the natural light of reason is insufficient to discover things that can be made known to human beings only through

revelation, e.g., belief in the Trinity. Thomas holds that it is impossible for those things revealed to us by God through faith to be opposed to those we can discover by using human reason"<sup>5</sup>

For Aquinas, the highest part of philosophy is metaphysics, the science of being as being<sup>6</sup>. He wrote on the existence of God and the five (5) ways. In his philosophy he tried to reconcile faith and reason. "Faith is an infused virtue by reason of which we accept on God's authority what He has revealed to us." To believe is an act of intellect that asserts to divine truth as a result of a command on the part of the will, a will that itself is moved by God through grace<sup>7</sup>. Aquinas was indeed a great medieval philosopher, building upon Aristotle's ideas and contributing greatly to the world of philosophy at large.

## **b. Natural Law**

Natural law, also called law of nature, in moral and political philosophy, an objective norm or set of objective norms governing human behavior, similar to the positive laws of a human ruler, but binding on all people alike and usually understood as involving a super human legislator.

Ancient Greek and Roman thought, particularly Stoicism, introduced ideas of eternal laws directing the action of all rational beings and built into the very structure of the

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<sup>5</sup> Audi, R. (2011). *The Cambridge Dictionary of Philosophy* (United Kingdom: Cambridge University Press) p. 31

<sup>6</sup> *Ibid.*, pp.31-32.

<sup>7</sup> Audi, R. *Op Cit.*, p. 34.

universe. Roman lawyers developed a doctrine of a law that all civilized peoples would recognize, and made some efforts to explain it in terms of a natural law common to animals and humans. The most influential forms of natural law theory, however, arose from the later efforts to use Stoic and legal language to work out a Christian theory of morality and politics. The aim was to show that the principles of morals could be known by reason alone without revelation so that the whole human race could know how to live properly. The law of nature applies, on this understanding, only to rational beings, who can obey or disobey it deliberately and freely. It is this different in kind from the laws God laid down for the inanimate and irrational parts of creation. Natural law theorists often saw continuities and analogies between natural laws for human and those for the rest of creation but did not confuse them<sup>8</sup>.

### **c. Positive Law**

This term is also known as legal positivism; a theory about the nature of law, commonly thought to be characterized by two major tenants: (1) that there is no necessary connection between law and morality; and (2) that legal validity is determined ultimately by reference to certain basic social facts, e.g., the command of the sovereign (John Austin), the Grundnorm (Hans Kelsen) or the rule of recognition (H.L.A. Hart). These different descriptions of the basic law-determining facts lead to different claims about the normative character of law, with classical positivists (e.g., John Austin) insisting that law

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<sup>8</sup> Ibid., p. 520.

is essentially coercive and modern positivists (e.g., Hans Kelsen) maintaining that it is normative. The traditional opponent of the legal positivist is the natural law theorist who holds that no sharp distinction can be drawn between law and morality just challenging positivism's first tenant. Whether that tenant follows from positivism's second tenant is a question of current interest and leads inevitably to the classical question of political theory: Under what conditions might legal obligations, even if determined by social facts, create genuine political obligations (e.g., the obligation to obey the law).<sup>9</sup>

#### **d. Morality**

A practical cognition connected with realization of good in human rational activity. Morality as the realization of good (and in the negative sense of the word- the doing of evil) concerns every human act and is thereby of particular interest in the domain of the social order of the society. According to Krapiec, "Morality is the relation of concordance of our conduct with the norm of this conduct"<sup>10</sup>.

#### **e. Law**

"A custom or practice recognized as binding by a community, especially as a result of having been so decreed by the governing authority. The whole body of such customs or practices"<sup>11</sup>. According to Aquinas, "Law is the ordinance of reason for the common good,

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<sup>9</sup> Ibid., p. 590.

<sup>10</sup> Ukagba Op. Cit., pp. 163-175.

<sup>11</sup> Bolander, D. O. et al, (1993, The New Webster's Dictionary of English Language (New York: Lexicon Publications), p. 560.

promulgated by he who has care of the community. It must be fair, equitable, and must be in line with social justice."

#### **f. Ethics**

A guide to morality. Like philosophy itself, ethics has no univocal definition. It can be defined as the branch of philosophy which deals with the morality of human action; or, as the branch of philosophy which studies the norms of human behavior. It can also be defined as the systematic study of the fundamental principles of the moral law, or as the normative science of human conduct."<sup>12</sup>.

#### **g. Conscience**

"It is that moral faculty of man which tells him subjectively, what is good and evil, and which manifests his moral obligations to him"<sup>13</sup>. Conscience can be right or erroneous, it can also be certain or doubtful<sup>14</sup>.

#### **h. Metaphysics**

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<sup>12</sup> Omoregbe, J. (1993), *Ethics; a Systematic and Historical Study* 3rd Edition (Lagos: Joja Educational Research and Publishers Limited), pp.3-4.

<sup>13</sup> Peschke, C.H. (1979), *Christian Ethics* (Dublin: Goodliffe Neale), p. 147.

<sup>14</sup> *Ibid.*, p. 150.

Etymologically, Metaphysics comes from the Greek expression: Ta meta ta physica (after the physics). Metaphysics can be defined as that branch of Philosophy that studies reality as such i.e in its most comprehensive scope and fundamental principles. It is the science that tries to determine the real nature of things.

Thomas Aquinas defined philosophy as the ultimate explanation of the mystery of being visible and invisible, in the ultimate Being (Casual and Final) which is God... Iroegbu P. (1995), *Metaphysics The Kpim Of Philosophy* (Owerri: International Universities Press Ltd) pp. 21-22. This implies that St. Thomas Aquinas' metaphysics is theistic and imbedded in God.

### **1.8 Literature Review**

The First book reviewed is titled: *The Philosophy of Thomas: Introductory Readings*<sup>15</sup> written by Thomas Aquinas but edited by C. Martin in New York 1989. It's intention is to serve the purpose of an introduction to St. Thomas. Since it's only an introduction, it cannot pretend to achieve the objective that basic writings had in view. Nevertheless, in spite of the special difficulties surrounding the selection of these introductory texts, the work is sufficiently representative in its choices, compact in its argumentation, and broad in its interest to meet the needs of a first approach to St. Thomas.

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<sup>15</sup> Aquinas, T. (1989), *The Philosophy of Thomas Aquinas: Introductory Readings*, (ed.) C. Martin (New York: Routledge), p. 45.

Mieczyslaw A. Krapiec, *I-MAN An Outline of Philosophical Anthropology*<sup>16</sup> (abridged version) by Francis J. Lescoe, and Roger B., Duncan of Wonzinski, Theresa Sandol et al. New Britain, published and distributed by Marie E. Lescoe in 1983 will also serve as a secondary source for this project. Chapter Six of this work was devoted to the analysis of Aquinas moral theory where the notion of Man and his consciousness was well treated.

Furthermore, William F. Lawhead's *Voyage of Discovery*<sup>17</sup> (fourth edition), published by Cengage Learning in 2015, would serve as another secondary source that this study will draw from. In this work, a thorough analysis of St. Thomas Aquinas' thoughts and his conception on natural law, and a vivid picture of the four laws according to him, was postulated. This volume is a valuable resource for students and anyone interested in the history of philosophical thought."

Another text that will prove important to this study is *The History of Philosophy*<sup>18</sup> by D.S. Kakurea et al, published by HarperCollins Publishers, 1993. It is a comprehensive and influential text that has the biography of Aquinas, consists of his biographical data, and all that he had postulated, alongside other medieval philosophers that will be relevant to this study."

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<sup>16</sup> Krapiec, M. A. (1985), *I- MAN: An Outline of Philosophical Anthropology* (abridged version), (Connecticut: Mariel Publications), p. 14.

<sup>17</sup> Lawhead, W. F. (2015), *The Voyage of Discovery*, (USA: Cengage Learning), pp. 34-35.

<sup>18</sup> D.S. Kakurea et al, (1993), *History of philosophy*, (New York: HarperCollins publishers, Inc), p.67.

C. Henry Peschke in his book 'Christian Ethics,'<sup>19</sup> Volume One: A Presentation of General Moral Theology in the Light of Vatican II', published by Good Life Publications in 1979, will also be used as one of the secondary sources. Christian ethics, as presented by C. Henry Peschke, is a comprehensive and systematic study of moral theology within the Christian tradition. The work seeks to provide a practical and theological foundation for understanding moral life in light of faith, reason, and revelation. Peschke approaches ethics not merely as a set of rules but as a framework rooted in the dignity of the human person and the pursuit of the ultimate good, which is union with God. One of the central themes of the book is the integration of human freedom with moral responsibility. Peschke emphasizes that Christian morality is founded upon the natural law, which reflects God's eternal law and is inscribed in human nature. However, this natural moral order is illuminated and perfected by divine revelation. In this sense, Christian ethics harmonizes reason and faith, showing that moral values are not arbitrary but anchored in both human rationality and God's will. The book also explores the role of conscience as the inner voice of moral decision-making. Peschke highlights the importance of forming a well-informed conscience through Scripture, Church teaching, and prayerful reflection. At the same time, he warns against relativism and stresses that conscience must remain aligned with objective moral truth. Furthermore, Peschke addresses key moral issues of contemporary society, such as justice, human rights, sexuality, marriage, family life, and social responsibility. He presents Christian ethical principles as a guide for personal

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<sup>19</sup> Peschke, C.H. Op Cit., p. 21.

conduct and as a framework for building a more humane and just society. His approach is pastoral, aiming not only to clarify moral principles but also to encourage Christians to live out their faith authentically in daily life.

The next book that will be cited is also by Joseph Omoregbe, titled *An Introduction to Philosophical Truth*<sup>20</sup>. Prudent, on page ix, under Natural Law. He talks about natural law and acceptable norms in our community. We can also argue in the light of the natural, generally accepted norm of citing what's right.

Still under review is an article by G.U. Ukagba, "Law, Morality, and Social Order in Africa" *Ogirisi: A New Journal of African Studies*,<sup>21</sup> Volume 2, No.3, 2005. This article projects law and morality as the means to social order. It further emphasized the particular law, which is meant to be Natural law. It further held that the conception of Natural law applies to all mankind, at all times, and in all places where the basis of law and order has emerged. Furthermore, the article presents morality as the realization of the good, which concerns every act, and is thereby of particular interest in the domain of the social order of the society.

Another book under review is titled *Man and Natural Law*<sup>22</sup> by M.A. Krapiec published by Catholic University of Lublin Press, 1993. It is a Polish book, but the author was considerate enough to summarize his book and interpret it in English. It is concerned with

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<sup>20</sup> Omoregbe, J. I. *Op Cit.*, p. 9.

<sup>21</sup> Ukagba, G. U. *Op Cit.*, p

<sup>22</sup> Krapiec, M. A. (1993), *Man and Natural Law* (Lublin: Catholic University of Lublin Press), p. 54.

Natural law and its relationship with Positive law, bringing to light the essence of Natural law and its connection with the rights of man.

P.O. Isambo and M.M. Uzoma, "Morality and the Revival of Natural Law Philosophy," in *Philosophy, Religion, and Social Issues in Nigeria: A Festschrift for Professor (Monsignor) John A. Onimhawa*<sup>23</sup>, Chapter Eleven of this article, emphasis is placed on the universality of Natural law and the need for the revival of natural law for the administration of social justice and maintenance of peace.

Finally, the review takes yet another book titled *A History of Political Theory*<sup>24</sup> by G.H. Sabine, revised by T.L. Thorson (4th edition), published by Oxford and Ibh Publishing Co. Pvt. Ltd. in Chapter Fourteen, it's compactly discussed Saint Thomas and his work on natural law. The book begins with the classical foundations in Greek philosophy, particularly the political thought of Plato and Aristotle, who set the stage for discussions of justice, the ideal state, and the nature of citizenship. It then considers Roman contributions, including Cicero and the legal tradition, which provided concepts of natural law and the universality of human rights. Early Christian thinkers, such as Augustine, introduced theological perspectives that shaped medieval political ideas, especially concerning the relationship between the divine order and political authority. In

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<sup>23</sup> Isambo, P. O. and Uzoma, M. M. (2024), "Morality and the Revival of Natural Law Philosophy," in *Philosophy, Religion, and Social Issues in Nigeria: A Festschrift for Professor (Monsignor) Onimhawa, J. A.* edited by B.O. Igboin (GALDA VERLAG), p. 89.

<sup>24</sup> Sabine, G. H. (1993), edited by T.L. Thorson, (4th edition), *A History of Political Theory*, (Oxford: Ibh Publishing Co. Pvt. Ltd), p. 81.

the medieval period, thinkers like Thomas Aquinas reconciled Aristotelian philosophy with Christian theology, establishing a framework for natural law and the moral basis of government. With the Renaissance and Reformation, political theory began to shift toward humanism, individual conscience, and challenges to centralized ecclesiastical power. The modern era is explored through the works of Machiavelli, Hobbes, Locke, and Rousseau, who debated sovereignty, the social contract, and the foundations of political obligation. These thinkers laid the groundwork for modern liberalism, democracy, and constitutionalism. The Enlightenment, with its emphasis on reason and progress, broadened the scope of political theory, leading to critical reflections on freedom, equality, and the role of government.

## CHAPTER TWO

### ST. THOMAS AQUINAS IN HISTORICITY

#### 2.1 Life and Works

"Saint Thomas of Aquinas (1225 - 7th March 1274) was an Italian Dominican friar, Catholic priest, and Doctor of the Church. He was an immensely influential philosopher, theologian, and jurist in the tradition of scholasticism, within which he is also known as the 'Doctor Angelic us' and the 'Doctor Communis'."<sup>1</sup> The name Aquinas identifies his ancestral origins in the country of Aquino, in the present-day Lazio. He was the foremost classical proponent of Natural theology and the father of Thomism. His influence on Western thought is considerable, and much of modern philosophy developed or opposed his ideas, particularly in the areas of ethics, Natural law, metaphysics, and political theory. Unlike many currents in the Church of the time, Thomas embraced several ideas put forward by Aristotle- whom he called "the Philosopher," and attempted to synthesize Aristotelian philosophy with the principles of Christianity.

The works for which he is best known are the '*Summa Theologiae*' and the '*Summa Contra Gentiles*'. His commentaries on Scripture and on Aristotle form an important part of his body of work. Furthermore, "Saint Thomas is distinguished for his Eucharistic hymns, which form a part of the Church's liturgy. The Catholic Church honors Thomas Aquinas as a saint and regards him as the model teacher for those studying for the priesthood, and indeed the highest expression of both Natural reason and speculative

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<sup>1</sup> Aquinas, T. (1947), *Summa Theologica*, (New York: Benziger Brothers), p. 43.

theology."<sup>2</sup> In modern times, under papal directives, the study of his works was long used as a core of the required program of study for those seeking ordination as priests or deacons, as well as for those in religious formation and for other students of the sacred disciplines (philosophy, Catholic theology, Church history, liturgy, and canon law).<sup>24</sup>

Thomas Aquinas is considered one of the Catholic Church's greatest theologians and philosophers. Pope Benedict XV declared: "This (Dominican) Order... acquired new luster when the Church declared the teaching of Thomas to be her own, and that he was a Doctor honored with special praise by the pontiffs, the master, and patron of Catholic schools.

According to some authors, he was born in the castle of his father, Landulf of Aquino. Though he did not belong to the most powerful branch of the family, Landulf of Aquino was a man of means. As a knight in the service of King Roger II, he held the title of miles. Thomas' mother, Theodora, belonged to the Rossi branch of the Neapolitan Caracciolo family. Landulf's brother, Sinibald, was abbot of the first Benedictine monastery at Monte Cassino, while the rest of the family's sons pursued military careers. The family intended for St. Thomas to follow his uncle into the abbacy; this would have been a normal career path for a young son of southern Italian nobility.

At the age of five, Thomas began his early education at Monte Cassino. However, after the military conflict between Emperor Frederick II and Pope Gregory IX spilled into the

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<sup>2</sup> Ibid., p. 44.

abbey in early 1239, Landulf and Theodora enrolled Thomas at the Studium Generale University, recently established by Frederick in Naples. It was here that Thomas was probably introduced to Aristotle, Averroes, and Maimonides, all of whom would influence his theological philosophy. It was also during his studies in Naples that Thomas came under the influence of John of St. Julian, a Dominican preacher in Naples, who was part of the active effort by the Dominican Order to recruit devoted followers. There his teacher in arithmetic, geometry, astronomy, and music Petrus de Ibernia.<sup>3</sup>

"At the age of nineteen, St. Thomas resolved to join the recently founded Dominican Order. Thomas' change of heart did not please his family. In an attempt to prevent Theodora's interference in Thomas' choice, the Dominicans arranged to move Thomas to Rome, and from Rome, to Paris.<sup>4</sup> However, while on his journey to Rome, per Theodora's instructions, his brothers seized him as he was drinking from the spring and took him back to his parents at the castle of Monte San Giovanni Campano. Thomas was held prisoner for almost a year in the family castle at Monte San Giovanni and Roccasecca in an attempt to prevent him from wearing the Dominican habit and to push him into renouncing his new aspiration. Political concerns prevented the Pope from ordering Thomas' release, which had the effect of extending Thomas' state of detention.

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<sup>3</sup> Hospers, J. (1957), *An Introduction to Philosophical Analysis*, (London: Clay Ltd), p. 226

<sup>4</sup> *Ibid.*, p. 239.

Thomas passed this time of trial tutoring his sister and communicating with members of the Dominican Order. Family members became desperate to dissuade Thomas, who remained determined to join the Dominicans. At this point, one of his brothers resorted to hiring a prostitute to seduce him. According to legend, Thomas drove her away wielding a fire iron, and that night, two angels appeared to him as he slept and strengthened his determination to remain celibate.<sup>5</sup>

By 1244, seeing that all attempts to dissuade Thomas had failed, Theodora sought to save the family's dignity by arranging for Thomas to escape at night through a window. In her mind, a secret escape from detention was less damaging than an open surrender to the Dominicans. Thomas was sent first to Naples and then to Rome to meet Johannes von Wildeshausen, the Master General of the Dominican Order. In 1245, Thomas was sent to study in the Faculty of Arts at the University of Paris, where he most likely met the Dominican scholar Albertus Magnus, who then held the chair of theology at the College of Saint James in Paris. When Albertus was sent by his superiors to teach at the studium generale in Cologne in 1248, Thomas followed him, declining Pope Innocent IV's offer to appoint him abbot of Monte Cassino as a Dominican.

"Albertus then appointed the reluctant Thomas as Magister Studentium. Thomas taught in Cologne as an apprentice professor (*baccalaurus biblicus*), instructing students on the books of the Old Testament and writing an *Expositio super Isaiam ad litteram* (Literal

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<sup>5</sup> Ayer, A. J. (1954), *Freedom and Necessity In Physical Essay*, (London: Macmillan), p.26

Commentary on Isaiah), *Postilla super Jeremiam* (Commentary on Jeremiah) and *Postilla super Tarenia* (Commentary on Lamentations).<sup>6</sup> Then in 1252, he returned to Paris to study for his master's degree in theology. He lectured on the Bible as an apprentice Professor and upon becoming a *Baccalaureus Sententiarum* (Bachelor of the Sentences) devoted his final three years of study to commenting on Peter Lombard's *Sentences*. In the first of his four theological syntheses, Thomas composed a massive commentary on the *Sentences*, entitled *Scriptum super Libros Sententiarum* (Commentary on Sentences).<sup>7</sup> Aside from his Masters Writings, he wrote the short treatise *De Ente et Essentia* (On Being and Essence) for his fellow Dominicans in Paris. On December 6, 1273, Thomas experienced an unusual and lengthy ecstatic episode while celebrating Mass. Because of what he saw, he abandoned his routine and refused to dictate to his socius, Reginald of Piperno. When Reginald pressed him to get back to work, Thomas replied, "Reginald, I cannot, because all that I have written seems to me like straw compared to what I have seen" (*Mihi videtur et palea*).<sup>8</sup> As a result, the *Summa Theologica* would remain uncompleted.

In 1274, the Great Schism had occurred between the Latin Church, following the Pope in the West, and the Patriarchate of Constantinople in the East. Looking to find a way to

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<sup>6</sup> Norman, R. (1983), *The Moral Philosophers: An Introduction to Ethics*, (Oxford: Clarendon Press), p. 77.

<sup>7</sup> Brown, A. C (2014), *Misquoting Muhammed; The Challenge and Choices of Interpreting the Prophet's Legacy*. (London: One world Publishing) p. 12.

<sup>8</sup> Pegis, A. C. (1945), *The Basic Writing of St. Thomas Aquinas*, (London: Burns and Oats), pp.19-20.

reunite the Eastern Orthodox Church and the Catholic Church, Pope Gregory X convoked the Second Council of Lyon, to be held on May 1, 1274, and summoned Thomas to attend. On his way to the council, riding on a donkey along the Appian Way, Thomas struck his head on the branch of a fallen tree and became seriously ill. He was quickly escorted to Monte Cassino to convalesce. After resting for a while, he set out again but stopped at the Fossanova Abbey, where he fell ill once more. The monks nursed him for several days, and as he received his last rites, he prayed, "I have studied, kept vigil, taught, preached, and loved."<sup>9</sup> He died on March 7, 1274, while giving his commentary on the Song of Songs.

## **2.2 Influences on His Life and Works**

St. Thomas Aquinas lived at a critical juncture of Western culture, when the revival of Aristotelian corpus in Latin translation re-opened the question between faith and reason, calling into question the *modus vivendi* that had been obtained for centuries. Many contemporary philosophers are unsure how to read Thomas. He was in his primary and official profession, a theologian. Nonetheless, we find among his writings that anyone would recognize as philosophical, including a dozen commentaries on Aristotle, which increasingly enjoy the respect and interest of Aristotelian scholars. Even within theological works as such there are extended discussions that are easily read as possessing a philosophical character. Therefore, his best-known work, the *Summa*

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<sup>9</sup> B Mullady, *The Angelic Doctor-Thomas Aquinas* (archived from original, 2008).

Theologiae, is often cited by philosophers when Thomas' position on a particular issue is sought.

After completing his education, St. Thomas Aquinas devoted himself to a life of traveling, writing, teaching, public speaking, and preaching. Religious institutions and universities alike yearned to benefit from the wisdom of "The Christian Apostle".<sup>10</sup> At the forefront of medieval thought was a struggle between theology (faith) and philosophy (reason). People were at odds as to how to unite the knowledge obtained through revelation with the information observed naturally using their minds and senses. Based on the Averroes' "theory of the double truth", the two types of knowledge were seen as being in direct opposition to each other. St. Thomas Aquinas' revolutionary view rejected this theory, asserting that both kinds of knowledge come from God and are therefore compatible. Not only are they compatible, according to Thomas, but they can work in collaboration.

He believed that revelation could guide reason and prevent it from making mistakes, while reason could clarify and demystify faith. St. Thomas Aquinas' work goes on to discuss the role of faith and reason in perceiving and proving the existence of God.<sup>11</sup> Combining traditional principles of theology with modern philosophical thought St. Thomas Aquinas' treatises touched upon the questions and struggles of medieval intellectuals, church authorities, and everyday people alike. Perhaps this is precisely what marked them as unrivaled in their philosophical influence at the time, and explains why

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<sup>10</sup> Dworkin, G. (1970), *Determinism: Freewill and Moral Responsibility*, (Englewood: N.J. Prentice Hall Inc), p.1

<sup>11</sup> Stace, W. T. (1952), *Religion and the Modern Mind*, (New York: J.B. Lippincott Company) p.108.

they would continue to serve as a building block for contemporary thought, garnering responses from theologians, philosophers, critics, and believers thereafter. Thomas Aquinas' major philosophical and theological influences include Aristotle, Socrates, Avicenna, Averroes, Al-Ghazali, Augustine of Hippo, Boethius, John of Damascus, Paul the Apostle, Dionysius the Areopagite, Albertus Magnus, Maimonides, Anselm, Plato, Cicero, and Eriugen. All these philosophers and theologians, in one way or another, influenced Thomas Aquinas' philosophical and theological thoughts.

For Thomas, theological discourse begins with what God has revealed about Himself and His actions in creating and redeeming the world. The world is understood in that light. Philosophical discourse on the other hand, begins with knowledge of the world, but even given the distinction between the two, St. Aquinas suggests that there are elements of what God has revealed that are, formally speaking, philosophical and subject to philosophical discussion.

### **2.3 General Notion of His Philosophy**

St. Thomas Aquinas is often regarded as those who know just a little about the history of his philosophy (a group that includes many professional and Anglophone philosophers), as the medieval philosopher. He is also frequently seen as the quasi-official philosopher of the Catholic Church. Both this unique prominence, and his official doctrinal status, reflect post- medieval developments, which distort the history of medieval philosophy if it is allowed to be shaped by them.

Certainly, Aquinas was regarded as a major figure in his lifetime and immediately afterwards, but he was a controversial one, some of whose teachings were explicitly or implicitly commended. By and large, the Dominicans defended him and made him the basis of their teaching, whereas the Franciscans were much more skeptical. Although his canonization in 1323 gave him a special status, his thought was, by this time, entirely outmoded. In the fifteenth-century universities, the Thomist were just one among a variety of schools that included followers of Albert, Scotus, Ockham, and Buridan. But at the beginning of the sixteenth century, the *Summa Theologiae* at last began to be used as a substitute for the *Sentences* as a theology student's principal textbook. Aquinas's thought was strongly favored by the Counter-Reformation instituted by the Council of Trent (1545-1563), which sought to re-establish and re-assert Catholic doctrine against the growing power of Protestantism; these efforts were spearheaded by the newly founded order of Jesuits, whose founder, Ignatius Loyola, ordered them to study Aristotle and Aquinas. The Iberian scholastics of the 15th to 17th century often turned to Aquinas's ideas, although they were also deeply influenced by Scotus and other more recent thinkers. It was only in the 19th century, however, that Aquinas was given a position that set him apart from other medieval philosophers and made him almost the official Catholic thinker.

Writers such as the Jesuit Joseph Kleutgen (1811-1883) advocated a neo-scholasticism, which went back to Aristotle and Aquinas as a way of combating philosophically the trends in contemporary thought hostile to Catholicism. The movement was supported

strongly by Pope Leo XIII, whose encyclical *Aeterni Patris* (1879) argued the need for Catholics to cultivate philosophy and urged them to base themselves on scholastic philosophy. Aquinas is singled out as the chief of all the scholastics, towering over them and collecting the scattered parts of the body of knowledge into a whole. Philosophy then, is seen as a fixed corpus completely in harmony with Christian doctrine, which is best found in the works of Aquinas.

Although much of the early writing on the history of medieval philosophy had come from a different perspective (such as that of scholarly and free-thinking French authors like Victor Cousin and Barthélemy Hauréau), neo-scholasticism and *Aeterni Patris* gave a new direction and energy to the subject, especially in the work of scholars such as Maurice de Wulf in the first part of the 20th century. The tendency to treat Aquinas as the summit and norm of medieval philosophy is found, a little more subtly, in the much-read and still valuable books of Fernand Van Steenberghen and, from his own, unusual point of view, in the writings of Étienne Gilson.<sup>12</sup>

## **2.4 General Notion of Natural Law**

### **What is Natural Law?**

The natural law theory supposes that "there is a law (or set of principles) of nature according to the tenets and principles of which all things including man himself, ought to

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<sup>12</sup> Marenbon, J. (1987), *Medieval Philosophy: An Historical and Philosophical Introduction* (London; Routledge Taylor & Francis Group) pp. 243-246

behave."<sup>13</sup> This definition presupposes that natural law does not apply to man alone, but to every other thing in nature. Due to this application, Omoregbe holds that "the term (natural law) has both a prescriptive and a descriptive meaning."<sup>14</sup> He made a distinction of the prescriptive and descriptive meanings, thus; In its prescriptive meaning, the law of nature is a universal precept or command intended by nature to regulate human behavior. It is the universal law which enjoins all human beings to do good and refrain from evil... and it applies only to human beings. The other meaning of the term (descriptive)... is simply a formulation of the regularity with which certain things happen uniformly all over the world under certain conditions.<sup>15</sup>

My concern with Natural law, therefore, is in its prescriptive sense, that is, as a universal natural precept intended by nature to regulate the behavior of human beings, enjoining them to do good and refrain from evil. The choice to do good and refrain from evil is as a result of the rational ability of man. Man makes use of his reason when making such decisions that invariably determine his conduct. According to a Dictionary of Philosophy, Natural law is; "The set of obligations, principles, (laws, maxims, duties, codes, and commands etc.) binding upon one's conduct, which are obtained by reason from an

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<sup>13</sup> Finnis, J. D. (1979), Introduction to Legal Theory, (London: Sweet and Maxwell), p.29.

<sup>14</sup> Omoregbe, J. (1994), An Introduction to Philosophical Jurisprudence, (Lagos: Joja Educational Research and Publishers Ltd), p.xi

<sup>15</sup> Ibid; p.xi

examination of the universe (nature) in contrast to those obtained by revelation, intuition, innate moral conscience, authority, feeling, or inclination."<sup>16</sup>

It is in respect of the ability of man to reason that St. Thomas Aquinas says that "law has to do primarily with reasons."<sup>17</sup> St. Thomas defines Natural law as "an ordinance of reason for the common good, promulgated by him who has care of the community."<sup>18</sup> The promulgation of laws for the common good of the community implies restrictions to acts that will go contrary to the common good of the community. But what is important is that such laws must be born of reason. Therefore, Aquinas defines natural law as "a rule and measure of acts,...

Now, the rule and measure of human acts is the reason, which is the first principle of human acts, for it belongs to reason to direct to the end, which is the first principle in all matters of action."<sup>19</sup>

Hugo Grotius, the Dutch jurist, in his influential work titled "The Law of Peace and the Law of War and Peace", defines natural law as follows: "Natural law is the dictate of right reason, indicating that any act, from its agreement or disagreement with the rational nature, has in it a moral necessity or moral turpitude, and consequently, that such act is

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<sup>16</sup> Angeles, P. A. (1981), Dictionary of Philosophy, (New York: Harper and Row Publishers), p. 150.

<sup>17</sup> Stumpf, S. E (1993), Elements of Philosophy: An Introduction, 3rd Edition, (New York: McGraw Hill Inc), p. 174

<sup>18</sup> Gonselves, M. A. (1985), Ethics in Theory and Practice, (Columbus: Charles E. Merrill Pub. Co), p. 133.

<sup>19</sup> Stumpf, S. E., Op. Cit: p.178

commanded or forbidden by God, the author of nature."<sup>20</sup> Grotius held that natural law was universal, unchangeable, and supreme. He wrote: "The law of nature is so immutable that it cannot be changed by God himself. For though the power of God be immense, there are some things to which it does not extend. So, God himself allows himself to be judged by these rules."<sup>21</sup>

Aristotle sought the source of human law in the law of nature, which is reason. In fact to go against this law, it is not only that one will be said to be lawless -- a beast-- It also unjust:

Since the lawless man was seen to be unjust and the law-abiding man just, evidently all lawful acts are in a sense just acts; for the acts laid down by the legislative art are lawful, and each of these, we say, is just. Now the laws in their enactments on all subjects aim at the **common advantage** either of all or the best or of those who hold power, or something of the sort; so that in one sense we call those acts just that tend to produce and preserve **happiness** and its components for the political society.<sup>22</sup>

According to Aristotle, "the primary aim of enacting law is to secure the common advantage of all; a law-abiding citizen is just since lawful acts are in a sense just acts."<sup>23</sup>

Furthermore, Aristotle maintained that a ruler ought to possess the virtue of justice, since it is that virtue thought to be another's good. One who gives his/her neighbour their due is

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<sup>20</sup> Coker, F. W. (1938), Readings in Political Philosophy, (New York: The Macmillan Company) p.131

<sup>21</sup> Ibid: p. 412.

<sup>22</sup> Njoku, F. O. C. (2002), In Politics and Law, (Owerri: Claretian Press), p. 54

<sup>23</sup> Ibid, p. 54.

acting justly, and "the worst man is he who exercises his wickedness both towards himself and towards his friends, and the best man is not he who exercises his virtue towards himself but he who exercises it towards another."<sup>24</sup> The appeal to justice in relation to legislative activity and state by Aristotle is part of his teleological presentation of substances be they plants or animals. Nature, he insists, follows an order to realise its purpose; thus, associations in nature have ends consequent on their natures. For example, the state, as an association of free citizens, has a mode of realising its operations, The state needs charisma (vision state needs and skill), a virtue -- a social way of acting and co-ordinating the affairs of a being who is living with others in a common or political society. Such a virtue is a justice. With justice as its life-blood, the law operates. When something deviates from the order of nature, it becomes at once lawless and unjust. Law in society is an indication that there are right ways of doing things and that cases that deviate from the standard could be judged accordingly. Law commands some acts and forbids others, according to the teleological dictates of substances for such acts follow their appropriate functions.

For Finnis, he defended the view that natural law, as exposed by Aristotle and Aquinas, essentially refers to what conforms to reason. According to him, "Human beings have ends and aims and reasonableness is an aspect or a requirement in striving for these ends."<sup>25</sup> In this way, what is reasonable accords with human nature Finnis further

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<sup>24</sup> Njoku, F. O. C. Op Cit., p. 55.

<sup>25</sup> Ibid., p. 55.

highlights seven basic human goods which are not arrived at through the exercise of reason on facts but are self-evident to anyone of the age of reason. These values include life, knowledge, play, aesthetics experience, sociability (friendship), practical reasonableness and religion.

The strongest form of the overlap thesis underlies the classical naturalism of Saint Thomas, Aquinas and William Blackstone. As Blackstone describes the thesis, this law of nature being coeval with mankind and dictated by God himself is of superior in obligation to any other. It is binding over all the globe in all countries and at all times. No human laws are of any validity if contrary to the law of nature and such of them as are valid, derive all their force and all their authority immediately from this original which is natural law.

"Natural law, also called law of nature in moral and political philosophy, is an objective norm or set of objective norms governing human behavior, similar to the positive laws of a human ruler but binding on all people alike, and usually understood as deriving from a superhuman legislator."<sup>26</sup> This dictionary advises the interchanging of the term natural law for law of nature. It went further, under philosophy of science, it stated that "law of nature is a generalization taken to have "law-like force."<sup>27</sup>

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<sup>26</sup> Audi, R. (2011), *The Cambridge Dictionary of Philosophy*, (United Kingdom: Cambridge University Press), p. 520.

<sup>27</sup> *Ibid.*, p. 613.

These ideas on the law of nature differs and are contradictory. Natural laws are sets of objective norms governing human behavior and right reason. In contrast, law of nature, as distinguished by Professor George Uzoma Ukagba, are consistent patterns or regularities in nature. These laws are considered fundamental and reliable, similar to scientific laws. Examples include physical laws like the law of gravity, law of motion, and law of definite proportion. This highlights a significant distinction between the law of nature and natural law.

In summary, Natural law is "the light of reason inherent in us by nature, through which we perceive what we ought to do and avoid."<sup>28</sup> Hence, Natural law, according to its proponents, is 'the light of reason', 'the dictates of reason', or simply 'right reason'. Reason is the Law.

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<sup>28</sup> Rommen, H. A. (1998), *The Natural Law*, (Indianapolis: The Liberty Fund), p. 160.

## CHAPTER THREE

### ST. THOMAS AQUINAS CONCEPTION OF NATURAL LAW

#### 3.1 Aquinas' Notion of Law

Thomas Aquinas' theory of law is one of the most enduring contributions to both theological and legal philosophy. Rooted in his synthesis of Christian doctrine and Aristotelian thought, Aquinas conceives law not merely as a tool for governance but as a rational guide directing human beings toward their ultimate end, eternal happiness with God. In *Summa Theologica*, Aquinas defines law as “a rule and measure of acts, whereby man is induced to act or is restrained from acting”<sup>1</sup>. This understanding shows that for law to be valid and effective, it must be rooted in reason, rather than in arbitrary will or force. He insists that law must be rational, ordered to the common good, issued by a legitimate authority, and promulgated so that it can be known and followed<sup>2</sup>.

Aquinas divides law into four distinct but interrelated categories: eternal law, natural law, human law, and divine law. Eternal law is the rational governance of the universe by God. It is the divine wisdom that orders all things towards their proper end. Every creature is subject to this eternal law, though not all perceive it consciously. Rational beings, however, can participate in this law through natural law, which is the second type Aquinas identifies. Natural law is essentially the human understanding and application of eternal law. It is written in the hearts of humans and is discernible through reason.

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<sup>1</sup> Aquinas, T. (1947), *Summa Theologica*. Translated by the Fathers of the English Dominican Province. (New York: Benziger Bros.), p. 134.

<sup>2</sup> *Ibid.* p. 91

Aquinas explains, “the natural law is nothing else than the rational creature’s participation in the eternal law”<sup>3</sup>. Natural law includes moral principles such as the preservation of life, the education of offspring, and the pursuit of truth and peaceful social life.

The third category, human law, refers to the specific statutes and regulations enacted by human authorities to ensure order and justice in society. Human law is necessary because natural law offers only general principles; human law gives concrete applications suited to particular societies. However, Aquinas insists that human laws must be derived from natural law to be valid. Laws that contradict natural law are considered unjust and do not have the moral force of true law. He boldly asserts that "a law that is not just, seems to be no law at all"<sup>4</sup>. This idea became foundational for later conceptions of civil disobedience and human rights, as it provides a criterion for judging the legitimacy of laws. The fourth type, divine law, refers to the revealed commandments of God found in Scripture. Aquinas argues that "divine law is necessary for three main reasons: first, human reason can err and is limited; second, divine law directs us to our supernatural end which natural law cannot fully address; and third, divine law provides guidance on internal acts and intentions, which human laws cannot govern"<sup>5</sup>. For Aquinas, divine law is indispensable

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<sup>3</sup> Op Cit., p. 101.

<sup>4</sup> McInerny, R. (1997), *Ethica Thomistica: The Moral Philosophy of Thomas Aquinas*, (New York: Catholic University of America Press), p. 101.

<sup>5</sup> Aquinas, T. Op Cit., p. 97.

for moral and spiritual perfection. It complements natural law by illuminating truths necessary for salvation, such as the command to love God and neighbour.

Crucially, Aquinas views law as fundamentally teleological, that is, oriented toward an end. The ultimate purpose of all law is to lead human beings toward virtue and, ultimately, toward God. Law is not just a mechanism for maintaining order but a moral teacher. "The proper effect of law is to lead its subjects to their proper virtue,"<sup>6</sup> Aquinas declares. Therefore, the law has an educative function; it forms citizens' characters and helps them become virtuous. This stands in contrast to legal positivism, which separates law from morality. Aquinas' view affirms that morality is central to legal legitimacy and governance. Aquinas emphasizes that the common good is the goal of law. The law must not serve private interests or the will of a tyrant, but the flourishing of the entire community. The common good includes not only material well-being but also moral and spiritual goods. In this sense, Aquinas' legal philosophy is inherently ethical and communal. Law, for him, is not about suppressing freedom but about guiding it toward truth and fulfillment. Aquinas' notion of law, therefore, offers a rich and integrative view that links metaphysical, moral, and political dimensions. It establishes a hierarchical framework of legal authority from God's eternal reason to human legislation, and it insists that law must be grounded in moral order. "This framework influenced the development of Western legal and political thought, including ideas of natural rights, constitutional limits on power, and the legitimacy of resistance to unjust laws. His work

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<sup>6</sup> Aquinas, T. Op Cit., p. 119.

continues to be a central pillar in Catholic moral theology and in contemporary natural law theory, as represented by scholars such as John Finnis and Ralph McInerny."<sup>7</sup>

### **3.2 Aquinas' Concept of Natural Law**

Thomas Aquinas' concept of natural law is central to his moral and legal philosophy, serving as the bridge between divine eternal law and human legislation. Grounded in his Christian theology and Aristotelian metaphysics, Aquinas defines natural law as "nothing else than the rational creature's participation in the eternal law"<sup>8</sup>. Eternal law, being the divine wisdom by which God governs all creation, is inaccessible to human beings in its fullness. However, rational creatures, namely humans can apprehend a portion of this eternal law through their capacity for reason. This apprehended portion is what Aquinas calls natural law. In essence, it represents the moral order that is embedded in the nature of human beings and discernible by reason.

Natural law, for Aquinas, consists of self-evident principles that guide human action toward their proper end. These principles are derived from human nature and are universally binding. The most fundamental precept of natural law, according to Aquinas, is that "good is to be done and pursued, and evil is to be avoided"<sup>9</sup>. From this general precept, more specific moral rules can be derived, such as the obligations to preserve life, reproduce, educate offspring, live in society, and seek truth. These inclinations are present

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<sup>7</sup> Aquinas, T. (1989), *The Philosophy of Thomas Aquinas: Introductory Readings*, (ed.) C. Martin (New York: Routledge), p. 99.

<sup>8</sup> *Ibid.*, p. 103.

<sup>9</sup> Krapiec, M.A. (1993), *Man and Natural Law* (Lublin: Catholic University of Lublin Press), p. 101.

in all human beings by virtue of their nature and thus form the basis of a moral code that is universal and immutable. Aquinas explains that the natural law is the same for all human beings and is unchangeable in its primary principles. These principles are accessible to reason and do not require special revelation. This universality and immutability are what make the natural law binding regardless of time, place, or culture. While secondary precepts may be obscured or corrupted due to ignorance, passion, or bad customs, the primary precepts remain evident to all rational beings. For instance, even though some societies may engage in practices that seem to contradict natural law, such as slavery or unjust war, the basic knowledge that murder, theft, and dishonesty are wrong persists across cultures.

Aquinas also distinguishes natural law from divine and human law. While natural law is accessible through human reason, divine law is revealed by God and directs humans to their supernatural end, eternal salvation. Natural law, in contrast, pertains to the temporal and rational ordering of human life. Human law, which consists of the laws enacted by governments and societies, should be based on the principles of natural law. If a human law contradicts natural law, Aquinas argues that it is not a true law but a "perversion of law"<sup>10</sup>. This claim underlies his belief that legal systems must be grounded in moral reason, and it provides a basis for evaluating and challenging unjust laws.

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<sup>10</sup> Kretzmann, N. (1988), "Lex Iniusta Non Est Lex: Laws on Trial in Aquinas' Court of Conscience." American Journal of Jurisprudence, vol. 33, pp. 99–122.

Aquinas sees natural law as dynamic in its application but not in its essence. The application of natural law may vary depending on circumstances, but the fundamental principles remain unchanged. For instance, the obligation to preserve life may take different forms in different societies, yet the principle itself remains universal. Aquinas also acknowledges that human beings can fail to apply natural law correctly due to a corrupted will or defective reasoning. Hence, the role of education, virtuous upbringing, and divine grace is essential in helping individuals understand and act according to natural law. Aquinas' natural law theory is both teleological and deontological. It is teleological in that it is directed toward a specific end, human flourishing and happiness, both temporal and eternal. It is also deontological because it imposes duties and obligations that are grounded in reason and the structure of human nature. In Aquinas' moral universe, the natural law is the rational path to living a virtuous life and ultimately attaining union with God.

### **3.3 Arguments in Support of Natural Law**

The theory of natural law has been supported by various arguments throughout the history of philosophy, law, and theology. Advocates of natural law, especially in the tradition of Thomas Aquinas, argue that moral norms are not arbitrary or culturally relative but are grounded in human nature and discernible through reason. These arguments affirm the objectivity, universality, and rationality of moral principles. They also defend the idea that law must be evaluated not only in terms of legality but also in terms of morality.

One major argument in support of natural law is the rational nature of human beings.

Natural law theorists, particularly Aquinas, assert that:

because humans are rational creatures, they are capable of discerning moral truths through reason. Human beings have an innate ability to understand what is good and what is evil based on their natural inclinations, such as the preservation of life, procreation, education of offspring, and the pursuit of truth.<sup>11</sup>

These inclinations point to self-evident moral principles that can be universally known, and thus form the foundation of natural law. This argument supports the claim that moral knowledge is not dependent on social conventions or religious revelations alone, but on rational understanding accessible to all. Another argument lies in the universality and immutability of moral principles. Natural law is said to be applicable to all people at all times, regardless of culture, religion, or political system. Its universality stems from the fact that all human beings share the same nature and are oriented toward similar basic goods. For instance, the wrongness of murder or theft is universally recognized, even if societies differ in how they punish such crimes. Aquinas emphasizes that the primary precepts of natural law cannot be erased from the human heart, even if their application may sometimes be clouded by ignorance or passion. This argument supports natural law as a stable and reliable moral compass amid social change or legal corruption.

A third argument in support of natural law is the moral evaluation of positive (human) laws. Natural law provides a standard by which the justice or injustice of human laws can

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<sup>11</sup> Aquinas, T. *Op Cit.*, p. 125.

be assessed. If a human law contradicts the natural law, it loses its moral authority and can be legitimately resisted. Aquinas famously argues that "a law that is unjust is not a law, but a perversion of law"<sup>12</sup>. This principle has historically been used to justify resistance to tyranny, slavery, racial segregation, and other forms of institutionalized injustice. It underscores that legality does not equate to morality, and that genuine law must be rooted in the moral order established by natural reason.

Natural law theory is supported by the argument that it grounds human rights and dignity. Since natural law is based on the nature of the human person, it affirms the inherent worth of every individual. Rights such as life, liberty, and the pursuit of truth are derived from the natural inclinations and purposes of human beings. Modern natural law theorists such as John Finnis have argued that respect for these rights is essential to any just legal system<sup>13</sup>. This makes natural law a powerful ally in the struggle for social justice, human dignity, and the common good. Another compelling argument is the coherence and teleology of nature. Supporters of natural law argue that the universe and human nature exhibit an ordered structure directed toward specific ends or purposes (telos). According to this view, things in nature are not random but have intrinsic purposes, for example, the eye is for seeing, and reason is for understanding truth. Human morality, in this framework, involves acting in accordance with these natural purposes. When individuals act contrary to their natural ends, such as using reason to deceive rather than seek truth,

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<sup>12</sup> Murphy, M. C. (2006), *Natural Law in Jurisprudence and Politics*, (Cambridge: Cambridge University Press), p. 56.

<sup>13</sup> Finnis, J. (1998), *Aquinas: Moral, Political, and Legal Theory*, (Oxford: Oxford University Press), p. 78.

they violate natural law. Thus, natural law is seen as a moral code written into the very fabric of creation.

Another important argument in support of natural law theory is its ability to provide an objective moral foundation in pluralistic societies. In a world of competing cultural values, ideologies, and religious beliefs, natural law offers a common moral ground based on shared human nature and rationality. Since natural law does not depend on any one religious tradition or subjective personal preference, it appeals across boundaries of faith and culture. This universality gives it a unique role in international law, human rights advocacy, and global ethical dialogue. For example, the Universal Declaration of Human Rights, though secular in language, is built on principles that mirror natural law theory such as the right to life, liberty, and the dignity of every person<sup>14</sup>. This demonstrates how natural law provides a stable ethical foundation that transcends legal positivism or relativistic moral systems.

Natural law theory is also supported by its emphasis on the integration of law and morality. Legal positivists often maintain that law and morality are separate spheres, and that laws are valid as long as they are created through proper procedures. However, natural law argues that a law must be moral in order to be just and binding. This moral integration ensures that laws are not only commands backed by coercive force, but are also rooted in justice, equity, and reason. Aquinas insists that an unjust law, one that

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<sup>14</sup> George, R. P. (2001), *In Defense of Natural Law*, (Oxford: Oxford University Press), p. 68.

contradicts natural law, is not a true law but a distortion of the legal order. In this way, natural law theory protects against arbitrary power and tyranny, reminding lawmakers that legal authority must always serve the good of the community and the dignity of the individual. A further argument lies in natural law's orientation toward human flourishing and the common good. Unlike theories that view law merely as a mechanism for social control or conflict resolution, natural law presents a more holistic vision. It asserts that law should guide individuals toward virtue and well-being. Aquinas believed that law has an educative function, it helps cultivate good habits, shape conscience, and foster a just society. By promoting virtues such as justice, temperance, and courage, natural law helps individuals not only to live peacefully but to live excellently. This focus on moral development and social harmony distinguishes natural law from more mechanistic theories of law and underlines its relevance in shaping ethical character.

Natural law is also supported by its consistency with human experience and practical reasoning. People across cultures intuitively recognize certain moral truths for instance, that stealing is wrong, that promises should be kept, or that innocent life should not be taken. These shared intuitions point to an objective moral order that natural law seeks to articulate systematically. Furthermore, natural law relies on practical reasoning rather than abstract theorizing. It is grounded in real human needs, desires, and actions. For instance, Aquinas identifies basic goods—such as life, procreation, knowledge, and

sociability, that humans naturally seek and which laws ought to protect and promote<sup>15</sup>. These goods are not arbitrarily chosen but flow from the structure of human nature itself, making natural law deeply pragmatic and attuned to human reality.

Natural law gains support from its historical and philosophical pedigree. The roots of natural law can be traced back to classical philosophers such as Socrates, Plato, Aristotle, and Cicero, all of whom affirmed that there is a higher law above human statutes. Cicero, for instance, declared that true law is "right reason in agreement with nature" and that it is "unchanging and eternal"<sup>16</sup>. Aquinas later integrated this classical wisdom with Christian theology, creating a robust moral and legal system that has shaped Western civilization for centuries. The natural law tradition has influenced the development of constitutional law, civil liberties, and international human rights, showing its lasting relevance in law and ethics.

Natural law is supported by its integration of reason and faith. Particularly in the Christian tradition, natural law serves as a bridge between secular and religious moral discourse. While it is accessible through reason, it harmonizes with divine revelation. Aquinas, for example, holds that natural law prepares the way for and is completed by divine law, which leads human beings to their supernatural end. This dual grounding gives natural law a wide appeal, it is open to philosophical analysis and religious affirmation alike.

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<sup>15</sup> Finnis, J. (1980), *Natural Law and Natural Rights*, (Oxford: Oxford University Press), p. 109.

<sup>16</sup> Cicero, (1999), *On the Commonwealth and On the Laws*. Edited by James E. G. Zetzel. (Cambridge: Cambridge University Press), p. 150.

Finally, one of the most powerful contemporary arguments for natural law is its capacity to criticize legal injustices and foster reform. Because natural law theory affirms that moral principles are discoverable by reason and stand above human law, it empowers individuals and societies to challenge oppressive systems. Movements against slavery, apartheid, and racial injustice have often drawn on natural law principles to affirm the dignity and rights of marginalized people. Martin Luther King Jr., for example, invoked natural law in his *Letter from Birmingham Jail*, stating, "an unjust law is no law at all,"<sup>17</sup> echoing Aquinas' view. Thus, natural law remains a powerful moral weapon against legal injustice and remains deeply relevant in ethical and political resistance.

### **3.4 Aquinas' Natural Law in the Context of Other Theories of Law**

Thomas Aquinas' natural law theory occupies a central place in the history of legal and moral philosophy. It presents a vision of law that is inherently moral, rational, and ordered toward the common good. However, to fully grasp its significance and implications, it is essential to examine Aquinas' natural law in the context of other prevailing legal theories, particularly legal positivism, divine law, and common law. Each of these theories offers a different foundation and justification for legal authority, and comparing them helps clarify the unique contributions and limitations of Aquinas' natural law theory.

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<sup>17</sup> King, Martin Luther Jr. (1963), *Letter from Birmingham Jail*.

## **1. Natural Law vs. Legal Positivism**

Legal positivism, most notably represented by philosophers such as Jeremy Bentham and H.L.A. Hart, directly contrasts with Aquinas' natural law theory. While Aquinas believes that law must be grounded in morality, specifically, in the rational nature of human beings and the eternal law of God, legal positivists argue that law is a matter of social fact and convention, not morality. According to H.L.A. Hart, “the existence of law is one thing; its merit or demerit is another”<sup>18</sup>. For legal positivists, a law is valid if it has been enacted according to the rules of the legal system, regardless of its moral content.

Aquinas, by contrast, holds that any law that contradicts the moral order discoverable by reason—the natural law—is not a true law but a “perversion of law”. For example, a law that legalizes unjust discrimination or murder may be procedurally valid, but in Aquinas’ framework, it lacks genuine moral and legal authority. Therefore, while legal positivism separates law from morality, Aquinas insists on their inseparability. This difference has profound implications: Aquinas provides a framework for moral critique of unjust laws, while positivism prioritizes legal certainty and procedural validity.

## **2. Natural Law and Divine Law**

Aquinas distinguishes between natural law and divine law, yet he sees them as complementary rather than opposed. Natural law is derived from reason and is accessible to all rational beings. It governs our temporal and social lives by directing human beings

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<sup>18</sup> Hart, H. L. A. (1961), *The Concept of Law*, (Oxford: Oxford University Press), p. 185.

toward their natural end, which is virtuous living and social harmony. Divine law, however, is revealed by God through scripture and is necessary for directing human beings to their supernatural end, which is eternal salvation. While natural law tells us not to steal or kill, based on reason and social utility, Divine law tells us to love our enemies, forgive those who wrong us, and pursue eternal life. Aquinas acknowledges that natural law, though powerful, is limited. Human reason can be clouded by sin, passion, and ignorance; therefore, divine law is necessary to guide the soul toward spiritual perfection. In this sense, divine law perfects natural law, filling in gaps that human reason alone cannot fully address. However, Aquinas does not reduce morality to divine command; even without revelation, people can know the core principles of right and wrong through natural reason.

### **3. Natural Law and Common Law**

Aquinas' natural law also has meaningful connections with the common law tradition, especially as developed in the English legal system. Common law is based on judicial precedents, evolving through practical reasoning, experience, and longstanding customs. Although it is a human institution, common law reflects many principles aligned with natural law: the use of reason, respect for equity, protection of rights, and the pursuit of justice. English jurist Sir Edward Coke famously declared that "the law of nature is that which God at the time of creation of the nature of man infused into his heart, for his

preservation and direction.”<sup>19</sup> This view mirrors Aquinas' claim that natural law is “written in the hearts” of all people.

The doctrine of precedent in common law can be seen as a practical application of natural law reasoning. Judges interpret and apply legal principles in specific cases, gradually shaping the legal order in accordance with rational deliberation and moral values. Thus, while common law does not explicitly rely on a theological framework, it is often understood as being in harmony with natural law, especially in its pursuit of fairness and justice. Thinkers such as William Blackstone also viewed common law as rooted in both divine and natural law, reinforcing the connection between traditional legal practice and Aquinas' vision of a law grounded in moral order. To summarize, Aquinas' natural law theory stands in direct opposition to legal positivism, which separates law from morality. In contrast, it complements divine law, forming a rational foundation for moral understanding while acknowledging the necessity of revelation for spiritual truths. With common law, natural law shares a kinship, particularly in the use of practical reason, tradition, and attention to justice and equity. Each theory offers distinct insights: legal positivism emphasizes the clarity and structure of legal systems; divine law reveals transcendent moral imperatives; and common law shows the evolving nature of jurisprudence. Yet, Aquinas' natural law integrates reason, morality, and theological order, making it one of the most comprehensive and enduring theories of law.

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<sup>19</sup> Coke, E. (1608), *The Reports of Sir Edward Coke*.

### 3.5 In Defence of Natural Law

The Natural Law theory, particularly as developed by Thomas Aquinas, has remained one of the most resilient and influential legal philosophies in Western thought. Despite the rise of alternative legal theories such as legal positivism and legal realism, natural law continues to be defended by many philosophers, theologians, and jurists due to its moral grounding, universal applicability, and capacity to bridge the gap between law and ethics.

One of the primary defences of natural law lies in its assertion that there is an objective moral order that is accessible to human reason. According to Aquinas, natural law is part of the eternal law (God's divine reason), which rational beings participate in through their capacity for reason<sup>20</sup>. This means that law is not merely a product of human will or social convention but is grounded in a higher, immutable order. In this way, natural law provides a standard by which human laws can be judged; if a law violates reason or morality, it is unjust and thus not a true law (*lex iniusta non est lex*).<sup>21</sup>

Another strong defence of natural law is its emphasis on human dignity and the common good. Because natural law is rooted in the rational nature of the human person and directed toward human flourishing, it inherently supports the idea that all human beings have intrinsic value and rights. It promotes a vision of law that serves justice and the good of the community rather than the interests of a few or the whims of a ruler. This

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<sup>20</sup> Kretzmann, N. (1983) "The Foundation of Morality in Aquinas." American Journal of Jurisprudence, vol. 28, pp. 1–24.

<sup>21</sup> Kretzmann, N. (1983). "The Foundation of Morality in Aquinas." American Journal of Jurisprudence, vol. 28, pp. 1–24.

moral foundation distinguishes natural law from purely procedural or command-based legal systems. Natural law serves as a bulwark against legal relativism and tyranny. In systems where law is understood as nothing more than the decree of the sovereign (as in legal positivism), there is no internal standard to resist unjust or oppressive laws. Natural law, by contrast, asserts that certain actions, such as murder, theft, or slavery—are universally wrong regardless of whether a political authority legalizes them. This universalist moral outlook gives natural law a powerful role in human rights discourse, international law, and constitutional interpretation.

Defenders of natural law also argue that it better explains the moral intuitions and legal practices common across cultures and legal traditions. Concepts such as fairness, justice, equity, and duty seem to reflect more than mere social agreement, they point to deeper, shared principles that align with the natural law view. For instance, the recognition of the right to life, the prohibition of torture, and the principle of equality before the law are grounded in moral truths that transcend legal codes. While critics argue that natural law can be vague or overly dependent on metaphysical assumptions, proponents respond that this universality is a strength rather than a weakness. The natural law does not provide a rigid code but rather offers a framework for reasoning about moral and legal obligations in a way that respects human rationality and moral insight.

In applying Saint Thomas Aquinas' conception of natural law, the legal positivist's claim that natural law lacks an enforcement agent is untenable. According to St. Thomas

conscience serves as an enforcement agent. “The conscience is that faculty which makes known to man his moral obligations and urges him to fulfill them”<sup>22</sup> When one acts contrary to these obligations, their conscience often troubles them, leading to feelings of restlessness.

The concept of conscience has biblical roots, with the Greek term(syneidesis) being of holistic origin. Although the word "conscience" is not found in the Old Testament, the idea is present, often referred to as the spirit or voice of God. This is evident in the story of Cain, where God’s voice spoke to him after he murdered Abel. Similarly, Christ, while not using the term "conscience" explicitly, made references to the internal moral guide that aligns with the concept of conscience.

"Paul, in the Bible, frequently used the word ‘conscience’. For example, in 2 Corinthians 4:2, Saint Paul speaks of commending ourselves to every man's conscience in the sight of God. Often, conscience is seen as a witness (Romans 2:15, 9:1; 2Corinthians 1:12); it accompanies our actions as an incorruptible witness within us.

There are different types of conscience.

**The Certain Conscience:** Provides clarity on right actions, guiding individuals to follow moral laws. Before acting, one should have conviction that the action is right and not sinful.

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<sup>22</sup> Peschke, C. H. (1979). *Christian ethics*. Dublin: Goodliffe Neale. p.147.

**The Vincibly erroneous and lax conscience:** In contrast, there are erroneous and lax consciences that can lead to poor decision-making. An erroneous conscience, which cannot be followed, occurs when individuals are not sound in moral judgment, often being irresponsible and aware of it. For instance, a driver who doubts their ability to drive after heavy drinking might still choose to drive, despite knowing better, due to an erroneous conscience. This can have severe implications, such as accidents. More so, “there is the lax conscience, often resulting from grave lukewarmness or laziness. A lax conscience can lead to moral ambiguity and poor choices due to a lack of diligence in moral reflection.”<sup>23</sup>

**The perplexed conscience:** A type of erroneous conscience, is characterized by persistent doubts and fears of sin in every decision it makes. Individuals with a perplexed conscience are often plagued by uncertainty, confronted with two alternative precepts and struggles to make moral judgments with confidence. Practical example; “A widowed mother who has received numerous benefits from a friendly family, whose father has committed a crime that she witnessed, may find herself torn between two conflicting obligations: her duty of gratitude towards her benefactors and her duty to tell the truth in court, where she has been cited as a witness.”<sup>24</sup>

**The Scrupulous conscience:** Is characterized by an excessive and unreasonable fear of having offended God or about to do so. Individuals with scrupulosity often experience

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<sup>23</sup> Ibid., p. 163.

<sup>24</sup> Ibid., p. 164.

unwarranted dread of sin, even when none exists. This condition can be debilitating, leading to repetitive behaviors such as excessive confession. For instance, “a Catholic man might go to confession but remain unsatisfied, feeling compelled to repeatedly confess the same sins, illustrating the persistent anxiety and doubt that defines scrupulosity.”<sup>25</sup>

**The doubtful conscience:** “It exists when an individual is uncertain about the lawfulness or obligation of a particular action. This uncertainty can manifest in two ways: either the conscience suspends judgment altogether or it leans towards one side while fearing that the opposite might be equally true.”<sup>26</sup>

### **Factors that Necessiated a Good Conscience**

Human beings through reason is to discern and distinguish good from bad. A good conscience is not innate, but rather shaped by various factors.

**Family:** Family plays a crucial role in the development of the individual person. As argued by Jean Jacques Rousseau, the family is the first and most important society for human development, influencing an individual's moral compass. By instilling good values, families can help reduce societal issues like violence and promote a moral conscience in individuals. "As witnessed in numerous instances where individuals have committed terrible crimes, only to evade justice due to their socio-economic status or

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<sup>25</sup> Ibid., p. 165.

<sup>26</sup> Ibid; p174

political connections. A poignant example is the case of a Zimbabwian influential politician whose son murdered his girlfriend, yet managed to escape accountability due to his father's influence."<sup>27</sup> (Lusaka Times, January 22,2016.) A father in this context has failed to instil moral laws in such a child, which leads to danger in the society at large. This scenario also underscores the limitations of positive law in Africa, where corruption and manipulation can undermine the enforcement of man-made laws. The notion that laws can be tampered with or circumvented raises fundamental questions about the efficacy of positive law in ensuring justice and accountability.

**Orientations:** Nigeria, as a case study, requires orientations at various levels – federal, state, and local - to enlighten citizens on the importance of doing good and avoiding evil. Such orientations would foster a sense of belonging, making people felt loved, seen, and valued. This sense of belonging can shape individuals' minds and behaviours. As the saying goes, 'the thief is a product of his environment.' If the environment is free from social vices, thanks to the influence of trained personnel like religious leaders, the society would likely be free and crime would be viewed as something to be avoided.

**The Church:** The Bible provides guidance on raising children with good conscience, as stated in the holy scriptures 'Train up a child in the way he should go, and when he is old, he will not depart from it.' (Proverbs 22:6 – KJV). Natural law, derived from God's internal laws, can be understood through reason and maintained through conscience. The

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<sup>27</sup> Lusaka Times, January 22, 2016.

Word of God, specifically the Ten Commandments, serves as a moral guide for distinguishing good from evil. Introducing children to these laws can help them develop a good conscience and strive to do right.

The Bible also outlines the benefits of following God's laws, such as blessings for obedience (Deuteronomy 28:1-14) and consequences for disobedience (Deuteronomy 28:15-68). By training children in the Word of God and promoting good orientation within families, individuals can build a strong moral foundation, ultimately contributing to the common good."

## CHAPTER FOUR

### EVALUATION AND CONCLUSION

#### 4.1 Evaluation (Positive and Negative)

The theory of natural law, particularly as articulated by Thomas Aquinas, remains foundational in moral, legal, and political philosophy. Aquinas posits that natural law is a rational participation in God's eternal law and is embedded in human nature, making it accessible to all through reason<sup>1</sup>. However, while the theory provides a deeply moral and rational understanding of law, it has also been subject to extensive critique. A balanced evaluation must consider both the strengths and weaknesses of this influential theory. A central strength of Aquinas' natural law is its universal and objective moral foundation. It asserts that moral truths are not subject to cultural or individual variation but are rooted in human nature and discoverable by reason. Aquinas affirms, "the natural law is nothing else than the rational creature's participation in the eternal law"<sup>2</sup>. This universality allows natural law to provide a firm standard for evaluating the justice of human laws across time and cultures.<sup>3</sup>

Another significant strength is the theory's integration of law and morality. Unlike legal positivism, which separates legality from morality, Aquinas holds that an unjust law is

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<sup>1</sup> Aquinas, T. (1947), *Summa Theologica*. Translated by the Fathers of the English Dominican Province. (New York: Benziger Bros.), p. 190.

<sup>2</sup> *Ibid.*, p. 214.

<sup>3</sup> Finnis, J. (1998), *Aquinas: Moral, Political, and Legal Theory*, (Oxford: Oxford University Press), p. 85.

“no law at all”<sup>4</sup>. This moral dimension ensures that legal systems are held accountable to a higher ethical order. It empowers individuals to resist immoral laws, as famously exemplified by Martin Luther King Jr., who wrote: “A just law is a man-made code that squares with the moral law or the law of God”<sup>5</sup> Natural law supports the dignity and rights of the human person. It upholds that all people, by virtue of being rational and moral agents, possess inherent worth. This has served as a philosophical underpinning for international human rights frameworks, which emphasize universal human dignity and justice<sup>6</sup>. Because natural law is aimed at the common good, it also encourages a vision of law that benefits society holistically, rather than just maintaining order or power.

Despite its strengths, natural law theory has notable criticisms. One of the foremost is its dependence on a teleological view of nature. Aquinas’ theory assumes that everything in nature has a specific purpose (telos), including human faculties. However, modern science— especially Darwinian evolution, rejects this purposive framework. As such, critics argue that deriving moral obligations from supposed natural purposes is no longer philosophically or scientifically tenable<sup>7</sup>. Related to this is David Hume’s is–ought problem, which asserts that one cannot derive normative claims from descriptive facts<sup>8</sup>. In other words, just because human beings are naturally inclined to certain behaviors (like reproduction or social interaction) does not necessarily mean they ought to behave in

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<sup>4</sup> Aquinas, *Op. Cit.* p. 77.

<sup>5</sup> King, M. L. Jr (1991), “Letter from Birmingham City Jail”, *CIVIL DISOBEDIENCE in focus*, (Abingdon: Taylor & Francis), pp. 67-69.

<sup>6</sup> George, R. P. (2001), *In Defense of Natural Law*, (Oxford: Oxford University Press), p. 105.

<sup>7</sup> Hart, H. L. A. (1961), *The Concept of Law*, (Oxford: Oxford University Press), p. 201.

<sup>8</sup> Hume, D. (1739), *A Treatise of Human Nature*, (Oxford: Oxford University Press), p. 79.

those ways. Critics argue that natural law makes a logical leap from nature to morality, which may be unjustified.

Another issue is the subjectivity of reason and interpretation. While natural law purports to be grounded in reason, reasonable people often disagree on what natural law actually dictates. For example, proponents of natural law have taken both sides on issues like capital punishment and contraception, leading to accusations of vagueness or ideological manipulation<sup>9</sup>. This weakens its claim to offer a universally clear moral standard. The theory is also seen as being overly influenced by religious assumptions, particularly in Aquinas' version, which explicitly depends on the existence of a divine law giver (God). While Aquinas insists that natural law is accessible by reason, his framework assumes an atheistic worldview, which may not be shared by all in pluralistic or secular societies<sup>10</sup>. This religious dependence raises questions about the theory's neutrality and universality in global legal and ethical discourse. Critics argue that in multicultural and democratic societies, the application of natural law principles may risk imposing a single moral view on diverse populations. What one tradition considers "natural" may not be accepted in another. This can lead to the marginalization of minority worldviews and reduce the legitimacy of law as a collective social contract<sup>11</sup>. Natural law theory, especially as developed by Aquinas, offers a compelling and morally grounded view of law that

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<sup>9</sup> Murphy, M. C. (2001), *Natural Law and Practical Rationality*, (Cambridge: Cambridge University Press), p. 191.

<sup>10</sup> George, R. P. *Op. Cit.*, p. 151.

<sup>11</sup> Hart, H. L. A. *Op. Cit.*, p. 159.

emphasizes reason, human dignity, and the common good. Its strength lies in its objective moral principles and capacity to evaluate the justice of human laws. However, it faces challenges from secular, scientific, and pluralist perspectives, particularly concerning its metaphysical assumptions and interpretive flexibility. Despite these critiques, natural law remains a foundational pillar in moral and legal theory, providing a vital voice in debates on justice, rights, and the moral legitimacy of law.

## **4.2 Summary**

The natural law theory of St. Thomas Aquinas finds its deepest roots in his broader metaphysical framework, which seeks to explain reality through the integration of reason, nature, and divine order. To defend Natural law within this metaphysical context is to affirm that moral principles are not arbitrary human constructions but are instead grounded in the very nature of being. For Aquinas, the universe is intelligibly ordered by a divine intellect, and every creature, including human beings, participates in this order through its specific nature and purpose. Human beings, endowed with rationality, are especially capable of discerning the moral structure of the universe. Thus, natural law emerges as the rational creature's participation in the eternal law, God's perfect plan for creation.

Aquinas' metaphysics is centered on the idea of being as act (*esse*) and the purposeful ordering of all things toward their telos or final cause. In this view, every entity has an essential nature that defines what it is and determines the ends it ought to pursue. Human

beings, by their nature, are directed toward the good, and it is through reason that they come to know what this good entails. Natural law, therefore, is not imposed externally but arises internally from the structure of human nature itself. It is the reflection of the eternal law within human reason, guiding individuals to seek what is good and avoid what is evil. This law is universal and immutable because it corresponds to the unchanging essence of human nature and the eternal principles of divine wisdom.

Furthermore, Aquinas' metaphysical distinction between essence and existence reinforces the objective character of moral norms. Every created being has a specific essence, and its goodness consists in actualizing this essence in accordance with its nature. For humans, this means acting rationally and virtuously, fulfilling the ends for which they were created. Natural law functions as a moral compass that aligns human actions with the ontological purpose inscribed in their very being. To act against natural law, then, is not simply to break a rule, but to undermine one's own flourishing and disrupt the harmony of creation.

In defending natural law from this metaphysical standpoint, one must also consider Aquinas' hierarchical view of law itself. He distinguishes four kinds of law: eternal, divine, natural, and human. Natural law acts as the bridge between divine providence and human legislation. It enables people to make sound moral and legal judgments even in the absence of divine revelation. Since natural law is grounded in reason and being, it serves as a moral standard by which all human laws are to be judged. If a human law contradicts the natural law, it is not a true law in the Thomistic sense. This metaphysical

foundation strengthens the natural law tradition by affirming its rational accessibility and its role in promoting the common good.

Moreover, Aquinas' metaphysics insists on the unity of truth. Because both faith and reason are seen as pathways to truth, and because God is the source of both natural and revealed knowledge, there can be no real conflict between natural law and divine law. This harmony reflects the ordered structure of the universe itself. Natural law is thus not merely a set of moral suggestions but part of a grand cosmic order that sustains the moral fabric of human life and society. Its defense, therefore, is not only ethical but ontological—it is a defense of the very nature of things as created and sustained by divine reason. The defense of natural law within the metaphysical vision of St. Thomas Aquinas reveals it as a deeply rational and universally valid moral system. It is grounded in the objective order of being, accessible to human reason, and reflective of divine providence. Far from being an abstract or outdated theory, natural law in this context becomes a vital and enduring guide for ethical reflection, legal systems, and social justice. Aquinas' synthesis of metaphysics and morality thus provides one of the most compelling defenses of natural law in the history of philosophy.

### **4.3 Conclusion**

The defense of natural law in the light of St. Thomas Aquinas' metaphysics reaffirms the profound connection between being, reason, and morality. Aquinas' natural law theory is not a stand-alone ethical system but a deeply integrated component of his larger

metaphysical worldview. For Aquinas, law is not merely a social construct or legalistic decree, it is a rational expression of the divine order embedded in the very fabric of creation. Human beings, as rational creatures, have a unique capacity to understand this moral order and to act in accordance with it. This makes the natural law not only knowable but also binding, because it corresponds to the essence and purpose of human nature.

Through the lens of Aquinas' metaphysics, we come to understand that every created being has a specific nature and an inherent purpose or telos. In the case of human beings, this purpose is the attainment of the good through rational activity, virtue, and ultimately, union with God. Natural law functions as the guiding principle that aligns human actions with this ultimate purpose. It does not impose morality externally but arises from within the structure of human nature itself. This means that to live according to natural law is to live authentically, fulfilling one's true nature, cultivating virtue, and contributing to the flourishing of society. In this way, natural law is not just about legal obligation; it is about human fulfillment and moral development.

Furthermore, the metaphysical foundation of Aquinas' natural law theory makes it uniquely capable of addressing both individual and communal dimensions of human life. Because it is grounded in the eternal law, God's divine wisdom, it transcends the limitations of cultural relativism and moral subjectivism. It provides a universal moral framework that applies to all people, in all times, regardless of their cultural or religious

background. At the same time, because it is accessible through reason and adaptable in its secondary precepts, natural law respects the particularities of human experience and allows for context-sensitive applications. This balance between universality and flexibility makes natural law especially valuable in diverse and pluralistic societies. Aquinas also establishes a hierarchical structure of law, eternal, divine, natural, and human, which situates natural law as the bridge between the divine order and human legislation. Human laws derive their legitimacy from their conformity to natural law. When they deviate from this moral foundation, they lose their normative authority. This perspective equips individuals and societies with a critical tool to evaluate, resist, and reform unjust legal systems. It also reaffirms the dignity of the human person, not merely as a subject of law, but as a co-participant in divine wisdom through the exercise of reason and moral judgment.

Defending natural law through Aquinas' metaphysics highlights its enduring relevance in philosophical, legal, and theological contexts. Far from being an abstract or obsolete theory, it continues to provide a rational and moral compass for both individual ethics and collective justice. It reminds us that morality is not arbitrary, but rooted in the nature of things; that law is not merely a function of power, but a reflection of order; and that human beings are not aimless creatures, but purposeful agents called to pursue the good. In a world often marked by moral confusion and legal uncertainty, Aquinas' synthesis of metaphysical realism and moral naturalism offers a vision of law and ethics that is coherent, purposeful, and profoundly human.

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