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ST. THOMAS AQUINAS AND JOHN LOCKE ON NATURAL LAW

John Locke’s natural law theory has frequently been conceived as a continuation of the Thomistic tradition and as sound basis for human rights as universally binding. However, a comparison and contrast of St. Thomas Aquinas’ notion of natural law with Locke’s show that this is untenable. The first section of this paper discusses Aquinas’ teaching regarding how we know natural law, what we know about it, and the foundation of its morally binding force. Since Locke does not fully and systematically discuss the content of natural law in terms of universal principles—but is primarily concerned with its epistemological basis and binding nature—our comparison in the second section is particularly focused on these two aspects. It also considers whether or not Aquinas and Locke succeed in establishing sound foundations for deriving human rights, a consideration which highlights the social implications of natural law.

Aquinas’ Teaching on Natural Law

How Do We Know the Natural Law?

St. Thomas Aquinas’ metaphysical realism is the foundation for his moral philosophy. According to Aquinas, the universal moral law that ought to rule and guide our moral behavior is written in the human

heart. Natural law, then, is “coextensive with human nature.” That is, the human person has a “normality of functioning”—i.e., “the proper way in which, by reason of its specific structure and specific ends, it should achieve fullness of being”—grounded in the essence of his being.¹ As Josef Pieper argues, “All obligation is based upon being. Reality is the foundation of ethics. The good is that which is in accord with reality.”² We must, therefore, know the objective reality of our being in order to be able to know our uniquely human good and final *telos* towards which all our actions are ultimately directed so, thereby, to be able to know the universal principles of natural law. By being able to know the very reality of our nature, then, we are able to attain objective and universal moral knowledge.

According to Aquinas’ realistic epistemology, our knowledge must conform both to the nature of the thing known and to our human way of knowing, “for the received is in the receiver according to the mode of the receiver.”³ While all our knowledge begins in the senses, these are incapable of comprehending the nature of sensible substances.⁴ It is our intellect which abstracts the intelligible form (nature) from the sense particulars existing outside of our mind.⁵ For instance, our intellect abstracts the essence of man (*viz.*, rational animal) from our knowledge of particular men such as Socrates, Aristotle, or Plato. We cannot consider, or understand, matter as separated from that which exists in reality individuated by determinate material conditions. Thus, Aquinas argues that “the quiddity of a universal composite, like *man* or

¹ Jacques Maritain, *Natural Law: Reflections on Theory and Practice*, ed. William Sweet (South Bend, IN: St. Augustine’s Press, 2001), 28, 36.

² Josef Pieper, *Living the Truth: The Truth of All Things and Reality and the Good* (San Francisco: Ignatius Press, 1989), 111.

³ St. Thomas Aquinas, *Summa Theologiae*, trans. Fathers of the English Dominican Province, 2d ed. (1920), I, Q. 84, Art. 1, <http://www.newadvent.org/summa/>, accessed on Nov 28, 2016. Hereafter as: *ST*.

⁴ *Ibid.*, Art. 6.

⁵ *Ibid.*, Art. 7; Q. 85, Art. 1.

animal, includes within itself common but not particular matter.”⁶ A correct understanding of human nature, consequently, must comprehend our bodily-spiritual reality as distinctly defined by a rational soul with passions properly regulated by reason.

Our rational or intellectual power is differentiated according to the different acts and ends towards which it is directed.⁷ Aquinas, therefore, differentiates the speculative intellect, whose end is the contemplation of truth, and the practical intellect, which apprehends truth so as to direct it to “activity as to an end.”⁸ Since the end of moral philosophy is to help us to become good persons by actually doing virtuous actions, practical reason is the main moving principle of our moral actions. According to Aquinas,

Law is a rule and measure of acts, whereby man is induced to act or is restrained from acting: for “lex” [law] is derived from “ligare” [to bind], because it binds one to act. Now the rule and measure of human acts is the reason, which is the first principle of human acts, as is evident from what has been stated above (I-II, 1, 1, ad. 3); since it belongs to the reason to direct to the end, which is the first principle in all matters of action.⁹

It is proper of practical reason, therefore, to apprehend the ruling and measuring principles guiding all our moral activity.

Analogously to speculative reason which proceeds from first self-evident principles of demonstration to conclusions, practical reason proceeds from the first indemonstrable principle of natural law,¹⁰ which we hold through the natural habit of synderesis.¹¹ Aquinas argues that the first indemonstrable principle of speculative reason is

⁶ St. Thomas Aquinas, *The Division and Methods of the Sciences: Questions V and VI of His Commentary on the De Trinitate of Boethius*, trans. Armand Maurer, 4th ed. (Toronto: Pontifical Institute of Mediaeval Studies, 1986), Q. 5, Art. 2, ad. 2.

⁷ *ST* I, Q. 77, Art. 3; Q. 79, Art. 11.

⁸ *Ibid.*, Q. 79, Art. 11; Aquinas, *The Division and Methods of the Sciences*, Q. 5, Art. 1.

⁹ *ST* I-II, Q. 90, Art. 1.

¹⁰ *Ibid.*, Q. 91, Art. 3; Q. 94, Art. 2.

¹¹ *Ibid.*, I, Q. 79, Art. 12.

that “the same thing cannot be affirmed and denied at the same time,” which is based on the notion of “being” and “not-being:” and on this principle all others are based, as is stated in *Metaph.* iv, text. 9. Now as “being” is the first thing that falls under the apprehension simply, so “good” is the first thing that falls under the apprehension of the practical reason, which is directed to action: since every agent acts for an end under the aspect of good. Consequently the first principle of practical reason is one founded on the notion of good, viz. that “good is that which all things seek after.” Hence this is the first precept of law, that “good is to be done and pursued, and evil is to be avoided.” All other precepts of the natural law are based upon this: so that whatever the practical reason naturally apprehends as man’s good (or evil) belongs to the precepts of the natural law as something to be done or avoided.¹²

Knowledge of the principles of natural law is not acquired by some sort of *a priori* or syllogistic reasoning divorced from our natural inclinations.¹³ For Aquinas such knowledge springs from the harmonious communication between our practical intellect, will, and appetites. That is, from our intimate experience of desiring and being naturally inclined towards the good we apprehend as good, and of shunning that which is objectively dangerous for our being,¹⁴ our practical intellect grasps the principles that must guide our moral conduct; for “according to the order of natural inclinations, is the order of the precepts of the natural law.”¹⁵ Accordingly, Jacques Maritain states that the knowledge of natural law is by “inclination” or “connaturality.” That is, the “intellect” “consults the inner leanings of the subject—the experience that he has of himself—and listens to” his “deep rooted tendencies” in order to

¹² *Ibid.*, I-II, Q. 94, Art. 2.

¹³ Maritain, *Natural Law*, 33–35.

¹⁴ *ST* I-II, Q. 94, Art. 4.

¹⁵ *Ibid.*, Art. 2.

form a judgment “which expresses the conformity of reason” to those natural inclinations.¹⁶

Indeed, according to Aquinas, we have an “interior sense,” which he calls “cogitative power” or “particular reason,” by virtue of which we apprehend what is healthy and harmful for us in such a way as to naturally seek and shrink from it, respectively. This “estimative” power “discovers” and “compares” “individual intentions,”¹⁷ knowing in a less perfect manner than our intellect what the external senses cannot perceive.¹⁸ Likewise, our sense memory is the “storehouse” that allows us to “retain” under the “formality of the past” the “individual intentions” apprehended by particular reason.¹⁹ These two interior senses, therefore, are fundamental for us to be able to recognize in a particular situation that which we have already sensed as an individual object of pursuit or avoidance as well as to seek our apprehended good even though it is absent as an object-yet-to-be-sensed.

Now we must observe that for the life of a perfect animal, the animal should apprehend a thing not only at the actual time of sensation, but also when it is absent. Otherwise, since animal motion and action follow apprehension, an animal would not be moved to seek something absent: the contrary of which we may observe specially in perfect animals, which are moved by progression, for they are moved towards something apprehended and absent.²⁰

Knowledge of the universal principles of natural law, then, starts in particular reason, which allows us to obtain a “rudimentary sense of what is good and bad for us”²¹ as well as of the powers and abilities

¹⁶ Maritain, *Natural Law*, 34–35.

¹⁷ *ST I*, Q. 78, Art. 4.

¹⁸ *Ibid.*, ad. 4–5.

¹⁹ *Ibid.*, Art. 4; Daniel D. De Haan, “Perception and the *Vis Cogitativa*: A Thomistic Analysis of Aspectual, Actional, and Affectional Percepts,” *American Catholic Philosophical Quarterly* 88: 3 (2014): 405.

²⁰ *ST I*, Q. 78, Art. 4.

²¹ Peter A. Redpath, “The Homeschool Renaissance and the Battle of the Arts,” *Classical Homeschooling Magazine* 2 (June 2001), <http://www.angelicum.net/classical-home>

through which we may fulfill our individual intentions based on those senses.

Due to such “rudimentary” awareness of being naturally inclined towards our suitable good, all human beings are able to know naturally the general precepts of practical reason, whose “truth or rectitude is the same for all, and is equally known by all.” In this way, then, even children can be said to know imperfectly by personal inclination the first universal precept of natural law even though they cannot state such precept clearly. Likewise, not everybody knows with the same clarity the particular conclusions and applications of those general principles because in matters of human actions practical reason deals with contingent particulars that are relative to the proper abilities and circumstances of each person. Practical reason needs to be perfected by the intellectual virtue of prudence, which is “right reason for things to be done”²² for the sake of our due end,²³ so that we may be able to grasp the means relative to us in a particular situation. Since right reason requires that we be “well disposed to the ends,” it presupposes “rectitude” of our appetites and, thus, moral virtue. Acquiring prudence and moral virtue is a personal activity that requires self-knowledge through cogitative or particular reason. That is, being able to judge rightly the things we must do and to act accordingly require a personal sense or awareness of the virtues we are most inclined to develop as well as of the vices to which our will seems to be weaker. Thus, even though the general principles of natural law apply to all men with universal necessity, in matters of detail there is particular necessity relative to each individual. Hence, Aquinas argues that with regard to “the proper conclusions of the practical reason, neither is the truth or rectitude the same for all, nor, where it is the same, is it equally known by all.”²⁴

schooling-magazine/second-issue/the-homeschool-renaissance-and-the-battle-of-the-arts-by-peter-a-redpath/, accessed on Nov 30, 2016.

²² *ST* I-II, Q. 57, Art. 4.

²³ *Ibid.*, Art. 5.

²⁴ *Ibid.*, Q. 94, Art. 4.

What Do We Know?

According to Aquinas, the good is the “moving principle” of our appetites²⁵ and, thus, the formal object of our will.²⁶ The good, therefore, is that which is desirable and since “a thing is desirable only in so far as it is perfect; for all desire their own perfection,”²⁷ the good is that which totally perfects and fulfills our human nature. Happiness is what we desire most than anything else and, thus, it is the ultimate end for the sake of which all our actions are done. The good, therefore, also has the aspect of the final end in which we find the completion and ultimate perfection of our being.²⁸ Our will wills by necessity all those individual goods “which have a necessary connection with happiness,” because without them it would be impossible for us to attain happiness.²⁹ Indeed, Aquinas identifies three fundamental inclinations to goods that are directly related to fulfilling our exclusively human *telos*. Every human person is inclined to seek the preservation of his own being, to reproduce himself and educate his offspring, and to know the truth about God and live in society.³⁰ Even though plants and animals also share in the first two inclinations, respectively, we pursue them in an exclusively human and more excellent way because “the rational creature partakes [in Eternal Reason] in an intellectual and rational manner.”³¹ In the human creatures, then, our fundamental inclinations for the good are directly related to moral activity insofar as we, as masters of our actions through reason and will, knowingly and voluntarily decide to fulfill them.³²

²⁵ St. Thomas Aquinas, *Commentary on the Nicomachean Ethics*, trans. C. I. Litzinger, O.P. (Chicago: Henry Regnery Company, 1964), I, 1.1.9, <http://dhspriority.org/thomas/english/Ethics1.htm#1>, accessed on Nov 21, 2016.

²⁶ *ST I*, Q. 82, Art. 4.

²⁷ *Ibid.*, Q. 5, Art. 1.

²⁸ *ST I*, Art. 4.

²⁹ *Ibid.*, Q. 82, Art. 2.

³⁰ *Ibid.*, I-II, Q. 94, Art. 2.

³¹ *Ibid.*, Q. 91, Art. 2.

³² *Ibid.*, Q. 1, Art. 1.

In addition, Aquinas argues that “each thing is inclined naturally to an operation that is suitable to it according to its form.”³³ Our ultimate end, thus, must be defined according to what is suitable to the distinctly rational nature of man. Man desires perfect union with the Supreme and Perfect Good, Who alone wholly satisfies our rational appetite. Human happiness, therefore, consists in contemplating God and not in any created good; “else it would not be the last end, if something yet remained to be desired.”³⁴ Being able to reach this Supreme Good presupposes that all the parts of our soul are in perfect harmony, in such a way that our sense appetites are properly regulated by reason. That is, it is impossible for man to be properly disposed towards the Supreme Good if he does not first attain the natural good suitable for his rational soul. Then, Aquinas states that

since the rational soul is the proper form of man, there is in every man a natural inclination to act according to reason: and this is to act according to virtue. Consequently, considered thus, all acts of virtue are prescribed by the natural law: since each one’s reason naturally dictates to him to act virtuously.³⁵

The virtuous life “consists chiefly in withdrawing” ourselves from “undue pleasures.”³⁶ The above three basic inclinations, then, when properly regulated by reason, allow us to know the suitable real goods in which man can take proper pleasure and to avoid the apparent goods from which spring “undue pleasures” accompanying a vicious life and, thus, leading away from the Supreme Good. Particularly, through those three inclinations we are able to know that happiness does not merely consist in material or sensible goods, which would be limited to bodily pleasures, but in the total perfection of our soul.

³³ *Ibid.*, Q. 94, Art. 3.

³⁴ *ST I-II*, Q. 2, Art. 8.

³⁵ *Ibid.*, Q. 94, Art. 3.

³⁶ *Ibid.*, Q. 95, Art. 1.

Moreover, from our three fundamental inclinations to good we know exceptionless precepts formulated as prohibitions (whereby we are “restrained” from doing evil deeds such as “not to commit suicide,” “not to kill the innocent”) as well as positive precepts that induce us to pursue and do what is good (such as “eat healthy,” “love your children”). The natural inclination to shun ignorance and seek the truth is particularly experienced with such great delight and awe that reason naturally grasps as a precept of natural law the quest for wisdom. As Peter A. Redpath argues, our quest for wisdom begins with a “wonder” as well as a “fear” that “results from ignorance of a cause.”

Since the object of fear calls to mind a difficulty of some magnitude and a sense of personal weakness, according to an ontological exigency of ends, the desire to philosophize must arise within all human beings as the product of a natural desire to escape from the natural fear we have of the real difficulty, danger, and damage ignorance can cause us.³⁷

The only way we can overcome such natural fear and danger is by acquiring the perfective virtues that would give us the prudence, fortitude, temperance, and justice for overcoming all inner and external obstacles in such a way that we be able to keep our will and mind fixed on our final end. Practical reason, then, knows that fulfilling the principles of natural law as is suitable for our rational reality requires goodness of the will and, thus, the acquisition of virtues that, by perfecting our practical intellect and appetites, would direct us towards the Supreme Good in Whom is promised the highest enjoyment possible for the human creature. Only a virtuous disposition would allow us to habitually act according to what we know as really good for us in a particular situa-

³⁷ Peter A. Redpath, “Thomist Humanism, Realism, and Retrieving Philosophy in Our Time,” *Instituto Universitario Virtual Santo Tomás* (Fundación Balmesiana—Universitat Abat Oliba CEU, 2003): 6.

tion, for virtue “is that which makes its possessor good, and his work good likewise.”³⁸

Natural law, then, is the objective criterion or “rule and measure” of our acts that orders us toward our exclusively final *telos*³⁹ either by commanding what is “good generically,” i.e., all acts of virtue, and forbidding what is “evil generically,” i.e., all acts of vice.⁴⁰ It includes knowledge about universal exceptionless precepts that guide our moral life and perfect us in matters that we share as members of the human species as well as particular moral knowledge relative to our own abilities and powers. This personal knowledge is acquired through our own experience and efforts in trying to act habitually in accordance to reason and what is good for us under our particular circumstances.

*Origin of Natural Law and
Foundation for its Binding Nature*

Furthermore, for something to have the “binding force” of a law that commands and forbids and, thus, that has universal ruling authority over us, it has to be promulgated.⁴¹ According to Aquinas, “The natural law is promulgated by the very fact that God instilled it into man’s mind so as to be known by him naturally.”⁴² Law is present in a two-fold order in the rational creature; namely, as in “that which measures and rules” and as “in that which is measured and ruled.”⁴³ Human reason knows in a natural way the first principles inscribed by Divine reason in such a way as to be able to decide voluntarily and rationally to abide by them, thereby ruling his own soul. As the master of his own acts, then, we say that man provides for himself and for others when he rules his own life, and the lives of those who naturally fall under his care, in accordance to the good defined by reason. By doing this, man is

³⁸ *ST* I-II, Q. 55, Art. 3.

³⁹ *Ibid.*, Q. 90, Art. 1.

⁴⁰ *Ibid.*, Q. 92, Art. 2.

⁴¹ *Ibid.*, Q. 90, Art. 4.

⁴² *Ibid.*, ad. 1.

⁴³ *Ibid.*, Art. 1, ad. 1.

also being ruled and ordered by the Divine lawgiver who, as the origin and cause of all order and rationality in the universe, has implanted in the human mind the “general rules or measures” by virtue of which we are naturally inclined and attracted towards Him. The fact that reason is the “rule and measure of human acts,” therefore, does not mean that human reason as such rules things or determines arbitrarily what is good or bad for man.⁴⁴ Natural law necessarily presupposes the Divine lawgiver as origin, sustainer, and end of all our human activity.

Wherefore, since all things subject to Divine providence are ruled and measured by the eternal law . . . it is evident that all things partake somewhat of the eternal law, in so far as, namely, from its being imprinted on them, they derive their respective inclinations to their proper acts and ends.⁴⁵

In the same way that children are naturally subjected to their parents and superiors, human beings must be subjected to that which is above their human nature. It would be impossible for man to arrive at universal moral agreement if each of them devised a particular law and declared themselves as self-legislators. Under such scenario no one would obey their superior insofar as everyone would declare equal power to promulgate any arbitrary individual law, thereby advocating for the supremacy of their private good in such a way as to undermine the universal ruling nature of law as directing us towards the common good. Since human beings are equal in rational nature and dignity, the only legitimating force and motivation for obeying a law would be if it were promulgated by someone who surpasses them in reason and dignity. Thus, natural law can only receive its binding nature from God who, as Divine lawgiver, has the power to punish and reward our external as well as internal activity.

Indeed, if human beings were sovereign givers of the moral law, it would be easy for them to “know” and do what is morally right in a

⁴⁴ *Ibid.*, Q. 91, Art. 3, ad. 2.

⁴⁵ *Ibid.*, Art. 2.

particular situation and be “happy.” However, the particular applications of the moral law are very difficult and require from us experience and effort in knowing our own abilities and powers as well as that which is in accord with reason. Even when man is able to grasp the mean relative to him and, thus, to act virtuously, he does not experience complete happiness. As was already mentioned, “man’s last end is the uncreated good, namely, God, Who alone by His infinite goodness can perfectly satisfy man’s will.”⁴⁶ Human beings, therefore, are neither those who give the moral law which they struggle to apply nor those who establish the principle of their own happiness.

A Comparison of Locke and Aquinas on Natural Law

Epistemological Basis of the Natural Law for Locke and Aquinas

Like Aquinas, John Locke considers that all our knowledge is founded and derived from experience.⁴⁷ However, Locke’s empiricist epistemology is far from Aquinas’ metaphysical realism. Locke’s atomic theory of knowledge claims that our knowledge is constructed out of the simple materials received from our immediate sense impressions. That is, from the simple ideas that we receive from sensation (about “external sensible objects”) and reflection (about the “internal operations of our minds”) we compose a set of complex ideas and thereby construct our knowledge.⁴⁸ Knowledge, states Locke, consists in “the perception of the connexion and agreement, or disagreement and repugnancy, of any of our ideas.”⁴⁹ This theory differs radically from Aquinas’s realistic epistemology which concludes that ideas or concepts are not what we know but rather “that by which” we know real

⁴⁶ *Ibid.*, Q. 3, Art. 1.

⁴⁷ John Locke, *An Essay Concerning Human Understanding*, in *The Works of John Locke in Nine Volumes* (London: Rivington, 1824 12th ed.). Vol. 1, Bk. II, Ch. 1, §2, http://oll.libertyfund.org/titles/761#Locke_0128-01_206, accessed on Nov 30, 2016.

⁴⁸ *Ibid.*, § 2–4.

⁴⁹ *Ibid.*, Bk. IV, Ch. 1, § 2.

things existing outside of our minds.⁵⁰ Unlike Aquinas, then, Locke considers that “Our knowledge of reality is the essences that exist in our minds. But we cannot know the *real essences*, because we cannot have a knowledge of *substance as such*.”⁵¹ That is, for Locke, we can only have knowledge of “nominal essences” that represent, for instance, our complex idea of man.⁵²

Unlike Aquinas’ metaphysical realism, Locke’s nominalism overlooks the metaphysical foundations necessary for defining the real essence of man and, thereby, our exclusively human goods and final end. This poses major shortcomings for knowing natural law insofar as without knowledge of our human nature it is impossible for us to be able to know what is really good and bad for us and, thus, the universal moral principles ruling our actions and directing us towards our final end. As James W. Byrne argues,

in the light of Locke’s conclusions regarding the impossibility of knowing the real essences of either material or spiritual substances, the proximate metaphysical foundation of the law of nature was destroyed, because, since man is a substance his real nature is unknowable and cannot be the means of discovering the content of moral law, and hence cannot serve as the proximate basis for this law.⁵³

Indeed, unlike Aquinas, Locke denies that there is a moral law written on our hearts that can be known universally by everybody.⁵⁴ Locke argues that all “moral rules are capable of demonstration”⁵⁵ with

⁵⁰ *ST*, I, Q. 85, Art. 2.

⁵¹ James W. Byrne, “The Basis of the Natural Law in Locke’s Philosophy,” *The Catholic Lawyer* 10: 1 (2016): 58.

⁵² Elliot Rossiter, “Hedonism and Natural Law in Locke’s Moral Philosophy,” *Journal of the History of Philosophy* 54: 2 (2016): 208.

⁵³ Byrne, “The Basis of the Natural Law in Locke’s Philosophy,” 58.

⁵⁴ Locke, *An Essay Concerning Human Understanding*, Bk. I, Ch. 3, § 1.

⁵⁵ *Ibid.*

the same validity and necessity as the maxims of mathematics.⁵⁶ He, therefore, also rejects Aquinas' view that there are self-evident principles of practical reason, such that good is to be done and pursued and evil avoided, that are the starting point of all our practical deliberations.⁵⁷ According to Locke,

there cannot any one moral rule be proposed, whereof a man may not justly demand a reason: which would be perfectly ridiculous and absurd, if they were innate, or so much as self-evident; which every innate principle must needs be, and not need any proof to ascertain its truth, nor want any reason to gain it approbation.⁵⁸

For Locke, then, we know the moral principles of natural law through demonstration. According to Mark D. Mathewson,

This demonstration is founded on the intuitive knowledge I have of myself and the demonstrative knowledge I have of a supreme being infinite in power, goodness, and wisdom (IV, iii, 18). From our idea of God, we can presumably come to see that such a God would care about us and provide rules for us to follow for our own happiness.⁵⁹

However, Locke neither offered a proof of the "theological underpinnings" of natural law⁶⁰ and, thus, of the existence of God, nor of moral maxims. Moreover, as Aquinas rightly argues, sciences differ according to their own objects and ends, and, since the end of moral philosophy is truth in action, not purely intellectual truth,⁶¹ "We must

⁵⁶ James O. Hancey, "John Locke and the Law of Nature," *Political Theory* 4: 4 (1976): 441; W. von Leyden, "John Locke and Natural Law," *Philosophy* 31: 116 (1956): 32.

⁵⁷ Locke, *An Essay Concerning Human Understanding*, Bk. I, Ch. 3, § 1.

⁵⁸ *Ibid.*, § 4.

⁵⁹ Mark D. Mathewson, "John Locke and the Problems of Moral Knowledge," *Pacific Philosophical Quarterly* 87: 4 (2006): 516.

⁶⁰ Steven Forde, "Natural Law, Theology, and Morality," *American Journal of Political Science* 45: 2 (2001): 397–398.

⁶¹ Aquinas, *The Division and Methods of the Sciences*, Q. 5, Art. 1.

not seek the same degree of certainty in all things.”⁶² Likewise, human reasoning always starts from something otherwise it would be impossible for us to demonstrate anything and there would be a regress to infinity. As was already mentioned, Aquinas argues that

just as, in the speculative reason, from naturally known indemonstrable principles, we draw the conclusions of the various sciences, the knowledge of which is not imparted to us by nature, but acquired by the efforts of reason, so too it is from the precepts of the natural law, as from general and indemonstrable principles, that the human reason needs to proceed to the more particular determination of certain matters.⁶³

Besides the fact that it is impossible to demonstrate first principles which, by definition, admit of no demonstration, it is questionable how Locke pretends to demonstrate a moral law based upon a mere idea of God, whose nominal reality does not give us knowledge about His real extramental existence and, thus, of His law. As Mathewson contends,

how can I have moral knowledge if I cannot know that my idea of the divine law actually corresponds to the divine law? As Locke appears to have it, the divine law is something different from my idea of it. Yet, as Locke also claims, I can have knowledge only of ideas. The divine law, being external (as substances are), is something of which I can only make a judgment and thus of which I cannot have knowledge. I am then left in the position of not being able to know if or to what extent my idea of the divine law actually represents the divine law.⁶⁴

Nevertheless, Locke argues that God has endowed man with faculties and natural abilities whose right use can allow us to attain knowledge about Him, morality,⁶⁵ and, thus about the “law of nature.”⁶⁶

⁶² *ST I-II*, Q. 96, Art. 1, ad. 3.

⁶³ *Ibid.*, Q. 91, Art. 3.

⁶⁴ Mathewson, “John Locke and the Problems of Moral Knowledge,” 519.

⁶⁵ Locke, *An Essay Concerning Human Understanding*, Bk. I, Ch. 4, § 12.

Indeed, for Locke, through our natural experience of pleasure and pain we attain sufficient knowledge about those things that are harmful or beneficial for the preservation of our being⁶⁷ and the attainment of our final end, which is the enjoyment, knowledge, and veneration of God.⁶⁸ Locke, therefore, is ultimately basing our knowledge of natural law upon a hedonistic psychology. That is, “Given our ideas of what actions would result in pleasure or pain, we then search out what would give human beings happiness, derive moral principles from those considerations, and conclude that these principles are features of the divine law.”⁶⁹ Indeed, Locke defines good and evil

only in reference to pleasure or pain. That we call good, which is apt to cause or increase pleasure, or diminish pain in us; or else to procure or preserve us the possession of any other good, or absence of any evil. And on the contrary, we name that evil, which is apt to produce or increase any pain, or diminish any pleasure in us; or else to procure us any evil, or deprive us of any good. By pleasure and pain, I must be understood to mean of body or mind, as they are commonly distinguished; though in truth they be only different constitutions of the mind, sometimes occasioned by disorder in the body, sometimes by thoughts of the mind.⁷⁰

Under such view, good is not understood as the formal object of our will, activating our appetites and, thus, moving us to act virtuously in such a way that we may attain final union with it. In addition, Locke is mistakenly giving pleasure the nature of end. As Aquinas argues, pleasure is an effect following an activity either in accord or disaccord with reason and, thus, a movement of our appetite resulting from our

⁶⁶ *Ibid.*, Ch. 3, § 13.

⁶⁷ *Ibid.*, Bk. II, Ch. 7, § 1–4.

⁶⁸ *Ibid.*, § 5–6. See also Rossiter, “Hedonism and Natural Law in Locke’s Moral Philosophy.”

⁶⁹ Mathewson, “John Locke and the Problems of Moral Knowledge,” 516.

⁷⁰ Locke, *An Essay Concerning Human Understanding*, Bk. II, Ch. 20, § 2.

possession of certain real or apparent good and not a principle of movement.⁷¹

We must therefore consider that every delight is a proper accident resulting from happiness, or from some part of happiness; since the reason that a man is delighted is that he has some fitting good, either in reality, or in hope, or at least in memory. Now a fitting good, if indeed it be the perfect good, is precisely man's happiness: and if it is imperfect, it is a share of happiness, either proximate, or remote, or at least apparent. Therefore it is evident that neither is delight, which results from the perfect good, the very essence of happiness, but something resulting therefrom as its proper accident.⁷²

For Aquinas, moral virtues are good habits or qualities of the soul,⁷³ actively and habitually developed by the person, which, by ordering properly our powers and appetites, dispose us with the right intension for achieving our final end.⁷⁴ In the same way that the possession of virtues makes ourselves and our actions good, the possession of vices causes a disordered disposition that impedes us to achieve the end proper to our human nature. Contrary to this, under Locke's view, good and evil are not habits we possess but qualities we attach to objects that are apt to cause us pleasure or pain. Good and evil, therefore, are ultimately sense impressions, and, thus, simple ideas of pleasure and pain that we passively receive through our immediate experience. Unlike the fixed and habitual nature of virtues which shape the character of a person and, thus, are not easily effaced, Locke's theory turns good and evil into fleeting emotions that are easily attained and lost depending on the kind of objects we sense and the ideas we receive. As James W. Byrne notes,

⁷¹ *ST I-II*, Q. 59, Art. 1.

⁷² *Ibid.*, Q. 2, Art. 6.

⁷³ *Ibid.*, Q. 55, Art. 2.

⁷⁴ Aquinas, *Commentary on the Nicomachean Ethics*, 6.10.12.1269.

Pleasure and pain . . . are the secondary sense qualities of certain objects, and thus they are only subjective modifications of the perceiver. Therefore, when we call something good or evil, we attribute a quality to it which we do not know to exist in the object as such, since all we know is that the object causes pleasure or pain in us. Thus we have no knowledge of good as such, but only of certain phenomenal manifestations of an object in terms of sensation.⁷⁵

Unlike Aquinas' notion of natural law which defines the good as what is perfective of the whole nature of man and, thereby, differentiates undue pleasures against reason from proper pleasures regulated by right reason, Locke's hedonism leads to moral subjectivism. If pleasure is identified with good, then, why human beings should restrain from undue pleasures and submit themselves to the rule of right reason? Subjectivism is incompatible with the very notion of a natural law prescribing and forbidding what is absolutely right and wrong. Locke's theory, therefore, undermines the very possibility for grounding universally binding moral rules that lead to the moral perfection of man.

Indeed, Locke does not give a definition of virtue and vice that expresses what is in accord or discord with reason but he simply describes the common use of such terms, thereby making them relative to the opinions of men and societies.⁷⁶ He also identifies the virtues with what is useful, claiming that since God made the practice of virtuous activity beneficial for man and the "preservation of society," "every one should not only allow, but recommend and magnify those rules to others, from whose observance of them he is sure to reap advantage to himself." Virtuous actions, therefore, are pursued for the sake of "self-interest" and what is profitable for succeeding in this life.⁷⁷ This utilitarian view of the virtues differs from Aquinas' eudaimonistic view according to which the virtuous person chooses virtuous activity be-

⁷⁵ Byrne, "The Basis of the Natural Law in Locke's Philosophy," 59.

⁷⁶ Locke, *An Essay Concerning Human Understanding*, Bk. I, Ch. 28, § 7; § 10–11.

⁷⁷ *Ibid.*, Ch. 3, § 6.

cause of its own sake and for the sake of true happiness, thereby contributing to the flourishing of society.

Binding Nature of Law for Locke and Aquinas

As already mentioned, for Aquinas, the binding force of natural law depends on the fact that it is promulgated to us by Divine reason in such a way that everybody can know its general precepts through their own natural reason. Similarly, Locke argues that “in order that anyone may understand that he is bound by a law, he must know beforehand that there is a law-maker, i.e., some superior power to which he is rightly subject.”⁷⁸ Locke and Aquinas, then, would agree on the fact that the morally binding nature of natural law is derived from God and, thus, that without God it is impossible to ground a universal moral law which human beings are obliged to obey.⁷⁹ However, Locke believes that the will of God, not Divine reason, is the “true ground of morality.”⁸⁰ That is, for Locke, unchangeable universal moral principles are derived from “divine law,” which is the will of God governing all our actions and, thus, punishing or rewarding our morally bad or good behavior. Locke claims that this law is known either by the “light of nature” (i.e., through our natural faculties of reason and sense-perception,⁸¹ in which case it is properly called the law of nature) or by “divine revelation.”⁸² Nevertheless, since, as already said, through the light of nature we come to know that individual pleasure and pain are equivalent to good and evil, respectively, it is quite impossible for us to be able to arrive at a universal knowledge of “sin and duty” from such natural light.

Somehow, Locke tried to avoid the error of establishing as criterion for moral goodness the arbitrary and subjective nature of pleasure

⁷⁸ John Locke, *Essays on the Law of Nature*, ed. W. von Leyden (Oxford: Clarendon Press, 1958), IV, 151.

⁷⁹ Rossiter, “Hedonism and Natural Law in Locke’s Moral Philosophy,” 205.

⁸⁰ Locke, *An Essay Concerning Human Understanding*, Bk. I, Ch. 3, § 6.

⁸¹ Hancey, “John Locke and the Law of Nature,” 442.

⁸² Locke, *An Essay Concerning Human Understanding*, Bk. II, Ch. 28, § 7–8.

by arguing that divine law “is the only true touchstone of moral rectitude; and by comparing [our actions] to this law, it is that men judge of the most considerable moral good or evil of their actions: that is, whether as duties or sins, they are like to procure them happiness or misery from the hands of the Almighty.”⁸³ However, arguing that our experience of pleasure and pain must be compared to what is revealed by divine law, so that we may judge the moral good or evil of our actions, underlines the fact that we cannot attain universal and objective knowledge of what is morally right and wrong through the light of reason.

Indeed, Locke contradicts himself by then saying that “it is plain, in fact, that human reason unassisted failed men in its great and proper business of morality. It never from unquestionable principles, by clear deductions, made out an entire body of the ‘law of nature’.”⁸⁴ Locke’s theory, then, cannot soundly argue that there is such a thing as a natural law since “for natural law to be natural rather than revealed, unassisted reason would have to be able to establish” the foundations of morality.⁸⁵ Our knowledge of natural law, then, would depend totally upon divine revelation, which implies a fideism lacking any support and relation to our natural way of knowing things. Even though Locke claims that man can attain universal moral knowledge through divine revelation, his nominalism posits a gap between divine revelation and human reason that cannot explain how a real God is the foundation of a universal natural law that we cannot know through reason.

Moreover, Locke’s “voluntarist theory” of law⁸⁶ helps to explain why he endorses a hedonistic view of ethics as well as why, unlike Aquinas, he never “confronts the question of the content of natural law

⁸³ *Ibid.*, § 8.

⁸⁴ John Locke, “The Reasonableness of Christianity as Delivered in the Scriptures,” in *The Works of John Locke in Nine Volumes*, Vol. 6 (London: Rivington, 1824), <http://oll.libertyfund.org/titles/1438>, accessed on Dec 8, 2016.

⁸⁵ Forde, “Natural Law, Theology, and Morality,” 397.

⁸⁶ Byrne, “The Basis of the Natural Law in Locke’s Philosophy,” 56.

in terms of a codified set of principles.”⁸⁷ When law becomes “the will of a superior,” and not a rule pertaining to reason, good also becomes relative to what pleases the will of those who are subject to the superior. Only the end defined by reason can ordain what is really good for human nature in such a way as to order the wills of everybody towards the pursuit of such good that, as defined by reason, is true. A good divorced from the rule of reason and, thus, from truth, becomes apparent and relative to the will of a particular individual. This apparent good lacks the universal force necessary for us to be able to derive general precepts that rule over the will of all persons.

Likewise, Locke’s theory of natural law cannot be properly called a law of reason insofar as “the morality of actions is judged by a pleasure pain theory, and not by discovering the inner intelligibility of moral actions.”⁸⁸ Natural law, then, loses its ruling and commanding nature insofar as it becomes relative to our ideas of pleasure and pain and, thus, to what we judge as good and evil according to them and not according to reason. As we saw, law, for Aquinas, is a “rule and measure of reason” ordering all our acts and passions towards our proper end. Unlike Locke, therefore, Aquinas argues for the primacy of reason over our will insofar as the good understood moves the will.⁸⁹ Likewise, Aquinas is able to define universally binding precepts of natural law that guide our actions because, based upon the objective reality of human nature, he identifies the good towards which we are naturally inclined as being in accord to reason. In this sense, “the intellect moves the will; since the good itself is apprehended under a special aspect as contained in the universal true.”⁹⁰ Thus, everybody by the common experience of being inclined towards a good they can apprehend as true are able to know naturally what reason commands and, thereby, know

⁸⁷ Hancey, “John Locke and the Law of Nature,” 439.

⁸⁸ Byrne, “The Basis of the Natural Law in Locke’s Philosophy,” 62.

⁸⁹ *ST I*, Q. 82, Art. 3.

⁹⁰ *Ibid.*, I-II, Q. 9, Art. 1, ad. 3.

the universally binding moral law as the rule and measure of reason guiding us towards human flourishing and the common good. Aquinas' notion of natural law, then, comprehends the mutually reinforcing relationship between our reason and will. "The good considered as such, i.e., as appetible, pertains to the will before pertaining to the reason. But considered as true it pertains to the reason, before, under the aspect of goodness, pertaining to the will: because the will cannot desire a good that is not previously apprehended by reason."⁹¹

*Social Implications of the Differing Views of
Aquinas and Locke on Natural Law*

Locke recognizes that "if the private interest of each person is the basis of law, the law will inevitably be broken, because it is impossible to have a regard for the interest of all at one and the same time."⁹² However, since for Locke, pleasure and pain are what ultimately give us insight about the content of natural law,⁹³ self-interest necessarily becomes the criterion for establishing human laws and peace in society. Indeed, Locke affirms that "law, in its true notion, is not so much the limitation, as the direction of a free and intelligent agent to his proper interest, and prescribes no farther than is for the general good of those under that law."⁹⁴ Under Locke's hedonistic approach to natural law, the common good becomes the "sum total of all particular goods or interests of individuals." According to this, our proper interest for safeguarding what brings us the greatest pleasure, and, thus, the individual freedom necessary to enjoy it, become the tenets for enacting laws. As

⁹¹ *Ibid.*, Q. 19, Art. 3, ad. 1.

⁹² Hancey, "John Locke and the Law of Nature," 446.

⁹³ Rossiter, "Hedonism and Natural Law in Locke's Moral Philosophy."

⁹⁴ John Locke, "Economic Writings and Two Treatises of Government" (1691), in *The Works of John Locke in Nine Volumes*, Vol. 4 (London: Rivington, 1824), Second Treatise, § 57, http://oll.libertyfund.org/titles/763#Locke_0128-04_692, accessed on Nov 30, 2016.

Byrne argues, “Civil law becomes nothing but the will of the majority, based on this utilitarian estimate.”⁹⁵

In spite of that, for Locke, we cannot know human nature and, thus, formulate the content of natural law based upon such objective reality, he assumes the principle of equality⁹⁶ as a basis for determining human rights—claiming, for instance, that since all men are by nature created equal, no one has the right to harm one another.

The state of nature has a law of nature to govern it, which obliges every one: and reason, which is that law, teaches all mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions: for men being all the workmanship of one omnipotent and infinitely wise Maker; all the servants of one sovereign master, sent into the world by his order, and about his business; they are his property, whose workmanship they are, made to last during his, not another’s pleasure: and being furnished with like faculties, sharing all in one community of nature, there cannot be supposed any such subordination among us, that may authorize us to destroy another.⁹⁷

Unlike Aquinas’ notion of natural law that commands both positive and negative universal precepts leading to the moral perfection of the person, Locke’s theory is limited to prohibitions restraining individuals from “invading others’ rights,”⁹⁸ especially their natural right to life and property,⁹⁹ and from harming the private interest of one another.¹⁰⁰ When self-interest is the principle ruling society, human beings “would not even rise to the defense of oppressed fellow-citizens, unless

⁹⁵ Byrne, “The Basis of the Natural Law in Locke’s Philosophy,” 63.

⁹⁶ Forde, “Natural Law, Theology, and Morality,” 397.

⁹⁷ Locke, “Economic Writings and Two Treatises of Government,” Second Treatise, Ch. 2, § 6.

⁹⁸ *Ibid.*, § 7.

⁹⁹ Edward J. Harpham, “Natural Law and Early Liberal Economic Thought: A Reconsideration of Locke’s Theories of Value,” *Social Science Quarterly* 65: 4 (1984): 969; Leyden, “John Locke and Natural Law,” 25.

¹⁰⁰ Forde, “Natural Law, Theology, and Morality,” 401.

they believe that oppression augurs ill for themselves.”¹⁰¹ Locke’s theory of natural law, then, lacks the positive moral commands that encourage persons to live a morally virtuous life and pursue transcendental goods such as that of truth and justice.

In addition, given that Locke’s notion of natural rights is not based upon the objective reality of our human nature, thereby lacking a firm basis and justification, they become illusions. As Redpath argues,

But what will happen to us when more of us start to realize that, without conviction of the existence of a human nature really existing in things, natural rights are a reflection of nothing, convenient illusions moderns have created to maintain the intoxicating joy of our own poetic and sophistic project? Even drunkards, at times, tire of their alcoholism.¹⁰²

Indeed, as Redpath also warns, it is impossible to be “metaphysically a utopian socialist”—advocating skepticism about the reality of natures and teleology in things and, thus, about the necessary connection between human nature and virtue—and to be at the same time a “defender of individual liberty.” As he argues, “Eventually, all forms of nominalism and skepticism about moral and metaphysical principles incline their proponents to adopt in their absence social practices that tend to generate political totalitarianism.”¹⁰³ Locke’s nominalism, therefore, makes it impossible for us to firmly ground universal human rights protecting the individual liberty of all citizens. When human rights are not anchored in the objective reality of our human nature and ends they become relative to social conventions, fashions, or the arbitrary will of those who are in power.

Unlike Locke’s theory, Aquinas’ notion of natural law is grounded on the metaphysical foundations necessary for defining human na-

¹⁰¹ *Ibid.*

¹⁰² Peter A. Redpath, “The Essential Connection between Modern Science and Utopian Socialism,” *Studia Gilsoniana* 3 (2014): 217.

¹⁰³ *Ibid.*, 219.

ture and, thereby, what is objectively good and bad for us. Knowledge about what is really healthy and harmful for man allows the enactment of just laws that follow the decree of reason and, thus, advocate for the supremacy of the common good over the private good. Justice orders external activities, finding the right mean in social interactions and communications that allow us to live harmoniously as citizens. Justice, then, is properly defined as giving to others what is due, which includes “to do good considered as due to one’s neighbor, and to avoid the opposite evil, that, namely, which is hurtful to one’s neighbor.”¹⁰⁴ For Aquinas, human laws derive their “binding force” if they follow what is just. Since “a thing is said to be just, from being right, according to the rule of reason,” a human law would have the binding nature of a just law only if it is derived from the natural law which, as was said, is the rule of reason. As Aquinas argues, if in any point a human law contradicts the natural law, “it is no longer a law but a perversion of law.”¹⁰⁵ Just laws, therefore, should prohibit the “more grievous vices, from which it is possible for the majority to abstain; and chiefly those that are to the hurt of others,” such as murder and theft,¹⁰⁶ as well as protect the basic rights of all persons.

Indeed, for Aquinas, there is a fundamental continuity between natural law and natural right. That is, the protection of basic natural rights, such as that of life or of the education of offspring by parents, is based upon our natural inclinations as well as the natural relations that flow from them.¹⁰⁷ Since it “is proper to justice” “to direct man in his relations with others,”¹⁰⁸ “natural right” (i.e., “that which by its very nature is adjusted to or commensurate with another person”)¹⁰⁹ belongs to justice. For Aquinas, the fundamental precept of natural law to do good

¹⁰⁴ *ST* II-II, Q. 79, Art. 1.

¹⁰⁵ *Ibid.*, Q. 95, Art. 2.

¹⁰⁶ *Ibid.*, I-II, Q. 96, Art. 2.

¹⁰⁷ *Ibid.*, II-II, Q. 57, Art. 3.

¹⁰⁸ *Ibid.*, Art. 1.

¹⁰⁹ *Ibid.*, Art. 3.

and avoid evil, as applied to our external relations, belongs to justice.¹¹⁰ The protection of our natural rights, therefore, is based upon justice as commanded by natural law and not upon self-interest.

In addition, for Aquinas, law is a very powerful tool for moral education insofar as, by compelling through “fear of punishment,” it restrains people from doing evil deeds and, thereby, habituate them to “leave others in peace.” Besides to suggest a notion of justice, such good habituation may lead them to do voluntarily what they do out of compulsion and fear and, thus, encourage them to live virtuously.¹¹¹ Human laws, therefore, when rooted on what is objectively good for human nature, create the ideal conditions for human beings to live peacefully and virtuously, allowing them to develop their talents to the maximum and, thereby, to contribute to the flourishing of society.

Conclusion

Locke’s theory of natural law is not “a continuation of the traditional conceptions of natural law,”¹¹² as espoused by Aquinas, but rather, a radical departure, or even its corruption. Unlike Aquinas’s notion of natural law, Locke’s account lacks the metaphysical basis necessary for being able to know human nature and, thereby, the exceptionless moral precepts of natural law. While Aquinas’ notion of natural law defines what is good and bad for human nature, Locke’s nominalism reduces what is good and bad to our simple ideas of pleasure and pain, thereby leading to moral subjectivism and the supremacy of the private interest over the common good. Even though both Aquinas and Locke agree that God has given us universally binding rules governing our actions, Locke’s voluntarism undermines the ruling and measuring nature of law. For Aquinas, natural law is fundamental not only for guiding our lives towards *eudaimonia* and—with the aid of theological

¹¹⁰ *Ibid.*, Q. 79, Art. 1, ad. 1.

¹¹¹ *Ibid.*, I-II, Q. 95, Art. 1.

¹¹² Hancey, “John Locke and the Law of Nature,” 441.

virtue—ultimately, to the Supreme Happiness, but also for establishing the firm foundations upon which we can build a just and flourishing society that protects basic human rights.¹¹³

ST. THOMAS AQUINAS AND JOHN LOCKE ON NATURAL LAW

SUMMARY

John Locke's natural law theory has frequently been conceived as a continuation of the Thomistic tradition and as sound basis for human rights as universally binding. This paper concludes that this is not the case. Unlike Aquinas' metaphysical realism, Locke's empiricism and nominalism make it impossible for us to know our human nature, our exclusively human goods, and *telos*—thereby undermining the sound foundations of the exceptionless moral precepts of natural law. Whereas Aquinas defines the good as that which is perfective and fulfilling of human nature, Locke identifies the good with pleasure, which leads to subjectivism. While both Aquinas and Locke argue that God is the origin and foundation of the binding force of natural law, Locke's voluntarism is incompatible with the ruling nature of law. Consequently, unlike Aquinas, Locke's theory lacks the metaphysical foundations for universal human rights.

KEYWORDS

St. Thomas Aquinas, John Locke, natural law, human rights, moral philosophy, subjectivism, hedonism.

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