

THE LEGAL CHARACTER OF NATURAL LAW
ACCORDING TO ST THOMAS AQUINAS

by

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ABSTRACT

The claim is that Aquinas conceives of natural law as something that perfectly fulfills his general definition of law. It is a law in even a fuller sense than human positive law. The wide range of positions on this question among contemporary interpreters is surveyed and evaluated. It is first argued that for Aquinas, the formal notion of natural law involves a reference to the eternal law, and that nevertheless the complete promulgation of natural law to man does not require his knowledge of divine providence and legislation, or even of God's existence. Next treated is the difference between the promulgation of natural law and that of positive law, with special attention to Aquinas' notion of command; the aim is to show that the effect proper to command, and hence the full institution of a law, does not necessarily require that those who are subject to it make advancement to its author's will. Then taken up is the role that Aquinas assigns to knowledge of the physical world in the understanding of the precepts of natural law, and his general doctrine of the "imitation of nature," in order to determine whether he in some way attributes an authoritative status to nature. Finally, the manner in which natural law carries obligatory force is shown; the connection between obligation and sanction in Aquinas' thought is indicated, and natural law is found to carry its own proper sanction, called "remorse of conscience." The conclusion is that insufficient attention has been paid to Aquinas' doctrine of the eternal law as a principle governing even the very natures of created things.

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