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## ETHICS

Catholic and evangelical ethics have the same Augustinian roots. Both are absolutistic, and both are anchored in the nature and will of God. Since Augustine's ethics were amplified by his brightest follower, Thomas Aquinas, we will elaborate the common core of Catholic/evangelical ethics in the writings of both. They have set the standard for Catholic ethics during the subsequent centuries.

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### EARLY MEDIEVAL ROOTS OF CATHOLIC ETHICS

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The Bishop of Hippo was well ahead of his time when he unfolded his divine command ethic in terms of the essential attribute of God's love which, like all his attributes, is essential to his being. Augustine, in contrast to much of contemporary love ethics,<sup>1</sup> spelled out the absolute nature and knowable content of this truly Christian ethic of love.

#### LOVE IS THE SUPREME LAW

According to Augustine, "the supreme law is love."<sup>2</sup> Not only is love the supreme virtue; in a sense it is the only one. "Therefore hold fast [to] love, and set your mind at rest." For "who does evil to the man he loves? Love thou: it is impossible to do this without doing good."<sup>3</sup>

The love of God is the greatest love possible. Augustine said, "it is a perversion for people to want to enjoy money, but merely to make use of God. Such people do not

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1 See Joseph Fletcher, *Situation Ethics: The New Morality* (Philadelphia: Westminster Press, 1966).

2 Augustine, *City of God* 15.16.

3 Augustine, *Epistle of John* 10.7.

spend money for the sake of God, but worship God for the sake of money.”<sup>4</sup> Only God should be loved for his own sake. Therefore, “you ought not to love even yourself for your own sake, but for Him in whom your love finds its most worthy object.”<sup>5</sup>

Augustine also believed in a proper self-love. He believed that “Man . . . ought to be taught the due measure of loving, that is, in what measure he may love himself so as to be of service to himself.” For “that he does love himself and desire to do good to himself, nobody but a fool would doubt.” But “he is to be taught in what measure to love his body, so as to care for himself wisely and within due limits.”<sup>6</sup> This proper self-love is evident in the command to love our neighbor *as ourself*.<sup>7</sup> For “Whoever loves another as himself ought to love that in him which is his real self. . . . Whoever, then loves in his neighbor anything but his real self does not love him as himself.”<sup>8</sup>

There is, of course, bad self-love or selfishness. This is the love of one’s self in an improper measure. This evil self-love is pride, and it is the moral essence of the City of Man as opposed to the City of God (i.e., the domain of God on earth), which is based in the love of God. Augustine believed that “what we see, then, is that two societies have issued from two kinds of love. Worldly society has flowered from a selfish love which dared to despise even God, whereas the communion of saints is rooted in a love of God that is ready to trample on self.”<sup>9</sup> In fact, “this is the main difference which distinguishes the two cities of which we are speaking. The humble City of God is the society of holy men and good angels; the proud city is the society of wicked men and evil angels. The one city began with love; the other had its beginnings in the love of self.”<sup>10</sup>

Loving others is a divine command. “For this is the law that has been laid down by Divine authority. ‘Thou shalt love thy neighbor as thyself.’ ”<sup>11</sup> In fact, love is to be manifest on four levels: “first, that which is above us [God]; second, ourselves; third, that which is on a level with us; fourth, that which is beneath us.”<sup>12</sup>

## LOVE AND THE VIRTUES

All virtues can be defined in terms of love. For Augustine, virtue was “nothing else than perfect love of God.”<sup>13</sup> For “the fourfold division of virtue I regard as taken from four forms of love.” For example, “temperance is love giving itself entirely to that which is loved; fortitude is love readily bearing all things for the sake of the loved object; justice is

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4 Augustine, *City of God* 11.25.

5 Augustine, *On Christian Doctrine* 1.22.

6 Ibid., 1.25.

7 Ibid., 1.26.

8 Augustine, *Of True Religion* 46 TR.

9 Augustine, *City of God* 14.28.

10 Ibid., 14.13.

11 Ibid.

12 Ibid., 1.23.

13 Augustine, *On the Morals of the Catholic Church* 15.

love serving only the loved object, and therefore ruling rightly; prudence is love distinguishing with sagacity between what hinders it and what helps it.”<sup>14</sup> Thus, for Augustine, “it is a brief but true definition of virtue to say it is the order of love.”<sup>15</sup>

Since God is the ultimate object of love, Augustine redefined the traditional virtues in a theocentric way. “Temperance is love keeping itself entire and incorrupt for God; justice is love serving God only, and therefore ruling well all else, as subject to man; prudence is love making a right distinction between what helps it toward God and what might hinder it.”<sup>16</sup>

*Prudence.* Prudence is love acting wisely. “It is the part of prudence to keep watch with most anxious vigilance, lest any evil influence should stealthily creep in upon us.”<sup>17</sup> It is for this reason that God instructs us to “watch” and “walk while ye have the light, lest darkness come upon you.”<sup>18</sup>

*Fortitude.* Fortitude is love standing firm in the face of danger. While temperance is love burning in desire for God and not seeking earthly things, fortitude bears the loss of these temporal things for the love of God. It is love bearing all things. For “there is nothing, though iron hardness, which the fire of love cannot subdue. And when the mind is carried up to God in this love, it will soar above all torture free and glorious, with wings beautiful and unhurt, on which chaste love rises to the embrace of God.”<sup>19</sup>

*Temperance.* Temperance is love keeping itself pure for God. It “promises us a kind of integrity and incorruption in the love by which we are united to God. The office of temperance is in restraining and quieting the passions which make us pant for those things which turn us away from the laws of God.” In short, “the whole duty of temperance, then, is to put off the old man, and to be renewed in God . . . and to turn the whole love to things divine and unseen.”<sup>20</sup>

## LOVE AND THE GREATER GOOD

Although Augustine was a staunch defender of never telling a lie, even to save a life,<sup>21</sup> he nonetheless believed that there were occasions when the obligations to love came into unavoidable conflict. Stated positively, there are some things we should love more than others. God, of course, should be loved supremely. Further, a faithful person does not love improperly, “nor loves that more which ought to be loved less, nor loves that equally which ought to be loved either less or more, nor loves that less or more which ought to be

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14 Ibid.

15 Augustine, *City of God* 15.22.

16 Augustine, *On the Morals of the Catholic Church* 15.

17 Ibid., 24.

18 Ibid.

19 Ibid., 22.

20 Ibid., 19.

21 Augustine, *On Lying* 22–23.

loved equally.”<sup>22</sup> Negatively put, there are greater and lesser sins. In the words of our Lord, there are “weightier matters of the law” ( Matt. 23:23 ). Unlike contemporary situationalism, “what sins are trivial and what grand, however, is not for human but for divine judgment to determine.”<sup>23</sup> For “there are some sins which would be considered very trifling, if the Scripture did not show that they are really very serious.”<sup>24</sup>

## LOVE AND SEX

Augustine, like the apostles and church fathers before him, condemned sex before and outside of a monogamous marriage as ethically wrong. He incited “that no lapse occur into damnable sins; that is, into fornication and adulteries.”<sup>25</sup> Homosexuality and bestiality were considered abhorrent or, to borrow the biblical term, “an abomination” ( Lev. 18:22–23 ). Other forms of lust, such as gluttony, were likewise condemned, noting that, in matters of this kind, “it is not the nature of the things we use, but our reason for using them, and our manner of seeking them, that make what we do either praiseworthy or blamable.”<sup>26</sup>

## LOVE AND WAR

Augustine also provided the basis for the traditional Christian view of a “just” war, which both Catholics and most Protestants have shared in common ever since. “For it is the wrong-doing of the opposing party which compels the wise man to wage just wars; and this wrong-doing even though it gives rise to no war would still be a matter of grief to man because it is man’s wrong-doing.”<sup>27</sup> He adds, “it is therefore with the desire for peace that wars are waged. . . . And hence it is obvious that peace is the end sought by war. For every man seeks peace by waging war; but no man seeks war by waging peace.”<sup>28</sup>

## LOVE AND LIFE

Augustine held that human life not only should be lived in a saintly way but that human life itself is sacred from its very inception.<sup>29</sup> Hence abortion is condemned as immoral. Abortion is the intentional taking of an innocent life and, as such, it is murder. Unborn human life is just as human as the life of a young child or an adult. David said, “Surely I was sinful at birth, sinful from the time my mother conceived me” ( Ps. 51:5 NIV ). And

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22 Augustine, *On Christian Doctrine* 1.28.

23 Augustine, *Enchiridion* 78.

24 Ibid., 79.

25 Augustine, *On Marriage and Concupiscence* 1.16.

26 Augustine, *On Christian Doctrine* 3.12.

27 Augustine, *City of God* 19.7.

28 Ibid.

29 Based on an outmoded Aristotelian view, Aquinas believed the rational soul was not created until several weeks after conception. But the Catholic church, along with modern science, has affirmed that life begins at the moment of conception (fertilization).

of Jesus in the Blessed Virgin's womb it was said, "that which is conceived in her is of the Holy Spirit" ( Matt. 1:20 ). Since both science and the Bible (general revelation and special revelation) teach that life begins at conception, it is not a matter of divine law alone but also of natural law for all people that forbids abortion.

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## LATE MEDIEVAL ARTICULATION OF CATHOLIC ETHICS

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Although Augustine believed in natural law,<sup>30</sup> it was left to Aquinas to spell it out in greater detail.<sup>31</sup> His view is amazingly relevant to the current discussion, cutting between the two extremes of theonomy and utilitarianism. Theonomists hold that all law is divine law, contending that human governments should be based on divine law as expressed in the Bible.<sup>32</sup> Utilitarians, on the other hand, argue that there are no moral absolutes, reducing all law to human law. Traditional Catholic ethics offered an answer that most of classical Protestantism accepted and of which an increasing number of contemporary evangelicals are coming to see the relevance.

### THE NATURE OF MORAL LAW

Like his mentor Augustine, Thomas Aquinas believed that ethics is based in moral law which flows from God, the Moral Law Giver. It flows from his will and is rooted in his nature. Catholic ethics is essentialistic. As Catholic ethicist Germain Grisez affirms, "By wisdom God makes us what we are and thus determines the true requirements for our fulfillment. . . . He does not make things right or wrong by an additional arbitrary choice."<sup>33</sup> God wills something because it is right (based on his unchangeably good nature); it is not good simply because God wills it to be so. God is not arbitrary in what he wills to be good.

Aquinas defined law as "measure or rule by which we are led to act or withheld from acting."<sup>34</sup> It is "an ordinance of reason made for the common good by the public personage who has charge of the community, and [is] promulgated."<sup>35</sup> Thus, law is the basic rule or principle by which actions of persons are directed.

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30 Terry Miethe, "Natural Law, The Synderesis Rule," *Augustinian Studies* 2 (1980): 91–97.

31 The discussion here follows that in Norman L. Geisler, *Thomas Aquinas: An Evangelical Appraisal* (Grand Rapids: Baker, 1991), chap. 12.

32 Greg L. Bahnsen, *Theonomy in Christian Ethics* (Nutley, N.J.: Craig Press, 1979).

33 See Germain Grisez, *The Way of Our Lord*, vol. 1 (Chicago: Franciscan Herald, 1983), pp. 101–2.

34 Thomas Aquinas, *Philosophical Texts* (New York: Oxford University Press, 1960), p. 354.

35 Aquinas, *Summa Theologiae* 1a2ae. 90, 4.

## LAW AS FIRST PRINCIPLE

Law is a first principle for action. “The rule and measure of human activity is the reason, the first principle of human activity, whose function is to direct means to ends.”<sup>36</sup> Each area of human activity has its own first principles. There are, for example, first principles of human thinking, such as the law of non-contradiction. Also, there are first principles of human acting. “The precepts of the natural law are to the practical reason what first principles of science are to the theoretical reason.”<sup>37</sup> For “reason is the first principle of human acts.”<sup>38</sup> The precepts of the natural law, of course, are not first principles of theoretical reason but of practical reason. That is, they are operative not in speculative matters but in practical matters. Hence, “the first principle of the practical reason is our ultimate end, or happiness; law is chiefly concerned with planning for this.”<sup>39</sup> In brief, law is the rule directed toward the common good (happiness).

In order for law to be in effect it must be promulgated. “No one is obliged to obey a precept unless he be reasonably informed about it.”<sup>40</sup> This follows from the nature of law as a duty of action for the common good. Thus, “to lay an obligation a law must be applied to the men who have to be regulated, and this means that it must be brought to their knowledge by promulgation.”<sup>41</sup> In this sense, ignorance of the law is a legitimate excuse not to obey it. At the same time, “a man does not make up a law for himself, but by his very act of recognizing it as a law enacted for him he [thereby] binds himself to its observance.”<sup>42</sup> Aquinas illustrates this point: “If a mistaken reason bids a man sleep with another man’s wife, to do this will be evil if based on ignorance of a divine law he ought to know; but if the misjudgment is occasioned by thinking that the woman is really his own wife, and she wants him and he wants her, then his will is free from guilt.”<sup>43</sup>

In summation, law is by nature a measure for conduct. It is a first principle of human action. But in order to be in effect the law must be proclaimed. When it is proclaimed, a law is binding.

## DIFFERENT KINDS OF LAW

Catholics and many Protestants following Thomas distinguish four different kinds of law: eternal law, natural law, human law, and divine law. Each is the measure or rule in a different sphere.

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36 Ibid., 90, 1 and ad 3.

37 Ibid., 90, 2.

38 Ibid.

39 Ibid.

40 Aquinas, *Disputations 17, On Truth 3*.

41 Aquinas, *Summa Theologiae* 1a2ae. 90, 4.

42 Aquinas, *Disputations 17, On Truth 3 ad 1*.

43 Aquinas, *Summa Theologiae* 1a2ae. 19, 6.

*Eternal Law.* Aquinas declared that eternal law is “the idea existing in God as the principle of the universe and lying behind the governance of things.”<sup>44</sup> It is the source and exemplar of all other law, for “all laws derive from the eternal law to the extent that they share in right reason.”<sup>45</sup> It is eternal “because naught in the divine reason is conceived in time, for the plan was set up from eternity.”<sup>46</sup> So eternal law is the divine reason by which the universe is ruled. “All things subject to divine providence are ruled and measured by the eternal law, and consequently it is clear that somehow they share in the eternal law, for under it they have their propensities to their appropriate activities and ends.”<sup>47</sup> This law is the eternal mind of God as it conceived and determined all that would be and how it would be run. From it flow all other kinds of law, whether natural, human, or divine.

*Natural Law.* Natural law is derived from eternal law. In fact, “natural right is contained in the eternal law primarily, and in the natural judicial faculty of human reason secondarily.”<sup>48</sup> Natural law, then, is the human participation in eternal law by way of reason. It shares in the eternal reason. “This communication of the eternal law to rational creatures is called natural law.” So natural law is “the natural light of reason, by which we discern what is right and wrong.” It is “naught else but the impression on us of divine light.”<sup>49</sup> All rational creatures, not just believers, share in natural law. It is the law written on their hearts of which Paul speaks in Romans 2:12–15 .

Natural law prescribes that all human beings do good and shun evil. But “good and evil should be set in the context of what is proper to humans as humans. This is his rational life.”<sup>50</sup> A good act, then, is one in accordance with human (rational) nature, and an evil act is one contrary to reason. According to Aquinas, the sad fact is that “most men seem to live according to sense rather than reason”;<sup>51</sup> their actions are based on feeling rather than good reasoning.

Living according to human (rational) nature, however, does not mean that human nature is the ultimate measure of all things. “In voluntary activity the proximate measure is the human reason, the supreme measure the eternal law.” In other words, “the measure of human willing is double: one close and of the same nature, namely the human reason itself; the other, first and transcendent, namely the eternal law which is like the reason of God.”<sup>52</sup> Thus, “when a human act goes to its end in harmony with the order of reason and eternal law then the act is right; when it turns away from that rightness it is termed

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44 Ibid., 91, 1.

45 Ibid., 93, 3.

46 Ibid.

47 Ibid., 91, 2.

48 Ibid., 71, 6 ad 4.

49 Ibid., 91, 2.

50 Aquinas, *Disputations*, II de Malo, 4.

51 Aquinas, *Summa Theologiae* 1a. 49, 3 ad 5.

52 Ibid., 1a2ae. 71, 6.

sin.”<sup>53</sup> However, human reason is the basis for natural law only insofar as it participates in the eternal reason which is God’s. Hence, in this sense “to disparage the dictate of reason is equivalent to condemning the command of God.”<sup>54</sup>

*Human Law.* Human law, also called positive law or civil law, is the attempt of human reason to make practical laws based on natural law. Human law results when “the practical reason proceeds to make concrete the precepts of the natural law.”<sup>55</sup> It is a particularization of the general principles of natural law.

Human laws may be inferred from natural law in two ways. “Some precepts are inferred from the natural law as a conclusion, thus *thou shalt not kill* comes from *thou shalt not harm*. ” Others, however, “relate to the natural law as determinate embodiments; for though it may be declared that criminals should be punished, the natural law does not settle the character of the punishment.”<sup>56</sup> In short, human laws may be derived from natural law “either as a conclusion or as a particular application.”<sup>57</sup> According to Aquinas, the first is like a demonstrative science and the second like an art. Hence, “laws that are declared as conclusions have their force from the natural law as well as from enactment. But laws that are decreed as applied decisions have their force from human legislation.”<sup>58</sup>

Unlike natural law, not everything forbidden by human law is essentially evil (e.g., driving on the right side of the road). For “some things are commanded because they are good, or forbidden because they are evil. Others again are good because they are commanded, or evil because forbidden.”<sup>59</sup> Of course, “a human act that is faulty and a sinful kind of act is wrong under all circumstances whatsoever. An act of vice, forbidden by a negative precept is never to be committed by anyone.” However, “in an act of virtue, which is commanded by an affirmative precept, many factors have to conspire to make it right. . . . [Thus, it] need not be complied with persistently and in every case, but only when the due conditions of person, time, place, and situation demand its observance.”<sup>60</sup>

Human law is imposed on imperfect people. “Therefore it does not forbid all vices, from which the virtuous keep themselves, but only the graver ones which the majority can avoid, and chiefly those that are damaging to others and on prevention of which depends social stability.”<sup>61</sup> That is, “human law cannot forbid all and everything that is against virtue; it is enough that it forbid deeds against community life; the remainder it tolerates almost as if they were licit, not indeed because they are approved, but because

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53 Ibid., 21, 1.

54 Ibid., 19, 5 ad 2.

55 Ibid., 91, 3.

56 Ibid., 95, 2.

57 Ibid.

58 Ibid., 2a2ae. 57, 2 ad 3.

59 Ibid.

60 Gilby, PT, p. 361, from de Correctione Fraternali, 1.

61 Aquinas, *Summa Theologiae* 1a2ae. 96, 2.

they are not punished.”<sup>62</sup> In short, “every act of virtue is not commanded by human law, but only those that can be enjoined for the public good.”<sup>63</sup> For “the immediate end of human law is men’s own utility.”<sup>64</sup>

According to Aquinas, not every human law is legitimate. For “every law is ordered for the common good, and a precept has the force of law only when it serves this community benefit.”<sup>65</sup> Laws contrary to the common good, as demanded by the natural law, do not have the force of law. This leaves room for justifiable revolution, a belief held by most who follow Aquinas’s natural law tradition, including John Calvin, John Locke, Samuel Rutherford, and the American founding fathers (e.g., the Declaration of Independence). Further, laws that are not promulgated, even if they are directed to the common good, are not binding. For, as Aquinas said, “no one is obligated to obey a precept unless he be reasonably informed about it.”<sup>66</sup>

*Divine Law.* Divine law has a different purpose than the others. “The intent of the divine law given to man is to lead him to God”; that is, “the entire purpose of the lawgiver is that man may love God.”<sup>67</sup> Divine law, therefore, is not given to unbelievers but to believers. Natural law is for unbelievers. Divine law is binding on the church, but natural law is binding on society. Natural law is directed toward our temporal good, but divine law is directed toward our eternal good. Contemporary theonomy and reconstructionism fail to make this distinction.<sup>68</sup>

Inasmuch as natural law reflects the very character of God, it cannot change. Divine law, however, is based on God’s will, and therefore can be changed. Hence, “in divine as in human law, some things are commanded because they are good. . . . Others again are good because they are commanded”<sup>69</sup> (e.g., worshiping on Sunday rather than Saturday for a Christian, or not eating pork for a Jew in Old Testament times). This is reflected in God’s change in divine law from the Old Testament to the New Testament. The natural law, however, has not been altered; it remains the same from age to age and from person to person.

## NATURAL LAW AND PROTESTANTS

Natural law is not unique to Catholic thinkers. John Calvin believed that natural law is ingrained by God in the hearts of all people. “That there exists in the human mind, and indeed by natural instinct, some sense of Deity, we hold to be beyond dispute.” Calvin

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62 Ibid., 2a2ae. 77, 1 ad 1.

63 Ibid., 96, 3.

64 Ibid., 1a2ae. 95, 3.

65 Ibid., 90, 2.

66 Aquinas, *Disputations* 177, *On Truth* 3.

67 Aquinas, *III Summa contra Gentiles*, 111–16.

68 See Craig Bahnsen, *Theonomy in Christian Ethics* (Phillipsburg, N.J.: Presbyterian and Reformed, 1984).

69 Aquinas, *Summa Theologiae* 2a2ae. 57, 2 ad 3.

insisted that “there is no nation so barbarous, no race so brutish, as not to be imbued with the conviction that there is a God.”<sup>70</sup> This “sense of Deity is so naturally engraven on the human heart, in fact, that the very reprobate are forced to acknowledge it.”<sup>71</sup>

According to Calvin this innate knowledge of God includes a knowledge of his righteous law.<sup>72</sup> He argued that since “the Gentiles have the righteousness of the law naturally engraved on their minds, [so] we certainly cannot say that they are altogether blind as to the rule of life.”<sup>73</sup> He explicitly called this moral awareness “natural law” which is “sufficient for their righteous condemnation”<sup>74</sup> but not for salvation. By means of this natural law “the judgment of conscience” is able to distinguish between “the just and the unjust.”<sup>75</sup> God’s righteous nature “is engraved in characters so bright, so distinct, and so illustrious, that none, however dull and illiterate, can plead ignorance as their excuse.”<sup>76</sup>

Calvin believed that natural law is not only clear but also specific. It includes a sense of justice “implanted by nature in the hearts of men.”<sup>77</sup> There “is imprinted on their hearts a discrimination and judgment, by which they distinguish between justice and injustice, honesty and dishonesty.” Accordingly, it is what makes them “ashamed of adultery and theft.”<sup>78</sup> According to Calvin, the natural law even governs “good faith in commercial transactions and contracts.”<sup>79</sup> Even the heathen “prove their knowledge . . . that adultery, theft, and murder are evils, and honesty is to be esteemed.”<sup>80</sup> He summarized our “natural knowledge of the law [as] that which states that one action is good and worthy of being followed, while another is to be shunned with horror.”<sup>81</sup>

The roots of early American natural law views derive from John Locke, who in turn got it from the English Protestant Richard Hooker, whose roots are in both

Calvin and Aquinas. Locke believed that the “law of Nature” teaches us that “being all equal and independent, no one ought to harm another in his life, health, liberty or

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70 John Calvin, *Institutes of the Christian Religion*, 1.3.1 ., vol. 1 (Grand Rapids: Eerdmans, 1957), p. 43.

71 *Ibid.*, 1.4.4 , vol. 1, p. 49.

72 Kenneth Kantzer, *John Calvin’s Theory of the Knowledge of God and the Word of God* (Cambridge, Mass.: Harvard Divinity School, 1981).

73 Calvin, *Institutes*, 2.2.22 , vol. 1, p. 241.

74 *Ibid.*

75 *Ibid.*, p. 242.

76 *Ibid.*, 1.5.1 , vol. 1, p. 51.

77 John Calvin, *The Epistles of Paul the Apostle to the Romans and to the Thessalonians* (2:14), ed. David W. Torrance and Thomas F. Torrance, vol. 8 (Grand Rapids: Eerdmans, 1979), p. 48.

78 *Ibid.*

79 *Ibid.*

80 *Ibid.*

81 *Ibid.*, p. 49.

possessions,” because all people are “the workmanship of one omnipotent and infinitely wise Maker.”<sup>82</sup> This same view was expressed by Thomas Jefferson in the Declaration of Independence (1776) when he wrote: “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”

Our founding fathers believed that these unalienable rights are rooted in the “Laws of Nature” which derive from “Nature’s God.” On the Jefferson Memorial in Washington, D.C., are inscribed these words he wrote: “God who gave us life gave us liberty. Can the liberties of a nation be secure when we have removed a conviction that these liberties are the gift of God?” Here again it is clear that Jefferson’s America was based on the concept of God-given rights grounded in God-given moral rules called “Nature’s Laws.” For America’s founders, too, natural law was not a descriptive “is” but a divinely prescriptive “ought.”

## THE PURPOSE OF LAW

God has a purpose in giving law. In general the purpose of law is to regulate human activity. Each kind of law, of course, has its own specific kind of regulation in mind. Eternal law is the means by which God regulates the entire universe, divine law is that by which he regulates the church, and natural law is the means of regulating the actions of all rational creatures. In addition to these spheres, Aquinas spells out several specific dimensions of God’s purpose for giving law.

*Friendship.* One of the purposes of law is to promote friendship. “As the leading purpose of human law is to bring about friendship of men among themselves, so divine law is chiefly intended to establish men in friendship with God.”<sup>83</sup> If human behavior is to be civil, it must be regulated. Apart from laws, friendship cannot function, since it is the measure of right relationships.

*Love of God.* Like Augustine before him, Aquinas believed that Jesus summarized all the laws into two: love God and love others. Thus, “the entire purpose of the lawgiver is that man may love God.”<sup>84</sup> Hence, it is not either law or love; rather, it is the law of love. Thus “the intent of divine law given to man is to lead him to God.”<sup>85</sup> For “love is our strongest union with God, and this above all is intended by the divine law.”<sup>86</sup> God is love, and the highest duty is to love him. Thus the primary purpose of God’s law is that we may love him.

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82 John Locke, *An Essay* 2.6, in *The Great Books*, vol. 35 (Chicago: Encyclopaedia Britannica, 1952), p. 26.

83 Aquinas, *Summa Theologiae* 1a2ae. 99, 2.

84 Aquinas, *III Summa contra Gentiles*, 111–16.

85 *Ibid.*

86 *Ibid.*

*Curing Evil.* Aquinas realized that not everyone will obey God's laws. Hence, a secondary purpose in giving law is punishment. But even here "the value of human penalties is medicinal" for "they promote public security or the cure of the criminal."<sup>87</sup> This is also true of divine and natural law. The primary purpose is for our good, but the secondary purpose is to penalize those who disobey. The hope, of course, is that the punishment will help cure the violator, but this is not the purpose of it.

*The Common Good.* Human laws also have the purpose of achieving the common good. Aquinas recognized that "to make a rule fit every case is impossible." Hence, "legislators have to attend to what happens in the majority of cases and should frame their laws accordingly." For example, "the law commands that deposits [things borrowed] should be returned, but this, though just in most cases, may sometimes be damaging, as when a weapon is returned to a raging maniac."<sup>88</sup> So what is productive for the common good is not always right in a specific case. Since lawmakers cannot take every specific exception into consideration, they must base laws on what happens in the majority of cases. For example, a zoologist says a human hand has four fingers and a thumb, realizing that in some cases persons have fewer or more.<sup>89</sup>

## LAWS AND THEIR PRIORITY

Aquinas was not unaware of the fact that there are conflicts among various laws. In such unavoidable conflicts, however, he saw a priority among the conflicting laws that could resolve the problem. This is reflected in several issues he addresses.

*The Priority of Natural Law over Human Law.* As already indicated, Aquinas believed there were exceptions even to just human laws. Human laws are only general, not universal. Hence, at times the natural law overrides them. As just noted, even though the law of property rights demands that we return what we have borrowed when requested, nonetheless, we should not return a person's weapon to one who is in a murderous rage. In such a case, "to follow the law as it stands would be wrong; to leave it aside and follow what is demanded by fairness and the common benefit will then be right."<sup>90</sup> The virtue of justice of equity demands this. In other words, the moral law takes precedence over the human law in these special cases, even if the human law is a just law.

*Laws Based on God's Nature over Those Based on His Will.* Aquinas distinguished between laws that were based on the nature of God and those which flowed only from God's will. The latter can be changed but the former cannot.<sup>91</sup>

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87 Aquinas, *Summa Theologiae* 2a2ae. 68, 1.

88 Ibid., 120, 1.

89 Commentary, V Ethics, lect. 16.

90 Aquinas, *Summa Theologiae* 2a2ae. 120, 1.

91 Ibid., 57, 2 ad 3.

Both divine law and human law fall into the latter category. Because they are based on God's will they can be changed. The natural law, however, is based on God's nature and cannot be changed.<sup>92</sup> Hence, it would follow that, whenever there is a conflict between unchangeable law and changeable law, the former would take priority over the latter. Such seems to be what Aquinas has in view when commenting on the fact that Jesus' disciples broke the Jewish law. For "when the disciples picked ears of corn on the sabbath they were excused from breaking the law by necessity of hunger." Likewise, "nor did David transgress the law when he took the loaves it was illegal for him to eat."<sup>93</sup>

*The Letter versus the Spirit of the Law.* How Aquinas would resolve conflict situations also emerged in his treatment of "letter of the law" issues. He observed that "the judgement that the letter of the law is not to be followed in certain given circumstances is not a criticism of the law, but an appreciation of a particular situation that has cropped up."<sup>94</sup> If one does not do this, then severity takes priority over equity. For "legal-mindedness should be directed by equity, which provides a higher rule for human activity."<sup>95</sup> From this it is clear that he believed that there is a "higher rule" or law which takes priority over lower laws. It is also evident that when they conflict one is obligated to take the higher over the lower.

*The Principle of Double Effect.* Catholic ethics are not unaware of moral conflicts. The time-honored way of dealing with them is the moral principle of double effect. Briefly, this rule states that when a given action brings about both good and bad results, it is our moral duty to will the good ones. For example, amputating a leg with gangrene will both mutilate a body and hopefully save a life. It is one's moral duty to will the saving of a life, even though one knows that a byproduct of this action will be the mutilation of a body. This principle is applied in the case of tubal pregnancies which will, apart from medical intervention, kill both the mother and her unborn child. In this case, one is obligated to will the saving of the mother's life, even though that action will indirectly result in the immediate inability of the baby to survive.

## THE MORAL VIRTUES

According to Aquinas, there are four "cardinal" or reasonable virtues (prudence, courage, temperance, and justice) and three divine virtues (faith, hope, and love). The reasonable virtues are common to all rational creatures, being naturally attainable. The divine virtues, however, are supernaturally attained and received only by God's grace.

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92 Aquinas did not envision real conflicts within two or more absolute moral laws and, hence, did not offer a hierarchy of moral principles in this context.

93 Aquinas, *Summa Theologiae* 3a. 90, 4 ad 3.

94 Ibid., 2a2ae. 120, 1 ad 2.

95 Ibid., 120, 2.

*The Cardinal Virtues.* There are four cardinal virtues. By “cardinal” Aquinas meant hinge (Lat: *cardo* ); that is, these are not the only virtues, but they are the pivotal ones. Of these Aquinas believed that “prudence opens the way for the other virtues.”<sup>96</sup>

*Prudence.* “Prudence [wisdom] furnishes the right plan for immediate conduct.”<sup>97</sup> It is both thoughtful and practical. It is good sense applied to conduct.<sup>98</sup> Prudence chooses the best means to the good end.<sup>99</sup> Since prudence applies principles to particular cases, it does not establish moral purposes, “but contrives the means thereto.”<sup>100</sup> Prudence does not establish a moral end but presupposes it. “That we should live according to right reason is presupposed to prudence. But how, and through what means, our conduct may keep the reasonable measure, that is the affair of prudence. Prudence does not determine our moral duty (the natural law does that), but it devises a plan of conduct to attain it. Since prudence also induces the right frame of mind, it is an intellectual virtue as well as a moral one.”<sup>101</sup>

There are three kinds of prudence: “solitary prudence directed to one’s own benefit; economic or domestic prudence directed to the good of a household or family; and political prudence ordered to the common good of the State.”<sup>102</sup> Three stages are marked in prudent conduct. First, the wise man takes counsel and discusses the question. Next, he makes a judgment about the matter as to the best course of action. Finally, he applies the counsel and judgment to what must be done here and now.<sup>103</sup> Since “an infinity of singulars cannot be comprehended by the human reason,” prudence does not deal with universals but with “what usually happens.”<sup>104</sup> There is no absolute certainty with prudence. “Opinion [probability] is about things that could be otherwise, and so is prudence.”<sup>105</sup> Wisdom, then, deals only with what is generally the case; it does not admit to universals. Only the natural law does that. Natural law deals with the good itself (as an end); prudence estimates the best way (means) to attain the good.

*Courage.* Courage is the virtue of “holding steady in the face of danger.”<sup>106</sup> It includes patience.<sup>107</sup> Courage is both a general and a special virtue. As a general virtue courage is “a firmness of spirit, or a condition of every virtue” and as a special virtue courage is “a particular firmness in enduring and repulsing threats in situations fraught

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96 Ibid., 47, 6 ad 3.

97 Ibid., 1a2ae. 57, 4.

98 Ibid., 2a2ae. 47, 1 ad 3.

99 Ibid., 47, 2 ad 3.

100 Ibid., 47, 6.

101 Ibid., 47, 4.

102 Ibid., 47, 11.

103 Ibid., 47, 8.

104 Ibid., 47, 3 ad 2.

105 Commentary, VI Ethics, lect. 4.

106 Aquinas, *Summa Theologiae* 2a2ae. 123, 6.

107 Aquinas, *On the Cardinal Virtues* 1 ad 14.

with conspicuous difficulty.”<sup>108</sup> Like Augustine, Aquinas believed that courage is obtained by drawing close to God, for “the nearer a man is to God, who is ever constant, the more steadfast he is and the less fickle.”<sup>109</sup> In the display of courage two characteristics should be considered: “the premeditated deliberateness and the habit of discipline.”<sup>110</sup> It is the latter that manifests itself in emergencies. Courage is not to be confused with aggressiveness, since “holding steady in danger is more important than taking the offensive.”<sup>111</sup> Courage, then, is the virtue that enables one to hold fast in the face of danger.

*Temperance.* Temperance is the virtue of moderation. The virtues of “justice and courage are more immediately related to the common good than temperance is, for justice controls transactions with others, while courage faces the dangers to be undergone for the common good.” By contrast, “temperance moderates merely one’s own personal lusts and pleasures. Therefore, the others are greater virtues, and prudence and the divine virtues are more potent still.”<sup>112</sup>

The virtue of temperance “does not abolish all depraved lusts, but the temperate man does not tolerate them as does the intemperate man.”<sup>113</sup> A temperate person is one who modifies sensual desires by reason. For these desires are “born to obey reason.”<sup>114</sup> The intemperate person is childish on three grounds. First, both intemperate persons and children desire graceless things: “a child does not bother about counsels of moderation . . . ; neither does lust listen to sobriety.” Second, both are spoiled when left to their own devices: “concupiscence grows with gratification.” Third, “both require the same remedy, namely, the use of force.” Thus, “when lusts are resisted they may be tamed to the due manner of decency.”<sup>115</sup>

A temperate person, however, does not avoid all pleasure. “Nature provides pleasure in vitally necessary activities, and the natural order requires that a man should enjoy what is required for the well-being of the individual and the race.” In fact, “were someone to avoid pleasure so far as to omit what is a natural necessity he would sin, as though resisting the design of nature.” Indeed, “a man cannot lead a reasonable life if he avoids all pleasure. He who abhors pleasures because they are pleasurable is boorish and ungracious.”<sup>116</sup> Jest is a pleasure to be enjoyed, for “jokes and plays are words and

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108 Aquinas, *Summa Theologiae* 2a2ae. 123, 2.

109 Aquinas, *III Summa contra Gentiles*, 62.

110 Aquinas, *Summa Theologiae* 2a2ae. 123, 9.

111 *Ibid.*, 123, 6.

112 *Ibid.*, 141, 8.

113 Disputations, *On Cardinal Virtues* 1 ad 6.

114 Aquinas, *Summa Theologiae* 3a. 18, 2.

115 *Ibid.*, 2a2ae. 142, 2.

116 *Ibid.*, 142, 1 ad 2.

gestures that are not instructive, but merely seek to give lively pleasure. We should enjoy them. They are governed by the virtue of witty gaiety . . . which we call pleasantness.”<sup>117</sup>

*Justice.* Justice is virtue that “directs our deeds with regard to other people under the aspect of what is owing to them.”<sup>118</sup> In other words, “justice stands out as rendering another man his due.”<sup>119</sup> While art is the making of external things, “justice is the administration of external things.”<sup>120</sup>

Human rights are “the special object of justice.”<sup>121</sup> There are two kinds of rights: natural and positive. The former is one’s rights “from the very nature of things.” The other is a right “from agreement, either private or public.”<sup>122</sup> Natural rights have priority over positive rights, and “what is contrary to natural rights cannot be made just by human will. *Woe to those who make iniquitous laws* [ Isa. 11:1 ].”<sup>123</sup>

Aquinas believed there were “two main reasons why men fall short of justice—deference to magnates, deference to the mob.” Both yield to might over right. In the first case it is a yielding to social power and in the other to physical power. Both subordinate fairness to force and principles to pressure.

*The Divine Virtues.* Following the apostle Paul ( 1 Cor. 13:14 ), Aquinas believed that the principal Christian virtues were faith, hope, and love, and that the greatest of these was love. These actions all take divine grace to perform; hence, they are not natural but divine. They are supernatural virtues since they “surpass human virtue; for they are virtues of men as made partakers in divine grace.”<sup>124</sup> Further, “theological virtues shape a man to supernatural happiness in the same way as his natural bent shapes him to his connatural end.”<sup>125</sup>

*Faith.* Faith is prior to hope and love, since “it is by faith that the mind apprehends what it hopes for and loves. And so in the sequence of coming to be, faith has to precede hope and charity.” Faith is the substance of things hoped for and the evidence of things not yet seen ( Heb. 11:1 ). Hence, faith is meritorious because it involves the will to believe. It “depends on the will according to its very nature. It is for this reason that to believe can be meritorious, and that faith . . . is a virtue for the theologian.”<sup>126</sup> “For in science and opinion [probable arguments] there is no inclination because of the will, but

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117 Ibid., 148, 2.

118 Ibid., 23, 3 ad 1.

119 Ibid., 57, 1.

120 Ibid., 58, 3 ad 3.

121 Ibid.

122 Ibid., 57, 2.

123 Ibid., 57, 2 ad 2.

124 Ibid., 1a2ae. 58, 3 ad 3.

125 Ibid., 62, 3.

126 Ibid., 62, 3 ad 5.

only because of reason.”<sup>127</sup> But “no act can be meritorious unless it is voluntary, as has been said.”<sup>128</sup>

The supernatural virtue of faith does not destroy reason but complements it. In Aquinas’s words, “grace does not destroy nature but completes it.”<sup>129</sup> Faith goes beyond reason and “sees” by faith what unaided reason cannot see. Thus “faith is the foretaste of that knowledge which hereafter will make us happy.”<sup>130</sup> In brief, the virtue of faith is directed toward our eternal happiness.

*Hope.* Hope is the virtue of expectation. It provides confidence for the content of faith that is perfected by love. “Hope denotes a movement toward that which is not possessed. . . . When, therefore, what is hoped for is possessed, namely the enjoyment of God, hope will no longer be possible.”<sup>131</sup> Hope implies four things: “that it is good, future, arduous, possible. Hence, respectively, hope differs from fear, joy, simple desire, and despair.”<sup>132</sup>

Like faith, hope precedes love, since “by basing his hopes on another, he proceeds to love him. Thus, in the sequence of coming to be, the act of hope precedes that of charity.”<sup>133</sup> However, as we will see, love is prior to hope by its very nature, for both faith and hope need love to complete them.

Hope is the mean between the extremes of presumption and despair. Presumption results in “hoping to receive from God a good in excess of his condition, or [in] despair through failing to hope for what he could hope for according to his condition.” However, “there can be no excess of hope in looking to God, for his goodness is infinite.”<sup>134</sup> Thus, “the act of hope consists in reliance upon God for future beatitude.”<sup>135</sup>

*Love.* Aquinas believed that “love is the form, mover, and root of the virtues.”<sup>136</sup> However, unlike the natural virtues, “the object of charity is not the common good, but the highest good.”<sup>137</sup> Following the words of Jesus, Aquinas held that “there are two precepts of charity: Thou shalt love the Lord thy God with thy whole heart. . . . And the second is like to it: thou shalt love thy neighbor as thyself.”<sup>138</sup>

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127 Aquinas, *On Truth*, XIV, 3, reply.

128 *Ibid.*, 5, reply.

129 Aquinas, *Summa Theologiae* 1a. 1, 8 ad 2.

130 Aquinas, *Compendium of Theology*, 2.

131 Aquinas, *Summa Theologiae* 1a2ae. 67, 4 ad 1.

132 *Disputations, de Spe*, 1.

133 Aquinas, *Summa Theologiae* 1a2ae. 62, 4.

134 *Ibid.*, 64, 4 ad 3.

135 *Ibid.*, 65, 4.

136 *Disputations, 6 de Caritate*, 3.

137 *Disputations, de Caritate*, 5 ad 4.

138 *Opusc. 29, de Perfectione Vitae Spiritualis*, 1–8.

Faith and hope cannot be completed without love. Faith draws God to man, but “love draws man to God.”<sup>139</sup> Of course, “faith and hope can in a way exist without charity, but they have not the perfect status of a virtue without charity.” This is because “the work of God is to believe in God, and . . . to will otherwise than as one ought is not a perfect work of faith.” But “to will as one ought is caused by charity, which perfects the will; for every right movement of the will proceeds from a right love, as Augustine says.”<sup>140</sup>

As for Augustine’s summary of the virtues in terms of love, Aquinas responds: “Augustine’s saying is to be understood of virtue in its unqualified sense; not that every such virtue is simply love, but that it depends in some way on love, inasmuch as it depends on the will, the primordial motion of which is love.”<sup>141</sup> Love is not the essence of each virtue but the essential motive behind it. Without love, the other virtues are less virtuous. For instance, fortitude in hatred is vice, but fortitude in love is virtue.

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## THE ABIDING VALUE OF THE BASIC CATHOLIC ETHIC

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Nothing of real significance has been added to the basic Catholic view of morality since the time of Aquinas. Like Augustine before him, Aquinas believed morality is absolutistic, anchored in the nature and will of an unchangingly perfect God. This morality can be expressed in terms of love: the love of God, self, and others. This love is manifest in many areas which sometimes conflict. God has commanded, however, that we love him supremely and uniquely over any human being or thing. Other conflicts are resolved by following the greater obligation of love.

With the exception of specific areas such as contraception, both Catholics and evangelicals share a common ethical heritage in Augustine and Aquinas. And contrary to a vocal minority of reconstructionists, basic Protestant ethic, especially as applied to civil government, is based in the Catholic natural law tradition.

Several values emerge from the Catholic view of ethics. First, the Catholic view of ethics avoids the extreme of situationism. Unlike much of modern ethical thought, it does not reduce all law to human (positive) law. Rather, human law ought to be based on natural law, from which it draws its legitimacy. Without an unchangeable anchor for civil law in moral law, human rights cannot be protected. As the Declaration of Independence puts it, there are “unalienable rights” of “the Creator” imbedded in “Nature’s Laws” which come from “Nature’s God.” These include the unalienable “right to life,” and government does not have the right to deprive anyone of these God-given rights. Rather, government should protect these rights.

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139 Disputations, 6 de Potentia, 9 ad 6.

140 Aquinas, *Summa Theologiae* 1a2ae. 65, 4.

141 Ibid., 56, 3 ad 1.

Also, natural law is common to all men, not just believers and therefore can be used as the basis for civil law in religiously pluralistic societies. This avoids the problems of theonomy, wherein divine law is pronounced or practiced as the only legitimate basis for human government. The history of the Christian church gives ample testimony to the fatal consequences of a church-dominated state. Constantine, the Spanish Inquisition, Calvin's Geneva, and the Puritans' persecution of Roger Williams are examples from both sides of the spectrum.

Finally, since natural law is transnational, it provides a basis for international activity and commerce. Without natural law there is no objective basis for the condemnation of tyrants like Hitler and Stalin, for if civil law is the last word, then each nation can do what is right in its own eyes.

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## CONCLUSION

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There is a common core to Catholic and evangelical ethics. Both are *absolutistic*, being rooted in the nature and will of God. Both are *essentialistic*, holding that God wills something because it is good; it is not good simply because God wills it. Both are *revelational*, being based on God's self-disclosure to humans in both nature (general revelation) and Scripture (special revelation). Likewise, at least for many Protestants, both are *universal*, insisting that God has revealed himself to all people via natural law. This universal moral law serves as a common basis for all human actions and for universal human rights. It at once avoids the extremes of both situationism and reconstructionism, that is, of those who have no moral law and those who would superimpose their "divine" or religious law on those of opposing religious beliefs. Thus, in a religiously pluralistic society, the basic Catholic moral system, embraced by much of evangelicalism, appears to be the best hope to save religious freedom without sacrificing moral absolutes.