

“Aquinas and Cicero on Natural Law”

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St. Thomas Aquinas and Marcus Tullius Cicero lived many centuries apart amongst strikingly different political and religious contexts, but they both engaged in complex and nuanced inquiry into many of the same subjects. Both thinkers wrote extensive treatises on law that would go on to define the jurisprudential ethos of their respective times. Each of these two treatises discusses a “natural law.” Broadly speaking, this term generally means an unchangeable code of laws -- originating from a nonhuman source -- in which mankind can participate. While this definition is technically accurate for both Aquinas and Cicero’s rendering of natural law, an in-depth investigation comparing and contrasting the thought of these two philosophers reveals distinctions and nuances that clarify both definitions of natural law, leading the scholar to a more holistic understanding of the term. To examine how each author treats natural law, this paper will examine the way both thinkers treat natural law’s relationship with eternal law, reason, and virtue.

For Aquinas, natural law exists as one of four types of law; the other three are eternal law, human law, and divine law. Cicero makes a distinction between the “one eternal and unchangeable law” (Zetzel 71) and another, more mundane, variety of law found in each individual municipality, but he never specifically categorizes natural law as neatly and definitively as Aquinas. Of course, this contrast should not imply that Aquinas sees his different varieties of law as discrete black boxes never interacting with one another. To the contrary, in the *Summa Theologica*, the saint posits, “The natural law is nothing else than the rational creature’s participation of the eternal law” (Pegis 618). Without the presence of eternal law, natural law

would not exist. Therefore, one must acquire an understanding of what Aquinas means by eternal law in order to comprehend his meaning of natural law.

Thomistic “eternal law” describes God’s governance of the universe. In contrast to other varieties of law, “the divine reason’s conception of things is not subject to time, but is eternal... therefore it is that this kind of law must be called eternal” (Pegis 617). Since it comes from the omnipresent and all-knowing Christian God, the eternal law is wholly infallible and righteous. Cicero speaks of a similar “True law” that is “right reason, consonant with nature, spread through all people. It is constant and eternal.” However, Cicero speaks of his eternal law only fleetingly, and his account does not give the impression that he holds the eternal law to be wholly infallible. He remarks that the eternal law “cannot be *totally* repealed” (Zetzel 71, emphasis not in original), therefore implying that the law might be partially repealed. Cicero cites “the god” as “the author, expounder, and the mover of this law” (Zetzel 72). Clearly, Aquinas and Cicero contrast in the way each respectively views the divine being; Aquinas believes in an infallible, omnipresent, and all-powerful God, while Cicero’s divine being acts as an originator and powerful influence that falls short of reaching the total infallibility of the biblical God.

The two thinkers also both discuss the natural law’s relation to man’s faculties of reason. Aquinas creates a hierarchy between knowledge gained from reason (as exemplified through philosophy) and divine revelation. The *Summa Theologica* states, “The argument from authority based on human reason is the weakest, yet the argument from authority based on divine revelation is the strongest” (Pegis 15). Though one might assume that Thomistic natural law’s intricate connection with eternal law (the divine will of God) might tether its character to divine revelation alone, the *Summa Theologica*’s account of natural law involves an extensive

discussion of human reason. Answering the inquiry, “WHETHER THE NATURAL LAW IS THE SAME IN ALL MEN?”, Aquinas asserts, “To the natural law belong those things to which a man is inclined naturally; and among those it is proper to man to be inclined to act according to reason” (Pegis 640). The answer then distinguishes between two types of reason: speculative and practical, where the former denotes an inquiry into universal principles that consistently remain true for all while the latter involves an investigation into particulars that often reveals idiosyncratic “principles” as it subdivides into unique circumstances. In either case, the natural law remains consistent for all human beings and consistently involves reason on a foundational level.

Cicero presents the relationship between natural law and reason as even more interconnected than Aquinas’ account. Cicero begins his inquiry into the relationship between law and reason by stating the position of the Classical Greek philosopher, a position that articulates that law is a distinguished variety of reason. He explains, “Law is the highest reason, rooted in nature, which commands things that must be done and prohibits the opposite. When this same reason is secured and established in the human mind, it is law” (Zetzel 111). He then makes a distinction between a Greek understanding of law where they “put the essence of law in equity” and the Latin tendency to “place [the essence of law] in choice.” Despite the seeming tension between the two legal visions, Cicero agrees with the general sentiment behind both theories and concludes that “the beginning of justice is to be sought in law: law is a power of nature, it is the mind and reason of the prudent man” (Zetzel 112). This postulation places great value in the mind of a prudent man, *equating* law with the human in a manner Aquinas only does with the divine.

Further along in *On the Laws*, Cicero speaks about how “we humans must be considered to be closely *allied* to gods by law” (Zetzel 113, emphasis not in original). Aquinas never speaks of a relationship with God as an alliance, since his view of a proper relationship to God is one of master and creator to follower and creation. Though Cicero makes brief mentions of natural law originally coming from a divine source, Ciceronian thought places far more emphasis on the potential for man’s reason to reveal and understand the natural law than Aquinas’ argument on the same subject.

A third and final relationship meriting investigation is natural law’s connection to virtue. Aquinas explains that virtuous acts may be spoken of in two ways, “First, in so far that they are virtuous; secondly, as such and such acts considered in their proper species” (Pegis 639). Virtuous acts corresponding to the first way coincide with natural law; this is because virtue in the true sense (Aristotelian virtue) comes from man’s reason, and reason, in Aquinas’ perspective, comes naturally to man (from God). The latter way of interpreting “virtuous action” leads to the conclusion that virtue does not always come from natural law. In this “proper-species” framework, particular circumstance might cause a man to perform what his reason has convinced him is a virtuous action, but the incentive to perform the virtuous action comes not from its naturalness but from the action’s being “conducive to living-well” (Pegis 639).

Cicero’s coverage of natural law never explicitly discusses the relationship between it and general virtue in the way Aquinas does, but an extrapolation from the relationship between justice and natural law serves as a worthy substitute. Cicero states, “Those who share law also share the procedure of justice” (Zetzel 113). While the editor points out that “procedure of

justice” could be interpreted as strictly procedural or more substantive, Cicero clearly finds some sort of relationship between justice (a critical virtue) and natural law at least worth his mentioning. The character of this relationship is later revealed when Cicero proclaims, “We are born for justice and that justice is established not by opinion but by nature” (Zetzel 115). The Roman philosopher asserts that justice (if not all virtue) comes directly from nature. This blunt assertion of the directness of the relationship contrasts with Aquinas’ complicated subdivision between virtue properly understood and virtuous action based on circumstance.

Though Aquinas’ clear and well-organized coverage of natural law might make Cicero’s brief mentions of the subject seem inadequate in comparison, both thinkers ultimately present a multilayered and intricate account of natural law. Beyond the critical difference that Aquinas invests far more thought and time into integrating the divine into his arguments, the two definitions of natural law appear largely in concordance with one another. The Platonic and Aristotelian influence comes through in both authors’ writings. In the end, one might confidently claim the most resounding similarity of all is that both Cicero and Aquinas were excellent writers with thought worth reading.