



Nonconsequentialist Theories: Do Your Duty

For the consequentialist, the rightness of an action depends entirely on the effects of that action (or of following the rule that governs it). Good effects make the deed right; bad effects make the deed wrong. But for the nonconsequentialist (otherwise known as a *deontologist*), the rightness of an action can never be measured by such a variable, contingent standard as the quantity of goodness brought into the world. Rightness derives not from the consequences of an action but from its nature, its right-making characteristics. An action is right (or wrong) not because of what it produces but because of what it *is*. Yet for all their differences, both consequentialist and deontological theories contain elements that seem to go to the heart of morality and our moral experience. So in this chapter, we look at ethics through a deontological lens and explore the two deontological theories that historically have offered the strongest challenges to consequentialist views: Kant's moral system and natural law theory.

KANT'S ETHICS

The German philosopher Immanuel Kant (1724–1804) is considered one of the greatest moral philosophers of the modern era. Many scholars would go further and say that he is *the* greatest moral philosopher of the modern era. As a distinguished thinker of the Enlightenment, he sought to make reason the foundation of morality. For him, reason alone leads us to the right and the good. Therefore, to discover the true path we need not appeal to utility, religion, tradition, authority, hap-

piness, desires, or intuition. We need only heed the dictates of reason, for reason informs us of the moral law just as surely as it reveals the truths of mathematics. Because of each person's capacity for reason, he or she is a sovereign in the moral realm, a supreme judge of what morality demands. What morality demands (in other words, our duty) is enshrined in the moral law—the changeless, necessary, universal body of moral rules.

In Kant's ethics, right actions have moral value only if they are done with a “good will”—that is, a will to do your duty for duty's sake. To act with a good will is to act with a desire to do your duty *simply because it is your duty*, to act out of pure reverence for the moral law. Without a good will, your actions have no moral worth—even if they accord with the moral law, even if they are done out of sympathy or love, even if they produce good results. Only a good will is unconditionally good, and only an accompanying good will can give your talents, virtues, and actions moral worth. As Kant explains,

Nothing can possibly be conceived in the world, or even out of it, which can be called good without qualification, except a *good will*. Intelligence, wit, judgment, and the other *talents* of the mind, however they may be named, or courage, resolution, perseverance, as qualities of temperament, are undoubtedly good and desirable in many respects; but these gifts of nature may also become extremely bad and mischievous if the will which is to make use of them, and which, therefore, constitutes what is called *character*, is not good. It is the same with the *gifts of fortune*. Power, riches, honour, even health, and the general well-being and contentment with one's condition



CRITICAL THOUGHT: Sizing Up the Golden Rule

The Golden Rule—"Do unto others as you would have them do unto you"—has some resemblance to Kant's ethics and has been, in one form or another, implicit in many religious traditions and moral systems. Moral philosophers generally think that it touches on a significant truth about morality. But some have argued that taken by itself, without the aid of any other moral principles or theory, the Golden Rule can lead to implausible conclusions and absurd results. Here is part of a famous critique by Richard Whately (1787–1863):

Supposing any one should regard this golden rule as designed to answer the purpose of a complete system of morality, and to teach us the difference of right and wrong; then, if he had let his land to a farmer, he might consider that the farmer would be glad to be excused paying any rent for it, since he would himself, if he were the farmer, prefer having the land rent-free; and that, therefore, the rule of doing as he would be done by requires him to give up all his property. So also the shopkeeper

might, on the same principle, think that the rule required him to part with his goods under prime cost, or to give them away, and thus to ruin himself. Now such a procedure would be *absurd*. . . .

You have seen, then, that the golden rule was far from being designed to impart to men the first notions of justice. On the contrary, it *presupposes* that knowledge; and if we had *no* such notions, we could not properly apply the rule. But the real design of it is to put us on our guard against the danger of being blinded by self-interest.*

How does the Golden Rule resemble Kant's theory? How does it differ? Do you agree with Whately's criticism? Why or why not? How could the Golden Rule be qualified or supplemented to blunt Whately's critique? John Stuart Mill said that the Golden Rule was the essence of utilitarianism. What do you think he meant by this?

*Richard Whately, quoted in Louis P. Pojman and Lewis Vaughn, *The Moral Life* (New York: Oxford University Press, 2007), 353–54.

it to become a universal law. Could you consistently will everyone to act on the maxim "If you need money, make a lying promise to borrow some"? Kant's emphatic answer is no. If all persons adopted this rule, then they would make lying promises to obtain loans. But then everyone would know that such promises are false, and the practice of giving loans based on a promise would no longer exist, because no promises could be trusted. The maxim says that everyone should make a false promise in order to borrow money, but then no one would loan money on the basis of a promise. If acted on by everyone, the maxim would defeat itself. As Kant says, the "maxim would necessarily destroy itself as soon as it was made a universal law."³ Therefore,

³Kant, *Fundamental Principles of the Metaphysics of Morals*, 55.

you cannot consistently will the maxim to become a universal law. The action, then, is not morally permissible.

Kant believes that besides the rule forbidding the breaking of promises, the categorical imperative generates several other duties. Among these he includes prohibitions against committing suicide, lying, and killing innocent people.

Some universalized maxims may fail the test of the categorical imperative (first version) not by being self-defeating (as in the case of a lying promise) but by constituting rules that you would not want everyone else to act on. (Remember that an action is permissible if everyone can consistently act on it in similar situations *and* you would be willing to let that happen.) Kant asks us to consider a maxim that mandates *not* contributing any-

maxim a bona fide categorical imperative, we must be able to consistently will it to become a universal law *and* know that it would have us treat persons not only as a means but as ends.

Applying the Theory

How might a Kantian decide the case of the anti-terrorist chief of police, discussed in Chapter 5, who considers killing a terrorist's wife and children? Recall that the terrorist is murdering hundreds of innocent people each year and that the chief has good reasons to believe that killing the wife and children (who are also innocent) will end the terrorist's attacks. Recall also the verdict on this case rendered from both the act- and rule-utilitarian perspectives. By act-utilitarian lights, the chief should kill some of the terrorist's innocent relatives (and threaten to kill others). The rule-utilitarian view, however, is that the chief should *not* kill them.

Suppose the maxim in question is "When the usual antiterrorist tactics fail to stop terrorists from killing many innocent people, the authorities should kill (and threaten to kill) the terrorists' relatives." Can we consistently will this maxim to become a universal law? Does this maxim involve treating persons merely as a means to an end rather than an end in themselves? To answer the first question, we should try to imagine what would happen if everyone in the position of the relevant authorities followed this maxim. Would any inconsistencies or self-defeating states of affairs arise? We can see that the consequences of universalizing the maxim would not be pleasant. The authorities would kill the innocent—actions that could be as gruesome and frightening as terrorist attacks. But our willing that everyone act on the maxim would not be self-defeating or otherwise contradictory. Would we nevertheless be willing to live in a world where the maxim was universally followed? Again, there seems to be no good reason why we could not. The maxim therefore passes the first test of the categorical imperative.

To answer the second (ends-means) question, we must inquire whether following the maxim would involve treating someone merely as a means. The obvious answer is yes. This antiterrorism policy would use the innocent relatives of terrorists as a means to stop terrorist acts. Their freedom and their rights as persons would be violated. The maxim therefore fails the second test, and the acts sanctioned by the maxim would not be permissible. From the Kantian perspective, using the innocent relatives would be wrong no matter what—regardless of how many lives the policy would save or how much safer the world would be. So in this case, the Kantian verdict would coincide with that of rule-utilitarianism but not that of act-utilitarianism.

Evaluating the Theory

Kant's moral theory meets the minimum requirement of coherence and is generally consistent with our moral experience (Criterion 2). In some troubling ways, however, it seems to conflict with our commonsense moral judgments (Criterion 1) and appears to have some flaws that restrict its usefulness in moral problem solving (Criterion 3).

As we saw earlier, some duties generated by the categorical imperative are absolute—they are, as Kant says, perfect duties, allowing no exceptions whatsoever. We have, for example, a perfect (exceptionless) duty not to lie—ever. But what should we do if lying is the only way to prevent a terrible tragedy? Suppose a friend of yours comes to your house in a panic and begs you to hide her from an insane man intent on murdering her. No sooner do you hide her in the cellar than the insane man appears at your door with a bloody knife in his hand and asks where your friend is. You have no doubt that the man is serious and that your friend will in fact be brutally murdered if the man finds her. Imagine that you have only two choices (and saying "I don't know" is not one of them): either you lie to the man and thereby save your friend's life, or you tell the man where

applications of the first version of the categorical imperative. Remember that the first version says that an action is permissible if everyone can consistently act on it and if you would be willing to have that happen. At first glance, it seems to guarantee that moral rules are universally fair. But it makes the acceptability of a moral rule depend largely on whether *you personally* are willing to live in a world that conforms to the rule. If you are not willing to live in such a world, then the rule fails the first version of the categorical imperative, and your conforming to the rule is wrong. But if you are the sort of person who would prefer such a world, then conforming to the rule would be morally permissible. This subjectivity in Kant's theory could lead to the sanctioning of heinous acts of all kinds. Suppose the rule is "Kill everyone with dark skin" or "Murder all Jews." Neither rule would be contradictory if universalized; everyone could consistently act on it. Moreover, if you were willing to have everyone act on it—even willing to be killed if *you* have dark skin or are a Jew—then acts endorsed by the rule would be permissible. Thus the first version seems to bless acts that are clearly immoral.

Critics say that another difficulty with Kant's theory concerns the phrasing of the maxims to be universalized. Oddly enough, Kant does not provide any guidance for how we should state a rule describing an action, an oversight that allows us to word a rule in many different ways. Consider, for example, our duty not to lie. We might state the relevant rule like this: "Lie only to avoid injury or death to others." But we could also say "Lie only to avoid injury, death, or embarrassment to anyone who has green eyes and red hair" (a group that includes you and your relatives). Neither rule would lead to an inconsistency if everyone acted on it, so they both describe permissible actions. The second rule, though, is obviously not morally acceptable. More to the point, it shows that we could use the first version of the categorical imperative to sanction all sorts of immoral acts if we state the rule *in enough detail*. This result suggests

not only a problem with Criterion 1 but also a limitation on the usefulness of the theory, a fault measured by Criterion 3. Judging the rightness of an action is close to impossible if the language of the relevant rule can change with the wind.

It may be feasible to remedy some of the shortcomings of the first version of the categorical imperative by combining it with the second. Rules such as "Kill everyone with dark skin" or "Lie only to avoid injury, death, or embarrassment to anyone who has green eyes and red hair" would be unacceptable because they would allow people to be treated merely as a means. But the means-ends principle itself appears to be in need of modification. The main difficulty is that our duties not to use people merely as a means can conflict, and Kant provides no counsel on how to resolve such dilemmas. Say, for example, that hundreds of innocent people are enslaved inside a brutal Nazi concentration camp, and the only way we can free them is to kill the Nazis guarding the camp. We must therefore choose between allowing the prisoners to be used merely as a means by the Nazis or using the Nazis merely as a means by killing them to free the prisoners.

Here is another example, a classic case from the philosopher C. D. Broad:

Again, there seem to be cases in which you must either treat A or treat B, not as an end, but as a means. If we isolate a man who is a carrier of typhoid, we are treating him merely as a cause of infection to others. But, if we refuse to isolate him, we are treating other people merely as means to his comfort and culture.⁶

Kant's means-ends principle captures an important truth about the intrinsic value of persons. But we apparently cannot fully implement it, because sometimes we are forced to treat people merely as a means and not as an end in themselves.

⁶C. D. Broad, *Five Types of Ethical Theory* (1930; reprint, London: Routledge & Kegan Paul, 1956), 132.

nature—a natural function and purpose unique among all living things. In human nature, in the mandates of the natural law for humanity, are the aims toward which human life strives. In these teleological strivings, in these facts about what human nature *is*, we can perceive what it *should be*.

What is it, exactly, that human nature aims at? Aquinas says that humans naturally incline toward preservation of human life, avoidance of harm, basic functions that humans and animals have in common (sexual intercourse, raising offspring, and the like), the search for truth, the nurturing of social ties, and behavior that is benign and reasonable. For humans, these inclinations constitute the good—the good of human flourishing and well-being. Our duty then is to achieve the good, to fully realize the goals to which our nature is already inclined. As Aquinas says,

[T]his is the first precept of law, that *good is to be done and promoted, and evil is to be avoided*. All other precepts of the natural law are based upon this; so that all things which the practical reason naturally apprehends as man's good belong to the precepts of the natural law under the form of things to be done or avoided.

Since, however, good has the nature of an end, and evil, the nature of the contrary, hence it is that all those things to which man has a natural inclination are naturally apprehended by reason as good, and consequently as objects of pursuit, and their contraries as evil, and objects of avoidance. Therefore, the order of the precepts of the natural law is according to the order of natural inclinations.⁷

In this passage, Aquinas refers to the aspect of human nature that enables us to decipher and implement the precepts of natural law: reason. Humans, unlike the rest of nature, are rational creatures, capable of understanding, deliberation, and free choice. Since all of nature is ordered and

rational, only rational beings such as humans can peer into it and discern the inclinations in their nature, derive from the natural tendencies the natural laws, and apply the laws to their actions and their lives. Humans have the gift of reason (a gift from God, Aquinas says), and reason gives us access to the laws. Reason therefore is the foundation of morality. Judging the rightness of actions, then, is a matter of consulting reason, of considering rational grounds for moral beliefs.

It follows from these points that the natural (moral) laws are both objective and universal. The general principles of right and wrong do not vary from person to person or culture to culture. The dynamics of each situation may alter how a principle is applied, and not every situation has a relevant principle, but principles do not change with the tide. The natural laws are the natural laws. Further, they are not only binding on all persons, but they can be known by all persons. Aquinas insists that belief in God or inspiration from above is not a prerequisite for knowledge of morality. A person's effective use of reason is the only requirement.

Like Kant's categorical imperative, traditional natural law theory is, in the main, strongly absolutist. Natural law theorists commonly insist on several exceptionless rules. Directly killing the innocent is always wrong (which means that direct abortion is always wrong). Use of contraceptives is always wrong (on the grounds that it interferes with the natural human inclination toward procreation). Homosexuality is always wrong (again because it thwarts procreation). For Aquinas, lying, adultery, and blasphemy are always wrong.

As we have seen, moral principles—especially absolutist rules—can give rise to conflicts of duties. Kant's view on conflicting perfect duties is that such inconsistencies cannot happen. The natural law tradition gives a different answer: Conflicts between duties are possible, but they can be resolved by applying the **doctrine of double effect**. This principle pertains to situations in which an action has both good and bad effects. It says that per-

⁷Thomas Aquinas, *Summa Theologica*, in *Basic Writings of Saint Thomas Aquinas*, ed. and annotated by Anton C. Pegis (New York: Random House, 1945), First Part of the Second Part, Question 94, Article 2.



CRITICAL THOUGHT: Double Effect and the "Trolley Problem"

Consider the following thought experiment, first proposed by the philosopher Philippa Foot and set forth here by the philosopher Judith Jarvis Thomson:

Suppose you are the driver of a trolley. The trolley rounds a bend, and there come into view ahead five track workmen, who have been repairing the track. The track goes through a bit of a valley at that point, and the sides are steep, so you must stop the trolley if you are to avoid running the five men down. You step on the brakes, but alas they don't work. Now you suddenly see a spur of track leading off to the right. You can turn the trolley onto it, and thus save the five men on the straight track ahead. Unfortunately, Mrs. Foot has arranged that there is one track workman on that spur of track. He can no more get off the track in

time than the five can, so you will kill him if you turn the trolley onto him. Is it morally permissible for you to turn the trolley?*

If you were the driver of the trolley, which option would you choose? Would you consider it morally permissible to turn the trolley onto the one workman to save the other five? Why or why not? What would the doctrine of double effect have you do in this case? Does your moral intuition seem to conflict with what the doctrine would have you do? What reasons can you give for the choice you make?

*Judith Jarvis Thomson, "Critical Thought: Double Effect and the 'Trolley Problem,'" *Yale Law Journal*, Vol. 94, No. 6, May 1985. Reprinted with permission from the Yale Law Journal.

death, but their intention is not to kill the fetus. Thus, the action meets Condition 3. Is the good effect proportional to the bad effect? In this case, a life is balanced against a life, the life of the woman and the life of the fetus. From the natural law perspective, both sides of the scale seem about equal in importance. If the good effect to be achieved for the woman was, say, a nicer appearance through cosmetic surgery, and the bad effect was the death of the fetus, the two sides would not have the same level of importance. But in this case, the action does meet Condition 4. Because the action meets all four conditions, receiving the chemotherapy is morally permissible for the woman.

Now let us examine a different kind of scenario. Remember that earlier in this chapter, we applied both utilitarianism and Kant's theory to the antiterrorism tactic of killing a terrorist's relatives. To stop the murder of many innocent people by a relentless terrorist, the authorities consider killing his wife and three of his children and

threatening to kill the remaining four children. What verdict would the doctrine of double effect yield in this case?

Here the action is the antiterrorist tactic just described. The good effect is preventing the death of innocent citizens; the bad effect is the killing of other innocents. Right away we can see that the action, in itself, is not morally good. Directly killing the innocent is never permissible, so the action does not meet Condition 1. Failing to measure up to even one condition shows the action to be prohibited, but we will continue our analysis anyway. Is the bad effect used to produce the good effect? Yes. The point of the action is to prevent further terrorist killings, and the means to that end is killing the terrorist's wife and children. The bad is used to achieve the good. So the action does not meet Condition 2, either. It does, however, meet Condition 3 because the intention behind the action is to bring about the good effect, preventing further terrorist killings. Finally, if we view the

humans have shown a capacity for both great good and monstrous evil. Which inclination is the true one? And even if we could accurately identify human inclinations, there seems to be no reliable procedure for uncovering the corresponding moral values or telling whether moral principles should be absolutist.

LEARNING FROM NATURAL LAW

Like Kantian ethics, natural law theory is universalist, objective, and rational, applying to all persons and requiring that moral choices be backed by good reasons. The emphasis on reason makes morality independent of religion and belief in God, a distinction also found in Kant's ethics. At the heart of natural law theory is a strong respect for human life, an attitude that is close to, but not quite the same thing as, Kant's means-ends principle. Respect for life or persons is, of course, a primary concern of our moral experience and seems to preclude the kind of wholesale end-justifies-the-means calculations that are a defining characteristic of many forms of utilitarianism.

Natural law theory emphasizes a significant element in moral deliberation that some other theories play down: intention. In general, intention plays a larger role in natural law theory than it does in Kant's categorical imperative. To many natural law theorists, the rightness of an action often depends on the intentions of the moral agent performing it. In our previous example of the pregnant woman with cancer, for example, the intention behind the act of taking the chemotherapy is to kill the cancer, not the fetus, though the fetus dies because of the treatment. So the action is thought to be morally permissible. If the intention had been to directly kill the fetus, the action would have been deemed wrong. In our everyday moral experience, we frequently take intentions into account in evaluating an action. We usually would think that there must be some morally rele-

vant difference between a terrorist's intentionally killing ten people and a police officer's accidentally killing those same ten people while chasing the terrorist, though both scenarios result in the same tragic loss of life.

SUMMARY

Kant's moral theory is perhaps the most influential of all nonconsequentialist approaches. In his view, right actions have moral value only if they are done with a "good will"—for duty's sake alone. The meat of Kant's theory is the categorical imperative, a principle that he formulates in three versions. The first version says that an action is right if you can will that the maxim of an action becomes a moral law applying to all persons. An action is permissible if (1) its maxim can be universalized (if everyone can consistently act on it) and (2) you would be willing to have that happen. The second version of the categorical imperative says that we must always treat people as ends in themselves and never merely as a means to an end.

Kant's theory seems to conflict with our common-sense moral judgments (Criterion 1) and has flaws that limit its usefulness in moral problem solving (Criterion 3). The theory falters on Criterion 1 mainly because some duties generated by the categorical imperative are absolute. Absolute duties can conflict, and Kant provides no way to resolve the inconsistencies, a failure of Criterion 3. Furthermore, we seem to have no genuine absolute duties.

Natural law theory is based on the notion that right actions are those that accord with natural law—the moral principles embedded in nature itself. How nature *is* reveals how it *should be*. The inclinations of human nature reveal the values that humans should live by. Aquinas, who gave us the most influential form of natural law theory, says that humans naturally incline toward preservation of human life, procreation, the search for truth, community, and benign and reasonable behavior. Like Kant's theory, traditional natural law theory is absolutist, maintaining

R E A D I N G S

From *Fundamental Principles of the Metaphysic of Morals*

IMMANUEL KANT

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Nothing can possibly be conceived in the world, or even out of it, which can be called good, without qualification, except a *good will*. Intelligence, wit, judgment, and the other talents of the mind, however, they may be named, or courage, resolution, perseverance, as qualities of temperament, are undoubtedly good and desirable in many respects; but these gifts of nature may also become extremely bad and mischievous if the will which is to make use of them, and which, therefore, constitutes what is called *character*, is not good. It is the same with the *gifts of fortune*. Power, riches, honour, even health, and the general well-being and contentment with one's condition which is called *happiness*, inspire pride, and often presumption, if there is not a good will to correct the influence of these on the mind, and with this also to rectify the whole principle of acting and adapt it to its end. The sight of a being who is not adorned with a single feature of a pure and good will, enjoying unbroken prosperity, can never give pleasure to an impartial rational spectator. Thus a good will appears to constitute the indispensable condition even of being worthy of happiness.

There are even some qualities which are of service to this good will itself and may facilitate its action, yet which have no intrinsic unconditional value, but always presuppose a good will, and this qualifies the esteem that we justly have for them and does not permit us to regard them as absolutely good. Moderation in the affections and passions, self-control, and calm deliberation are not only good in many respects, but even seem to constitute part of the intrinsic worth of the person; but they are far from deserving to be

called good without qualification, although they have been so unconditionally praised by the ancients. For without the principles of a good will, they may become extremely bad, and the coolness of a villain not only makes him far more dangerous, but also directly makes him more abominable in our eyes than he would have been without it.

A good will is good not because of what it performs or effects, not by its aptness for the attainment of some proposed end, but simply by virtue of the volition—that is, it is good in itself, and considered by itself is to be esteemed much higher than all that can be brought about by it in favour of any inclination, nay, even of the sum-total of all inclinations. Even if it should happen that, owing to special disfavour of fortune, or the niggardly provision of a step-motherly nature, this will should wholly lack power to accomplish its purpose, if with its greatest efforts it should yet achieve nothing, and there should remain only the good will (not, to be sure, a mere wish, but the summoning of all means in our power), then, like a jewel, it would still shine by its own light, as a thing which has its whole value in itself. Its usefulness or fruitfulness can neither add nor take away anything from this value. It would be, as it were, only the setting to enable us to handle it the more conveniently in common commerce, or to attract to it the attention of those who are not yet connoisseurs, but not to recommend it to true connoisseurs, or to determine its value.

There is, however, something so strange in this idea of the absolute value of the mere will, in which no account is taken of its utility, that notwithstanding the thorough assent of even common reason to the idea, yet a suspicion must arise that it may perhaps really be the product of mere high-flown fancy, and that we may have misunderstood the purpose of nature in assigning reason as the governor of our

may not hereafter spring from this lie much greater inconvenience than that from which I now free myself, and as, with all my supposed cunning, the consequences cannot be so easily foreseen but that credit once lost may be much more injurious to me than any mischief which I seek to avoid at present, it should be considered whether it would not be more prudent to act herein according to a universal maxim and to make it a habit to promise nothing except with the intention of keeping it. But it is soon clear to me that such a maxim will still only be based on the fear of consequences. Now it is a wholly different thing to be truthful from duty, and to be so from apprehension of injurious consequences. In the first case, the very notion of the action already implies a law for me; in the second case, I must first look about elsewhere to see what results may be combined with it which would affect myself. For to deviate from the principle of duty is beyond all doubt wicked; but to be unfaithful to my maxim of prudence may often be very advantageous to me, although to abide by it is certainly safer. The shortest way, however, and an unerring one, to discover the answer to this question whether a lying promise is consistent with duty, is to ask myself, "Should I be content that my maxim (to extricate myself from difficulty by a false promise) should hold good as a universal law, for myself as well as for others?" and should I be able to say to myself, "Every one may make a deceitful promise when he finds himself in a difficulty from which he cannot otherwise extricate himself?" Then I presently become aware that while I can will the lie, I can by no means will that lying should be a universal law. For with such a law there would be no promises at all, since it would be in vain to allege my intention in regard to my future actions to those who would not believe this allegation, or if they over hastily did so would pay me back in my own coin. Hence my maxim, as soon as it should be made a universal law, would necessarily destroy itself.

I do not, therefore, need any far-reaching penetration to discern what I have to do in order that my will may be morally good. Inexperienced in the course of the world, incapable of being prepared for all its contingencies, I only ask myself: Canst thou

also will that thy maxim should be a universal law? If not, then it must be rejected, and that not because of a disadvantage accruing from it to myself or even to others, but because it cannot enter as a principle into a possible universal legislation, and reason extorts from me immediate respect for such legislation. I do not indeed as yet discern on what this respect is based (this the philosopher may inquire), but at least I understand this, that it is an estimation of the worth which far outweighs all worth of what is recommended by inclination, and that the necessity of acting from pure respect for the practical law is what constitutes duty, to which every other motive must give place, because it is the condition of a will being good in itself, and the worth of such a will is above everything.

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Nor could anything be more fatal to morality than that we should wish to derive it from examples. For every example of it that is set before me must be first itself tested by principles of morality, whether it is worthy to serve as an original example, i.e., as a pattern; but by no means can it authoritatively furnish the conception of morality. Even the Holy One of the Gospels must first be compared with our ideal of moral perfection before we can recognise Him as such; and so He says of Himself, "Why call ye Me (whom you see) good; none is good (the model of good) but God only (whom ye do not see)?" But whence have we the conception of God as the supreme good? Simply from the idea of moral perfection, which reason frames a priori and connects inseparably with the notion of a free will. Imitation finds no place at all in morality, and examples serve only for encouragement, i.e., they put beyond doubt the feasibility of what the law commands, they make visible that which the practical rule expresses more generally, but they can never authorize us to set aside the true original which lies in reason and to guide ourselves by examples.

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From what has been said, it is clear that all moral conceptions have their seat and origin completely a priori in the reason, and that, moreover, in the commonest reason just as truly as in that which is in the

It is distinguished from the pleasant, as that which influences the will only by means of sensation from merely subjective causes, valid only for the sense of this or that one, and not as a principle of reason, which holds for every one.

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Now all imperatives command either hypothetically or categorically. The former represent the practical necessity of a possible action as means to something else that is willed (or at least which one might possibly will). The categorical imperative would be that which represented an action as necessary of itself without reference to another end, that is, as objectively necessary.

Since every practical law represents a possible action as good and, on this account, for a subject who is practically determinable by reason, necessary, all imperatives are formulae determining an action which is necessary according to the principle of a will good in some respects. If now the action is good only as a means to something else, then the imperative is hypothetical; if it is conceived as good in itself and consequently as being necessarily the principle of a will which of itself conforms to reason, then it is categorical.

Thus the imperative declares what action possible by me would be good and presents the practical rule in relation to a will which does not forthwith perform an action simply because it is good, whether because the subject does not always know that it is good, or because, even if it know this, yet its maxims might be opposed to the objective principles of practical reason.

Accordingly the hypothetical imperative only says that the action is good for some purpose, possible or actual. In the first case it is a problematical, in the second an assertorial practical principle. The categorical imperative which declares an action to be objectively necessary in itself without reference to any purpose, i.e., without any other end, is valid as an apodeictic (practical) principle.

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Finally, there is an imperative which commands a certain conduct immediately, without having as its condition any other purpose to be attained by it. This

imperative is categorical. It concerns not the matter of the action, or its intended result, but its form and the principle of which it is itself a result; and what is essentially good in it consists in the mental disposition, let the consequence be what it may. This imperative may be called that of morality.

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[The] question how the imperative of morality is possible, is undoubtedly one, the only one, demanding a solution, as this is not at all hypothetical, and the objective necessity which it presents cannot rest on any hypothesis, as is the case with the hypothetical imperatives. Only here we must never leave out of consideration that we cannot make out by any example, in other words empirically, whether there is such an imperative at all, but it is rather to be feared that all those which seem to be categorical may yet be at bottom hypothetical. For instance, when the precept is: "Thou shalt not promise deceitfully"; and it is assumed that the necessity of this is not a mere counsel to avoid some other evil, so that it should mean: "Thou shalt not make a lying promise, lest if it become known thou shouldst destroy thy credit," but that an action of this kind must be regarded as evil in itself, so that the imperative of the prohibition is categorical; then we cannot show with certainty in any example that the will was determined merely by the law, without any other spring of action, although it may appear to be so. For it is always possible that fear of disgrace, perhaps also obscure dread of other dangers, may have a secret influence on the will. Who can prove by experience the non-existence of a cause when all that experience tells us is that we do not perceive it? But in such a case the so-called moral imperative, which as such appears to be categorical and unconditional, would in reality be only a pragmatic precept, drawing our attention to our own interests and merely teaching us to take these into consideration.

We shall therefore have to investigate a priori the possibility of a categorical imperative, as we have not in this case the advantage of its reality being given in experience, so that [the elucidation of] its possibility should be requisite only for its explanation, not for its establishment. In the meantime it may be discerned

although I know that I never can do so." Now this principle of self-love or of one's own advantage may perhaps be consistent with my whole future welfare; but the question now is, "Is it right?" I change then the suggestion of self-love into a universal law, and state the question thus: "How would it be if my maxim were a universal law?" Then I see at once that it could never hold as a universal law of nature, but would necessarily contradict itself. For supposing it to be a universal law that everyone when he thinks himself in a difficulty should be able to promise whatever he pleases, with the purpose of not keeping his promise, the promise itself would become impossible, as well as the end that one might have in view in it, since no one would consider that anything was promised to him, but would ridicule all such statements as vain pretences.

3. A third finds in himself a talent which with the help of some culture might make him a useful man in many respects. But he finds himself in comfortable circumstances and prefers to indulge in pleasure rather than to take pains in enlarging and improving his happy natural capacities. He asks, however, whether his maxim of neglect of his natural gifts, besides agreeing with his inclination to indulgence, agrees also with what is called duty. He sees then that a system of nature could indeed subsist with such a universal law although men (like the South Sea islanders) should let their talents rest and resolve to devote their lives merely to idleness, amusement, and propagation of their species—in a word, to enjoyment; but he cannot possibly will that this should be a universal law of nature, or be implanted in us as such by a natural instinct. For, as a rational being, he necessarily wills that his faculties be developed, since they serve him and have been given him, for all sorts of possible purposes.

4. A fourth, who is in prosperity, while he sees that others have to contend with great wretchedness and that he could help them, thinks: "What concern is it of mine? Let everyone be as happy as Heaven pleases, or as he can make himself; I will take nothing from him nor even envy him, only I do not wish to contribute anything to his welfare or to his assistance in distress!" Now no doubt if such a mode of thinking

were a universal law, the human race might very well subsist and doubtless even better than in a state in which everyone talks of sympathy and goodwill, or even takes care occasionally to put it into practice, but, on the other side, also cheats when he can, betrays the rights of men, or otherwise violates them. But although it is possible that a universal law of nature might exist in accordance with that maxim, it is impossible to will that such a principle should have the universal validity of a law of nature. For a will which resolved this would contradict itself, inasmuch as many cases might occur in which one would have need of the love and sympathy of others, and in which, by such a law of nature, sprung from his own will, he would deprive himself of all hope of the aid he desires.

These are a few of the many actual duties, or at least what we regard as such, which obviously fall into two classes on the one principle that we have laid down. We must be able to will that a maxim of our action should be a universal law. This is the canon of the moral appreciation of the action generally. Some actions are of such a character that their maxim cannot without contradiction be even conceived as a universal law of nature, far from it being possible that we should will that it should be so. In others this intrinsic impossibility is not found, but still it is impossible to will that their maxim should be raised to the universality of a law of nature, since such a will would contradict itself. It is easily seen that the former violate strict or rigorous (inflexible) duty; the latter only laxer (meritorious) duty. Thus it has been completely shown how all duties depend as regards the nature of the obligation (not the object of the action) on the same principle.

* * *

Now I say: man and generally any rational being exists as an end in himself, not merely as a means to be arbitrarily used by this or that will, but in all his actions, whether they concern himself or other rational beings, must be always regarded at the same time as an end. All objects of the inclinations have only a conditional worth, for if the inclinations and the wants founded on them did not exist, then their object would be without value. But the inclinations,

of humanity as an end in itself, but not with the advancement of this end.

* * *

Looking back now on all previous attempts to discover the principle of morality, we need not wonder why they all failed. It was seen that man was bound to laws by duty, but it was not observed that the laws to which he is subject are only those of his own giving, though at the same time they are universal, and that he is only bound to act in conformity with his own will; a will, however, which is designed by nature to give universal laws. For when one has conceived man only as subject to a law (no matter what), then this law required some interest, either by way of attraction or constraint, since it did not originate as a law from his own will, but this will was according to a law obliged by something else to act in a certain manner. Now by this necessary consequence all the labour spent in finding a supreme principle of duty was irrevocably lost. For men never elicited duty, but only a necessity of acting from a certain interest. Whether this interest was private or otherwise, in any case the imperative must be conditional and could not by any means be capable of being a moral command. I will therefore call this the principle of autonomy of the will, in contrast with every other which I accordingly reckon as heteronomy.

The conception of the will of every rational being as one which must consider itself as giving in all the maxims of its will universal laws, so as to judge itself and its actions from this point of view—this conception leads to another which depends on it and is very fruitful, namely that of a kingdom of ends.

By a kingdom I understand the union of different rational beings in a system by common laws. Now since it is by laws that ends are determined as regards their universal validity, hence, if we abstract from the personal differences of rational beings and likewise from all the content of their private ends, we shall be able to conceive all ends combined in a systematic whole (including both rational beings as ends in themselves, and also the special ends which each

may propose to himself), that is to say, we can conceive a kingdom of ends, which on the preceding principles is possible.

For all rational beings come under the law that each of them must treat itself and all others never merely as means, but in every case at the same time as ends in themselves. Hence results a systematic union of rational being by common objective laws, that is, a kingdom which may be called a kingdom of ends, since what these laws have in view is just the relation of these beings to one another as ends and means. It is certainly only an ideal.

A rational being belongs as a member to the kingdom of ends when, although giving universal laws in it, he is also himself subject to these laws. He belongs to it as sovereign when, while giving laws, he is not subject to the will of any other.

A rational being must always regard himself as giving laws either as member or as sovereign in a kingdom of ends which is rendered possible by the freedom of will. He cannot, however, maintain the latter position merely by the maxims of his will, but only in case he is a completely independent being without wants and with unrestricted power adequate to his will.

Morality consists then in the reference of all action to the legislation which alone can render a kingdom of ends possible. This legislation must be capable of existing in every rational being and of emanating from his will, so that the principle of this will is never to act on any maxim which could not without contradiction be also a universal law and, accordingly, always so to act that the will could at the same time regard itself as giving in its maxims universal laws. If now the maxims of rational beings are not by their own nature coincident with this objective principle, then the necessity of acting on it is called practical necessitation, that is, duty. Duty does not apply to the sovereign in the kingdom of ends, but it does to every member of it and to all in the same degree.

* * *

other animals are not subject to a natural law, neither is man subject to a natural law.

On the contrary, A gloss on Romans 2.14: *When the Gentiles, who have not the law, do by nature those things that are of the law*, comments as follows: *Although they have no written law, yet they have the natural law, whereby each one knows, and is conscious of, what is good and what is evil.*

I answer that . . . law, being a rule and measure, can be in a person in two ways: in one way, as in him that rules and measures; in another way, as in that which is ruled and measured, since a thing is ruled and measured, in so far as it partakes of the rule or measure. 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. Now among all others, the rational creature is subject to Divine providence in the most excellent way, in so far as it partakes of a share of providence, by being provident both for itself and for others. Wherefore it has a share of the Eternal Reason, whereby it has a natural inclination to its proper act and end: and this participation of the eternal law in the rational creature is called the natural law. Hence the Psalmist after saying (Psalms 4.6): *Offer up the sacrifice of justice*, as though someone asked what the works of justice are, adds: *Many say, Who showeth us good things?* in answer to which question he says: *The light of Thy countenance, O Lord, is signed upon us*: thus implying that the light of natural reason, whereby we discern what is good and what is evil, which is the function of the natural law, is nothing else than an imprint on us of the Divine light. It is therefore evident that the natural law is nothing else than the rational creature's participation of the eternal law.

Reply Obj. 1. This argument would hold, if the natural law were something different from the eternal law: whereas it is nothing but a participation thereof, as stated above.

Reply Obj. 2. Every act of reason and will in us is based on that which is according to nature . . . : for

every act of reasoning is based on principles that are known naturally, and every act of appetite in respect of the means is derived from the natural appetite in respect of the last end. Accordingly the first direction of our acts to their end must needs be in virtue of the natural law.

Reply Obj. 3. Even irrational animals partake in their own way of the Eternal Reason, just as the rational creature does. But because the rational creature partakes thereof in an intellectual and rational manner, therefore the participation of the eternal law in the rational creature is properly called a law, since a law is something pertaining to reason . . . Irrational creatures, however, do not partake thereof in a rational manner, wherefore there is no participation of the eternal law in them, except by way of similitude.

Third Article.

Whether There Is a Human Law?

Objection 1. It would seem that there is not a human law. For the natural law is a participation of the eternal law . . . Now through the eternal law *all things are most orderly*, as Augustine states. Therefore the natural law suffices for the ordering of all human affairs. Consequently there is no need for a human law.

Obj. 2. Further, a law bears the character of a measure. . . . But human reason is not a measure of things, but vice versa. . . . Therefore no law can emanate from human reason.

Obj. 3. Further, a measure should be most certain. . . . But the dictates of human reason in matters of conduct are uncertain, according to Book of Wisdom 9.14: *The thoughts of mortal men are fearful, and our counsels uncertain*. Therefore no law can emanate from human reason.

On the contrary, Augustine distinguishes two kinds of law, the one eternal, the other temporal, which he calls human.

I answer that . . . a law is a dictate of the practical reason. Now it is to be observed that the same procedure takes place in the practical and in the speculative reason: for each proceeds from principles to

judgments on human acts; whence also different and contrary laws result. In order, therefore, that man may know without any doubt what he ought to do and what he ought to avoid, it was necessary for man to be directed in his proper acts by a law given by God, for it is certain that such a law cannot err.

Thirdly, because man can make laws in those matters of which he is competent to judge. But man is not competent to judge of interior movements, that are hidden, but only of exterior acts which appear: and yet for the perfection of virtue it is necessary for man to conduct himself aright in both kinds of acts. Consequently human law could not sufficiently curb and direct interior acts; and it was necessary for this purpose that a Divine law should supervene.

Fourthly, because, as Augustine says, human law cannot punish or forbid all evil deeds: since while aiming at doing away with all evils, it would do away with many good things, and would hinder the advance of the common good, which is necessary for human intercourse. In order, therefore, that no evil might remain unforbidden and unpunished, it was necessary for the Divine law to supervene, whereby all sins are forbidden.

And these four causes are touched upon in Psalms 118.8, where it is said: *The law of the Lord is unspotted*, i.e. allowing no foulness of sin; *converting souls*, because it directs not only exterior, but also interior acts; *the testimony of the Lord is faithful*, because of the certainty of what is true and right; *giving wisdom to little ones*, by directing man to an end supernatural and Divine.

Reply Obj. 1. By the natural law the eternal law is participated proportionately to the capacity of human nature. But to his supernatural end man needs to be directed in a yet higher way. Hence the additional law given by God, whereby man shares more perfectly in the eternal law.

Reply Obj. 2. Counsel is a kind of inquiry: hence it must proceed from some principles. Nor is it enough for it to proceed from principles imparted by nature, which are the precepts of the natural law, for the reasons given above: but there is need for certain additional principles, namely, the precepts of the Divine law.

Reply Obj. 3. Irrational creatures are not ordained to an end higher than that which is proportionate to their natural powers: consequently the comparison fails.

Fifth Article.

Whether There Is But One Divine Law?

Objection 1. It would seem that there is but one Divine law. Because, where there is one king in one kingdom there is but one law. Now the whole of mankind is compared to God as to one king, according to Psalms 46.8: *God is the King of all the earth.* Therefore there is but one Divine law.

Obj. 2. Further, every law is directed to the end which the lawgiver intends for those for whom he makes the law. But God intends one and the same thing for all men; since according to 1 Timothy 2.4: *He will have all men to be saved, and to come to the knowledge of the truth.* Therefore there is but one Divine law.

Obj. 3. Further, the Divine law seems to be more akin to the eternal law, which is one, than the natural law, according as the revelation of grace is of a higher order than natural knowledge. Therefore much more is the Divine law but one.

On the contrary, The Apostle says (Hebrews 7.12): *The priesthood being translated, it is necessary that a translation also be made of the law.* But the priesthood is twofold, as stated in the same passage, viz. the levitical priesthood, and the priesthood of Christ. Therefore the Divine law is twofold, namely the Old Law and the New Law.

I answer that . . . distinction is the cause of number. Now things may be distinguished in two ways. First, as those things that are altogether specifically different, e.g., a horse and an ox. Secondly, as perfect and imperfect in the same species, e.g., a boy and a man: and in this way the Divine law is divided into Old and New. Hence the Apostle (Galatians 3:24, 25) compares the state of man under the Old Law to that of a child *under a pedagogue*; but the state under the New Law, to that of a full grown man, who is *no longer under a pedagogue*.

Now the perfection and imperfection of these two laws is to be taken in connection with the three

becoming speech by the habit of grammar. Since then a habit is that by which we act, a law cannot be a habit properly and essentially.

Secondly, the term habit may be applied to that which we hold by a habit: thus faith may mean that which we hold by faith. And accordingly, since the precepts of the natural law are sometimes considered by reason actually, while sometimes they are in the reason only habitually, in this way the natural law may be called a habit. Thus, in speculative matters, the indemonstrable principles are not the habit itself whereby we hold those principles, but are the principles the habit of which we possess.

Reply Obj. 1. The Philosopher [Aristotle] proposes to discover the genus of virtue; and since it is evident that virtue is a principle of action, he mentions only those things which are principles of human acts, viz. powers, habits and passions. But there are other things in the soul besides these three: there are acts; thus *to will* is in the one that wills; again, things known are in the knower; moreover its own natural properties are in the soul, such as immortality and the like.

Reply Obj. 2. *Synderesis* is said to be the law of our mind, because it is a habit containing the precepts of the natural law, which are the first principles of human actions.

Reply Obj. 3. This argument proves that the natural law is held habitually; and this is granted.

To the argument advanced in the contrary sense we reply that sometimes a man is unable to make use of that which is in him habitually, on account of some impediment: thus, on account of sleep, a man is unable to use the habit of science. In like manner, through the deficiency of his age, a child cannot use the habit of understanding of principles, or the natural law, which is in him habitually.

Second Article.

Whether the Natural Law Contains Several Precepts, or Only One?

Objection 1. It would seem that the natural law contains, not several precepts, but one only. For law

is a kind of precept. . . . If therefore there were many precepts of the natural law, it would follow that there are also many natural laws.

Obj. 2. Further, the natural law is consequent to human nature. But human nature, as a whole, is one; though, as to its parts, it is manifold. Therefore, either there is but one precept of the law of nature, on account of the unity of nature as a whole; or there are many, by reason of the number of parts of human nature. The result would be that even things relating to the inclination of the concupiscible faculty belong to the natural law.

Obj. 3. Further, law is something pertaining to reason. . . . Now reason is but one in man. Therefore there is only one precept of the natural law.

On the contrary, The precepts of the natural law in man stand in relation to practical matters, as the first principles to matters of demonstration. But there are several first indemonstrable principles. Therefore there are also several precepts of the natural law.

I answer that . . . the precepts of the natural law are to the practical reason, what the first principles of demonstrations are to the speculative reason; because both are self-evident principles. Now a thing is said to be self-evident in two ways: first, in itself; secondly, in relation to us. Any proposition is said to be self-evident in itself, if its predicate is contained in the notion of the subject: although, to one who knows not the definition of the subject, it happens that such a proposition is not self-evident. For instance, this proposition, *Man is a rational being*, is, in its very nature, self-evident, since who says *man*, says a *rational being*: and yet to one who knows not what a man is, this proposition is not self-evident. Hence it is that, as Boethius says, certain axioms or propositions are universally self-evident to all; and such are those propositions whose terms are known to all, as, *Every whole is greater than its part*, and, *Things equal to one and the same are equal to one another*. But some propositions are self-evident only to the wise, who understand the meaning of the terms of such propositions: thus to one who understands that an angel is not a body, it is self-evident that an angel is not circum-

common to all: since a thing is virtuous in one, and vicious in another. Therefore not all acts of virtue are prescribed by the natural law.

On the contrary, Damascene says that *virtues are natural*. Therefore virtuous acts also are a subject of the natural law.

I answer that, We may speak of virtuous acts in two ways: first, under the aspect of virtuous; secondly, as such and such acts considered in their proper species. If then we speak of acts of virtue, considered as virtuous, thus all virtuous acts belong to the natural law. For it has been stated that to the natural law belongs everything to which a man is inclined according to his nature. Now each thing is inclined naturally to an operation that is suitable to it according to its form: thus fire is inclined to give heat. Wherefore, 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. But if we speak of virtuous acts, considered in themselves, i.e. in their proper species, thus not all virtuous acts are prescribed by the natural law: for many things are done virtuously, to which nature does not incline at first; but which, through the inquiry of reason, have been found by men to be conducive to well-living.

Reply Obj. 1. Temperance is about the natural concupiscences of food, drink and sexual matters, which are indeed ordained to the natural common good, just as other matters of law are ordained to the moral common good.

Reply Obj. 2. By human nature we may mean either that which is proper to man—and in this sense all sins, as being against reason, are also against nature, as Damascene states: or we may mean that nature which is common to man and other animals; and in this sense, certain special sins are said to be against nature; thus contrary to sexual intercourse, which is natural to all animals, is unisexual lust, which has received the special name of the unnatural crime.

Reply Obj. 3. This argument considers acts in themselves. For it is owing to the various conditions

of men, that certain acts are virtuous for some, as being proportionate and becoming to them, while they are vicious for others, as being out of proportion to them.

Fourth Article.

Whether the Natural Law Is the Same in All Men?

Objection 1. It would seem that the natural law is not the same in all. For it is stated in the Decretals that *the natural law is that which is contained in the Law and the Gospel*. But this is not common to all men; because, as it is written (Romans 10.16), *all do not obey the gospel*. Therefore the natural law is not the same in all men.

Obj. 2. Further, *Things which are according to the law are said to be just*. . . . But . . . nothing is so universally just as not to be subject to change in regard to some men. Therefore even the natural law is not the same in all men.

Obj. 3. Further . . . to the natural law belongs everything to which a man is inclined according to his nature. Now different men are naturally inclined to different things; some to the desire of pleasures, others to the desire of honors, and other men to other things. Therefore there is not one natural law for all.

On the contrary, Isidore says: *The natural law is common to all nations*.

I answer that . . . to the natural law belongs those things to which a man is inclined naturally: and among these it is proper to man to be inclined to act according to reason. Now the process of reason is from the common to the proper . . . The speculative reason, however, is differently situated in this matter, from the practical reason. For, since the speculative reason is busied chiefly with the necessary things, which cannot be otherwise than they are, its proper conclusions, like the universal principles, contain the truth without fail. The practical reason, on the other hand, is busied with contingent matters, about which human actions are concerned; and consequently, although there is necessity in the general principles, the more we descend to matters of detail, the more frequently we encounter defects. Accordingly then in

Obj. 3. Further, Isidore says that *the possession of all things in common, and universal freedom, are matters of natural law.* But these things are seen to be changed by human laws. Therefore it seems that the natural law is subject to change.

On the contrary, It is said in the Decretals: *The natural law dates from the creation of the rational creature. It does not vary according to time, but remains unchangeable.*

I answer that, A change in the natural law may be understood in two ways. First, by way of addition. In this sense nothing hinders the natural law from being changed: since many things for the benefit of human life have been added over and above the natural law, both by the Divine law and by human laws.

Secondly, a change in the natural law may be understood by way of subtraction, so that what previously was according to the natural law, ceases to be so. In this sense, the natural law is altogether unchangeable in its first principles: but in its secondary principles, which, as we have said, are certain detailed proximate conclusions drawn from the first principles, the natural law is not changed so that what it prescribes be not right in most cases. But it may be changed in some particular cases of rare occurrence, through some special causes hindering the observance of such precepts.

Reply Obj. 1. The written law is said to be given for the correction of the natural law, either because it supplies what was wanting to the natural law; or because the natural law was perverted in the hearts of some men, as to certain matters, so that they esteemed those things good which are naturally evil; which perversion stood in need of correction.

Reply Obj. 2. All men alike, both guilty and innocent, die the death of nature: which death of nature is inflicted by the power of God on account of original sin, according to 1 Kings 2:6: *The Lord killeth and maketh alive.* Consequently, by the command of God, death can be inflicted on any man, guilty or innocent, without any injustice whatever. In like manner adultery is intercourse with another's wife; who is allotted to him by the law emanating from God. Consequently intercourse with any woman, by the com-

mand of God, is neither adultery nor fornication. The same applies to theft, which is the taking of another's property. For whatever is taken by the command of God, to Whom all things belong, is not taken against the will of its owner, whereas it is in this that theft consists. Nor is it only in human things, that whatever is commanded by God is right; but also in natural things, whatever is done by God, is, in some way, natural . . .

Reply Obj. 3. A thing is said to belong to the natural law in two ways. First, because nature inclines thereto: e.g. that one should not do harm to another. Secondly, because nature did not bring in the contrary: thus we might say that for man to be naked is of the natural law, because nature did not give him clothes, but art invented them. In this sense, *the possession of all things in common and universal freedom* are said to be of the natural law, because, to wit, the distinction of possessions and slavery were not brought in by nature, but devised by human reason for the benefit of human life. Accordingly the law of nature was not changed in this respect, except by addition.

Sixth Article.

Whether the Law of Nature Can Be Abolished from the Heart of Man?

Objection 1. It would seem that the natural law can be abolished from the heart of man. Because on Romans 2.14, *When the Gentiles who have not the law,* etc. a gloss says that *the law of righteousness, which sin had blotted out, is graven on the heart of man when he is restored by grace.* But the law of righteousness is the law of nature. Therefore the law of nature can be blotted out.

Obj. 2. Further, the law of grace is more efficacious than the law of nature. But the law of grace is blotted out by sin. Much more therefore can the law of nature be blotted out.

Obj. 3. Further, that which is established by law is made just. But many things are enacted by men, which are contrary to the law of nature. Therefore the law of nature can be abolished from the heart of man.

On the contrary, Augustine says: *Thy law is written in the hearts of men, which iniquity itself effaces not.* But