

Never Doubt Thomas

*The Catholic Aquinas as
Evangelical and Protestant*

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Aquinas as Protestant

Natural Law and Natural Theology

For the wrath of God is revealed from heaven against all ungodliness and wickedness of those who by their wickedness suppress the truth. For what can be known about God is plain to them, because God has shown it to them. Ever since the creation of the world his eternal power and divine nature, invisible though they are, have been understood and seen through the things he has made. So they are without excuse.

Romans 1:18-20

Can we actually “know” the universe? My God, it’s hard enough finding your way around in Chinatown. The point, however, is: Is there anything out there? And why? And must they be so noisy?

Woody Allen (1969)¹

If St. Thomas Aquinas is known for anything, it is his belief that human beings have the capacity to know by their natural reason, apart from the deliverances of Scripture or ecclesial authority, that God exists and that there is a natural moral law. Most everyone who has taken an introductory philosophy class learns about Aquinas’ famous proofs for God’s existence, sometimes called *the five ways*,² though they are not the only arguments he defends.³ Arguments like Aquinas’ are examples of what is often called *natural theology*. But even if one has never had the pleasure of formally studying philosophy or Aquinas in particular, the idea that the universe, as it appears to us, cannot explain itself and requires a self-existent source outside of itself to account for its existence—a point defended by Aquinas in several places⁴—has never ceased

to be a claim that even the most vociferous atheists believe they are obligated to answer.⁵ The question—why is there something rather than nothing?—makes sense to a lot of people, even those who do not believe in God. After all, when some atheists claim that the universe is merely self-existent, thus making God superfluous,⁶ or when others suggest that a so-called universe “from nothing” does really require something (e.g., the law of gravity),⁷ they are in fact confirming Aquinas’ point that in order for anything to presently exist, something self-existent, which does not require another being to bring it into or keep it in existence, must exist. It’s clear that Aquinas was onto something that even we moderns and post-moderns cannot seem to shake.

Far more people have heard of the *natural law*, or at least the idea of it, from documents such as America’s Declaration of Independence (1776)⁸ or the Universal Declaration of Human Rights (1948),⁹ each of which affirms that human beings are endowed with certain natural rights that their governments are obligated to honor. Whenever anyone asserts that a particular old law is unjust, or that there ought to be a new law to correct an injustice, they are engaging in a kind of natural law reasoning, implying that there is, as one scholar puts it, a “law above the law.”¹⁰ Such reasoning was central to the most important and consequential judicial tribunal of the twentieth century: the Nuremberg Trials (1945–1949). They were convened by the Allied victors soon after the Second World War for the purpose of prosecuting Axis power war criminals. The lead prosecutor, U.S. Supreme Court Justice Robert H. Jackson, seems to have had the natural law in mind when in his opening statement he charged the defendants with “crimes against humanity,”¹¹ and in the particular case of the Nazis, argued that “they took from the German people all those dignities and freedoms that we hold *natural and inalienable rights in every human being*.”¹²

However, the idea that we can know things about God and the moral law apart from divine revelation is controversial in some Christian circles, especially among certain Protestant groups. What many of them hold to is what I call the standard narrative, which goes something like this: the Catholic Church, taking its cue from Aquinas, teaches that human beings are capable of knowing by unaided reason the existence and nature of both God and

his moral law. Protestantism, on the other hand, maintains that human cognitive powers, so corrupted by sin, cannot provide to human beings the power to know God and his moral law apart from special revelation. The Catholic Church, in step with Aquinas, teaches that the deliverances of natural theology are preambles to faith and thus implies that in order for faith to arise in the believer, she must first know that God exists by way of her natural reason. On the other hand, Protestantism maintains that it is perfectly rational to have faith in God without the evidence of natural theology.

This standard narrative, I argue in this chapter, is mistaken, and Aquinas’ views, often cited as a justification of this narrative, are often misunderstood. Catholicism and Protestantism, as it turns out (or so I will argue), are not that far apart at all on the matters of natural theology and natural law.

Prior to the early 2000s, when I first began thinking more deeply about the Catholicism of my youth and entertaining the prospect of returning to it, I had largely accepted the standard narrative, though I took the position that the so-called Catholic side in the dispute was correct. But as I read Aquinas and the Catholic Catechism more carefully, I was struck by how the Catholic and Protestant views had far more in common than I had supposed, and that the differences, though important, were more perspectival and historically contingent than they were substantive.¹³

However, before I launch into my analysis, I want to issue a couple of caveats. First, because of the wide spectrum of views that come under the umbrella of “Protestantism,” I am fully aware that there will be those who identify as Protestant who part ways with some of the critiques and views that I attribute to Protestantism. So, what I call “Protestantism” in this chapter is a cluster of beliefs that imply or affirm that the human intellect is completely incapable of knowing anything about God or morality apart from special revelation—that is, Holy Scripture. The advocates of this view typically connect their beliefs to the Reformed tradition. Second, because I am a philosopher and not a historical theologian, much of my focus will be on philosophical and theological concerns rather than on the historical development of doctrinal disagreement. Having said that, I will, when necessary, appeal to certain historical documents and figures in order

to help illuminate contemporary debates. With these caveats in place, let's look at natural law and natural theology.

I. Natural Law

I.A. *What Is the Natural Law?*

To say that a human being has the capacity to know the natural moral law is to say that there are normative guidelines for human action that are at their root *not* artificial, and in that sense they are “natural.” To embrace the sort of natural law taught by Aquinas and the Catholic Church requires that one believe at least three propositions:

- There are some universal and immutable moral truths.
- Human beings have the capacity to know these truths.
- Human nature is the basis on which these moral truths are known.

So, for example, the belief that courage is a virtue (or cowardice a vice) is a universal and immutable truth of the natural law that human beings have the capacity to know, and we know this on the basis of human nature. We are rational creatures with natural inclinations to pursue what we believe is good, preserve our lives, beget and educate children, know truths about the divine, and live in a community at peace with our neighbors.¹⁴ Consequently, certain types of ingrained habits—such as prudence, justice, temperance, and fortitude—seem fitting for a rational creature with such inclinations.

The natural law, the Catholic Church teaches, is the basis for legitimate human or positive law. This is why governments issue statutes that prohibit murder, theft, assault, and child abandonment and make policies that they believe advance the common good, such as compulsory public education, policing, and national defense. It is the natural law that Martin Luther King Jr. (1929–1968) had in mind when he wrote in his famous “Letter from a Birmingham Jail” that “an unjust law is a code that is out of harmony with the moral law,”¹⁵ implying that there is a non-artificial ethical standard by which we can judge our conduct as well as the civil and criminal laws of

our nation. (By *non-artificial* I mean “not an artifact, or human invention.” But even artifacts like an automobile, the stock market, or an iPhone require non-artificial realities, such as matter, numbers, and the laws of physics.) Without this sort of reasoning, it is difficult to make sense of documents such as the Declaration of Independence or the Universal Declaration of Human Rights, or some of the comments made in Justice Jackson’s opening statement at the Nuremberg Trials.

Relying heavily on Aquinas’ understanding of the definition of law, the Catholic Church explains where the natural law is situated as part of God’s creation: “Law is a rule of conduct enacted by competent authority for the sake of the common good. The moral law presupposes the rational order, established among creatures for their good and to serve their final end, by the power, wisdom, and goodness of the Creator. All law finds its first and ultimate truth in the eternal law.”¹⁶ This means that the natural law participates in the eternal law—that is, the order of creation in the mind of God—because the natural law is made for rational creatures with a nature ordered toward certain good ends, including the virtues. However, as the *Catechism* states, “the precepts of natural law are not perceived by everyone clearly and immediately. In the present situation sinful man needs grace and revelation so moral and religious truths may be known ‘by everyone with facility, with firm certainty and with no admixture of error.’”¹⁷ In other words, as Aquinas puts it, the natural law—without the divine law (i.e., what God specially reveals in Scripture)—is inadequate in directing man to his final end, addressing the inherent shortcomings of human judgment, assessing a person’s interior life, and punishing or forbidding all evil deeds by means of the human law.¹⁸ Also, given humanity’s fallen nature, the natural law, though knowable and incapable of being fully eradicated, may be embedded in laws and customs that also include mistakes, both moral and metaphysical.

Take, for example, a common precept of the natural law: it is morally wrong always and everywhere to kill an innocent person intentionally. Everyone seems to understand this and to accept it as true. Yet, many people believe that the positive laws of some nations permit the private killing of innocent persons under the “right to abortion.”¹⁹ But how is that possible if *everyone knows* by the natural

law that it is morally wrong always and everywhere to kill an innocent person intentionally? First, one can know that X is wrong while still committing X. Some of my students know that it is wrong to attribute to themselves authorship of someone else's intellectual property. Yet they still do it. (By the way, I once had a student whose plagiarism was so bad, not even his sin was original.) Why? Human beings are not only rational, but also animals, meaning that they possess what Aquinas called concupiscible and irascible appetites that often draw them away from what they know they ought to do or nudge them in the direction of what they know they ought not to do.²⁰ The plagiarizing student knows it is wrong to plagiarize, though he gives in to the temptation because the prospect of getting away with it offers the promise of less mental anxiety and more free time to pursue classes he actually enjoys and extracurricular activities that bring him pleasure.

Second, the human will can assent to beliefs that the intellect does not get right, and yet it may correctly apply a precept of the natural law to one of those mistaken beliefs. From the perspective of natural law, this helps explain why there are many philosophers and bioethicists who agree with opponents of abortion that it is always and everywhere morally wrong to kill an innocent person intentionally while at the same time not believing that an elective abortion ever violates that precept.²¹ They argue that the unborn human being, genetically a *Homo sapiens*, is not a person (or lacks moral status).²² Just as some beings—like angels and perhaps Klingons and Vulcans²³—are persons but not human beings, some beings are human beings but not persons. These thinkers maintain that what makes any being a moral subject, or person, is its present ability to exercise some or all of the powers and traits that we associate with more mature human beings, such as reasoning, consciousness, self-motivated activity, a capacity to communicate, a self-concept,²⁴ organized cortical brain activity,²⁵ or the desire for a right to life.²⁶ The Catholic Church,²⁷ in agreement with most every Evangelical Protestant group,²⁸ disputes this point of view and maintains that a person is not reducible to what she does, since what she does—engaging in personal acts—flows from what she is by nature, a human person. Nevertheless, the defender of abortion choice, in offering what he believes is a justification of his position, assumes

the correctness of the same precept of the natural law embraced by the abortion opponent: it is morally wrong always and everywhere to kill an innocent person intentionally. For the Church, this is not a surprise. As the *Catechism* affirms: “Application of the natural law varies greatly. . . . In the diversity of cultures, the natural law remains as a rule that binds men among themselves and imposes on them, beyond the inevitable differences, common principles.”²⁹

I.B. Protestant Critics

Although in recent years several Protestant defenses of the natural law have been published and well received,³⁰ opinion on the natural law still varies widely among Protestant scholars.³¹ Nevertheless, two types of critics of the natural law seem to dominate the dispute. The first I call the *Frustrated Fellow Traveler*. He is critical of the natural law because it has, in his judgment, proved inadequate and unpersuasive in securing victory for social conservatism in the culture wars. The second critic I call the *Solo Scripturist*. She argues that Christians should eschew natural law thinking because it understates the authority of Scripture and the noetic effects of sin as taught in Scripture.

I.B.1. THE FRUSTRATED FELLOW TRAVELER

One such critic is my friend and colleague Alan Jacobs.³² Agreeing with the eminent Orthodox scholar David Bentley Hart,³³ Jacobs writes that “when it’s time to persuade, arguments founded on the existence of natural law get no traction in the current intellectual climate.”³⁴ For this reason Jacobs argues that “in the short term we need to find ways to commend our strongly held views without recourse to natural law arguments; and in the long term we need to think about how the existence of natural law can be made both plausible and appealing to people who now see nothing in it.”³⁵

I think that Jacobs is partly right. He is surely correct that on certain contemporary political issues—for example, the legal recognition of same-sex marriage—natural law arguments have not won the day, and many people find them unpersuasive. But natural law arguments on *specific questions* have rarely ever won unanimous and universal acclamation. This is because they often involve

judgments about what Aquinas called the secondary precepts of the natural law, and such judgments are subject to all the vicissitudes of human fallenness that bedevil every individual and culture. As Aquinas notes, the secondary precepts of “the natural law can be blotted out from the human heart, either by evil persuasions, just as in speculative matters errors occur in respect of necessary conclusions; or by vicious customs and corrupt habits, as among some men, theft, and even unnatural vices, as the Apostle states (Romans 1), were not esteemed sinful.”³⁶

Nevertheless, because, as Aquinas puts it, *the general principles* of “the natural law, in the abstract, can nowise be blotted out from men’s hearts,”³⁷ even those who hope to vindicate new customs historically proscribed by the natural law have to rely on it in one way or another. Take, for example, Justice Anthony Kennedy’s majority opinion in *Obergefell v. Hodges* (2015), the U.S. Supreme Court case that affirmed that same-sex couples have a constitutional right for their unions to be recognized as marriages by the state. He does not claim, in the words of C. S. Lewis, that he is “inventing a new value.”³⁸ Rather, Justice Kennedy is arguing that same-sex marriage is merely a just development of traditional marriage, a natural unfolding in history of a deeper truth of marriage’s nature that no one had realized until the late twentieth century: “The ancient origins of marriage confirm its centrality, but it has not stood in isolation from developments in law and society. The history of marriage is one of both continuity and change. That institution even as confined to opposite-sex relations has evolved over time.”³⁹

He writes that “from their beginning to their most recent page, the annals of human history reveal the transcendent importance of marriage,”⁴⁰ conceding that “it is fair and necessary to say these references were based on the understanding that marriage is a union between two persons of the opposite sex.”⁴¹ This, of course, is the marriage of the natural law,⁴² the one supported by the Catholic Church and most everyone else until recently.⁴³ Nevertheless, Justice Kennedy argues that the marriage he is vindicating in *Obergefell* is identical to this ancient institution, despite the fact that it seems to be missing the three conditions—permanence, exclusivity, and conjugality⁴⁴—that natural law defenders of traditional marriage claim are essential for any institution to receive the designation

“marriage.”⁴⁵ To make his case, the justice appeals to certain accidental features of natural law marriage that also happen to be found in some nonmarital friendships and romantic unions. This makes for a not-so-implausible case that the view of marriage the court is establishing in *Obergefell* is in conceptual continuity with natural law marriage.

For example, Justice Kennedy correctly notes that partners in a same-sex relationship want the state to attribute to their unions the same dignity it affords to traditional marriages,⁴⁶ may adopt children for whom they seek to obtain legal protections,⁴⁷ are romantically and domestically involved with each other over extended periods of time,⁴⁸ and would acquire many government benefits if their unions were recognized by the state as marriages in the same fashion as it recognizes opposite-sex unions.⁴⁹ Nevertheless, these accidental attributes—state-imparted dignity, children, domestic life and romance, and government benefits—though regularly found in natural law marriages, are also found in nonmarital unions and are nonexistent in some traditional marriages, even though one of them, the begetting of and caring for children, is a proper accident of a natural law marriage (i.e., a perfection to which one of the essential features of natural law marriage, conjugality, is by nature ordered).⁵⁰ So, what we find in *Obergefell* is an account of marriage that is, to be sure, contrary to the natural law as traditionally understood, but in a very real sense not entirely, since it relies primarily on what Lewis called “fragments from the *Tao* [or the natural law] . . . arbitrarily wrenched from their context in the whole . . . yet still owing to the *Tao* [or the natural law] and to it alone such validity as they possess.”⁵¹ For this reason, Justice Kennedy’s opinion seems to make the Catholic Church’s point: “Even when [the natural law] is rejected in its very principles, it cannot be destroyed or removed from the heart of man. It always rises again in the life of individuals and societies.”⁵² That is, the truths of human nature embedded in the natural law are so fundamental to human flourishing that even those who attempt to support a practice traditionally condemned by the natural law must do so by deploying its moral grammar.⁵³

Jacobs’ concerns are understandable, given the way advocates of contemporary philosophical liberalism—for example, thinkers such as John Rawls and Ronald Dworkin⁵⁴—have conceptualized

the public square. They argue that the only politically legitimate coercive policies that touch on basic rights are those policies that can be supported by “public reason.” That is, if one wants to pass a law restricting X (e.g., abortion, the distribution of pornography, euthanasia, or intimate relations between consenting adults), then one must justify the law with a reason (or reasons) that the citizens one is trying to coerce would be unreasonable in rejecting.⁵⁵ Roughly, this is how many philosophical liberals think of public reason. In response to this, some contemporary natural law advocates defend their support of such coercive laws by arguing in a way that *could be interpreted* to be saying something like this: “We can play this game and win. Here’s our ‘public reason,’ and it’s called ‘natural law.’”⁵⁶ (But I think this is a caricature and not what contemporary natural law theorists are actually claiming.⁵⁷) Because the expectation, given the ubiquity of liberalism, is that whatever is a good public reason should be nearly unassailable, the natural law’s Frustrated Fellow Traveler is disappointed when he discovers that many otherwise rational secular compatriots find natural law arguments unpersuasive for positions with which he is sympathetic. So, he concludes that the natural law has failed in some way. But, as we have seen, the Catholic Church’s understanding of natural law, as defended by such theologians as Aquinas, is not advanced as an answer to the concerns of political liberalism. It is offered as an account of the precepts that seem to underlie the diversity of practices, laws, and customs among human civilizations. So, like Johnny Lee’s bar-hopping cowboy who was “looking for love in all the wrong places,”⁵⁸ the Frustrated Fellow Traveler is looking for a natural law in all the wrong places.

I.B.2. THE SOLO SCRIPTURIST

The second type of Protestant critic of natural law I want to address is the *Solo Scripturist*, a variation on a term that was coined in 2001 by the Reformed theologian Keith A. Mathison.⁵⁹ Because the Solo Scripturist wants to defend the integrity and uniqueness of the Bible’s message, he argues that natural law is a poor substitute for the sure and stable deliverances of divine revelation.⁶⁰ He also argues that when natural law advocates confidently claim to have established universal moral knowledge, they understate the noetic

effects of sin as taught in Scripture. A leading defender of this view is the late Evangelical theologian Carl F. H. Henry (1913–2003), in a piece he published in 1995.

The three contentions of the Thomist doctrine of natural law that evoke evangelical criticism are: (1) that independently of divine revelation, (2) there exists a universally shared body or system of moral beliefs, (3) that human reasoning articulates despite the noetic consequences of the Adamic fall.⁶¹

But once one attends to what Aquinas actually taught (and with which the *Catholic Catechism* is in full agreement), the distance between what Henry and other Reformed thinkers believe about the natural law and what Aquinas and the Church believe seems almost negligible.

For Aquinas, there are two senses in which the natural law is not independent of divine revelation, or what he calls divine law. It is not independent in the sense that the natural law participates in the eternal law, which is also the source of the divine law (that is, the Old and New Testaments). As I have already noted, to say that the natural law *participates* in the eternal law simply means that God is the source of the natural law, since God’s eternal law is the order of creation that eternally exists in the mind of God and thus includes within it the rational nature that all human beings possess.

The natural law is also not independent in the sense that the natural law is incomplete and inadequate given human nature and its ultimate end and fallen state. Writes Aquinas: “If man were ordained to no other end than that which is proportionate to his natural ability, there would be no need for man to have any further direction, on the part of his reason, in addition to the natural law and humanly devised law which is derived from it.”⁶² But human beings are designed for beatitude, or eternal happiness, which exceeds their natural abilities. For this reason, God must provide to human beings divine law in addition to natural and human law so that we can be directed to fulfill our divine purpose. Moreover, notes Aquinas, “because, on account of the uncertainty of human judgment, especially on contingent and particular matters, different people form different judgments on human acts; whence also different and contrary laws result.”⁶³ That is, because the natural

law, without the assistance of the divine law, results in doubts about what man "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."⁶⁴ One, for example, can figure out by the natural law that marriage is a good, but whether it is indissoluble or a sacrament requires divine guidance.

There is, of course, even another sense in which the natural law is not independent of divine revelation: the Bible itself teaches it, as many scholars, both Protestants and Catholics alike, have ably argued.⁶⁵ Because this is an exegetical question that I do not have the space to address in great detail, I am going to simply point out a few of the many places in Scripture in which the existence of a natural moral law—not known through special revelation—is presupposed. How did Cain know that it was wrong to murder his brother Abel (Gen 4:1-18)? (Given the absence of any written divine law at the time, perhaps Cain should have hired a better lawyer.) What does it mean to "honor your father and your mother" (Exod 20:12), if you do not already know what mothers and fathers are and what it means to honor them? Although David knew that adultery and murder were wrong, why did Nathan's story of the rich man taking the poor man's only lamb work so well to prick David's conscience, and why do those unacquainted with the biblical tradition seem to grasp the moral gravity of the wrongness implied in Nathan's telling of the story (2 Sam 12:1-13)? Why did Jesus believe that his audience would know that giving one's child a stone rather than a loaf of bread was not something a good parent would do (Matt 7:9)? The parable of the good Samaritan seems to work, even though the lesson that Jesus is trying to teach requires his audience to engage in a type of moral reasoning that leads them to the conclusion that the only person in this scenario who acted rightly, the Samaritan, is the one person who does not have the Mosaic law (Luke 10:25-37). What could St. Paul possibly mean in Romans 1 when he appeals to universal knowledge of the demands of the created order while noting that there are those "who by their wickedness suppress [this] truth" (Rom 1:18-19)? In that same letter (Rom 2:14-15), St. Paul writes, "When Gentiles, who do not possess the law, do instinctively what the law requires, these, though not having the law, are a law to themselves." They show that what the law requires is written on their hearts." Although Henry seemingly rejects what appears to many as the plain

reading of this passage⁶⁶—that St. Paul is in fact teaching that there exists a natural law accessible via unaided reason—Aquinas⁶⁷ and the great Protestant reformer, John Calvin (1509–1564),⁶⁸ disagree. Since I am not one to quibble when the doctrine of the perspicuity of Scripture is to my advantage, I am with Aquinas and Calvin on this.

Finally, for Aquinas, the natural law is not, as Henry states, "a universally shared body or system of moral beliefs," as if it were a complex collection of rules to which everyone has immediate and infallible access. To be sure, there are general first precepts of the natural law that everyone knows, but as Aquinas notes, these precepts may be applied differently given certain conditions or in particular cases obstructed by an unruly passion, such as the person who murders in a fit of rage, even though he knows murder is wrong. But when it comes to the secondary precepts, according to Aquinas, as I have already noted, "the natural law can be blotted out from the human heart, either by evil persuasions, just as in speculative matters errors occur in respect of necessary conclusions; or by vicious customs and corrupt habits, as among some men, theft, and even unnatural vices, as the Apostle states (Romans 1), were not esteemed sinful."⁶⁹ So it seems, contra Henry, that the Thomistic and Catholic view of natural law does in fact hold that the fall has had a deleterious effect on our noetic powers. In fact, without that belief, it would be nearly impossible for advocates of the natural law to account for disagreement and cultural diversity. Thus, one could say that the belief in humanity's fallenness makes the Thomistic and Catholic view of natural law more plausible, not less.

II. Natural Theology

II.A. What Is Natural Theology?

Natural theology⁷⁰ is a philosophical project that maintains that one can acquire knowledge of the existence and nature of God by means of one's rational faculties without the benefit of divine revelation. In the Catholic Church, this is a *de fide* dogma, meaning that it is an essential belief of the Church. As Vatican Council I teaches, "The same Holy Mother Church holds and teaches that God, the beginning and end of all things, can be known with certitude by

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