

Thomistic Influence on Natural Law

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St. Thomas Aquinas stands as an ivory tower in the world of western jurisprudence. Ecclesiastical works he compiled inspired later generations of jurists to reinterpret the form of natural law. During the dark period between the decline of classical civilization and the birth of medieval order the church fathers like Augustine and Ambrose preserved the notion of natural law. But they always kept the state under the authority of the church. For them the church was given absolute supremacy over the state, which only exists to protect peace on earth. This dogmatic theological concept on the state reached its very end by the new scholastic system of St. Thomas Aquinas. In his magnum opus "Summa Theologica" Aquinas defines law as "an ordinance of reason for the common good made by him who has the care of the community and promulgated". He accepts the fact the divine law is supreme and whole community of universe is governed by divine reason. But it is not accessible for mortal humans. Such part of it as is intelligible to the human being reveals itself through the eternal law as the incorporation of divine wisdom, which gives direction to all actions and movements. However as a result of Aristotelian influence Aquinas did not adopt an antagonist view towards the state like Augustine. According to Aquinas, the state is a natural institute, born from elementary social needs of the human being. The argued state is a fundamental necessity to make the social life of the human being secured though it is evil. He categorizes natural law under the thread of divine law, that part which reveals itself in natural reason. It is from the elements of eternal law, as revealed in natural law, that all human laws derive from it. It is a considerable fact that Thomistic influence has made its profound contribution to the modern idea of natural law. Most importantly St. Thomas Aquinas justified the public commotions against tyrannical rule. He simply suggested that laws of tyrants are not laws, but rather kind of a perversion of laws. When such a law becomes harmful to the society, one can resist it. But this whole process should be confined within certain limits. Aquinas points out that resistance cannot contravene one's private right and it should be based on self defence. My research paper would illustrate how the natural law received its foundation nourishment from the teachings of St. Thomas Aquinas.

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