

# Synderesis: *A Key to Understanding Natural Law in Aquinas*

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Not only is *synderesis* a key to Aquinas's conception of natural law, as the title of this article suggests, but also is, in my judgment, an antidote to the modern malaise (largely engendered by the positivists) that any ethical statement is correctly reduced to a matter of feeling. Commenting on *synderesis* and its connection with natural law should clear away a number of moral confusions, even some held by contemporary Christian ethicists.

St. Thomas's account of *synderesis* can be ascertained by a simple analogy which he himself employs. There is a natural *habitus* in the order of speculative knowledge, namely, *intellectus*, by which the human mind (or soul, if you will) is enabled to recognize immediately the truth of first principles in the speculative sphere. Likewise, there is in the order of practical knowledge a natural *habitus*, namely, *synderesis*, by which the human soul immediately recognizes the truth of first principles in the moral order. In both cases it is not the first principles which are implanted in the soul, but rather what is present in the soul from birth is a natural *habitus* by which the human soul recognizes the truth of first principles. If it were true, as unfortunately some theologians and philosophers in seminary lead me and other students to believe, that the first principles are implanted in the soul, then it would indeed be difficult to explain why there is not unanimous agreement on the first principles in the moral order. But in fact, as Aquinas himself explains, some are hindered from applying the

primary principles of the natural law as a result of bad training in the moral life or as a result of the lack of the development of the virtues in their upbringing. This is why Aquinas will say, basing his remarks on St. Paul, that it is the virtuous man who is the judge of all and judged by no one.<sup>1</sup> Unfortunately, in our society we have arrived at the position that everyone's opinion is of equal value in judging of the moral order.

These are the issues I intend to investigate in this article: first, I will give a synopsis of Aquinas's view on *synderesis*; secondly, I will compare Aquinas and Jacques Maritain on the subject, to show to what extent Maritain has elucidated this point for contemporary followers of the Angelic Doctor. For the sake of brevity, I will be selective in my references to Maritain's works.

### History of the Term, "Synderesis"

Since others have treated fully the source of *synderesis*,<sup>2</sup> suffice it to say that the term seems to have been introduced to Latin writers of the West by Saint Jerome. Aquinas himself is aware of Jerome's reference to *synderesis* in the latter's commentary on *Ezekiel* 1:7. Jerome identifies what the Greeks call *sunteresin* with the "spark of conscience" in the heart of Adam, which remained even after he was ejected from paradise.<sup>3</sup> But how *synderesis* functions and how it is a part of the very nature of the human mind is a question about which philosophers have disagreed both before and after Aquinas. In this article I will limit my attention mainly to what Aquinas means by the term.

It is my contention that much of the disagreement, at least in modern times, about what Aquinas intends by *synderesis* and its relation to the natural law can be overcome by close attention to his own presentation. It is one thing to disagree about what Aquinas means and another thing to know what he means and nevertheless disagree with him. In this

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<sup>1</sup>See *ST.*, I-II, 94, 6. Cf. Odon Lottin, "La synderese chez Albert le Grand et saint Thomas," *Revue Néo-scholastique de Philosophie* 30 (1928), p. 38. See also 1 *Cor.* 2:15. Cf. *Super epistolas s. Pauli lectura*, cura Raphaelis Cai, 3rd ed., vol. 1 (Marietti, 1953), cp. 2, lect. 3.

<sup>2</sup>A very thorough treatment is given by Odon Lottin, *Problemes de morale*, Vol. 2, part 1 of *Psychologie et morale aux 12e et 13e siecles* (Louvain: Abbaye du Mont Cesar, 1948), pp. 101-349.

<sup>3</sup>Cf. *De Veritate*, 16, 2 obj. 1; 3 obj. 4.

discussion I do not address my remarks to those who fall into the latter category, however few or many they may be. Personally, I think that group is small indeed; rather, I address the former category.<sup>4</sup>

### Synderesis in Early and Late Works of Aquinas

Odon Lottin argues that a primary development in Aquinas's moral thought occurs with regard to the question of whether *synderesis* is a power or a habit. In the early works he calls *synderesis* a power with a habit. It is only in the later works that it becomes clear that *synderesis* is basically a habit. Lottin argues that Aquinas calls *synderesis* a habit with a power only because of his respect for the received tradition.<sup>5</sup>

### Powers, Habits, and Synderesis

For Aquinas *synderesis* is a habit of the possible intellect. But it is not an acquired or infused habit. Rather, it is innate, i.e., a natural habit.

It is well to bear in mind the context of the writing of Aquinas on any given topic; I shall do so here in discussing the nature and function of habits. For Aquinas the end of man is happiness. This is obviously achieved through human acts. So it is necessary not only to consider human acts but also their principles if one is to determine how man is to achieve happiness. Some human acts are proper to man, such as acts of reason and will. Other human acts are proper to man and animals, such as the passions. After studying human acts, St. Thomas then proceeds to study the principles of human acts, namely, powers and habits. He follows Aristotle in defining a habit as "a disposition whereby that which is disposed is disposed well or ill, and this either in regard to itself or in regard to another. . . ." For Aquinas *synderesis* as a natural habit (a habit that is neither infused nor

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<sup>4</sup>For the disagreement before Aquinas see Odon Lottin, *Problemes de morale*, pp. 101–210. I once attended at a prominent Midwestern university a lecture on Aquinas' natural law theory in which *synderesis* was never mentioned. Two articles which do give some attention the the relationship of *synderesis* and the natural law are (1) *The New Catholic Encyclopedia*, s. v. "Synderesis"; (2) Vernon Bourke, "El principio de la sinderesis: fuentes y función in la Etica de Tomas de Aquino," *Sapientia* 34 (1980) pp. 615–626.

<sup>5</sup>Odon Lottin, "La synderesis chez Albert le Grand et saint Thomas," p. 36, 40. *De Veritate*, 16, 1; *ST.*, I-II, 79, 12.

acquired) resembles natural dispositions, such as those possessed by a person who is irascible by nature or who is a natural runner, wrestler, etc. Some natural dispositions describe a characteristic of the body, e.g., a person who is naturally healthy in appearance. Others describe a characteristic of the soul, e.g., a person who is naturally irascible. Likewise, habits as the first species of quality describe a disposition related to the very nature of the subject either on the level of the soul: as *synderesis* describes a disposition to know first principles in the practical order; or on the level of the body: as health or beauty describes a disposition of the physical body.<sup>6</sup> Moreover, habits are necessary for some beings but not for others. For a thing to need to be disposed to something else, i.e., to need a habit, three conditions are necessary. First, that to which it is disposed must be something other than itself; thus God does not need habits. Secondly, that which is in potency to another is capable of being determined in many and diverse ways; thus the celestial body has no need for habit, since it is disposed only to one thing, a determined motion. “The third condition is that in disposing the subject to one of those things to which it is in potentiality, several things should occur, capable of being adjusted in various ways so as to dispose the subject well or ill to its form or to its operation.” In short, if a being has only one operation by which it achieves its end, then that being has no need for habits to achieve its end.<sup>7</sup>

While the same power is capable of both good and evil, this is not the case with habit. For example, by the power of sight we can do good or evil, but the habit of *sapientia* directs us always to the good decision.

Habits are primarily in the soul and secondarily in bodies. They can be said to be in the body only insofar as the soul acts through the body.<sup>8</sup> Since the soul is the principle of operations through its powers, habits are in the soul according to its powers. The exception is the habit of grace which is in the soul according to the essence of the soul.

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<sup>6</sup>*Ibid.*, 16, 1 ad 1; 16, 1 ad 13. *ST.*, I-II, 1, 6 & 49 prefaces. *ST.*, I-II, 49, 1; Aristotle’s *Metaph.* 5, 20 (1022b10). *ST.*, I-II, 49, 2. *ST.*, I-II, 49, 3 & 4. Cf. also 50, 1.

<sup>7</sup>*ST.*, I-II, 49, 4; ad 1 & 2.

<sup>8</sup>*ST.*, I-II, ad 3 & 55, 3. *ST.*, I-II, 50, 1; 50, 2.

It seems, then, that habit is present in the body only in an accommodated sense. In this sense Aquinas maintains that habit is not present in the sensitive powers which act from the instinct of nature, but only in those sensitive powers which act by the command of reason. Accordingly, there is no habit present in the power of sight or hearing, but habit can be present in the sensitive appetitive powers and even in the sensitive apprehensive powers such as imagination and sense memory. As to the question of whether there is any virtue or habit in us by nature, Aquinas says that

virtue is natural to man according to a kind of beginning . . . insofar as in man's reason are to be found instilled by nature certain naturally known principles of both knowledge and action which are the nurseries of intellectual and moral virtues, and insofar as there is in the will a natural appetite for good in accordance with reason.<sup>9</sup>

The point is that we are born with the first principles of both the speculative and practical order already present in the soul. Now, the primary principle in the practical order is "do good and avoid evil." Is Aquinas saying that this principle is already present at birth? This is a problem of interpretation and moral philosophy that I will discuss later. How is it that both the habit of *synderesis* and the principle known by *synderesis* are already present in the soul at birth? If the principle is already present, why is a habit necessary to know it?

As we have seen above, Aquinas considers powers and habits as the intrinsic principles of human acts. The Devil and God are the extrinsic principles.<sup>10</sup> Let us now consider the relation between powers, habits, and *synderesis*.

For Aquinas the speculative and practical intellect are not distinct powers of the soul. Rather, the speculative intellect directs what is apprehended to consideration of truth, while the practical intellect directs what is apprehended to operation. The speculative intellect by extension becomes the practical intellect. It would seem, then, that if there is a natural habit by which the speculative intellect immediately recognizes the first principles of truth, such as the principle of noncontradiction, there needs to be a natural habit, namely, *synderesis*, by which the practical intellect immediately recognizes first principles

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<sup>9</sup>ST., I-II, 50, 3 & ad 3; 63, 1. Partly my translation.

<sup>10</sup>ST., I-II, 49 & 90 preface.

of operation, such as that the good ought to be done and evil avoided. I would say that this is confirmed by experience because once a child grasps the concept of good and evil, he or she immediately, without discursive thought, knows that the good ought to be done and evil avoided.<sup>11</sup> Thus, *synderesis* is not an acquired or infused habit but rather is innate or natural.

Moreover, Aquinas says

The act of *synderesis* is not an act of a power simply but a preparatory thing to the act of a power just as natural things [e.g., natural talents] are preparatory things to the freely given and acquired virtues.<sup>12</sup>

### Synderesis and Conscience

Conscience is the application of the knowledge of *synderesis* as well as of superior and inferior reason to a particular act to consider whether it should be done or avoided. Aquinas supplies the following illustration: suppose I am considering whether or not to commit an act of fornication. How does conscience operate in this situation? Here is the syllogism Aquinas uses to sum it up:

Nothing prohibited by God is to be done (the judgment of *synderesis*). Fornication with this person is against the law of God (the judgment of superior reason). Fornication is to be avoided (the application of conscience).<sup>13</sup>

Obviously, neither Aquinas nor I would argue that each time a person makes a moral choice the process is this simple. Many other factors can enter into a moral choice, such as compulsive and sinful habits. Nonetheless, if one guards against over-simplification, the above mentioned can be useful as an analytical tool.

Errors occur not in the judgment of *synderesis* but in the superior reason or in the application of conscience. Conscience, “which applies the universal judgment of *synderesis* to particular works” can err,

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<sup>11</sup>*ST.*, I, 79, 11; *ibid.*, s. c. Helen Keller, at age 8, is a test case. Once she had the first concept, i.e., that the water her teacher, Miss Sullivan, pumped over her hand was represented by the letters, W-A-T-E-R, which the teacher traced on the other hand, she then realized, when Miss Sullivan traced D-O-L-L in her hand, that it was wrong for her earlier to have thrown down the doll in a fit of anger. She reports that she experienced remorse for the first time in her life and wept bitterly. Cf. *The Catholic World Report*, June 1992, p. 1.

<sup>12</sup>3 *Sent.* d. 33, q. 2, a. 4; cf. *De Veritate* 16, 1, 14; 16, 2, 5.

<sup>13</sup>*De Veritate*, 17, 2. Cf. also 2 *Sent.* d. 39, q. 3 a. 2 & *Quodl.* 3, 12, 1. *De Veritate*, 17, 2.

but not *synderesis* itself. However, in immediate conclusions from the judgment of *synderesis* conscience never errs. Moreover, it is *synderesis* which exposes a false conscience.

In commenting on *John* 16:2, Aquinas gives an example of how the false judgment can come from superior reason. In this case the syllogism is as follows:

God is to be obeyed (the universal judgment of *synderesis*). The killing of Apostles is pleasing to God (the false judgment of the superior reason). Therefore, God commands the killing of Apostles (the application of conscience).<sup>14</sup>

This reasoning describes the thinking of St. Paul before his experience on the road to Damascus. Beforehand, his mind operated not from a false application of conscience but from a false judgment of the superior reason.

### Synderesis and Passion

Although it is true, absolutely speaking, that *synderesis* as a habitual light can never be extinguished, nevertheless as an act it can be. Because of bad habits it is possible for a person to extinguish *synderesis* by sinful choices. In speaking of this Aquinas distinguishes two ways of referring to *synderesis*:

that *synderesis* can be extinguished can be understood in two ways. In one way insofar as it is a habitual light. In this way it is impossible that *synderesis* be extinguished. . . . In another way insofar as it is an act and this in two ways. In one way when it is said that the act of *synderesis* is extinguished inasmuch as the act of *synderesis* is totally taken away. And thus it occurs that the act of *synderesis* is extinguished in not having the use of free choice nor any use of reason. . . . In another way when the act of *synderesis* is drawn to the contrary. In this way it is impossible for *synderesis* to be extinguished in a universal judgment. But in a particular thing to be done it is extinguished whenever one sins in choosing. . . . But here *synderesis* is not extinguished absolutely but only in a certain way [*secundum quid*]. Wherefore absolutely speaking we must concede that *synderesis* is never extinguished.<sup>15</sup>

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<sup>14</sup>*De Veritate*, 16, 2 ad 1; 17, 2; 16, 3, 6; 16, 2 ad 2.

<sup>15</sup>*De Veritate*, 16, 3. A recent example of how *synderesis* as an habitual light can be extinguished by passions, in this case by contrary customs, is the case of women in Siberia

Another instance of the same phenomenon occurs in the case of heretics. Since heresy is a sin and heretics seem not to have remorse concerning their infidelity, it may appear that *synderesis* is extinguished in their moral character. In answering this question Aquinas again shows that the error lies in the application to the particular act rather than in the universal judgment of *synderesis*. For he remarks that

with regard to heretics, on account of the error which is in their superior reason from which it happens that the judgment of reason is not applied to this particular case, their conscience does not murmur against infidelity. For the judgment of *synderesis* remains in them with regard to the universal case since they judge that it is evil not to believe those things which God has revealed. But they err in this, i.e., in superior reason because they do not believe that this thing is revealed by God.<sup>16</sup>

### Synderesis and Fomes

In speaking of whether *synderesis* is absent from the souls in Hell, Aquinas says that the connaturality of *synderesis* even defines the life of the damned. This becomes evident when he contrasts *synderesis* with *fomes*, defined as the inclination within us to evil.

[E]vil is outside of nature and so nothing prohibits the inclination to evil [i.e., *fomes*] from being removed from the blessed. But good and the inclination to good follows upon nature itself. Wherefore, since nature remains [in them] the inclination to good cannot be taken away even in the damned.

While *fomes*, the inclination to evil, can be removed after death, the inclination to good is so much a part of our nature that it remains after death, even in those who pursued evil as a way of life and died unrepentant. But if that is the case—namely, that *synderesis* is present even in demons—could one not argue that some of their acts are good? The answer is that while *synderesis* is not extinct in them it is thwarted by a perverse will. St. Thomas puts it this way:

In *synderesis* . . . there are the universal principles of the natural law. Wherefore it is necessary that it murmur against everything in them [the

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who have had up to 20 abortions and were not aware that it was wrong until told so. But when told so they became alarmed. Cf. *The Witness*, July 19, 1992, p. 10.

<sup>16</sup>*De Veritate*, 16, 3 obj. 2; 16, 3 ad 2. My translation.

demons] which occurs contrary to the natural law. But, for all that, this murmur is the act of nature. For a perverse will in the demons resists insofar as they close their perceiving powers from the consideration of good.<sup>17</sup>

### Synderesis and Its Relation to Natural Law

I have already briefly considered the relationship between the speculative and practical intellect. In order to consider the connection of *synderesis* to the natural law, I think it will be helpful to consider more fully the relationship between knowledge in the speculative and the practical intellect.

#### 1. *Discovering Truth in the Speculative Order*

According to Aquinas one discovers truth in the speculative order in the following manner: there are certain propositions which the human mind immediately recognizes as true once the terms of the proposition are known. Thus, for example, once one understands the meaning of “whole” and “part,” one also recognizes immediately the truth of the proposition: “the whole is greater than its part.” It is important to note here that this first principle and other such first principles are not impressed upon the mind. Rather, it is the case that there is present in the human mind or soul a natural habit, which Aquinas calls *intellectus*, by which one immediately recognizes the truth of the first principles. Thus, what is innate in the human mind is not truth but a habit, i.e., a capacity or disposition to recognize the truth. That which is the case with regard to first principles in the speculative order is also the case with regard to truths which are not first principles; that is to say, one arrives at certitude concerning their truth or falsity because of the presence in the speculative intellect of the intellectual virtues or habits. The habit of *scientia*, an acquired and not a natural habit, as is the case with *intellectus*, enables one to correctly recognize truths which are deduced from the first principles. The same is the case with the acquired intellectual virtue of *sapientia*, the presence of which, according to Aquinas, is necessary for achieving certitude in metaphysics. It should be noted that these intellectual virtues are distinct from the same intellectual virtues which are gifts of the Holy

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<sup>17</sup>*De Veritate*, 16, 3 ad 5. 2 *Sent.* 2, 1, 2, obj. 3, 2 *Sent.* 2, 1, 2 ad 3. My translation.

Spirit because knowing with certitude becomes connatural for the one who has these gifts.<sup>18</sup> Thus, that one will make a correct judgment in the speculative order depends upon the presence of the intellectual virtues. Everyone correctly judges the truth of first principles because everyone—i.e., each person who understands the terms of the proposition of a given first principle—has present in his mind from birth the habit of *intellectus*. But not everyone equally recognizes the truths deduced from first principles or the truths of metaphysics because not all persons have acquired the habits of *scientia* and *sapientia*, the habits of mind necessary for these two disciplines. Thus, for example, what might be clearly evident to a mathematician will be obscurely seen, if seen at all, by a non-mathematician. The latter simply lacks the proper habit of mind, *scientia*. Aquinas indicates how these three virtues of the speculative intellect are related and how they function:

Now, truth can be considered in a twofold manner: in one way as known in itself; in another way as known through another. On the one hand, what is known in itself is a principle and is understood immediately by the intellect. And so the habit perfecting the intellect for the consideration of such truth is called *intellectus* which is the habit of principles. On the other hand, what is known through another is not immediately understood by the intellect, but rather is known through reason's inquiry and is as a term.<sup>19</sup>

But in order to understand the role of *sapientia*, one must realize, further, that the term of reason's inquiry can be either the ultimate term in any given genus or the ultimate term in the whole of human knowledge. And it is the latter which is the domain of *sapientia*. For it considers the highest causes, that is to say, the first causes of all things. This is why *sapientia* “judges and orders all things because perfect and universal judgment cannot be had except through resolution to first causes.”<sup>20</sup> In my opinion, the role played by *caritas* in the practical intellect is similar to the role played by *sapientia* in the speculative

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<sup>18</sup>Aquinas (*ST.*, I-II, 57, 1) says that the habits of the speculative intellect are virtues. They are three: *sapientia*, *scientia*, and *intellectus*. Rectitude of judgment “propter connaturalitatem quamdam ad ea de quibus iam est iudicandum” is described at *ST.*, II-II, 45, 2.

<sup>19</sup>*ST.*, I-II, 57, 2.

<sup>20</sup>*ST.*, I-II, 57, 2.

order, a very important point which I hope to make apparent by the end of this article.

## 2. *Discovering Truth in Ethical Matters*

What is the case in the speculative order is also the case in the moral order, the order of the practical reason. Just as intellectual virtues of the speculative intellect are present in the human mind either naturally or by way of acquisition or infusion, and just as they make it possible for the mind to judge with certitude in the order of speculative knowledge, so also in the practical intellect there are natural, acquired, and infused virtues which make it possible for the mind to judge with certitude in the moral order, the domain of ethics. In practical reason there is a natural habit, *synderesis*, by which the mind knows first principles, and an acquired habit, *prudentia*, by which the mind more effectively makes decisions in practical matters. Thus, prudence in the practical intellect corresponds to the role of *scientia* in the speculative intellect. But without the perfection of *caritas*, there is no true virtue. For example, if one is prudent in being avaricious, this is not true virtue.<sup>21</sup> At this point someone may object: are there not cases of those who do some good acts without love? May they not yet feed the hungry or clothe the naked? The answer, as Aquinas says, is that

The act of one lacking charity [*caritas*] may be of two kinds. One is in accordance with his lack of charity, as when he does something that is referred to that whereby he lacks charity. Such an act is always evil. Thus, Augustine says that the actions which an unbeliever performs as an unbeliever are always sinful even when he clothes the naked or does any like thing and directs it to his unbelief as end. There is, however, another act of one lacking charity, not in accordance with his lack of charity, but in accordance with his possession of some other gift of God, whether faith or hope or even his natural good [*bonum naturae*] which is not completely taken away by sin . . . In this way it is possible for an act without charity to be generically good, but not perfectly good because it lacks its due order to the last end.<sup>22</sup>

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<sup>21</sup>The relation between acquired and infused moral virtues is discussed among other places at *ST.*, I-II, 65, 2. Cf. *ST.*, II-II, 47, 6; *ST.*, II-II, 23, 7. Cf. Marianne Childress, "The Prudential Judgment," *Proceedings of the American Catholic Philosophical Association*, 22 (1947), p. 142.

<sup>22</sup>*ST.*, II-II, 23, 7, obj. 1 and ad 1.

Furthermore, even if we accept that *caritas* is not possible without faith, is it still not the case that even among unbelievers there can be true chastity and true justice so long as they curb their sensual desires and judge rightly? In short, it seems that in these cases true virtue is possible without *caritas*. Aquinas answers that whether true virtue is present depends on the end for which one acts.

Since the end is in practical matters what the principle is in speculative matters, just as there can be no strictly true science [*scientia*] if a right estimate of the first indemonstrable principle be lacking, so there can be no strictly true justice or chastity without that due ordering to the end which is effected by charity, however rightly a man may be affected about other matters.<sup>23</sup>

It seems, then, that one cannot act with perfect virtue unless one performs the action for the sake of the ultimate end, that is to say, for the love of God. And this is not possible without the virtue of *caritas*.

This is not to say that the parallel between the speculative and practical reason is exact. It would be foolish, for instance, to expect the same degree of certitude in an argument about the morality of nuclear war as in an argument about the certitude of a particular conclusion in geometry. This is perhaps where some ethicists have gone astray: in their desire that the same kind of certitude be possible in both the moral and the speculative order. And when they find that this is impossible, they conclude that all ethical claims are either tautologies or mere expressions of feeling.<sup>24</sup> Aquinas's ethical theory provides an antidote to such a sceptical conclusion. Although absolute certitude cannot be achieved in every domain of the moral order, this does not imply the triumph of scepticism. The moral philosopher can still

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<sup>23</sup>*ST.*, II-II, 23, 7, obj. 2 and ad 2.

<sup>24</sup>Aquinas follows Aristotle's *Nicomachean Ethics*, Bk. I, ch. 3 (1094 b 13–28) in his view on degrees of certitude. Cf. *In decem libros Ethicorum Aristotelis ad Nicomachum expositio*, ed. tertio, cura et studio Raymundi Spiazzi (Marietti, 1964), lec. 3, n. 36, p. 10. For morality as an expression of feelings, see A. J. Ayer in *Language, Truth, and Logic* (New York: Dover Publications, Inc., 1946), pp. 107–110. A brief review of the attempt in Western philosophy to apply logic and the dialectical process in order to solve ethical problems is presented by Howard P. Kainz, "The Use of Dialectic and Dialogue in Ethics: A Reflection on Methodology," *The New Scholasticism*, Vol. 56, n. 2 (1982), pp. 250–257. For examples of such attempts, see Michael V. Murray, S.J., *Problems in Ethics* (New York: Henry Holt and Company, Inc., 1960), pp. 238–239, and Austin Fagothey, S.J., *Right and Reason: Ethics in Theory and Practice* (St. Louis: The C. V. Mosby Company, 1976), p. 119.

appeal to the starting point of the practical reason and afterward to arguments that preclude arbitrariness, arguments that are known either by the ethicist or by the virtuous person, as we shall see. And that starting point makes for solid ground because, just as there is a natural habit (*intellectus*) of the speculative intellect, which enables one to judge with certitude about first principles in the speculative order, likewise there is a natural habit of the practical intellect (*synderesis*) which enables one to judge with certitude of the first principle in the practical order, i.e., to judge with certitude about the primary precept of the natural law.<sup>25</sup> However, it is important to note that just as is the case with *intellectus*, so too with *synderesis*; it is not possible to attain this certain judgment until the human intellect has first understood the terms of the first principles. Thus, just as a child who is unable to comprehend the concept of being is unable to recognize a first principle in the speculative order (e.g., “it is not the same thing to affirm and to deny”), so also a child who is unable to grasp the concept of good and evil is unable to recognize the truth of the first principle in the moral order: that the good is what all desire. Obviously, then, there is no question of an innate knowledge of morality. Nor is it the case that the primary principles of the moral order are implanted in the mind. Rather, it is the case, according to Aquinas, that what is present in the very makeup of the human mind from birth is the presence of a habit, *synderesis*, by which one judges with certitude about the primary precept in the moral order. However, one is not *capable* of that judgment from infancy. The capacity or disposition is actualized only when the infant reaches the age at which she can distinguish good from evil.

### 3. *Nature of Natural Law*

It is instructive to observe Aquinas’s method in showing how and in what order one recognizes the primary precepts of the natural law. He maintains that just as the concept of being is what first comes under the apprehension of the speculative intellect, the concept of the good is what first comes under the apprehension of the practical reason. “And so,” says Aquinas, “the first principle in the practical reason is what is founded on the concept of good, namely, *the good is what all*

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<sup>25</sup>ST., I-II, 91, 3; 94, 2.

*desire.*" Then, he proceeds to indicate that the primary precept of the law is, therefore, that the good is to be done and pursued and evil avoided. And he adds that

all the other precepts of the natural law are founded upon this; so that all those things to be done or avoided pertain to the precepts of the natural law which practical reason naturally apprehends to be human goods.<sup>26</sup>

#### 4. *The First Precept of the Natural Law*

It is important to concentrate for a moment on what Aquinas considers to be the first principle in the practical reason: *the good is what all desire*. This principle is his starting point as he engages the first question of the *Prima secundae*. There, he quotes Augustine to the effect that happiness is what all desire. It seems to me that this is a point worth pondering. Is it not true that all human acts are performed because of the desire of human beings for happiness? Certainly, what will make them happy is what is good. Someone may object that one who commits suicide does not desire happiness. But is it not precisely to escape one's present unbearable sadness or depression that one is driven to suicide? That is to say, does not the potential victim of suicide so act because of a desire for happiness? The problem occurs, then, not in affirming with certitude that happiness (the good) is what all desire but in determining in what that happiness (or good) consists. There is much disagreement among human beings about this point. For, as Aquinas himself notes, some think happiness consists in riches, some think it consists in pleasure, and others think it consists in something else. The point, however, is that although all may not agree as to what the good is, nevertheless, all people agree that the good is what all desire. When Aquinas formulates his ethical theory, he utilizes this fact as his starting point. When he discusses the nature of law and the natural law in particular, it serves also as the starting point. And so the first precept of law is that *good is to be done and pursued and evil avoided*. All the other precepts of the natural law are founded upon this first precept.<sup>27</sup>

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<sup>26</sup>*ST.*, I-II, 94, 2.

<sup>27</sup>*ST.*, I-II, 1, 7 s.c. Cf. *ST.*, I-II, 1, 7. Someone may argue that a sadist does not desire the good. Still, the sadist desires what she or he perceives to be the good. Cf. Aquinas's statement (*ST.*, I-II, 8, 1) that it is only the good which attracts the will. Cf. *ST.*, I-II, 94, 2.

### 5. *Truths Self-evident In Se and Quoad Nos*

It has been customary among Thomists to say that the first precept as well as all other precepts of the natural law are self-evident to all. Thus, it is self-evident to everyone: a) that one ought to preserve one's own life; b) that there ought to be the conjugal union of male and female and the education of offspring; and c) that one ought to know the truth about God and live in society. St. Thomas himself says the common principles are known to all. Though known to all, reason can be impeded from applying the general principles to this particular situation or action. What Thomas says is that these precepts are self-evident in the same way as the first principles of the speculative intellect.<sup>28</sup> So it appears that the first precept and the others mentioned above are self-evident to us by the habit of *synderesis*. As to the secondary principles, they are not self-evident in the same way as the general principles. Why not? An important distinction made by Aquinas will, I think, clarify this matter. He argues that something can be self-evident in itself (*in se*) but not to us (*quoad nos*); or something can be self-evident both in itself and to us, such as the first principles in the speculative order, once their terms are understood. But there are other things which, though self-evident in themselves, are not self-evident to everyone. Aquinas gives the following example: "Man is a rational animal." To anyone who understands the meaning of the terms, "man," "rational," and "animal," this proposition is self-evident. But it is not self-evident to one who does not understand these terms.<sup>29</sup> Likewise, I would argue that it is consistent with Aquinas's thought to say that while the first, i.e., "the common", precepts are self-evident in themselves and to us (once the concept of the good is understood) because of the presence of the habit of *synderesis* in the human mind, the secondary precepts of the natural law, which are derived from the common precepts, are not self-evident to everyone, even though self-evident in themselves.<sup>30</sup> To take any other position makes

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<sup>28</sup>These are the precepts of the natural law. Cf. *ST.*, I-II, 94, 2. Cf. Michael Cronin, *The Science of Ethics*, vol. 1, 4th ed. (Dublin: M. H. Gill and Son Ltd., 1939). He argues (pp. 510–512) that the primary precepts are self-evident. Fagothey and Murray (quoted above, n. 24) interpret the primary precepts as self-evident *quoad nos*. Cf. *ST.*, I-II, 94, 2; 4; 6.

<sup>29</sup>*ST.*, I-II, 94, 2. I think it is significant that Aquinas does not include here the precepts of the natural law as examples of propositions *per se* known commonly to all.

<sup>30</sup>Note that in both cases, that involving the primary precept and the other precepts founded upon it, they are not self-evident to us until the meaning of the terms is understood.

it very difficult to explain how there can be so much disagreement over issues that are directly based on the precepts of the natural law, such as suicide, artificial contraception, sterilization, abortion, private property, just wage, etc. If these things were self-evident *quoad nos*, there would not be so much disagreement about them among honorable people. Or to put the matter in another way, while everyone by the age of reason can recognize the term, “good,” not everyone agrees upon that in which the good consists. And so they may not recognize that the secondary precepts of the natural law are the good that is to be done and pursued. In short, these precepts are self-evident in themselves (*in se*), but not self-evident to all (*quoad nos*). In today’s world I wonder whether even all the general principles of the natural law are self-evident *quoad nos*. If, for example, procreation and education of children are precepts self-evident *in se* and *quoad nos*, why is there so much disagreement on these matters among honorable men and women? Perhaps it is because, although these precepts are known to all, reason may be impeded from applying the general principles to a particular action. If so, then perhaps it is preferable to argue that, indeed, only the primary precept of natural law is self-evident *in se* and *quoad nos*. For it is self-evident to all that the good is to be done and evil avoided, albeit not everyone agrees on that in which the good consists. After all, Aquinas himself argues that in a sense the natural law is one law, reducible to the primary precept, for all other principles flow from it.<sup>31</sup> In this way there is at least a starting point upon which all can agree. For if my opponent does not agree with the first principle of morality, is there any point in discussing the matter further?

### 6. *The Role of the Virtues*

*Synderesis* is the habit of mind by which one judges with certainty that good ought to be done and evil avoided. It is in this sense that Aquinas speaks of “the judgment of *synderesis*.” By this judgment one recognizes that the common principles of the natural law are the good to be done. What perfects the human mind for matters which follow from the natural law is the presence in the human mind of the moral virtues. Whereas *synderesis* is a *natural* habit (or virtue) which

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<sup>31</sup>*ST.*, I-II, 94, 6; *ST.*, I-II, 94, 2 ad 1.

perfects the human mind for a correct judgment about the primary precepts, the moral virtues can be either *acquired* or *infused*. The acquired moral virtues, e.g., prudence, fortitude, justice, and temperance, perfect the human mind for making sound judgments about a life of moral rectitude.<sup>32</sup> These virtues are acquired through practice and discipline. However, if the infused moral virtues are present, the judgment becomes connatural. What Aquinas means by this connatural judgment can be gathered by a brief look at the role of *caritas* (the virtue of charity or love). Just as *sapientia* is the root and guide of all the other intellectual virtues, likewise the theological virtue of *caritas* is the root and guide of all the moral virtues. As Aquinas says, “just as charity is the root and beginning of the virtues, so pride is the root and beginning of all vices.”<sup>33</sup> This is why, when speaking of the moral order, Aquinas follows Saint Paul, 1 *Cor* 2:15, in saying that the spiritual man is the judge of all and is judged by no one. The spiritual man’s judgment about what good ought to be done and what evil avoided in a specific instance has become connatural by the presence in him of the infused moral virtues and especially by the presence of *caritas*. This is not to say that one needs the infused moral virtues to be an ethicist or an ethical person. Aristotle, to name an instance, lacked the infused moral virtues. He would never have said that it is good for human nature to die on a cross. But he surely possessed the natural and acquired moral virtues.<sup>34</sup>

Aquinas further comments on the distinction between the natural, acquired, and infused moral virtues. By the acquired moral virtues one judges according to human reason and, accordingly, directs one’s good

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<sup>32</sup>Aquinas treats the acquired moral virtues at *ST.*, I-II, 61, 2; 63, 2.

<sup>33</sup>*Super epistolas s. Pauli lectura*, cura Raphaelis Cai 3rd ed., vol. 1 (Marietti, 1953), II *Cor.* 12.7. Benoit Garceau, *Judicium: Vocabulaire, sources, doctrine de saint Thomas d’Aquin* (Montreal: Institut d’Etudes Medievales, 1968), especially pp. 226–234, has explained well the role of the moral virtues in guaranteeing a certain judgment. For a discussion of the acquired and infused moral virtues, see Odon Lottin, *Etudes de morale histoire et doctrine* (J. Duculot, editeur, Gembloux [Belgique], 1961), pp. 131–150.

<sup>34</sup>*ST.*, I-II, 58, 5. Also see *ST.*, II-II, 60, 1 ad 2; also *ST.*, II-II, 45, 2; also see n. 1 above. An example of a text in moral theology which takes into consideration the primacy of charity is Gerard Gillemann, S.J., *The Primacy of Charity in Moral Theology*, trans. William F. Ryan, S.J., and William F. Ryan, S.J. (Westminster, Maryland: The Newman Press, 1961). Some have suggested that Aristotle had the infused virtues. In that case I ask whether he acted for a supernatural end. Or were his good works directed to an end that did not surpass the natural power of man?

works to an end that does not surpass the natural power of man. On the other hand, by the infused moral virtues one judges according to divine reason, and because of the presence of the infused moral virtues, which cannot be present without *caritas*, the judgment becomes connatural to the one possessing the infused moral virtues.<sup>35</sup>

Thus, for Aquinas judgment with certitude in the moral order does not occur by proceeding deductively from a first principle which is known self-evidently. That one could take any position in the moral order and show its goodness or badness by tracing its derivation back to the primary precepts of the natural law is a position which, I fear, some Thomists have explicitly taught.<sup>36</sup> To speak from personal experience, my own ethics professor in college spoke of tertiary precepts of the natural law as if they were deductively derived from the primary precepts. Our inability to grasp this he explained by the fact that we were mere novices in the study of ethics; that we had not yet developed the necessary habits of mind. Of course, in one sense he was right; we indeed lacked the skill needed to reason ethically, but in another he was wrong; acquired moral virtues alone are not sufficient for reasoning ethically in all spheres of human conduct nor are they sufficient for obtaining apodeictic certitude about ethical matters.

### 7. *Synderesis and the Precepts of the Natural Law*

It is easy to make the mistake of thinking that *synderesis* contains the precepts of the natural law. As I mentioned above this is an issue that needs further discussion. Aquinas himself says in his *Commentary on the Sentences* that “In *synderesis* the universal precepts of the natural law are contained.”<sup>37</sup> But how *synderesis* incorporates these precepts is explained and qualified later when Aquinas states that, although the natural law is not properly speaking a habit, still, in one way the natural law can be called a habit, insofar as the precepts of the natural law are held by a habit. In the same way the first principles in the speculative order are not identified with the habit of these principles, although they are the principles of which there is a

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<sup>35</sup>*ST.*, I-II, 65, 2. Cf. *ST.*, I-II, 63, 1; 65, 2; 68, 1.

<sup>36</sup>See Thomas V. Upton, “Aristotle’s Moral Epistemology: The Possibility of Ethical Demonstration,” *The New Scholasticism*, vol. 46, n. 2 (1982), pp. 183. Cf. n. 24.

<sup>37</sup>*II Sent.* 2, 1, 2 ad 3: “In synderesi autem sunt universalia principia juris naturalis.”

habit.<sup>38</sup> In short, the precepts are said to be in *synderesis* not properly but as held by the habit of *synderesis*.

### 8. *Small Errors in the Beginning*

Aquinas has remarked with regard to another topic that a small error in the beginning leads to a great error in the end.<sup>39</sup> This is why it is important not to make a mistake about his position regarding *synderesis*. Ethicians or natural law philosophers who misunderstand the relation of *synderesis* to the natural law and the moral virtues will be led to great errors in their moral philosophy.

### Maritain and Synderesis

Maritain follows Thomas in saying that reason is the measure of human actions and that in order to measure human conduct reason itself must be measured by the natural law.<sup>40</sup> Moreover, natural law is natural both ontologically and gnoseologically. When Maritain says that natural law is natural ontologically his meaning is as follows: everything in nature is directed toward an end; some things achieve it as directed by nature (instinct); others (for example, human persons) achieve it with the intervention of free choice. But the proper end is present for both whether known by the agent or not. It is in this sense that the natural law is natural ontologically. That the natural law is natural gnoseologically refers to the natural law insofar as it is discovered and known by man. And man has a natural inclination to discover it. But the natural law is naturally known by man not conceptually or by way of reasoning. Rather, it is known connaturally. Maritain believes that this crucial point has been sorely neglected in moral philosophy.<sup>41</sup>

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<sup>38</sup>ST., I-II, 94, 1.

<sup>39</sup>*De ente et essentia*, c. 1: "Quia parvus error in principio magnus est in fine secundum Philosophum in primo Caeli et Mundii. . . ." Cf. Aristotle's *On the Heavens*, I, 5 (271 b 8–13).

<sup>40</sup>*Quelque remarques sur la loi naturelle*. In *Oeuvres Complètes*. Editions Saint-Paul, Paris, Vol. 9, 1990, p. 954.

<sup>41</sup>*Ibid.*, p. 956. Cf. *Man and the State* (Chicago: Chicago University Press, 1971), pp. 84–94, where Maritain distinguishes between the first element of the natural law (which is ontological) and the second (which is gnoseological). For Aquinas natural law *in se* is known connaturally only by those with the infused virtues.

In *Man and the State* he says that the natural law is “within the being of things as their very essence is, and . . . precedes all formulation, and is even known to human reason not in terms of conceptual and rational knowledge. . . .”<sup>42</sup>

Maritain is here criticizing the eighteenth-century view which wished to make the natural law a geometrical system. Already in the seventeenth-century “Pascal himself believed that justice among men should of itself have the same universal application as Euclid’s propositions.”<sup>43</sup>

Maritain comes close to the notion of *synderesis* in speaking of “pre-conscience”, i.e., natural inclinations rooted in reason. These inclinations are not the same as animal instincts insofar as a thing is an animal; instead they are distinctly human inclinations, directed by nature toward an end with the intervention of free choice. These inclinations are grounded in the nonconceptual life of the intellect and become crystallized by reason as it reflects on the nature of human inclinations.<sup>44</sup>

For Maritain these inclinations presuppose a self-evident first principle. The other determinations of the natural law are discovered in the progress of the history of humankind.<sup>45</sup> This history makes gnoseological what is otherwise ontological, a distinction which is based on Aquinas’s separation of the precepts as known *in se* and *quoad nos*.

Maritain’s view that there is connatural knowledge of the natural law seems to be equivalent to Aquinas’s position that natural law is known by *synderesis* and the infused virtues. However, at least in these texts, Maritain makes no reference to the need for the infused virtue of charity which, in my opinion, is the only sure guide in Aquinas’s system for arriving at other principles related to the natural law. For Maritain these are discovered in the progression of human history.

The reason that Maritain does not consider the role of infused virtues, at least in the texts I have examined, is perhaps the same reason that keeps other moral philosophers from considering them. If one considers ethics as a strictly philosophical discipline, then one

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<sup>42</sup>*Ibid.*, p. 91.

<sup>43</sup>*Ibid.*, p. 82.

<sup>44</sup>*Ibid.*, pp. 84–94.

<sup>45</sup>*Ibid.*, p. 90; also pp. 93–94.

should appeal to natural reason alone. Thus, one cannot consider the role of the infused virtues since that is the domain of theology. If one accepts this very rigid division, then philosophers like Maritain and others are justified in their exclusion of the role of infused virtues.<sup>46</sup> In that case, Maritain has certainly shown us how far one can proceed in developing an ethics without appeal to revelation. At least this is the case with the texts which I have examined.

### Conclusion

My purpose in this paper has been to draw attention to a few points in Aquinas's moral theory, the neglect or misunderstanding of which, in my judgment, has led to attacks on Aquinas' doctrine. Contrariwise, a correct understanding of these points not only makes Aquinas' doctrine more coherent but also furnishes an antidote for some current scepticism about ethics.

I close by calling to mind an important remark made by a philosopher who perhaps would be placed in a league with Aquinas and Maritain. Charles Peirce has remarked that no one philosopher will arrive at the whole truth. For that achievement the community of philosophers is required.<sup>47</sup> Taking to heart Peirce's remark, I do not claim to have said all there is to say about *synderesis*. Rather, I rely on the community of philosophers to further elucidate this issue in moral philosophy.

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<sup>46</sup>See Maritain's *Moral Philosophy: An Historical and Critical Survey of the Great Systems* (London, 1964), p. x. Also consult his *Essay on Christian Philosophy* (New York: Philosophical Library, Inc., 1955), pp. 38–43; pp. 61–100; likewise review his *Science and Wisdom* (New York: Charles Scribner's Sons, 1940), pp. 107–127.

<sup>47</sup>Cf. Charles Peirce, "How to Make Our Ideas Real," in *Values in a Universe of Chance*, ed. P. Weiner (Stanford, California: Stanford University Press, 1958), p. 134.