

Reason and Divine Law

Thomas Aquinas (A.D. 1225–1274) Born in Italy, Thomas Aquinas was a major Christian philosopher, theologian, and saint. He wrote many treatises, including Summa Theologica and Summa Contra Gentiles.

St. Thomas Aquinas

Question XC. On the Essence of Law

First Article. Whether Law is Something Pertaining to Reason?

We proceed thus to the First Article:—Objection 1. It would seem that law is not something pertaining to reason. For the Apostle says (*Rom. vii. 23*): *I see another law in my members*, etc. But nothing pertaining to reason is in the members, since the reason does not make use of a bodily organ. Therefore law is not something pertaining to reason. . . .

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On the contrary, It belongs to the law to command and to forbid. But it belongs to reason to command, as was stated above. Therefore law is something pertaining to reason.

I answer that, Law is a rule and measure of acts, whereby man is induced to act or is restrained from acting; for *lex* [*law*] is derived from *ligare* [*to bind*], because it binds one to act. Now the rule and measure of human acts is the reason, which is the first principle of human acts, as is evident from what has been stated above. For it belongs to the reason to direct to the end, which is the first principle in all matters of action, according to the Philosopher. Now that which is the principle in any genus is the rule and measure of that genus: for instance, unity in the genus of numbers, and the first movement in

the genus of movements. Consequently, it follows that law is something pertaining to reason. . . .

Second Article. Whether Law is Always Directed to the Common Good?

We proceed thus to the Second Article:—Objection 1. It would seem that law is not always directed to the common good as to its end. For it belongs to law to command and to forbid. But commands are directed to certain individual goods. Therefore the end of law is not always the common good.

Obj. 2. Further, law directs man in his actions. But human actions are concerned with particular matters. Therefore law is directed to some particular good.

Obj. 3. Further, Isidore says: *If law is based on reason, whatever is based on reason will be a law.* But reason is the foundation not only of what is ordained to the common good, but also of that which is directed to private good. Therefore law is not directed only to the good of all, but also to the private good of an individual.

On the contrary, Isidore says that *laws are enacted for no private profit, but for the common benefit of the citizens.*

I answer that, As we have stated above, law belongs to that which is a principle of human acts, because it is their rule and measure. Now as reason is a principle of human acts, so in reason itself there is something which is the principle in respect of all the rest. Hence to this principle chiefly and mainly law must needs be referred. Now the first principle in practical matters, which are the object of the practical reason, is the last end: and the last end of human life is happiness or beatitude, as we have stated above. Consequently, law must needs concern itself mainly with the order that is in beatitude. Moreover, since every part is ordained to the whole as the imperfect to the perfect, and since one man is a part of the perfect community, law must needs concern itself properly with the order directed to universal happiness. Therefore the Philosopher, in the above definition of legal matters, mentions both happiness and the body politic, since he says that we call those legal matters *just which are adapted*

to produce and preserve happiness and its parts for the body politic. For the state is a perfect community, as he says in *Politics* i.

Now, in every genus, that which belongs to it chiefly is the principle of the others, and the others belong to that genus according to some order towards that thing. Thus fire, which is chief among hot things, is the cause of heat in mixed bodies, and these are said to be hot in so far as they have a share of fire. Consequently, since law is chiefly ordained to the common good, any other precept in regard to some individual work must needs be devoid of the nature of a law, save in so far as it regards the common good. Therefore every law is ordained to the common good.

Reply Obj. 1. A command denotes the application of a law to matters regulated by law. Now the order to the common good, at which law aims, is applicable to particular ends. And in this way commands are given even concerning particular matters.

Reply Obj. 2. Actions are indeed concerned with particular matters, but those particular matters are referable to the common good, not as to a common genus or species, but as to a common final cause, according as to the common good is said to be the common end.

Reply Obj. 3. Just as nothing stands firm with regard to the speculative reason except that which is traced back to the first indemonstrable principles, so nothing stands firm with regard to the practical reason, unless it be directed to the last end which is the common good. Now whatever stands to reason in this sense has the nature of a law.

Third Article. Whether the Reason of Any Man Is Competent to Make Laws?

We proceed thus to the Third Article:—Objection 1. It would seem that the reason of any man is competent to make laws. For the Apostle says (*Rom. ii.14*) that *when the Gentiles, who have not the law, do by nature those things that are of the law, . . . they are a law to themselves.* Now he says this of all in general. Therefore anyone can make a law for himself. . . .

On the contrary, Isidore says, and the *Decretals* repeat: *A law is an ordinance of the people,*

whereby something is sanctioned by the Elders together with the Commonalty. Therefore not everyone can make laws.

I answer that, A law, properly speaking, regards first and foremost the order to the common good. Now to order anything to the common good belongs either to the whole people, or to someone who is the viceregent of the whole people. Hence the making of a law belongs either to the whole people or to a public personage who has care of the whole people; for in all other matters the directing of anything to the end concerns him to whom the end belongs. . . .

Fourth Article. Whether Promulgation is Essential to Law?

We proceed thus to the Fourth Article:—Objection 1.

It would seem that promulgation is not essential to law. For the natural law, above all, has the character of law. But the natural law needs no promulgation. Therefore it is not essential to law that it be promulgated. . . .

I answer that, As was stated above, a law is imposed on others as a rule and measure. Now a rule or measure is imposed by being applied to those who are to be ruled and measured by it. Therefore, in order that a law obtain the binding force which is proper to a law, it must needs be applied to the men who have to be ruled by it. But such application is made by its being made known to them by promulgation. Therefore promulgation is necessary for law to obtain its force.

Thus, from the four preceding articles, the definition of law may be gathered. Law is nothing else than an ordinance of reason for the common good, promulgated by him who has the care of the community.

Reply Obj. 1. The natural law is promulgated by the very fact that God instilled it into man's mind so as to be known by him naturally. . . .

Question XCI. On the Various Kinds of Law

First Article. Whether There Is an Eternal Law?

We proceed thus to the First Article:—Objection 1.

It would seem that there is no eternal

law. For every law is imposed on someone. But there was not someone from eternity on whom a law could be imposed, since God alone was from eternity. Therefore no law is eternal. . . .

I answer that, As we have stated above, law is nothing else but a dictate of practical reason emanating from the ruler who governs a perfect community. Now it is evident, granted that the world is ruled by divine providence, as was stated in the First Part, that the whole community of the universe is governed by the divine reason. Therefore the very notion of the government of things in God, the ruler of the universe, has the nature of a law. And since the divine reasons' conception of things is not subject to time, but is eternal, according to *Prov.* viii. 23, therefore it is that this kind of law must be called eternal. . . .

Second Article. Whether There Is in Us a Natural Law?

We proceed thus to the Second Article:—Objection 1.

It would seem that there is no natural law in us. For man is governed sufficiently by the eternal law, since Augustine says that *the eternal law is that by which it is right that all things should be most orderly*. But nature does not abound in superfluities as neither does she fail in necessities. Therefore man has no natural law.

Obj. 2. Further, by the law man is directed, in his acts, to the end, as was stated above. But the directing of human acts to their end is not a function of nature, as is the case in irrational creatures, which act for an end solely by their natural appetite; whereas man acts for an end by this reason and will. Therefore man has no natural law.

Obj. 3. Further, the more a man is free, the less is he under the law. But man is freer than all the animals because of his free choice, with which he is endowed in distinction from all other animals. Since, therefore, other animals are not subject to a natural law, neither is man subject to a natural law.

On the contrary, The Gloss on *Rom.* ii. 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, As we have stated above, 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. Therefore, since all things subject to divine providence are ruled and measured by the eternal law, as was stated above, it is evident that all things partake in some way in 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 a more excellent way, in so far as it itself partakes of a share of providence, by being provident both for itself and for others. Therefore 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 (*Ps. iv. 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.* He thus implies 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 we have stated above.

Reply Obj. 2. Every act of reason and will in us is based on that which is according to nature, as was stated above. 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 through 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 crea-

ture 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, as was stated above. Irrational creatures, however, do not partake thereof in a rational manner, and therefore there is no participation of the eternal law in them, except by way of likeness.

Third Article. Whether There Is a Human Law?

We proceed thus to the Third Article:—Objection 1. It would seem that there is not a human law. For the natural law is a participation of the eternal law, as was stated above. 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. . . .

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

I answer that, As we have stated above, 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 conclusions, as was stated above. Accordingly, we conclude that, just as in the speculative reason, from naturally known indemonstrable principles we draw the conclusions of the various sciences, the knowledge of which is not imparted to us by nature, but acquired by the efforts of reason, so too it is that from the precepts of the natural law, as from common and indemonstrable principles, the human reason needs to proceed to the more particular determination of certain matters. These particular determinations, devised by human reason, are called human laws, provided that the other essential conditions of law be observed, as was stated above. Therefore Tully says in his *Rhetoric* that *justice has its source in nature; thence certain things came into custom by reason of their utility; afterwards these things which emanated from nature, and were approved by custom, were sanctioned by fear and reverence for the law.*

Reply Obj. 1. The human reason cannot have a full participation of the dictate of the divine reason, but according to its own mode, and imperfectly.

Consequently, just as on the part of the speculative reason, by a natural participation of divine wisdom, there is in us the knowledge of certain common principles, but not a proper knowledge of each single truth, such as that contained in the divine wisdom, so, too, on the part of the practical reason, man has a natural participation of the eternal law, according to certain common principles, but not as regards the particular determinations of individual cases, which are, however, contained in the eternal law. Hence the need for human reason to proceed further to sanction them by law. . . .

Fourth Article, Whether There Was Any Need for a Divine Law?

We proceed thus to the Fourth Article:—Objection 1. It would seem that there was no need for a divine law. For, as was stated above, the natural is a participation in us of the eternal law. But the eternal law is the divine law, as was stated above. Therefore there is no need for a divine law in addition to the natural law and to human laws derived therefrom. . . .

I answer that, Besides the natural and the human law it was necessary for the directing of human conduct to have a divine law. And this for four reasons. First, because it is by law that man is directed how to perform his proper acts in view of his last end. Now 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. But since man is ordained to an end of eternal happiness which exceeds man's natural ability, as we have stated above, therefore it was necessary that, in addition to the natural and the human law, man should be directed to his end by a law given by God.

Secondly, because, by reason 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. In order, therefore, that many 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 are observable; and yet for the perfection of virtue it is necessary for man to conduct himself rightly 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 living. 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. . . .

Fifth Article. Whether There Is But One Divine Law?

We proceed thus to the Fifth Article:—Objection 1. It would seem that there is but one divine law. For, 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 *Ps. xlvii. 8: God is the King of all the earth.* Therefore there is but one divine law. . . .

I answer that, As we have stated in the First Part, 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 distinguished in Old and New. Hence the Apostle (*Gal. iii. 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 conditions pertaining to law, as was stated above. For, in the first place, it belongs to law to be di-

rected to the common good as to its end, as was stated above. This good may be twofold. It may be a sensible and earthly good, and to this man was directly ordained by the Old Law. Hence it is that, at the very outset of the Law, the people were invited to the earthly kingdom of the Chananæans (*Exod.* iii. 8, 17). Again it may be an intelligible and heavenly good, and to this, man is ordained by the New Law. Therefore, at the very beginning of His preaching, Christ invited men to the kingdom of heaven, saying (*Matt.* iv. 17): *Do penance, for the kingdom of heaven is at hand.* Hence Augustine says that *promises of temporal goods are contained in the Old Testament, for which reason it is called old; but the promise of eternal life belongs to the New Testament.*

Secondly, it belongs to law to direct human acts according to the order of justice; wherein also the New Law surpasses the Old Law, since it directs our internal acts, according to *Matt.* v. 20: *Unless your justice abound more than that of the Scribes and Pharisees, you shall not enter into the kingdom of heaven.* Hence the saying that *the Old Law restrains the hand, but the New Law controls the soul.*

Thirdly, it belongs to law to induce men to observe its commandments. This the Old Law did by fear of punishment, but the New Law, by love, which is poured into our hearts by the grace of Christ, bestowed in the New Law, but foreshadowed in the Old. Hence Augustine says that *there is little difference between the Law and the Gospel—fear [timor] and love [amor]. . . .*

Question XCIV. The Natural Law

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

We proceed thus to the Second Article:—Objection 1.

It would seem that the natural law contains not several precepts, but only one. For law is a kind of precept, as was stated above. 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 upon human nature. But human nature, as a whole, is one, though, as to its parts, it is manifold. There-

fore, either there is but one precept of the law of nature because 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 power would belong to the natural law.

Obj. 3. Further, law is something pertaining to reason, as was stated above. 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 operable matters as first principles do to matters of demonstration. But there are several first indemonstrable principles. Therefore there are also several precepts of the natural law.

I answer that, As was stated above, 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; even though it may happen that to one who does not know the definition of the subject, such a proposition is not self-evident. For instance, this proposition, *Man is a rational being*, is, in its very nature, self-evident, since he who says *man*, says *a rational being*; and yet to one who does not know 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 the 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 circumscriptively in a place. But this is not evident to the unlearned, for they cannot grasp it.

Now a certain order is to be found in those things that are apprehended by men. For that which first falls under apprehension is *being*, the understanding of which is included in all things whatso-

ever a man apprehends. Therefore the first indemonstrable principle is that *the same thing cannot be affirmed and denied at the same time*, which is based on the notion of *being* and *not-being*; and on this principle all others are based, as is stated in *Metaph.* iv. Now as *being* is the first thing that falls under the apprehension of the practical reason, which is directed to action (since every agent acts for an end, which has the nature of good). Consequently, the first principle in the practical reason is one founded on the nature of good, viz., that *good is that which all things seek after*. Hence this 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 the 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.

“Law is a rule and measure of acts, whereby man is induced to act or is restrained from acting. . .”

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 being 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. For there is in man, first of all, an inclination to good in accordance with the nature which he has in common with all substances, inasmuch, namely, as every substance seeks the preservation of its own being, according to its nature; and by reason of this inclination, whatever is a means of preserving human life, and of warding off its obstacles, belongs to the natural law. Secondly, there is in man an incli-

nation to things that pertain to him more specially, according to that nature which he has in common with other animals; and in virtue of this inclination, those things are said to belong to the natural law *which nature has taught to all animals*, such as sexual intercourse, the education of offspring and so forth. Thirdly, there is in man an inclination to good according to the nature of his reason, which nature is proper to him. Thus man has a natural inclination to know the truth about God, and to live in society; and in this respect, whatever pertains to this inclination belongs to the natural law: e.g., to shun ignorance, to avoid offending those among whom one has to live, and other such things regarding the above inclination.

Reply Obj. 1. All these precepts of the law of nature have the character of one natural law, inasmuch as they flow from one first precept.

Reply Obj. 2. All the inclinations of any parts whatsoever of human nature, e.g., of the concupiscible and irascible parts, in so far as they are ruled by reason, belong to the natural law, and are reduced to one first precept, as was stated above. And thus the precepts of the natural law are many in themselves, but they are based on one common foundation.

Reply Obj. 3. Although reason is one in itself, yet it directs all things regarding man; so that whatever can be ruled by reason is contained under the law of reason.

Third Article. Whether All the Acts of the Virtues are Prescribed by the Natural Law?

We proceed thus to the Third Article:—Objection 1. It would seem that not all the acts of the virtues are prescribed by the natural law. For, as was stated above, it is of the nature of law that it be ordained to the common good. But some acts of the virtues are ordained to the private good of the individual, as is evident especially in regard to acts of temperance. Therefore, not all the acts of the virtues are the subject of natural law. . . .

I answer that, We may speak of virtuous acts in two ways: first, in so far as they are virtuous; secondly, as such and such acts considered in their

proper species. If, then, we are speaking of the acts of the virtues in so far as they are 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: e.g., fire is inclined to give heat. Therefore, 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 the acts of the virtues 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 primarily incline, 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 common good of nature, just as other matters of law are ordained to the moral common good . . .



Fourth Article. Whether the Natural Law Is the Same in All Men?

We proceed thus to the Fourth Article:—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 (*Rom. x. 16*), *all do not obey the gospel*. Therefore the natural law is not the same in all men. . . .

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

I answer that, As we have stated above, to the natural law belong 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 it belongs to the reason to proceed from what is common to what is proper, as is stated in *Physics* i.

The speculative reason, however, is differently situated, in this matter, from the practical reason. For, since the speculative reason is concerned chiefly with 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 concerned with contingent matters, which is the domain of human actions; and, consequently, although there is necessity in the common principles, the more we descend towards the particular, the more frequently we encounter defects. Accordingly, then, in speculative matters truth is the same in all men, both as to principles and as to conclusions; although the truth is not known to all as regards the conclusions, but only as regards the principles which are called *common notions*. But in matters of action, truth or practical rectitude is not the same for all as to what is particular, but only as to the common principles; and where there is the same rectitude in relation to particulars, it is not equally known to all.

It is therefore evident that, as regards the common principles whether of speculative or of practical reason, truth or rectitude is the same for all, and is equally known by all. But as to the proper conclusions of the speculative reason, the truth is the same for all, but it is not equally known to all. Thus, it is true for all that the three angles of a triangle are together equal to two right angles, although it is not known to all. But as to the proper conclusions of the practical reason, neither is the truth or rectitude the same for all, nor, where it is the same, is it equally known by all. Thus, it is right and true for all to act according to reason, and from this principle it follows, as a proper conclusion, that goods entrusted to another should be restored to their owner. Now this is true for the majority of cases. But it may happen in a particular case that it would be injurious, and therefore unreasonable, to restore goods held in trust; for instance, if they are claimed for the purpose of fighting against one's country. And this principle will be found to fail the more, according as we descend further towards the particular, e.g., if one were to say that goods held in trust should be restored with such and such a guarantee, or in such and such a way; because the greater the number of conditions added, the greater

the number of ways in which the principle may fail, so that it be not right to restore or not to restore.

Consequently, we must say that the natural law, as to the first common principles, is the same for all, both as to rectitude and as to knowledge. But as to certain more particular aspects, which are conclusions, as it were, of those common principles, it is the same for all in the majority of cases, both as to rectitude and as to knowledge; and yet in some few cases it may fail, both as to rectitude, by reason of certain obstacles (just as natures subject to generation and corruption fail in some few cases because of some obstacle), and as to knowledge, since in some of the reason is perverted by passion, or evil habit, or an evil disposition of nature. Thus at one

time theft, although it is expressly contrary to the natural law, was not considered wrong among the Germans, as Julius Cæsar relates.

Reply Obj. 1. The meaning of the sentence quoted is not that whatever is contained in the Law and the Gospel belongs to the natural law, since they contain many things that are above nature; but that whatever belongs to the natural law is fully contained in them. Therefore Gratian, after saying that *the natural law is what is contained in the Law and the Gospel*, adds at once, by way of example, *by which everyone is commanded to do to others as he would be done by*.