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SYNDERESIS AND THE NATURAL LAW

The term “synderesis” is going out of use more and more in ethical analyses and analyses in the philosophy of law, as is the term “conscience” in the Thomistic intellectualism. In contemporary culture and philosophy, completely different concepts of conscience are in use, where conscience is not connected with the acts of reason and hence is not regulated by the truth of things. It is worthwhile therefore to familiarize ourselves with the discussion on conscience and synderesis and to discover in that discussion echoes of medieval controversies that were dictated by concern for man’s personal development in the light of man’s final end, and by the desire to give man the cognitive instruments he needed to acquire the constant habitual formation of all his faculties to act in conformity with reason (*habitualis conformitas potentiarum ad rationem*).

What Is Synderesis?

Sometimes moralists translate “synderesis” as “conscience,” and sometimes as “pre-conscience.” The term *synderesis* was introduced by St. Jerome.¹ It is from the Stoic Greek term συντήρησις (*syntéresis*) and means “preservation,” “safekeeping,” “keeping something in mind,” and “warning.” The term was popular in the ethics of the scholastics to mean man’s ability (*habitus*) to know the first moral principles as the foundation for the judgements of conscience. In order to designate the pre-conscience they

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¹ Cf. H. Majkrzak, “O prasumieniu według św. Tomasza z Akwinu” (“The pre-conscience according to St. Thomas Aquinas”), *Człowiek w Kulturze* 13 (2000): 123.

also used terms such as the following: *intellectus primorum principiorum operabilium*, *naturale iudicarium*, *scintilla animae*, *scintilla conscientiae*, *scintillula rationis*, *superior scintilla rationis*, and *ratio naturalis*. Metaphorical terms for synderesis such as “spark” or “sparkle” bring us to certain features ascribed to synderesis as a sudden flash of light by which we immediately see the good. Synderesis thus would be a kind of immediate (intuitive) knowledge.² The terminology concerning the criterion of human conduct, as it turns out, is not univocal, just as in the golden age of scholasticism, but St. Thomas explains this doubt. The reason is the most important human faculty (*potentia*). This faculty has two natural habits or abilities (*habitus*): the habit of reading the first principles of knowledge—*intellectus principiorum*, and the habit of reading the first principles of moral action—*synderesis*.³ As natural habits they belong to every rational being. When we apply the first principles in the order of practical knowledge, we obtain knowledge of “self-knowing” (conscience), which is expressed in the ability to pass a practical judgement of the theoretical reason regarding a concrete deed. Thus synderesis is prior to conscience. As a constant non-acquired habit (*habitus naturalis*) that affects that act (or judgement) of conscience, synderesis is the principle of the act of conscience. Therefore Aquinas says that just what we often call a cause by the name of its effect, so we call synderesis pre-conscience from its effect, which is conscience.

The pre-conscience, which, following St. Basil, Thomas called the “natural courtroom,” and, following St. Jerome, called the “spark of conscience” (“[S]ynderesis is the highest thing that can be seen in the judgement of conscience; on the basis of this metaphor we call synderesis the spark of conscience—*scintilla conscientiae*”).⁴ Following St. John Damascene, Thomas calls it the “law of our reason,”⁵ and it inclines us exclu-

² Cf. P. S. Mazur, *W kręgu pytań o człowieka. Vademecum antropologiczne (In the circle of questions about man. An anthropological vademecum)* (Lublin 2008), 150.

³ Cf. S. Thomae Aquinatis, *Summa theologiae*, cura et studio P. Caramello, vol. 1–3 (Torino 1962–1963), I, 79, 12, resp. “Synderesis non est potentia, sed habitus naturalis” (Id.).

⁴ St. Thomas Aquinas, *De veritate*, 17, 2, ad 3: “[I]ta synderesis est illud quod supremum in conscientiae iudicio reperitur; et secundum hanc metaphoram synderesis scintilla conscientiae dicitur. Nec oportet propter hoc ut in omnibus aliis se habeat synderesis ad conscientiam sicut scintilla ad ignem.”

⁵ S. Thomae Aquinatis, *Summa theologiae*, I–II, 94, 1, ad 2. “Synderesis is said to be the law of our mind, because it is a habit containing the precepts of the natural law, which are the first principles of human action.”

sively to the good in conformity with the nature of things.⁶ It is the general criterion for the evaluation of acts as good or evil, and it is the foundation for the judgements of the conscience. It is an ability that includes in its object the precepts of the natural law—the first principles of human conduct motivated by the good as the end.⁷ Synderesis, as it is the “reflected light of God in the human soul,” enables us to read those principles, and thereby it binds the conscience to judgements regarding particular and singular facts of moral action, to recommend, prohibit, praise, or reprove them. Synderesis sets the ends for moral actions, and in particular it moves prudence (*synderesis movet prudential sicut intellectus primorum principiorum scientiam*), which is called the “virtue of the well-formed conscience” (“[T]he act of synderesis is not an act of virtue in the primary sense, but it is a preamble to the act of virtue, just as natural things are preambles to infused and acquired virtues”⁸).

Thomas’ conception of synderesis was shaped in discussion with other thinkers.⁹ St. Bonaventure, in the spirit of St. Augustine, connected synderesis with man’s will, which is a natural power that directs one to the moral good (*pondus*—the natural gravitation of the will). He thought that as natural will synderesis is infallible, but it can err in concrete performance, when it succumbs or yields to the blindness of the soul, passion, or obstinacy of the will. St. Albert the Great divided synderesis from the will and located it in the domain of the reason, which announces the principles of practical action (*naturale iudicatorium rationis vel synderesis*—the natural judgement of the reason or *synderesis*). We find just this line of thought in Aquinas. However, why did St. Thomas link synderesis with the reason, and not with the will?

According to St. Thomas, synderesis always inclines us to the good.¹⁰ To explain the specific character of synderesis, he compared human knowledge with angelic knowledge: “[T]he human soul, with respect to what is highest in itself, reaches something about that which is proper to angelic nature, namely, that it has knowledge of some things suddenly and

⁶ Cf. É. Gilson, *Tomizm. Wprowadzenie do filozofii św. Tomasza (Thomism. Introduction to the philosophy of St. Thomas)*, Polish trans. J. Rybalt (Warsaw 1998).

⁷ Cf. Thomas Aquinas, *Summa theologiae*, 94, 1, ad 2.

⁸ Cf. Thomas Aquinas, *De veritate*, 16, 2, ad. 5: “[A]ctus synderesis non est actus virtutis simpliciter, sed praeambulum ad actum virtutis, sicut naturalia sunt praeambula virtutibus gratuitis et acquisitis.”

⁹ Cf. Majkrzak, *O prasumieniu...*, 121–125.

¹⁰ Cf. Thomas Aquinas, *De veritate*, 16, 1, 7.

without inquiry.”¹¹ Synderesis is the habit of the reason for reading the first principles of action: “Just as in the human soul there is a certain natural ability whereby man knows the principles of speculative knowledge, which we call the understanding of principles, so also there is in it a certain natural ability to understand the principles of action that the natural principles of the natural law, and this habit pertains to synderesis.”¹² Synderesis always incites us to the good, and murmurs at, or recoils from evil.¹³ It is striking that St. Thomas emphasizes the natural and innate character of synderesis. The reason in man reads the first principles in a natural manner, that is, the principles concerning the speculative order, the practical order, and the moral order. It is a question here of principles that are not acquired by the process of abstraction or inference, but are known in a natural manner. Those principles therefore do not belong to the competence of any separate faculty or power.¹⁴ The ability to read those principles belongs to a special habit of the reason; by that habit the intellect is capable of reading the principles of the speculative reason and the principles that refer to the practical domain.

Synderesis is therefore a habit, and the faculty of reason is the subject of synderesis.¹⁵ St. Thomas asserted: “The act, however, of this natural habit, which is called synderesis, is to oppose evil and to incline one to the good; and so man is capable of this act by nature.”¹⁶ Now, nature is that “which in all its works aims at the good and at preserving that which comes into being by nature’s action. Therefore the principles of all nature’s actions are constant and unchanging, and they preserve what is right . . .”¹⁷ The function of synderesis is therefore to direct one to the good, and

¹¹ Id, resp.: “Unde et anima humana, quantum ad id quod in ipsa supremum est, aliquid attingit de eo quod proprium est angelicae naturae; scilicet ut aliquorum cognitionem habeat subito et sine inquisitione . . .”

¹² Id.: “Sicut igitur humanae animae est quidam habitus naturalis quo principia speculativa-
rum scientiarum cognoscit, quem vocamus intellectum principiorum; ita etiam in ea est quidam habitus naturalis primorum principiorum operabilium, quae sunt universalia principia iuris naturalis; qui quidem habitus ad synderesim pertinet.”

¹³ Cf. S. Thomae Aquinatis, *Summa theologiae*, I, 79, 12.

¹⁴ Cf. id.

¹⁵ Cf. id., ad 3.

¹⁶ Cf. S. Thomae Aquinas, *De veritate*, 16, 1, ad 12: “Actus autem huius habitus naturalis, quem synderesis nominat, est remurmurare malo, et inclinare ad bonum: et ideo ad hunc actum homo naturaliter potest.”

¹⁷ Id., 2, resp.: “natura in omnibus suis operibus bonum intendit, et conservationem eorum quae per operationem naturae fiunt; et ideo in omnibus naturae operibus semper principia sunt permanentia et immutabilia, et rectitudinem conservantia.”

“judgement is twofold: in the universal, and then it pertains to synderesis, and in the particular deed that can be done, and this pertains to a free choice . . .”¹⁸ Why did St. Thomas emphasize the dimension of synderesis as directing one to the good? Here is the explanation: “Hence in human works, for there to be any sort of rightness in them, there must be some permanent principle that has immutable rightness, in reference to which all human works are examined, such that this permanent principle will resist all evil, and assent to all good.”¹⁹ Thus the good is that which should be done, and evil is that which should be avoided. Thus synderesis is a habit of the knowledge of natural law.

In the literature, conscience has sometimes been identified with pre-conscience (e.g., St. Jerome),²⁰ but St. Thomas puts great emphasis on making a distinction between them. He writes: “conscience is an originating from the natural habit of synderesis . . .”²¹ The role of synderesis is to indicate to the conscience how one should in order to do good and avoid evil. The conscience is a practical judgement whereby we are in a position to apply the judgements of synderesis to a concrete act. St. Thomas writes: “[T]he entire power of the conscience that makes examinations or advises depends on the judgement of synderesis, just as the entire truth of the speculative reason depends on first principles.”²² As the habit of the reason concerning the first principles of action, synderesis is directed to the good as such (the universal good), and so a judgement of the conscience is necessary in order to relate the judgements of synderesis to singular cases, a definite time, place, and circumstances. However, while conscience can err, synderesis cannot err: “Synderesis never errs with respect to the universal. However, in the application of a general principle to a particular case, error can occur because of false deduction or a false assumption. Therefore [in the gloss], it does not say that synderesis simply fails, but

¹⁸ Id., 1, ad 15: “iudicium est duplex, scilicet in universali, et hoc pertinet ad synderesim; et in particulari operabili, et est hoc iudicium electionis, et hoc pertinet ad liberum arbitrium, unde non sequitur quod sint idem.”

¹⁹ Id., a. 2, resp.: “Unde et in operibus humanis, ad hoc quod aliqua rectitudo in eis esse possit, oportet esse aliquod principium permanens, quod rectitudinem immutabilem habeat, ad quod omnia humana opera examinentur; ita quod illud principium permanens omni malo resistat, et omni bono assentiat.”

²⁰ Cf. S. Thomae Aquinatis, *Summa theologiae*, I, 79, 13.

²¹ Aquinas, *De Veritate*, 17, 1, ad 6: “conscientia sit actus proveniens ex habitu naturali ipsius synderesis.”

²² Id., ad 1: “tota vis conscientiae examinantis vel consiliantis ex iudicio synderesis pendet, sicut tota veritas rationis speculativae pendet ex principiis primis.”

that conscience fails, which applies the universal judgement of synderesis to particular works.”²³ In question 17, St. Thomas says: “This is because the name *conscience* means the application of knowledge to something. Hence to be conscious (*conscire*) means to know together (*simul scire*). But any knowledge can be applied to a thing. Hence, conscience cannot denote a special habit or power, but designates the act itself, which is the application of any habit or of any knowledge to some particular act.”²⁴ However, in what way is knowledge applied to an act so that the act will be right?

Thomas explains that there are two ways:

There is one according to which we are directed through the habit of scientific knowledge to do or not to do something. There is a second according to which the act, after it has taken place, is examined with reference to the habit of knowledge to see whether it was right or not. This double course in matters of action is distinguished according to the double course which exists in things speculative, that is, the process of discovery and the process of judging. For the process by which through scientific knowledge we look for what should be done, as it were taking counsel with ourselves, is similar to discovery, through which we proceed from principles to conclusions. The other process, through which we examine those things which already have been done and consider whether they are right, is like the process of judging, through which we reduce conclusions to principles. We use the name *conscience* for both these modes of application. For in so far as knowledge is applied to an act, as directive of that act, conscience is said to prod or urge or bind. But, in so far as knowledge is applied to act, by way of examining things which have already taken place, conscience is said to accuse or cause remorse, when that which has been done is found to be out of harmony with

²³ Id., 16, 2, ad 1: “synderesis nunquam praecipitur in universali. Sed in ipsa applicatione universalis principii ad aliquod particulare potest accidere error, propter falsam deductionem, vel alicuius falsi assumptionem. Et ideo non dixit quod synderesis simpliciter praecipitur; sed quod conscientia praecipitur, quae universale iudicium synderesis ad particularia opera applicat.”

²⁴ Id., 17, 1, resp.: “Nomen enim conscientiae significat applicationem scientiae ad aliquid; unde conscire dicitur quasi simul scire. Quaelibet autem scientia ad aliquid applicari potest; unde conscientia non potest nominare aliquem habitum specialem, vel aliquam potentiam, sed nominat ipsum actum, qui est applicatio cuiuscumque habitus vel cuiuscumque notitiae ad aliquem actum particularem.”

the knowledge according to which it is examined; or to defend and excuse, when that which has been done is found to have proceeded according to the form of the knowledge.²⁵

Both conscience and synderesis allows us to know the natural law: “Conscience is called the law of our understanding because it is a judgment of reason derived from the natural law.”²⁶ By synderesis we have the ability to discover the fundamental principle of the natural law—*bonum est faciendum, malum vitandum*, and by conscience we have the ability to apply this principle to a concrete case. In what way are the principles of the law and acts of conscience identical? Aquinas writes: “One is said to be conscious within himself through the natural law, in the sense in which one is said to deliberate according to principles, but he is conscious within himself through conscience, in the sense in which he is said to deliberate by means of the very act of consideration.”²⁷ Thomas writes that the “conscience binds only in virtue of a divine command, either in written law or in the law inherent in our nature.”²⁸ What is nature, and how is nature expressed?

Nature as the Source of Action

The term “nature” has many meanings. The original Aristotelian sense, as Thomas remarks, connected nature primarily with the coming into being of living beings. *Natura dicitur a nascendo*, and so nature means that which has come to birth.²⁹ However, Thomas explains that “because this kind of generation comes from an intrinsic principle, this term is extended to signify the intrinsic principle of any kind of movement.”³⁰ The *principium*, or principle, of this beginning may be formal or material, hence “since this kind of principle is either formal or material, both matter and form are commonly called nature.”³¹ The function of matter is to be in potency to something. However, “the essence of anything is completed by

²⁵ Id. Translation from Aquinas, *The Disputed Questions of Truth*, Vol. II, by James McGlynn (Chicago 1953).

²⁶ Id., ad 1.

²⁷ Id., ad 2.

²⁸ Ibid., 5, resp.

²⁹ Cf. S. Thomae Aquinatis, *Summa theologiae*, I, 29, 1, ad 4, and III, 2, 1, resp.

³⁰ Id., I, 29, 1, ad 4, translation from <http://newadvent.org> by Fathers of the English Dominican Province.

³¹ Id.

the form; so the essence of anything, signified by the definition, is commonly called nature.”³² Thomas thinks that nature is substance, but in what sense? A substance is a nature insofar as it acts, and insofar as it has an ordering to the action proper to itself.³³

Here, what sort of action is involved, or does this concern any sort of action? This concerns the purposeful action of a substance, and so it concerns the fact that a substance in action aims directly at an end, at the definite protection proper to the substance. The purposefulness of action, says Thomas following Aristotle, depends on a being’s form. Thus nature designates a thing’s essence insofar as it is ordered to purposeful action proper to the thing. In the case of all acting beings, the will be a natural ordering to the end or good, whether that ordering will be instinctive or, as in the case of man, the specific character of the action of the personal faculties of reason and will must be considered.

The conception of nature is generally connected with necessity. Nature constitutes the cause of the action of beings and determines them in a necessary way. Nature is responsible for the constancy and definite character of actions that occur.³⁴ The fact that each thing has an essence or nature that is this necessary principle of its action has evidence in the fact that a certain regularity occurs in the things and in their actions. While we recall this conception of the natural as necessity, we should not forget the specific character of free action in the case of man. As Fr. M. A. Krąpiec, O.P., indicated, they designate the same thing. They designate being, but they each mean something different: substance is the subject for properties, and essence is the apprehension of necessary elements in a definition. Nature is the “sort of being that is the source of orderly and necessary activity,

³² Id.

³³ “[O]mnis substantia est natura. Tamen naturae nomen hoc modo sumptae videtur significare essentiam rei secundum quod habet ordinem ad propriam operationem rei, cum nulla res propria operatione destituatur . . .” (St. Thomas, *De ente et essentia*, in M. A. Krąpiec, *Byt i istota. Św. Tomasza „De ente et essentia” przekład i komentarz (Being and essence. St. Thomas’ “De ente et essentia” translation and commentary)*, ed. 2 (Lublin 1994), 11).

³⁴ É. Gilson remarks: “In pre-Socratic philosophy, the idea of necessity is dominant . . . Its main problem is thus the definition of a stable substance from which everything is born and to which everything returns; for it, that archaic substance is nature: *physis* . . .” (*Duch filozofii średniowiecznej (The spirit of medieval philosophy)*, Polish trans. J. Rybał (Warsaw 1958), 335, n. 3).

which leads in a constant way—of itself . . . to the results toward which the being is determined from within.”³⁵

In summary, we may ask, what therefore will be natural to man? The action of the subject who aims at the proper end seen by the reason will be natural. Thomas cautioned that the human reason is not the norm of things or the measure of what originates from nature. However, it has principles that are innate by nature. Those principles are general norms and measures of what man ought to do. The natural reason is the norm and measure of action. The natural reason’s end is always some sort of perfection.

The next step is to indicate what is natural for man with respect to his specific nature and his individual nature. The Latin adage stated that *ab indeterminato nil sequitur*—no action flows out of what is not determined to action.³⁶ This determination can occur at the level of pure φῦσις (physis), in animals as the action of instinct, or in man at the level of intellectual knowledge, that is, man will consciously be an exemplar cause.³⁷ In Thomas’ metaphysics, man is understood as a person, as understood from Boethius definition that Thomas analyzed in the *Summa theologiae*, Part I; that definition states that man is an individual subject of a rational nature (“[P]ersona est rationalis naturae individua substantia.”³⁸). By his spiritual powers or faculties (the reason and will), the person is capable of knowing in a human and rational way. In the case of man, rationality is the nature that determines the way of action proper to man. The rational nature gives man the inclination by which are realized the natural appetite for the good, the act of distinguishing between good and evil, and action to the end that the reason presents as the good and perfection that conform to the structure of the being.³⁹

To summarize, nature is thus the internal cause and the principle of action and motion.⁴⁰ Thus natural action is always action that necessarily

³⁵ M. A. Krąpiec, *Metaphysics. An Outline of the History of Being*, trans. Theresa Sandok (New York 1991), 163.

³⁶ Cf. M. A. Krąpiec, *U podstaw rozumienia kultury (At the foundations of the understanding of culture)* (Lublin 1991), 61.

³⁷ Id., 62.

³⁸ S. Thomae Aquinatis, *Summa theologiae*, I, 29, 1, arg. 1.

³⁹ “Sicut . . . ens est primum quod cadit in apprehensione simpliciter, ita bonum est primum quod cadit in apprehensione practicae rationis, quae ordinatur ad opus, omne enim agens agit propter finem, qui habet rationem boni” (Id., I–II, 94, 2, resp.).

⁴⁰ “Et sicut non est contra rationem naturae quod motus naturae sit a Deo sicut a primo movente, inquantum natura est quoddam instrumentum Dei moventis . . .” (Id., 6, 1, ad 3).

belongs to thing on account of the fact that it is what it is.⁴¹ The fact of action as such, however, is not explained by the element that exists in beings and is the source of action,⁴² but is explained by an external factor or impulse toward which nature turns—the proper end for a particular being as the motive or reason for a particular action (in this sense, nature demarcates an end).

Inclinations of Rational Nature

Rational nature shows itself through inclinations.⁴³ Apart from the knowledge of what something is, a second element appears: the element of aiming at or gravitating toward something. This appetite is realized in man's case in a rational and free way, unlike beings that do not have spiritual faculties and by this privation are only capable of acting in a necessary way. As was mentioned, the good is the end that the will desires. The good is the motive for all action, and therefore it appears in the first principle of the practical reason, according to which the good is that which every being desires. On the basis of this first principle, Thomas formulated the first principle of the natural law: the good should be done, evil should be avoided;⁴⁴ this principle is present in every human action, and it joins man with the motive of his action and ties together various inclinations and planes of action. This is because Thomas thought that all things that in themselves are different from each other can constitute one, insofar as they are ordered to something common.

Human activity is composed of two different modes of action, which are the result of both biological and rational nature: determined action, and

⁴¹ “[N]ature, if nothing hinders it, always acts in one and the same way. This reason for this is that each thing acts in accordance with its nature, so that as long as it remains itself it always acts in the same way; hence everything that acts by nature is limited to one way of being; and so nature always performs one and the same action” (Gilson, *Tomizm*, 153).

⁴² The possession of a source of motion does not mean an ability to pass from a state of rest to a realized state (according to Aristotle nothing passes from potency to act by its own power).

⁴³ One consequence of any nature will be the inclination proper to that nature (Lat. *Inclino*—to turn) to action proportional to a particular being.

⁴⁴ “[P]rimum principium in ratione practica est quod fundatur supra rationem boni, quae est, bonum est quod omnia appetunt. Hoc est ergo primum praeceptum legis, quod bonum est faciendum et prosequendum, et malum vitandum” (S. Thomae Aquinatis, *Summa theologiae*, I–II, 94, 2, resp.).

action that is conscious and free.⁴⁵ Specific personal actions—intellectual knowledge (the use of reason), moral conduct (the use of the will), and productive action—which belong only to a rational nature, demarcate the proper realm of human life, in which natural law is realized in a strict sense. Here we do not encounter natural determinations to univocally determined actions, but a choice of both the end and the means to the end should be made. In this domain, man is open and undetermined, i.e., man has the ability to know reality and has the possibility of a choice, of wanting something that he regards as a good. This openness is manifested in the necessity of self-determination,⁴⁶ in order that action may follow. This always occurs on the basis of a fundamental recognition of the good by synderesis. Since synderesis cannot err, it is what allows us to apprehend the natural law and its object.

We arrive at knowledge of the natural law in the context of the really existing world, in the context of the really existing content of being, the nature of being, and the fact that some beings are found in manifold relations to other beings.⁴⁷ The reason works with the will and apprehends for the will the goodness of the known object (the truth about the good), making the choice of that goodness possible. Thus, although the good is the proper object of the will (it is potentially directed toward the good), then the actualization of this directing depends on the reason.⁴⁸

In this context, we can understand Thomas' description of law as the rule and measure (rational measure) of action, a rule and measure that occurs in acting subject in two ways: when the being directs itself according to a known rule and measure, or when it is governed according to a rational law that it does not formally establish. In the first case, it is a question of

⁴⁵ Cf. M. A. Krąpiec, "Prawo naturalne a etyka (moralność)" ("Natural law and ethics (morality)"), in *Filozofia prawa a tworzenie i stosowanie prawa (Philosophy of law and the making and application of law)*, ed. B. Czech (Katowice 1992), 42–43.

⁴⁶ Cf. *id.*, 43.

⁴⁷ "Relations can be recognized only rationally, since they do not fall under sensory knowledge. They can be understood, but cannot be heard, seen, or touched. One mark of the use of the reason is the recognition of existing relations. This is because a special kind of being—the weakest in its existence . . . Such a weak way of being is legible only for the reason, which can apprehend two subjects (or correlates) of a relation in one, and can grasp the links of various kinds that exist between them: a necessary or unnecessary relation, a real or purely mental relation" (M. A. Krąpiec, *Ludzka wolność i jej granice (Human freedom and its limits)* (Lublin 2008), 197).

⁴⁸ Cf. K. Wojtyła, *Wykłady lubelskie (Lublin lectures)*, ed. T. Styczeń [et al.] (Lublin 1986), 136.

law in the strict sense as having its subject in a rational being, natural and positive law; positive law must be subject to the rule or rules of natural law; those rules manifest the necessary and transcendental ordering of particular acts to an end and good.

The rational nature, which has at its disposal the faculties of reason and will, thus recognizes the arrange of natural relations and inclinations, and it orders the agent to the end, and ultimately acts toward this end. The internal directing to the good that is apprehended in the most important precept of the natural law, “good should be done,” becomes the internal rule of concrete action that is undertaken in view of a real good and end. The rational nature is the internal source that is responsible for the arrangement or system of the human inclinations whereby undertaken actions are determined and directed to the achievement of perfection.

The first judgement, upon which the other principles are based, is the affirmation of the transcendental character of being and the good. Being apprehended as good forms the field of practical knowledge. The specification of the main principles occurs in an appeal to the series of the goods of the person; man aims at or strives for these goods as to his ends (in accordance with his nature).⁴⁹ What are these ends and goods?

Man’s rational nature is manifested in three fundamental inclinations that direct man to specific goods.⁵⁰ St. Thomas, in a text that has become canonical, wrote the following:

Since, however, good has the nature of an end, and evil, the nature of a 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. Wherefore according to the order of natural inclinations, is the order of the precepts of the natural law. Because in man there is first of all an inclination to good in accordance with the nature which he has in common with all substances: inasmuch as every substance seeks the preservation of its own being, according to its nature: and by reason of this inclination, what-

⁴⁹ Human nature here is the principle of personal actualisation. Cf. K. Wojtyła, “Osoba ludzka a prawo naturalne” (“The human person and the natural law”), *Roczniki Filozoficzne* (1970, no. 2): 53–59; M. A. Krąpiec, *Człowiek i prawo naturalne (Man and natural law)* (Lublin 1994), 207–216.

⁵⁰ Cf. M. Piechowiak, *Filozofia praw człowieka (Philosophy of man’s rights)* (Lublin 1999), 297.

ever is a means of preserving human life, and of warding off its obstacles, belongs to the natural law. Secondly, there is in man an inclination 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» [Pandect. Just. I, tit. I], such as sexual intercourse, 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; for instance, to shun ignorance, to avoid offending those among whom one has to live, and other such things regarding the above inclination.”⁵¹

Thomas answered the question of the unity and plurality of natural laws as follows: “All these precepts of the law of nature have the character of one natural law, inasmuch as they flow from one first precept.”⁵² And likewise: “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 stated above: so that the precepts of the natural law are many in themselves, but are based on one common foundation.”⁵³

The inclinations (human life, procreation, knowledge of the truth about God, life in social relations) are the first realizations of rational nature and are expressions of that nature. To be realized integrally and in parallel, man must read and understand the good that corresponds to them and way that good is realized. With the help of the practical reason, on the basis of the main principle “good should be done,” man makes a determination concerning the concrete good. Here, the criterion is rationality—the good is realized when the deed is performed in conformity with reason, because reason is empowered with a habit by synderesis and is in a position to apprehend the good. One result of this action will be the achievement of perfection—the actualization of being. As M. Piechowiak writes:

⁵¹ St. Thomas Aquinas, *Summa theologiae*, I–II, 94, 2, resp.

⁵² *Id.*, ad 1.

⁵³ *Id.*, ad 2.

The natural inclinations as such are not the ultimate reference point in knowing what is due, and hence the possible objections that man has extremely varied natural inclinations (in the sense of spontaneous inclinations), e.g., an inclination to crime, are not the point. When we hear of natural inclinations, it is not a question of all inclinations to action that appear spontaneously. Natural inclinations are those that lead to that which actualizes being, and as such having a foundation in the nature, broadly understood, of being, as the constitutive elements of the being, as everything in the subject that independently of the will or a decision determines the ways of the being's actualization.⁵⁴

The natural inclinations make it possible to determine with greater precision the human potentialities ordered to actualization. Thereby "it is possible to determine the constant structures of being that occur in the case of the human being . . ." ⁵⁵ The inclinations show what is common to many beings, and among them, to man. "They are the foundation for determining what is destructive to man, what makes the development of being impossible or difficult."⁵⁶

The Latin term "*inclinare*" is translated as "to incline, to bend, to lean, to turn." So also, the inclinations of a rational nature should be understood in this way: on the one hand it is a fact that certain types of potentiality occur, and on the other it is a fact that a being is ordered to their realization as modes of the actualization of the whole of the personal being. The criteria for these actualizations are fully determined, but in a certain scope they are dependent on the person's conscious and free decisions. This ar-

⁵⁴ Piechowiak, *Filozofia praw człowieka*, 299.

⁵⁵ Id.

⁵⁶ Id. "The natural inclinations do not constitute a sufficient basis for a positive and unambiguous determination of the way of acting that corresponds to man, or for determining the concrete ends that lead to his actualization" (Id., 299–300). In the case of irrational beings, natural inclinations univocally and necessarily demarcate actions in harmony with each other that aim at the realization of nature. "[I]n the case of the personal being, there is an entire series of actions that, although they are in conformity with natural inclinations, are not univocally determined by them, and thus the actions proper to a personal being (that lead to his actualization) are different in different individuals. The end of the person is the realization of the nature of the species, but it is actualization in what is specific with regard to the person . . . The mode of this actualization is not univocally set by the natural inclinations proper to man's nature as a species, or—more broadly—also not by that which is common to human beings as persons. Therefore there is not one mode for all for the actualization of action, on the basis of knowledge of the structures of being common to all human beings and circumstances" (Id., 300).

rangement of things to an end requires free choice, in addition to the knowledge of man himself and the circumstances of action. “Knowledge sets the directions of development and the limits of what is not allowed. By free will, man considers and chooses for his own part the ends of action, and often this choice for the first time constitutes something as an end of action in conformity with man’s nature, an end that is what fully determines action, and so is fully a law.”⁵⁷ And also: “Knowledge of a man’s chosen end of action, insofar as that end corresponds to who the man is, is knowledge of the natural law. At the same time, in many cases, it is choice that first co-constitutes the object that is the end, which among various possible ones, really actualizes the agent.”⁵⁸

Knowledge of the nature of a being and the inclinations of that nature is knowledge of its dynamic (purposeful) aspect. This bears with it a certain axiological message (what helps man achieve a natural end is valuable for man), and it bears a normative aspect (one should act in a specific way to achieve the *optimum potentiae*). Reflections on nature and the natural lead to the question of the function of synderesis in apprehending the natural law. The emphasis is interesting that the scholastics and Thomas put on the idea that synderesis never errs, that it is not speculation on whether something is good and something else is evil, but it absolutely sets the direction to the good. By synderesis we find the ultimate grounding for the natural law and morality.

The Principles of Natural Law

St. Thomas understood synderesis as the natural habit of reading the principles of action, which are in conformity with the principles of the natural law. We draw Thomas’ conception of law, as is known, mainly from the *Summa theologia*, I–II, questions 90–97, and II–II, questions 57–61. We should mention some major lines of thought from the rich set of problems in the treatise on law and on justice concerning law and right in the sense of *lex* (*lex aeterna*, *lex naturalis*, and *lex positiva*), and in the sense of *ius* (*ius naturale*, *ius positivum*, *ius gentium*, and *ius civile*). As has been mentioned, St. Thomas primarily emphasizes that law (*lex*) is something that is from the reason (*aliquid rationis*), because it is a rule and

⁵⁷ Id., 302.

⁵⁸ Id., 304.

measure of action,⁵⁹ and the reason (*primum principium actuum humanorum*) performs the functions of this regulation and measurement, since the reason performs an ordering to an end (*primum principium in agendis*).

St. Thomas when he explained the specific character of the action of the practical reason, compared it to the theoretical reason: “[I]n the acts of reason, we may consider the act itself of reason, i.e., to understand and to reason, and something produced by this act.”⁶⁰ The definition is first in the speculative reason, then the premise, and finally the syllogism or argumentation. Since

the practical reason makes use of a syllogism in respect of the work to be done, as stated above (13, 3; 76, 1) and since as the Philosopher teaches (*Ethic.*, VII, 3); hence we find in the practical reason something that holds the same position in regard to operations, as, in the speculative intellect, the proposition holds in regard to conclusions. Such like universal propositions of the practical intellect that are directed to actions have the nature of law. And these propositions are sometimes under our actual consideration, while sometimes they are retained in the reason by means of a habit.⁶¹

Thus St. Thomas showed that, analogously to the speculative sphere, at the level of action appears a sort of syllogism, *quidam syllogismus*. It is not a syllogism in a strict sense, but a *syllogismus in operabilitibus*, and so synderesis will occur in it as an innate habit of reading the first principles of action and law. Thus two elements are necessary for a concrete solution: the natural law, and synderesis as the habit of reading them.

St. Thomas writes further: “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: wherefore 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”⁶²—the happiness of many people belonging to a community. Thus the law will concern the way that leads to happiness, and the end or purpose is first in the domain of law. St. Thomas wrote concerning the action of the practical reason: “Just as noth-

⁵⁹ “[L]ex quaedam regula est et mensura actuum, secundum quam inducitur aliquis ad agendum . . .” (S. Thomae Aquinatis, *Summa theologiae*, I–II, 90, 1, resp.).

⁶⁰ Id., a. 1, ad 2.

⁶¹ Id.

⁶² Id., a. 2, resp.

ing 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: and whatever stands to reason in this sense, has the nature of a law.”⁶³ Thus law (*lex*) is an ordering of the reason (*ordinatio rationis*) for the common good,⁶⁴ and it is a judgement (a directive) of the practical reason (*dictamen practicae rationis*).⁶⁵

St. Thomas pondered natural law in response to the following objection:

Further, by the law man is directed, in his acts, to the end, as stated above (Question 90, Article 2). 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 his reason and will. Therefore no law is natural to man.⁶⁶

Thomas responded that

Every act of reason and will in us is based on that which is according to nature, as stated above (Question 10, Article 1): for every act of reasoning is based on principles that are known naturally, and every act of appetite in respect of the means is derived from the natural appetite in respect of the last end. Accordingly the first direction of our acts to their end must needs be in virtue of the natural law.⁶⁷

However, how does this happen? Thomas thought that one property of the reason was “to lead from one thing [premise] to another. Wherefore just as, in demonstrative sciences, the reason [by inference] leads us from certain principles to assent to the conclusion, so it induces us by some means to assent to the precept of the law.”⁶⁸ This is the natural judgement of synderesis, and so, it is the judgement of which the man is capable by nature,

⁶³ Id., ad 3.

⁶⁴ Cf. id., a. 4, resp.

⁶⁵ Cf. id., 91, a. 1.

⁶⁶ Id., a. 2.

⁶⁷ Id., ad 2.

⁶⁸ Id., 92, a. 2, resp.

without deliberation or inference.⁶⁹ Thomas also thought that “synderesis does not denote higher or lower reason, but something that refers commonly to both. For in the very habit of the universal principles of law there are contained certain things which pertain to the eternal norms of conduct, such as, that God must be obeyed, and there are some that pertain to lower norms, such as, that we must live according to reason.”⁷⁰

On this occasion there appears an argument for the existence of synderesis and the essential feature of synderesis. Aquinas was convinced that

for probity to be possible in human actions, there must be some permanent principle which has unwavering integrity, in reference to which all human works are examined, so that that permanent principle will resist all evil and assent to all good.⁷¹

A thing is said to be unchangeable because of the necessity of a truth, although the truth may concern things which according to their nature can change. Thus the truth: every whole is greater than its part, is unchangeably true even in unchangeable things. Synderesis is said to refer to unchangeable things in this way.⁷²

The first principle by which the practical reason guides itself is drawn from the fundamental understanding of the good:

«[G]ood is that which all things seek after.» Hence this is the first precept of law, that «good is to be done and pursued, and evil is to be avoided.» All other precepts of the natural law are based upon this: so that whatever the practical reason naturally apprehends as man’s good (or evil) belongs to the precepts of the natural law as something to be done or avoided.⁷³

The reason formed habitually by synderesis therefore apprehends the principle that “good should be done, and evil should be avoided,” and “it is from the precepts of the natural law, as from general and indemonstrable

⁶⁹ Cf. Thomas Aquinas, *De veritate*, 16, 1, ad 12. “A habit together with a power is enough for the act of that habit. But the act of the natural habit called synderesis is to warn against evil and to incline to good. Therefore, men are naturally capable of this act” (Id.).

⁷⁰ Id., ad 9.

⁷¹ Id., a. 2, resp.

⁷² Id., a. 1, ad 9.

⁷³ St. Thomas Aquinas, *Summa theologiae*, I-II, 94, 2, resp.

principles, that the human reason needs to proceed to the more particular determination of certain matters.”⁷⁴

The question arises: how is a proper judgement that determines one to act chosen from among many judgements? Thomas wrote:

Now there is much uncertainty in things that have to be done; because actions are concerned with contingent singulars, which by reason of their vicissitude, are uncertain. Now in things doubtful and uncertain the reason does not pronounce judgment, without previous inquiry: wherefore the reason must of necessity institute an inquiry before deciding on the objects of choice . . .⁷⁵

The determination of action comes from the reason insofar as the reason by a practical judgement determines itself to action. As the reason reads the content of the good presented in a practical direction, it gives direction to the action and sets it in order. Finally, however, it is the thing that is known, as it informs us of its goodness and nature, that gives direction to our action.

The first fundamental motive of human action is the ordering to the good. Hence the vision of this ordering of the good and connection with the good is manifested in the chief judgement of the practical reason, that is, the reason as it directs human action: “good should be done,” “do good” (ultimately with regard to the contingency and potentiality of being). The content of a chosen practical judgement (judgement of decision) stands in a necessary relation to the content of theoretical judgements about the good of things themselves. If there is a relation of agreement between them, and so, if my conduct as the result of a decision corresponds to my theoretical conviction concerning the goodness of a thing, then the moral good is enacted. If, however, theoretical judgements present themselves in one way, but practical judgements or the action itself present themselves differently, then moral evil is enacted.

The most important motive in the selection of a practical judgement is always a good, which is a concrete being, and it is at the same time an analogical good. Hence also, the main judgement of the natural law, “do good,” is at the same time a precept and an analogical and analogically realized norm. This is because in each case the good must be free of shortcomings or privations that would eliminate the nature of the good. This

⁷⁴ *Id.*, 91, 3, resp.

⁷⁵ *Id.*, I-II, 14, 1, resp.

was well understood in scholasticism, when they remarked that the good is present when it contains in itself all its integral factors, and any sort of lack of them is an evil (*bonum ex integra causa, mala ex quocumque defectu*).

The choice of a practical judgement concerning the concrete good (the realization of the natural law—"do good"), which is the end and motive, releases real and ordered action, action that is such and not otherwise.

Thomas completed his reflections on *lex* by more precisely describing law or right as *ius*. The fundamental description of law or right as *ius* ("[I]us sive iustum naturale est quod ex sui natura est adaequatum vel commensuratum alteri"⁷⁶) expresses at its source the meaning of law and right as the real relation—which has its subject in the very structure of being—of adaptation, measurement, and being ordered to render to another what is due to him in order to actualize his potentialities. The apprehension of oneself in relation to another occurs by the reason capable of apprehending the relational reference and the reason why it came into existence. Thus law or right, which is the ordering of a thing to its optimal and real good, has its source in the natural structure of things and in relations between beings. Thomas emphasized the connection between law in the sense of *ius* and justice—*iustitia*—as the virtue that brings order in matters concerning others, and which habitually forms the will to render to each what is due to him. The foundation and measure in determining what is due and just is the reason as the *medium rationis*, but the reason is measured by the measure of things, that is, with respect to the state of being to which actions refer (*medium rei*).⁷⁷

The Affirmation of Synderesis, or Juridical Nihilism?

Vittorio Possenti analyzed the juridical or legal culture of the twentieth century and intruded an interesting description of juridical nihilism as the most recent form of contemporary nihilism.⁷⁸

⁷⁶ Id., II–II, 57, 3, resp.

⁷⁷ "[Q]uandoque contingit quod medium rationis est etiam medium rei, et tunc oportet quod virtutis moralis medium sit medium rei; sicut est in iustitia . . . Cuius ratio est quia iustitia est circa operationes, quae consistunt in rebus exterioribus, in quibus rectum institui debet simpliciter et secundum se, ut supra dictum est, et ideo medium rationis in iustitia est idem cum medio rei, in quantum scilicet iustitia dat unicuique quod debet, et non plus nec minus" (Id., I–II, 64, 2, resp.).

⁷⁸ Cf. V. Possenti, "Nihilizm" ("Nihilism"), Polish trans. A. Fligel-Piotrowska, in *Powszechna encyklopedia filozofii (Universal encyclopedia of philosophy)*, ed. A. Maryniarczyk, vol. 7 (Lublin 2006), 654–655.

Possenti describes juridical nihilism and discerns the following features: (1) juridical or legal problems are completely separated from the problem of justice in the sense that *ius* and *lex* are centered on themselves, self-referent, and completely eliminated from justice; (2) law is treated exclusively as an expression of the will to power; (3) law or right as such is identified with positive law; (4) the existence of natural law is denied, that is, the existing of anything that is right or wrong by nature is denied; (5) it is thought that law and legal acts do not constitute an act that orders, or that is found at the level of *ratio*, but they are only from the level of the will; (6) it is thought that laws or rights do not belong to man by nature, but they are decrees of tolerance that can always be repealed: the political authority ratifies them, and the political authority can take them away.⁷⁹

According to Possenti, legal or juridical nihilism is connected “with forgetting the concept of justice (*ius* and *iustitia*), with forgetting the natural law, and with the limitless raising of the will, which desires only itself. The law as a whole has a positive character, that is, it is established by the will, and the result is that neither legitimate rule of law nor injustice exist.”⁸⁰

In the context of our reflections on Thomas’ understanding of conscience and synderesis as the infallible habit of reading the first principles of action, we see that forgetfulness of natural law and justice, which is the main manifestation of modern nihilism in the domain of law, is ultimately rooted in the negation of the occurrence of synderesis. However, if we have confidence in the *opinio communis* of the scholastics on the immutability, infallibility, and inextinguishable voice of synderesis, that forgetfulness cannot be entire. This is because we have, as human beings, the ability to discover without discursive thought what is good and the ability to read the fundamental direction to the good, and we are also capable of ordering laws and rights to the real good of man, and so we are capable of excluding every *nihil* from the domain of law.

⁷⁹ Cf. *id.*

⁸⁰ *Id.*, 655.

SYNDERESIS AND THE NATURAL LAW**SUMMARY**

The article discusses St. Thomas Aquinas' understanding of synderesis as the infallible habit of reading the first principles of action. It also considers the *opinio communis* of the scholastics in the light of which the voice of synderesis is not only infallible, but immutable and inextinguishable as well. It concludes that we have, as human beings, the ability to discover without discursive thought what is good and the ability to read the fundamental direction to the good, and so we are also capable of ordering laws and rights to the real good of man.

KEYWORDS: synderesis, conscience, natural law, Thomas Aquinas, ethics, good, law, right.