

Natural Law

(Please note: These are rough notes for a lecture, mostly taken from the relevant sections of *Philosophy and Ethics* and should not be reproduced or used verbatim.)

'Natural Law' is of the most influential moral theories of all time – still a key feature of Catholic morality. It is also important because it links morality with belief in God – a direct bridge between ethics and the philosophy of religion.

That works both ways:

- If you believe in a rational, creating and designing God – then you are likely to find Natural Law a convincing approach
- If you find Natural Law convincing, then you are likely to be attracted to some idea of belief in God, or at least belief in the world as a designed and ordered place.

The 'Natural Law' theory originated in Aristotle's idea that everything has a purpose, revealed in its design, and that its supreme 'good' is to be sought in fulfilling that purpose.

There are two things you need to know about Natural Law: first, it isn't natural, and second, it isn't law.

- Natural Law is NOT simply about what nature does (it is not 'natural' in the sense of being observed in nature). Rather, **it is based on nature as interpreted by human reason.**
- Natural Law does not necessarily give you straightforward and dogmatic answers to every situation. It involves a measure of interpretation and can be applied in a flexible way. It does not simply present a fixed 'Law' dictated by nature.

Natural Law and Christianity

Christian morality is based on the Bible and the tradition of the Church, rather than on unaided human reason alone. However, Aquinas and others argued that human reason (given by God) could offer a logical basis for those moral precepts that were also known through revelation, and could be used to apply Christian precepts.

This proved a particularly valuable approach for those moral issues (e.g. genetic engineering) which were unknown in Biblical times and to which there could therefore be no obvious appeal to scriptural revelation. The Natural Law approach dominates Catholic moral thinking, but was opposed by those Protestant thinkers who saw human reason as 'fallen' and therefore unable to provide a sound basis for moral principles.

To understand the key features of Natural Law, we need to be clear about how it originated...

Aristotle

Aristotle argued that everything had a purpose or goal to which it aimed. Once you know what something is for, you know how it should behave and what its final 'good' is. A knife is designed for cutting; if it does that well, it is a 'good' knife.

His idea of purpose leads into his idea of what is 'good.' In the opening of his *Nicomachean Ethics*, he says:

'Every craft and every investigation, and likewise every action and decision, seems to aim at some good; hence the good has been well described as that at which everything aims.'

The good for humans is *eudaimonia*, which is often translated as 'happiness', but means rather more than that. It includes the idea of living well and of doing well. He argued that people might do other things in order to be happy, but that it would make no sense to try to be happy in order to achieve something else!

Thus happiness is the basic good, making everything else worthwhile: -

'... we regard something as self-sufficient when all by itself it makes a life choiceworthy and lacking nothing; and that is what we think happiness does.'

(*Nicomachean Ethics*, Book 1)

Aristotle was also concerned to show that living the good life was not a individual thing, but that it involved living at one with others in society. So a person can enjoy the good life by fulfilling his or her essential nature, and doing it within society.

Happiness is therefore the final goal of humankind and it is to be chosen for itself, and not as a means to some other end. It is what he sees as making life worthwhile. Aristotle held that the key feature of humankind was its ability to think – man is a ‘thinking animal’. But, for Aristotle, reason was not just the ability to think logical thoughts, but of living the good life, in line with the precepts of reason.

Reasonable thoughts...

For Plato, Aristotle and other Greek thinkers, reason is not just about understanding, but also about how to act: ethics is reason put into practice. It is very important to keep this in mind, since there are other approaches to Ethics (for example in Christian ethics, particularly as presented by Luther) in which human reason is seen as essentially ‘fallen’ and unable to be trusted.

It is possible to see Christian ethics as arising out of principles and a spiritual situation that is in contrast to that of non-Christians. It takes the scriptures (as interpreted by the Church), the authority of Church leaders and the inspiration of the Holy Spirit as sources of authority. By contrast, it sees any system of morality based on human reason as of very limited value. This stems from the theological conviction that, through the ‘Fall’ in the Garden of Eden, all natural human life, including human reason, is separated from God through sin, unable to know and respond to God’s will.

This approach (which has developed in the main within the Protestant traditions) sees no point in trying to use human reason as the basis for ethics; rather, all Christian morality comes through the revelation of God himself. This approach was taken at the Reformation by Luther, and in the 20th century it is found in Protestant writers such as Bonhoeffer (see his *Ethics*).

Efficient and final causes – key to Aristotle:

In Aristotle’s philosophy, things have an essence – a ‘real’ nature, which defines what they are. If you understand what you are, you know what your life is for, how you relate to the rest of the world and so on.

The aim of life is to fulfil your essence.

Hence he makes the important distinction between an efficient cause and a final cause – it is the latter that is the ‘end’ to be achieved, in which your essence is fulfilled.

Morality is concerned with the application of thought and prudence to achieve a chosen end. Aristotle regards intellectual reasoning as the highest of all human activities – for man is essentially a ‘thinking animal.’ That is why he sees morality as based on reason, not on emotion or in the hope of getting some reward, or avoiding punishment.

Aristotle’s ideal is the ‘great souled’ man, who is rational, balanced, good company among equals and independent. In other words he is worldly, but with his appetites and emotions well controlled by reason.

Hence, the starting point for Aristotle’s ethics is the working out through reason of one’s essential nature and goal, and of acting accordingly.

He also propounded the idea of a ‘mean’ as a balance between two powerful characteristics.

Therefore it is good to be brave and self-assertive rather than too rash and pugnacious on the one hand, or too timid and self-effacing on the other.

Epicureans and Stoics

In ancient Greece, the **Epicureans** thought that there was no inherent purpose or meaning in life. The world was an impersonal collection of atoms, and we had to set our own goals and ideals, for the natural order offered none. By contrast the **Stoics** believed that there was a fundamental design and purpose to the universe (the *Logos*), and that one’s morality ought to be based on aligning oneself with it.

The Stoics – particularly Cicero and Marcus Aurelius – practical, thoughtful people, determined to bring reason to bear on the political and social issues of their day.

They saw reason as the keynote for understanding life and morality.

But since everything, including people’s well-being, was under the control of a rational and morally good agent, it made no sense to seek happiness as the goal of life, because things might not work

out as we plan, and we would become disillusioned. Rather, the Stoics believed that it was better thing try to fit into the overall plan of the universe.

For the Stoics, the natural way to respond to this sense of universal order, was to act with integrity, aware of the part we can play within the overall scheme of things. To do what is right, is to align oneself with the fundamental reason that guides the whole universe, excluding any thoughts of personal gain, or the promptings of the emotions. This is the Stoic basis of morality.

This approach can be termed 'Natural Law'. It implies that everything has an overall rational purpose within the universe, and that recognition of that purpose is a basis for moral action.

For the Stoics and those who followed them, reason was at the heart of the universe. The cosmos was an interconnected whole, with everything ordered and having its place, function and true nature.

Genetic programming?

Following Aristotle, the Stoics saw the nature of a thing as its internal principle of change – in other words, an acorn will grow into an oak tree, given the right circumstances, because it has an inner principle which directs its growth. Today we might well term such an 'inner principle' its 'genetic make-up', since the blueprint for change that is being used is determined by genetic code.

Aquinas

The ideas of Aristotle and the Stoics were taken up in the 13th cent by Thomas Aquinas (1225-1274) – who saw that the principles of Natural Law could give a sound underpinning for Christian morality.

Aquinas (in *Summa Theologiae*) argued that what was good was what was reasonable – and that a rule should be 'an ordinance of reason for the common good'

If the world has meaning and purpose, and if we can know the part we play within it, then we know our own 'final cause'. Once we know that, we can use our human reason to understand how we should act.

- As presented by Aquinas, the Natural Law is based on the conviction that God created the world, establishing within it a sense of order and purpose that reflects his Will.
- If everything is created for a purpose, human reason, in examining that purpose, should be able to judge how to act in order to fulfil itself and therefore find its own goal and ultimate happiness.
- Since Natural Law is based on reason, it is in principle discoverable by anyone, whether religious or not. For the same reason, it is universal, rather than limited to any one religion or culture.

Note:

Aquinas believed that the whole universe was ordered rationally by God (in the logos, or principle of creation), and that virtue would consist in following one's nature, ordered towards the final goal of knowledge and love of God. Based on reason, he thought that Christian revelation would complement this and clarify it.

Aristotle had distinguished between efficient causes and final causes and it is the final cause or purpose of a thing or an action which determines what is morally right. **Natural law is therefore based on a rational interpretation of purposiveness within the world; it is not simply on an objective account of what is in fact the case.**

Being subject to divine rule is therefore, for Aquinas, the means of achieving one's own final purpose or end:

'... some things are so produced by God that, being intelligent, they bear a resemblance to Him and reflect His image: wherefore not only are they directed, but they direct themselves to their appointed end by their own actions. And if in thus directing themselves they be subject to the divine ruling, they are admitted by that divine ruling to the attainment of their last end; but are excluded therefrom if they direct themselves otherwise.'

Summa Contra Gentiles Book 3, section 1

Human beings, since they are intelligent, are therefore able to direct themselves and take responsibility for doing what God's will. If they fail to do that, they are also acting against their own fundamental nature.

Rules and Situations

Let us be clear that Natural Law is not a matter of **accepting authoritative statements** and laws, nor is it a matter of trying to act in a way that **mimics** nature (i.e. it is **not** biology acted out as morality). It is generally seen as backing up traditional Christian morality, but may not necessarily do so.

However, Natural Law does claim that we should use our reason to examine the place and purpose that everything has within the universe, and act in a way that reflects that understanding. It is not a utilitarian assessing of results or pleasing a majority, it is not based on intuitions or emotions, but on reason.

It is important to recognise, however, that Natural Law does make allowances for the differences between particular situations. In other words, human reason can take the general principles offered by Natural Law, and can seek to apply them in particular instances. This approach is sometimes termed 'casuistry', which is often a rather pejorative term, used to describe a situation where someone uses clever arguments to show why they can get out of obeying a universal moral principle in their particular circumstances.

The other issue to be considered is the principle of 'double effect'. Actions often have more than one effect, and we have to decide which of these is the real motive for choosing to perform the action. For example, I may understand that taking a little red wine is good for physical health; it may also happen to taste good and make one drunk. Now the fundamental question is whether the purpose in drinking the wine is to get drunk, and the health benefits are a secondary effect, or whether the intention is to promote one's health, and becoming drunk is a secondary effect. (This is not a very good example, of course, because if taken in sufficient quantity to induce drunkenness, the health benefits of the wine are eroded.)

The key question is this – What was my intention in taking this course of action? If my primary intention was good, I should not be blamed for any secondary effects that result.

Some practical examples of applying Natural Law:

The purpose of sex?

In terms of its biological function, the purpose of sex is procreation; but it may have a secondary purpose in giving pleasure and strengthening the relationship between sexual partners. A traditional Natural Law approach would argue that sex always needs to be open to the possibility of procreation, since that is its primary purpose. This implies that sex which denies the primary purpose (e.g. masturbation, or homosexual intercourse) is wrong, even if it is actually undertaken for the sake of a secondary effect, such as pleasure.

This approach has its limitations:

The natural end and purpose of an action is not 'given' in nature, it is the result of a rational assessment, and it may be far from clear what that nature is.

Is sex a means of conceiving children? Or is conceiving children a by-product of sex, whose basic purpose is forging relationships for mutual support?

(You could argue, for example, that - if sex were only there for the purposes of conception - sexual attraction would be limited to those occasions and partners with whom conception is a likely prospect. This is, after all, the situation with many animals, where sexual attraction is mainly found only at the time when the female is able to conceive. On the other hand, if sexual feelings arise naturally without any desire or ability to conceive, it might suggest that those feelings are designed with some other end in mind. It is therefore by no means absolutely clear that sex has a single purpose.)

Abortion and Euthanasia

Natural Law claims that we should use our reason to examine the place and purpose that everything has within the universe, and act in a way that reflects that understanding.

Hence it is very different from a utilitarian argument in terms of what it takes into account. That does not discount the benefit of those concerned, since Aquinas argued that natural law should provide 'an ordinance of reason for the common good', but it makes the benefits to those concerned a secondary matter, compared with the fundamental nature of the act of euthanasia or abortion in itself.

So, in the case of abortion or contraception, for example, Natural Law looks at the place procreation has within our understanding of what it is to be human. What does it mean to have conceived a child?

From this perception, the act of abortion appears to go against Natural Law, since it frustrates the natural outcome and purpose of conception.

Euthanasia – again represents the direct intervention to change a natural process. Generally this may be seen as going against a Natural Law approach which says that life is of value in and for itself, and that one should therefore do all possible to allow a person to live well, rather than helping them to end their life.

Artificial methods of conception:

From a **natural law** standpoint however, the matter is more complex, since *in vitro* fertilisation is not a 'natural' process. One might argue that nature sets limits to fertility, so that not every member of a species is going to be equally able to produce offspring. If so, then to try to get round such a natural method of population control could be seen as going against 'natural law'.

Embryo experiments:

With any medical or genetic issue, natural law is going to suggest that human beings have an essential nature, and manipulating nature (e.g. through genetic engineering) may be seen as frustrating a natural ordering of things, and therefore wrong.

In the case of embryo experimentation, for example, a Natural Law approach would emphasise the absolute unique value of a human life, and would then seek to protect that life. It would not be right, on this basis, to sacrifice the life of an unborn child, for example, even if its birth and life might bring about further suffering.

As with most Natural Law approaches to these issues, there are bound to be exceptions to the rule because circumstances throw up exceptional cases. However, it gives a clear guideline and sense of what human life is, and what it is for.

Environmental issues:

Each creature and environment has a 'natural end' (final cause) to which it aims. To deliberately destroy that environment goes against that. Hence Natural Law can be expected to take a strong line on the destruction of species etc.

A key problem

- **If** the world makes sense and everything has a 'final cause' or purpose
- **Then** we can decide what is right or wrong
- **But** if we do not believe there is a 'final cause' or purpose, then the Natural Law argument makes no sense.

Hence, the Natural Law approach to ethics depends for its validity on metaphysics – on seeing the world as a rationally ordered creation. If you don't believe that the world is ordered according to reason (e.g. that is it entirely impersonal and that everything happens by chance), then Natural Law makes little sense.

Advantages of the Natural Law approach

Natural Law opposes two common approaches to Ethics – scepticism and relativism. (Scepticism effectively says that moral rules have no overall validity, you can't decide rationally what is right or wrong. Relativism argues that everything depends of circumstances, and that there are no universal moral rules.)

It can claim an advantage over those ethical theories (like Utilitarianism) that are based on the expected results of an action, because results are often unknown or uncertain. By contrast, Natural Law declares an act to be right or wrong quite apart from its consequences.

Natural Law may also claim the advantage of being **rationally based**; it does not depend on the feelings of the person concerned. **Feelings can change**, but the issue of right and wrong remains fixed. Something cannot be made right just because I happen to want to do it.

Natural law may also claim an advantage in **that it does not depend upon any particular culture or society**. Just because everyone else does something, it doesn't make it right.

And that – in a multi-cultural world, where circumstances are changing all the time – makes sense. On the other hand, there will always be people who argue that reason is not the only basis for ethics – that people behave because of the promptings of emotion, or a general sense of what it

right, even if they cannot justify their decision. For such people, natural law will never be quite enough to satisfy them.

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