

Natural Moral Law

“Examine critically what is meant by Natural Law with reference to morality” (12 marks)

Natural law seeks to give a rational basis for laws, based on our understanding of purpose. It is deeply rooted in the classical civilisations; we can see this in works such as Sophocles’s play *Antigone*, where the rules of God overrule the laws of the state. The stoics were also a proponent of natural law, they taught of the importance of “*logos*,” which is rationality that governs the world. For the stoics all decisions should be reduced to logic, and any other influences such as emotion were merely the result of poor reasoning –only logic mattered.

The Roman thinker Cicero in his work *On the Republic* binds rationality to nature, thus giving us the classic description of natural moral law: “*True law is right reason in agreement with nature ... it is of universal application, unchanging and everlasting ... we need not look outside ourselves for an expounder or interpreter of it.*” It was however Aristotle who was the most influential classical natural law thinker, in *Nichomacheon Ethics* he suggests that natural justice is not the same as what is just by law – making a distinction between some kind of universal justice which governs us all, and justice as defined by the state or authority. He says whilst our laws may vary culturally, natural law is independent and “*unchangeable, and has the same power everywhere, just as fire burns both here and in Persia.*”*

Aristotle says that “*every action and pursuit is considered to aim at some good,*”[†] by which he means that everything we do has a purpose, for Aristotle fulfilment of this purpose is the ultimate good, since it is what we are naturally inclined to do.

The medieval thinker Aquinas sought to merge Christian ethics (at the time governed by religious authority from the bible and the church) and Aristotle’s secular ideas about a rational basis for morality. He sought a rational basis for morality, that would define what actions are right, and which are wrong purely through logic- but within a Christian frame of reference. St. Paul can be seen as giving justification to this idea when in *Romans 2* a law is said to be “*written in the heart of the gentiles,*” implying that morality can be derived by anyone without having to refer to any external body or being.

* *Nichomacheon Ethics* by Aristotle

† *ibid*

Aquinas establishes a series of virtues, which define how to live a moral life. He differentiates between cardinal values, and revealed virtues. The cardinal values are taken from Aristotle, who defined twelve such virtues which include prudence, temperance, fortitude and justice. Revealed virtues expand upon (but never contradict) the cardinal virtues, they add laws from the scripture. These are said to be “revealed” virtues because they are not logically deducible. The revealed virtues include faith, hope and charity. In this way God is said to endorse and further natural law, but he does not *define* it himself – the definition comes from purpose, which comes from design.

Whilst Aquinas accepts that we are imperfect beings but unlike other thinkers such as Augustine who suggest human nature is totally corrupt; he says we are by nature good, and that we aspire to do good things. Aquinas even goes so far as to suggest humans cannot knowingly do evil - which seems totally absurd to our current society which witnesses apparent evil on a regular basis – however he justifies this by explaining the difference between real and apparent goods.

An apparent good is where we believe we are doing good, but in fact in hindsight it was not a good thing to do. As a rather extreme example we can consider Hitler, arguably we can say he was merely seeking an apparent good, since it was his (misguided) belief that Jews were spoiling the country he loved – and so by removing them he was doing a good thing. In this was sin is merely an error of judgement, “*the theologian considers sin principally as an offence against God, whereas the moral philosopher considers it as being contrary to reason.*” *

Aquinas also establishes a system of precepts, which are rules to guide one in their decisions when following natural law. Aquinas identifies the key precept – which is the *purpose* of humanity, our final cause – as being self preservation. Since Aquinas was a Christian this includes preservation beyond the grave in the afterlife. He then derives various primary precepts, which give more specific guidelines to help us preserve the self.

The first of these primary precepts is continuation of the species via reproduction; this should ensure that humanity is preserved eternally. Education of children is another primary precept; this should ensure that people’s ability to reason correctly is nurtured right from the start, allowing for a better society in which people can make the right decision more often. The third primary precept is to live in society, since it is in a society that we can share resources collectively to allow us to protect and support each other. To worship God is Aquinas’s final precept, and is not as easy to link to

* Aquinas

“self preservation”. For those with faith worshipping God ensures a happy time in the *afterlife*, which is preserving the self beyond the grave. Arguably this is not a universal precept since it requires a belief in the afterlife as Christians understand it.

There are also secondary precepts, these do not introduce any new rules per say, rather they are specific applications of the primary precepts. For example, we could say “contraception should not be used” is a secondary precept since it goes against reproduction and so is a misuse of our God-given reproductive tools. Aquinas maintains that these precepts are all universal and logically deducible by anybody who can reason correctly. He says “*natural law is the same for all men, there is a single standard of truth and right for everyone ... which is known by everyone*”. That said, the secondary precepts do have a lot of ambiguity, for example it could be argued that contraception is acceptable in the fight against AIDS since it protects one’s life. M J Longford comments “*the secondary precepts all have to be interpreted in the context of the situation, and it is here that the flexibility of natural law occurs.*”

“Analyse and evaluate the strengths and weaknesses of Natural Law as an ethical theory” (8 marks)

Natural law is based purely on deductive, rational reasoning. This makes it an objective theory, it is not open to interpretation – should everyone reason correctly we should all come to the same conclusions about what is right and what is wrong. We can see this in action around the world, with many societies sharing common beliefs about morality – this is a strength of the theory since there is evidence of a common system of morality in place, although that is not to say the universal theory is natural law.

However, being a deontological argument, and accepting certain actions to be intrinsically right or wrong no account is taken of the situation. It can be strongly argued that whether something is right or wrong depends on the circumstances under which it takes place. Whilst we may generally accept “stealing is wrong”, is stealing wrong to save a life? Or does one take a proportionalist view and say yes stealing is still wrong, it was just *less* wrong in that situation?

Being an objective theory, natural law does not have to rely on subjective beliefs, such as love, emotion and happiness – this gives it a key strength over a theory such as utilitarianism or situation ethics which do rely on beliefs which vary from person to person. There is also an issue with the religious side of this, Aquinas seems to be suggesting a legalistic system of morality whereby actions are judged prior to taking place, and are intrinsically right or wrong – however Jesus is said to oppose such legalism. He fights against the Pharisees and preaches the one rule of love, “*for the law was given by Moses, but grace and truth came by Jesus Christ.*”^{*} Whilst this does not subtract from the value of natural moral law as a theory, it does raise questions about Aquinas’s synthesis of religion and morality.

Natural Moral laws relies on our ability to reason correct, that is to use casuistry to deduce the correct action based on how it fits in with our precepts. However, it is fair to say that we do not all have the same ability to reason. Whilst Aquinas maintained that all humans were equal he did say that some were better at reasoning than others and therefore we should practice our logical skills so that they become habitual. This is fine to an extent, but if we were to encounter a totally alien situation we would have no prior experience to draw reference from, and so our ability to decide the right course of action would come down to our individual ability to reason correctly.

* John 1:17

In such a situation we should stick to the precepts; since they are logically sound, but even these can be ambiguous. Homosexuality is a classic example of something natural moral is not able to provide a succinct response to. On the one hand we can say since homosexuality doesn't lead to procreation, and so it is a misuse of human genitalia, but on the other hand we can say that since it is pleasurable, that pleasure is there for a reason. Another example of this would be oral sex and masturbation, whilst it is easy to say they are wrong for the same reason homosexuality is wrong, in *The Puzzle of Ethics* Vardy and Grosch have been able to argue that opposite, saying it is possible to justify such sexual acts in terms of developing the relationship and possibly leading to an increased chance of procreation at a later date. In this way we can see how the secondary precepts are open to interpretation, which defeats the object of a deductive ethical theory.

Natural moral law assumes a common system of morality, and a common human nature. Whilst this may be supported by experiencing similar forms of morality around the world, there are exceptions to this rule. There are places where things are acceptable which seem horrific to us. As Kai Nelson comments "*from the point of view of science, there is no such thing as an essential human nature ... The concept of human nature is a rather vague cultural concept*"* If morality is relativistic as this would tend to suggest, then the concept of a universal morality is meaningless.

Another presupposition natural law makes is that we assume we have a purpose, and that we can understand that purpose. It can be argued that Aquinas is unholistic, in that his concept of purpose is too specific. For example, perhaps the genitalia are for more than reproduction – perhaps they have a hedonistic purpose as well, which would then justify homosexuality, contraception, masturbation and oral sex. This suggests that we need to consider things on a bigger scale – take the body as a 'whole' rather than breaking it into its components. After all, we're not comprised of individual free-thinking parts; we are a psycho-physical whole.

Modern portfolio thinking tends to suggest that we have changing function, so just as laws and society changes, so does our purpose (and thus our morality). In this sense natural law is very inflexible and perhaps even pretentious in suggesting it has a theory which is universally applicable, eternal and accessible to all.

* *An Examination of the Thomistic Theory of Natural Moral Law* by Kai Nelson