



Introduction

There is no such thing as a single Natural Law theory. There are a variety of theories of Natural Law that have developed since the time of the ancient Greeks. At the core of Natural Law is the belief that God has (or the gods have) ordered the universe in a certain way. It works in what appears to be an orderly and purposeful fashion and, it is argued, this structure and order is not accidental. It is deliberate and this has important implications for the human race. Human beings have a duty to conform to the Natural Law which God has made. Therefore, to keep to the Natural Law is morally good. To go against that law is morally bad.

Natural Law is principally a religious ethical system but it is not completely so. It is possible to be an atheist and still believe in Natural Law. Hugo Grotius (1583–1645), the Dutch Protestant philosopher, argued that even rational atheists were able to accept Natural Law. He wrote:

And what we have said [about Natural Law] would still have great weight, even if we were to grant, what we cannot grant without wickedness, that there is no God. (Hugo Grotius and William Whewell, Grotius on the Rights of War and Peace: An Abridged Translation, John W. Parker, 1853)

Therefore it is possible for atheists to accept Natural Law if they remove God from the equation and insert nature instead.



To think about

Do you think there is natural order in the universe? Where do you see evidence of order in the world around you?

There are problems with the Natural Law theory; two of these problems need to be considered from the outset and they divide Natural Law philosophers. The first major problem is what does the word 'natural' refer to when it is used in the term Natural

Law? Here there is a division of opinion. Some writers argue that 'natural' refers to human nature while the majority of Natural Law theorists argue that it refers to the whole universe.

There is a further division among Natural Law philosophers. The term Natural Law is both **descriptive** and **prescriptive**. Some scholars maintain that these two elements of Natural Law should be separated. They argue that Natural Law is the best explanation of the way in which the universe works, but that human beings are under no obligation to follow completely the route laid by Natural Law.

Aquinas

St Thomas Aquinas (1224/25–1274) was a prolific writer. Among his greatest achievements was the development of the Natural Law theory.

Before Aquinas the theology and philosophy of the medieval Church was often confused and contradictory. Aquinas attempted to give Catholicism a logical order and structure that it previously lacked. His philosophy is based on two fundamental authorities, the Bible and the writings of Aristotle. Earlier writers, such as Anicius Manlius Severinus Boethius (470/75–524), had relied heavily on the ideas of Plato. This led to the physical world being regarded as a shadow; as in the analogy of the cave, it was of no lasting value. For these writers, existence was just a step on the way to heaven.

Aquinas saw things differently; he looked to Aristotle for his inspiration. According to Aquinas, the natural world does matter. As Colin Morris puts it:

Thanks to the union of Aristotle and Christianity in the works of Aquinas, it was henceforth possible to look at man either as a natural being or as a being designed for fellowship with God, whereas before the former could not be conceived separately from the latter. (Colin Morris, The Discovery of the Individual 1050–1200, Medieval Academy of America, 2004)

The idea of Natural Law was central to the changes made to Western thought by Aquinas. His development of Aristotle's **teleology** gave the universe a natural order and structure. Human beings were placed firmly within this order. God was shown to be the creator of a logical and beautifully-crafted scheme of things. Natural Law was God's order set within the parameters of the universe.

Key terms

descriptive – describing how things are.

prescriptive – instructing how to act.

teleology – designed for or directed towards a final end.

Key term

Torah – the Torah contains the first five books of the Old Testament, the so-called books of Moses. The books are Genesis, Exodus, Leviticus, Numbers and Deuteronomy. These books have within them the Mosaic Law, which is central to Jewish ethical tradition.

Key point

There is no single Natural Law theory, yet all theories of Natural Law are based on the idea that nature has an inbuilt teleology.

The influence of the Bible on Aquinas

A lot is made of Aristotle's influence on Aquinas. However, it must not be forgotten that Aquinas developed Aristotle's theory only because it was consistent with the Bible. Biblical support for Natural Law relies on the writings of St Paul (4BCE–CE62/64). His letter to the Romans is generally regarded as his most important work. The letter concentrates on the nature of God's law, and how human beings are to be saved from sin. In Romans 2 Paul explains why both Jews and Gentiles are under this law. His argument is straightforward. First, he argues that Jews are under the laws of the **Torah**, the first five books of the Old Testament. The Torah includes the Ten Commandments (Exodus 20 and Deuteronomy 6). Among these commandments are:

You shall not murder.

You shall not commit adultery.

You shall not steal. (Exodus 20:13–15)

Jewish people follow such laws because God gave them to Moses on Mount Sinai. They are part of God's law. Yet Paul continues his argument by referring to non-Jews. Gentiles do not kill or steal yet they do not know the Ten Commandments. They are ignorant of the Torah, yet they keep the commands. How can this be? Paul argues that God has given humanity two laws – the Law of Moses (the Torah) for Jews and the Law of Nature for Gentiles. In Romans 2 Paul writes:

When Gentiles, who do not possess the law, do instinctively what the law requires, these, though not having the law, are a law to themselves. They show that what the law requires is written on their hearts, to which their own conscience also bears witness; and their conflicting thoughts will accuse or perhaps excuse them on the day when, according to my gospel, God, through Jesus Christ, will judge the secret thoughts of all. (Romans 2:14–16)

God's law being written into nature is a by-product of Creation. Paul finds it impossible to separate morality from the material creation of the universe.

God, who is omnibenevolent and all-loving, created a perfect world to mirror his love and goodness. Moral laws are therefore inbuilt into Creation. The world may have fallen because of original sin, but the divine law is still found imperfectly rooted in the matter of Creation.

To think about

'The law only condemns a person. It can't reform the individual.' Is this also true of Natural Law?

Aristotle's idea of function, purpose and end

The Bible taught Aquinas that God had created the universe with order and purpose. Having discovered this through Scripture, Aquinas developed these ideas. His explanation of how Natural Law works is taken from Aristotle.

Aristotle argued that the universe contains both **rational forms** and **material substance**. The two are joined together; you cannot separate forms from substance. In his *On Physics* and *On Metaphysics* Aristotle sets out these ideas on the nature of animate (living) things. He argues that all things have (a) material substance and (b) a reason for their nature.

In exactly the same way human beings possess a body and a soul. The soul is the rational form behind both human beings in general and behind the particular individual. The soul or form comes first and is unchanging because it is conceptual. The body, which is always changing, develops to accommodate the form.

This idea is equally true of parts of the body as it is of the human being as a whole. Each organ has a material substance and a rational form; a body and a soul. Aristotle explains this by reference to the eye. How did the eye develop? Aristotle asserts that the idea of sight must come before the existence of the eye. He cites the story of a partially sighted man. The man is walking along and sees on the ground a ball of jelly. He says to himself that this looks like his other eye. He picks it up and inserts it into the empty socket of his other eye. But it is just a lump of jelly and he sees nothing through it. The lump of jelly may look the same as an eye but it does not possess the rational idea of sight. It is simply jelly.



In Aristotle, for the eye to function it requires the material substance of the eyeball and the rational form of sight.

The example of the eye reveals Aristotle's view that everything in nature has a function, purpose and end. Elsewhere he gives the example of a house to develop his argument. A house also has a function, purpose and end, but as it is manufactured, human beings determine these.

Key terms

rational forms – concepts such as justice, truth or beauty.

material substance – the physical object.

Key term

eudaimonia – Greek for happiness, flourishing or a state of contentment.

Teleological chart: Aristotle

Function	Purpose	Telos (end)	Final end
Sight	To see	Eye that sees	Eudaimonia (happiness/contentment)
Protection	To protect from the weather	House that protects	Eudaimonia (happiness/contentment)

In both cases, eye and house, **eudaimonia** is the final end. Eudaimonia is the final end of all things; it can be defined as **happiness**. It is best understood as the contentment which comes when a thing achieves its purpose.

Since every animate object is designed to achieve eudaimonia, it follows that if everything worked efficiently and effectively this would lead to a harmonious relationship between everything. Take your body as an example. If one organ does not function properly it has a knock-on effect on other organs of the body. Aristotle argued that everything in nature has a harmonious relationship with everything else. This is like the keys on a piano; they exist separately but their end is achieved when they work harmoniously with each other. A happy person is someone whose organs function properly and in harmony with each other. A happy society is one where all individuals and groups work for their own good in relation to everyone else.

This harmoniousness is Aristotle's inbuilt law. The process consists of:

1. There is a reason for everything.
2. These reasons are contained within the rational forms.
3. The reasons do not exist physically but conceptually.
4. Material things are then mixed with the rational forms.
5. The material substance and the rational form exist in tandem.
6. Material substance and rational form are of equal worth.
7. They exist to complement each other.
8. They have different functions.
9. Human beings have body (**soma**) and soul (**psyche**).
10. Other things have **material substance** and **rational form**.

Aristotle's Natural Law brings order out of the state of flux. It points to a link between the natural order of things and morality. It is teleological since everything moves in a specific direction to an end, which leads to happiness.

Aristotle hints that there is an unmoved mover at work in the universe. Christian writers saw in Aristotle's philosophy support for the biblical notion of a God who brings order out of chaos. God's hand is at work, creating a structure for existence based on the function, purpose and end of all things. Aquinas adopted and developed Aristotle's understanding of Natural Law.

Extension note

The X factor: order out of chaos

Early medieval society was often in conflict. Marriage, family life and property rights were not yet fixed and therefore disputes between illegitimate siblings were common. Bloodshed and family feuds were normal. During this time the Church, with its legal system, was the only source of stability. The Natural Law theory spearheaded the Church's moves to regulate society and to make Christian Europe peaceful yet secure.

The role of Jesus as the foundation stone of Christian society was crucial. This was often expressed symbolically. The first letter of Christ in Greek is *chi*, which appears as X in the Greek alphabet. From the eighth century the letter X became symbolic of Christ and of the benefits the Church believed God brought in Christ. These benefits all contain the letter X. In Latin they are LEX – LUX – PAX – REX (law – light – peace – king).

God's law brought, as Alfred the Great among others put it, the king's law of justice and peace. An X was placed on the obverse side of coins to show that the Anglo-Saxon kings were ordained to follow God's law. Before the Battle of Hastings, King Harold had coins minted with the X of Christ and pax (peace) stamped on them.

Aquinas' ideas of purpose and perfection

1. The perfection of Creation

Aquinas, using Aristotle's philosophy and the Bible, transformed attitudes to Natural Law. His starting point is the nature of God as Creator. Two points should be noted. First, God is changeless and, thereby, rationally consistent. He cannot change his mind or do something that contradicts his eternal nature. Secondly, God is good and therefore it follows that Creation must be good since God cannot create anything that runs contrary to the divine nature.

Aquinas asserts that:

1. Nothing with God is accidental or by chance.
2. God made Creation.
3. Creation therefore was not caused by chance.



Thomas Aquinas (1224/25–1274), known as Doctor Angelicus (Angelic Doctor). Aquinas merged the philosophy of Aristotle with the doctrines of the Christian Church to create a systematic form of Christianity.

4. Creation happened for a reason.
5. The Bible states (in Genesis) that Creation is good.
6. Thus Creation exists to reveal God's goodness.
7. What is true of the whole of Creation is equally true for what exists within Creation.
8. Everything has a reason for being.
9. Everything is created to reveal God's goodness.
10. Natural Law regulates everything.
11. Therefore Natural Law exists to reveal something of God's nature.

The material universe, therefore, points to the omnibenevolent and all-loving divine nature from which it emerges. Reflecting Aristotle, Aquinas believed that the universe and every part of it have a natural teleology. This teleology of all things conforms to God's eternal law. Natural Law is the method by which human beings share in God's eternal law.

2. The primary and secondary precepts

Aquinas developed Aristotle's teleology. He agreed with Aristotle that eudaimonia is the natural end of man and of all Creation. He gave this a moral connection, believing that human happiness can only be achieved by pursuing certain goods.

Key point

Aristotle and Aquinas saw the natural end of man and Creation as eudaimonia. However they differ in what they mean by this. Aristotle viewed eudaimonia as the contentment attained when something achieves its purpose. Aquinas saw it as achieving heaven and thereby being in union with God.

Christians are called to be perfect just as their God is perfect. Christians therefore have to live in accordance with the Natural Law. As Aquinas put it:

Good is to be done and pursued, and evil is to be avoided. (Thomas Aquinas, Summa Theologica, Hayes Barton Press, 1947)

Following this law will make people happy and content, because they will be close to God their creator. This eternal relationship with God is, in Aquinas, the *telos* of all human life. In the *Summa Theologica*, Aquinas sets out the **fundamental goods** to which all human beings, being made in God's image, are inclined. They are:

- the preservation of life
- human procreation (reproduction)

- the advancement of knowledge and learning
- living in a peaceful and harmonious community
- the worship of God.

To achieve heaven it is necessary for each person to live a life in harmony with these goods. It is part of human nature to wish to preserve life, to have children, to gain knowledge and to live in harmony and peace with other people. These are known as the **primary precepts**.

Extension note

Cardinal virtues and capital vices

The word cardinal is derived from the Latin *cardo* meaning 'hinge'. Aquinas asks us to imagine a box with four hinges. The box is moral goodness, which the Natural Law contains. The four hinges are the four cardinal virtues of justice, prudence (showing care and thought for the future), temperance (moderation or restraint) and fortitude (courage in pain or adversity). Yet Aquinas' virtues are not as simple as that. Aquinas divides each of the virtues into different parts. Imagine these as screws, which ensure that the virtue is held fast to Natural Law. There are eight screws in the hinge of prudence. They are – caution, circumspection (being wary and unwilling to take risks), foresight, ingenuity (being clever and inventive), memory, passivity, reason and understanding. Aquinas argues that it is not possible for a person to be prudent without any of these. Aquinas divides the other three virtues in a similar way. Consequently, being virtuous is a very hard path to follow.

Later medieval writers added the further three virtues of faith, hope and love (charity) in order to parallel the capital vices. These virtues are taken from Paul's first letter to the Corinthians, while the original virtues appear in the works of Plato. The seven virtues and seven vices first appear together in Dante's (1265–1321) *Divine Comedy*, which was written shortly after Aquinas' death. The vices are anger, avarice (greed for wealth), envy, gluttony (greed), lust, pride and sloth (laziness).

The **cardinal virtues** relate to all five of the primary precepts. Aquinas contrasts these with the seven **capital vices** which act to undermine the primary precepts.

The primary precepts are descriptive. Aristotle believed human reason or wisdom should be used to move from what *is* to what *ought to be*. Aquinas' theory suggests that human beings have an obligation to:

1. create general laws that reflect these moral goods and virtues
2. abide by these laws.

Key term

primary precepts – general rules inbuilt into human beings as a consequence of being made by God.

Key term

secondary precepts – any rule that is rationally deduced from one of the primary precepts. Thus suicide is morally wrong because human beings have a natural inclination to preserve life.

It is the job of the **secondary precepts** to set out the way in which the primary precepts can be implemented. This requires reason and argument.

Key point

Primary precepts describe the general rules that human beings are inclined to follow; secondary precepts are the practical application of these in specific areas.

Aristotle did not intend his teleological framework for nature to set down strict moral laws. It was a framework; descriptive not prescriptive. In the same way, Aquinas does not say how the primary precepts should be enforced in every situation. In Part III of the *Summa Theologica* Aquinas uses a method of argument and counter-argument to develop his moral philosophy. He shows, in this section, how difficult it is to put the primary precepts into practice. Below are a few examples of the way in which a description of human life can become a moral prescription.

Primary precept	Possible secondary precept
Life is about gaining knowledge, wisdom and understanding.	Refusing education to girls is morally wrong. Education should be free to all.
Life is about being co-creators with God, being procreators.	Masturbation is morally wrong. IVF should be permitted.
Life should be preserved and human dignity sustained.	Suicide is morally wrong. Transplant surgery should be permitted.

3. Reason discovers God's law

You may have noticed how, in Aquinas, the primary precepts are descriptive and the secondary precepts demand a response; they are prescriptive. Aquinas needed to explain how it is possible to move from a description of what Natural Law is to a prescription of how human beings should behave in life. Following Aristotle and the biblical view that human beings are created in the image of God, Aquinas believed that human beings are rational creatures. They have inbuilt into them an ability to work out rationally how life is to be lived morally. Human beings can understand the principle of function, purpose and end.

Rational debate, as Aquinas presented in his *Summa Theologica*, will lead human beings to understand how Natural Law works. It will also lead them to see beyond the laws of nature to God's eternal law. Yet, human beings can never fully grasp this eternal law.

Aquinas believed that four laws exist; the Natural Law is just one of these. The laws are:

- **Eternal law** – God's wisdom, unknown to human beings.
- **Divine law** – God's law as revealed through the Scriptures.

- **Natural Law** – God’s law as revealed through nature and interpreted by **reason**.
- **Human law** – laws made by societies for the good of people.

Such laws must be examined rationally with care. This is not simple, yet Aquinas believed that it is possible to understand those that conform to God’s eternal law and those that do not. Aristotle again plays an important role in his interpretation. Aquinas makes the function, purpose and end of Aristotle’s teleology more complex. The complexity is seen in the chart below.

Teleological chart: Aquinas

Term	Material cause	Efficient cause	Formal cause	Final cause	End A leading to End B	End B
Meaning	Object – What changes?	Method – What event causes change?	Function – What process is involved in the change?	Purpose – For what purpose does change take place?	End – What is the result?	Final end – What is the common aim?
Example 1	Student/Teacher	Tutorial	Education	Knowledge	Examination success, but to what purpose?	True happiness which lies in oneness with God
Example 2	Man/Woman	Intercourse	Relationship	Procreation	Baby, but to what purpose?	True happiness which lies in oneness with God

The chart shows Aquinas’ understanding of natural teleology. It begins with the **material cause**. This is simply the physical form or process that undergoes change. If we are making a cup of tea, the material cause is the various material objects that go into creating a good cup of tea – milk, sugar, tea, water, electricity and a kettle.

The **efficient cause** is the method by which change occurs. It is called efficient because Creation is a product of the nature of God. God is efficient. Simply put, things change by means of a process that is the simplest possible method to achieve it. The cup of tea again illustrates this. The efficient cause is the method by which the tea is made. To make your cup of tea you need to be efficient. You need to put the right amount of water in the kettle, make sure that the water boils, add a tea bag. Efficiency is required or you will not produce the best cup of tea.

The **formal cause** is the underlying process involved in the change. As far as the cup of tea is concerned, this involves the way in which water boils and the effect that water has on the tea bag.

Key term

reason – the ability to analyse an argument, to criticize it and to calculate logically its strengths and weaknesses.

The **final cause** is the purpose of the cup of tea. It has been made to quench thirst and thereby to give pleasure.

When the cup of tea has been drunk it has fulfilled its **end**. Its *telos* (end) has been to give pleasure to the person drinking the cup of tea. Eudaimonia is an Aristotelian idea. Aquinas wants to go further. The ultimate pleasure as Aquinas sees it and the one for which human beings were designed is union with God as Creator. Thus end B is that ultimate inter-relationship with God in heaven.

4. Moral perfection and heaven

One thing should be noted from the teleological chart for Aquinas. Aquinas' world was centred on the idea of salvation and the reward of heaven in a way that modern Western society is not. The *telos* of a thing must, therefore, be related to the final end of humanity which is eudaimonia; for Aquinas true happiness is achieving heaven. Here Aquinas parts company with Aristotle. For Aquinas the true *telos* of human beings is not, as Aristotle suggested, realizing their potential or blueprint in this world. For Aquinas heaven is the destiny for all human beings' souls.

Aquinas did not believe that eventually all will be saved. He believed that God grants the gift of eternal life to those who love God and therefore follow God's Natural Law. Hell waits for those who do not live by the precepts of God's Natural Law.

Even before the rise of Protestantism there were writers who attacked Aquinas' view that obedience to law is rewarded by eternal life. In the fourteenth century the English philosopher, William of Ockham (1285–1347/49) attacked Aquinas' teaching. He argued that faith matters more than human reason. He also argued that if a person obeys God's law then God must reward him with eternal life. This means that human beings control God. For example, if you live a good life and you give to charity, you expect heaven at the end of it. It would be a strange God who sent Adolf Hitler to heaven and Mother Teresa to hell, yet God cannot be controlled by humans.

To think about

'If I live a good life I *deserve* a heavenly reward.' Discuss the implications of this statement.

Martin Luther (1483–1546) and John Calvin (1509–1564), the fathers of the reformation, developed this and other criticisms of Aquinas' Natural Law theory.

Key point

Aristotle and Aquinas agree that happiness is the final end of humanity. Aristotle's happiness is concerned with fulfilment in this life, whereas Aquinas is concerned with fulfilment in the next life, in heaven.

5. Discovering what is immoral

Using Aquinas' teleology, it is now possible for moral wrong to be calculated rationally. Moral wrong includes anything that causes the end to be different from the formal cause (see table on page 35). This can be clearly seen in Aquinas' **Just War theory**, which we look at in more detail in Chapter 9 War and peace. There is no point fighting a war, however well meant and just it may be, if the end result leads to the destruction of the country that you are fighting to protect. In such a case, the final cause for fighting the war is protection of the country. If the end is its destruction, then going to war would be an immoral act.

The example of the Just War theory raises another aspect of Aquinas' Natural Law theory. **Circumstances** may lead you to do something that may appear morally wrong at first sight. Lying is one such example. Aquinas believed that lying is contrary to Natural Law because it undermines life within a peaceful community. Yet there may be situations in which not telling the truth would be necessary if your function, purpose and end are to be met. Imagine, for example, you are a doctor in a society that sentences medics to death (as in Cambodia under the Khmer Rouge government). Do you lie when you are asked whether you are a doctor? You do not tell the truth. This is not because you want to lie; but you lie (a) to preserve your life, so that (b) you can fulfil your function in life which is to cure the sick. As a result, Aquinas allowed for some bad actions to be moral.

There are some actions that will always be wrong because they do not conform to the moral nature of humanity as being made in the image of God.

Aquinas and Natural Law: a summary

In summary, Aquinas' Natural Law theory is:

1. God is a good and all-loving Creator. He created the universe for a reason.
2. The Creation reflects the Creator through God's eternal law which governs it.
3. God orders the universe through law, of which there are four types – eternal, divine, natural and human.

4. Human beings share in God's eternal law through obedience to the Natural Law.
5. Natural Law is both descriptive and prescriptive.
6. Natural Law is teleological.
7. The end of human life is happiness, which means being a moral being in harmony with God.
8. To follow Natural Law means obedience to certain moral goods, which are: preservation of life, procreation, social life and harmony, pursuit of knowledge and worship of God.
9. These goods are not made by people but come from God.
10. These moral goods are known as the primary precepts.
11. Actions are moral if they conform to the primary precepts within a teleological framework.
12. Some actions, because they are contrary to the moral goods, will always be morally wrong even if for the greater good.
13. Some actions, because the function or purpose of the act conflicts with the moral end, are morally wrong. They may be justified as for the greater good if circumstances necessitate.
14. Human laws must reflect either directly or indirectly on Natural Law.
15. Some human laws may conflict with Natural Law. A Christian is not obliged in conscience to obey such laws.

Extension note

The law of double effect

Aquinas' Natural Law theory is an **absolutist** theory since it lays down what should or should not be done. Some actions will always be morally wrong since they conflict with the natural end of human life, which is to be with God. Thus rejection of God (blasphemy) is always wrong. However, some actions are less certain. For example, a patient suffering from terminal cancer lies dying in a hospice. The dying person cannot speak and is lying in a comatose state. Suddenly the foot of the patient twitches. The nurse realizes that the patient is suffering pain. A doctor is called and morphine is administered to the patient who is already near death. The morphine hastens death and a few minutes later the patient dies. In this situation the morphine kills the person but it was administered with the intention of relieving suffering. The twitching foot was an indication of pain. This is an example of the **law of double effect**. You do something with a good intention but it has another consequence. It is the **intention** that determines the morality of the action. If the morphine was administered with the intention of killing the patient, as it was in the majority of deaths caused by serial killer Harold Shipman, it would be murder and therefore always morally wrong. The problem is how do you judge intention?



To think about

What is Natural Law? Is it possible to accept the Natural Law theory without believing in God?



Later developments of Natural Law theory

An important criticism of Natural Law is to be found in the views of the early Protestant Reformers, such as Luther. Early Protestants rejected Aquinas' Natural Law theory because it was based on, in their opinion, three false assertions.

1. First, Aquinas based Natural Law on God's Creation. Most Protestants rejected the idea that the laws of nature reveal God's law. **The Fall** of Adam and Eve in the Garden of Eden created a clear break between God and the natural world. Creation, Luther argued, is fallen and corrupt. How can a corrupt world reveal God?
2. Their second objection is to the importance Aquinas gives to human reason. The early Protestants condemned the Catholic Church for the stress it placed on human reason. Reason, like the world itself, was depraved, fallen and sinful.
3. Third, Protestants criticized the importance Natural Law gives to doing good. Can a corrupt person do good works and enter heaven? No, Luther argued, the corrupt individual can only do corrupt works. Luther believed that doing good and obeying the Natural Law cannot save you; only the **grace** of God can bring salvation.

However, some Protestants developed Natural Law theory. They did not do so on the basis of the Catholic teaching of Natural Law, but turned instead to the ideas of the ancient **Stoics**. This group of ancient Greek philosophers saw life as a struggle in which human beings must rise above the tragedy and trauma of life. They can only do this by living a virtuous life, an upright existence. The Protestant Natural Law theorists took on these ideas, while rejecting the teleological framework of Aristotle and Aquinas. They believed God had set the universe in a perfect order and Christians were called to follow this Natural Law. The moral virtues were vitally important otherwise human beings would descend to the state of barbaric animals. This was not, despite the Fall, what was natural to human beings.

One of the most important Protestant Natural Law thinkers was Hugo Grotius. He developed Aquinas' Just War theory in his work *The Rights of War and Peace*, which remains one of the most important pieces of writing on the morality of warfare (see Chapter 9 War and peace).

Key terms

the Fall – the story in Genesis 3 of Adam and Eve's fall from grace. Christian writers, from Paul onwards, saw the events of the Fall as the defining moment when human beings set themselves apart from God.

grace – a gift or favour of God.

Extension Note

New Natural Law theory

Since the 1960s a New Natural Law theory has emerged. The New Natural Law theory is very different to the approach of both Aristotle and Aquinas. John Finnis and Germain Grisez developed this New Natural Law theory in America and Canada. They argue that both the ancient philosopher and the medieval theologian spent far too much time and effort constructing a big picture of the way in which the universe works towards a natural *telos*. Both failed, in doing so, to look at the way in which the individual's moral route through life should be governed. They also argue that, by focusing on the big picture (metaphysics), earlier Natural Law scholars had ignored very basic practical things that will aid the individual's journey through life.

The year 2009 marked the fiftieth anniversary of the M1. Imagine that this motorway is your life and that each junction is a moral issue en route. Finnis and Grisez argue that both Aristotle and Aquinas are concerned about your journey. They are interested in where the M1 starts and ends, the design of the bridges and the way that the road surface has been made. They are not interested in how you actually get from London to Leeds. The New Natural Law approach, they believe, is concerned with your car and the way you drive it to the destination. Grisez argues that in order to reach your destination (heaven) you need certain goods, or qualities, to assist your journey. Aquinas had listed these as the virtues. Grisez goes further. He argues that goods come in two forms: practical goods (practical qualities that will help or impede your ability to be virtuous, for example wealth or talent), which affect moral goods (virtuous qualities, for example prudence or justice). Therefore, for example, there is not much point in being generous to your neighbour, if you have no money!

Another New Natural Law philosopher, Joseph Boyle, argues that human reason should be directed towards actions that contribute towards 'communal well-being and flourishing'. Boyle lists the moral goods required for the journey. They are the traditional virtues, such as justice, love and mercy. He also lists those practical goods that human beings require. These are, what he calls, self-evident basic goods. They include life, health, knowledge, aesthetics, work and play, friendship and marriage. They also include harmony with God, choices and the ability to choose in life, feelings and behaviour. It follows that no one has the right to remove these goods from anyone else. No one, he goes on to argue, has the right to take the life of another as the gift of life is a basic good. This means that, for Boyle, abortion and euthanasia are immoral acts. Warfare and capital punishment are also regarded as immoral acts. How would Boyle's views work in practice? Take,

for example, a prisoner. Boyle argues that no one has the right to remove goods from another. Therefore, prisoners have the right, not to liberty, but to work, play, health and knowledge whilst in jail.

Unlike Aquinas, New Natural Law philosophers do not rate moral goods higher than practical goods nor do they rank moral goods in a certain order. All are individual parts of the car that will take you through your life. All are necessary. As a result New Natural Law philosophers refuse to set one good against another. They also argue that, unlike traditional Natural Law theories, their system is agent-centred. Aquinas looked at the road; they look at the car and the driver.

Key term

hedonism – the pursuit of pleasure.

Natural Law: strengths

There are a number of strengths to the Natural Law theory. The most important of these are:

- Its **universal application**. This is important in a multi-ethnic and multicultural world. The application of the Natural Law theory unites major groupings within the world's monotheistic religions. Consequently, there is a common approach to issues, such as abortion and euthanasia, between Roman Catholic, Muslim and Orthodox Jewish scholars. Aristotle's understanding of Natural Law was vitally important to both Aquinas and to Muslim medieval writers; this link creates a point of dialogue between Christians and Muslims.
- Values such as the **preservation of life, procreation, social life and harmony and pursuit of knowledge are considered ethically good by most societies in the world**. These norms create the basis for dialogue between religious and non-religious that, it is argued, prevents the fragmentation of society along ethical lines.
- The importance it places on the **ultimate goal of human life**; a *telos* that is not **hedonistic** in character. Some Natural Law philosophers, including Pope Benedict XVI, argue that the Natural Law theory gives a counterbalance to modern materialistic and hedonistic trends in society.
- The stress it puts on the value and worth of life in general and of human life in particular. The **sanctity of human life** is central to its teleology.
- The link between the body and the soul emphasizes the **importance of the physical body in morality**. This in turn leads to bodily issues, such as the status of the foetus and the plight of the elderly, being taken seriously.
- The stress it places on **rightness of character**, through pursuit of the cardinal virtues.

Natural Law places emphasis on harmony in the natural world; an example is the reciprocal relationship between the bee and the flower.



- The emphasis it places on **social harmony** in pursuit of the ultimate good. Continental political philosophers, unlike those in the Anglo-Saxon world, often assert that Aquinas was the father of democracy. By this they mean that at the heart of the Natural Law theory is the idea of the **common good**, that all individuals and groups in society work in harmony with each other.
- The emphasis it places on **natural harmony**. The harmonious nature of the natural world is an important feature of environmental ethics today.

Natural Law: weaknesses

Despite its strengths various criticisms have been made of the Natural Law theory. The first three criticisms are fundamental. They are:

- **Is it possible to judge what is natural?** For example, a person is being kept alive by artificial means. The individual has been in a coma for many years and there is little evidence of brain activity. What is to be done? Is it right for the preservation of life to be the number-one priority? Would that person already be dead if nature

had taken its course? Modern medicine has blurred the distinction between what is natural and what is not.

- **Are ethical decisions reached rationally?** It has been argued that human beings do not think through moral actions. They do not review the Natural Law in making a decision. Instead they act spontaneously or out of a sense of duty. If you love someone you will do things that put your own self-preservation at risk.
- There is often **conflict between different parts of the Natural Law**. This is not just in the case of the law of double effect. In other situations one virtue may have to be bypassed in order for another cardinal virtue to be kept. For example, can you always be both just and prudent? Sometimes, people can put their own lives in danger when fighting for justice.

Other criticisms that can be made include:

- Some Christian writers, most notably the Swiss theologian Karl Barth (1886–1968), argue that **Natural Law not only limits human beings but it also restricts what God can do**. Following the ideas of St Augustine (354–430) and Martin Luther, Barth argues that Christianity is first and foremost a religion of revelation. Human reason can only be used to understand God's revelation. In his *Church Dogmatics* he goes further. Barth argues that human nature is corrupted by original sin and, therefore, it is impossible for human beings to behave morally without God's grace. The prominence of reason in Aquinas' Natural Law theory is rejected.
- The contemporary American philosopher Kai Nielsen puts forward the idea that the **Natural Law theory assumes that all human beings are similar**. This assumption runs contrary to modern studies of human behaviour. Present day research suggests that human beings may have different *hard-wiring*, due to genetic and other considerations. Most, for example, are naturally heterosexual but some are born to be homosexual. Natural Law philosophers cannot accept this without destroying the whole basis of the theory.
- Peter Vardy, the English ethicist, argues that while the parameters of the Natural Law theory may be correct, it is impossible to apply the broad picture to specific and complex cases. **Individual moral problems do not easily fit into the Natural Law framework**.
- The Natural Law theory **limits human freedom**. Critics of Natural Law theory assert that conformity to Natural Law prevents human beings from taking into account exceptions. For example, Natural Law forbids abortion; it does not take into account circumstances such as pregnancy as a result of rape or underage sex. Total obedience to Natural Law makes human beings robotic.
- All Natural Law theories can be criticized on the basis of the **naturalistic fallacy**. This is the idea that just because nature is a certain way it does not follow that this is how things ought to be; the idea that you cannot derive an *ought* from an *is*. It does not follow that human beings ought to follow a particular course of action just because nature has a certain order and structure.

Key term

naturalistic fallacy – the idea that just because nature acts in a certain way it does not follow that this is how things ought to be.

Practice exam questions

(a) Explain Natural Law theory.

You could begin answering this question by looking at Aristotle's Natural Law theory. You could look at Aristotle's theories on the nature of animate beings, of function, purpose and end, and eudaimonia. You could then look at how Aquinas developed this theory from a Christian point of view and made it more complex. You might want to consider Aquinas' four causes, the cardinal virtues and the primary and secondary precepts.

(b) 'Natural Law is not the best approach to morality.' Discuss.

In support of this statement you could argue that nature does not have within it an ethical teleology. Modern scientific views dispute the idea that function and purpose to an end exist within nature. You may want to mention the **naturalistic fallacy** which concludes that just because nature works in a particular way does not mean that this is how things ought to be. You might wish to include a practical illustration, but keep this brief. For example, Natural Law theory runs contrary to contraception. Yet it might be argued that AIDS has spread more rapidly in societies that limit the use of the condom. AIDS kills and therefore it shows a lack of empathy to ban the condom. You could also make a case for Natural Law as a good approach to morality, for example by stating that it shows respect for all human beings and for Creation. You could argue that Natural Law theory avoids subjective interpretations and that this protects the vulnerable, for example in the case of the Natural Law approach to euthanasia (see Chapter 7 Euthanasia).



Develop your knowledge

There are numerous good publications on Natural Law. Among these are:

The Encyclopedia of Ethics by Lawrence C. Becker and Charlotte B. Becker (Routledge, 2001)

Natural Law and Natural Rights by John Finnis (Clarendon Press, 1990)

'Natural Law' by K. Haakonssen in *Three Rival Versions of Moral Enquiry* by Alasdair MacIntyre (Duckworth, 1990)

Ethics: Discovering Right and Wrong by Louis P. Pojman (Wadsworth Publishing Co., 1999)

A Companion to Ethics by Peter Singer (ed.) (Blackwell, 1993)

The Puzzle of Ethics by Peter Vardy and Paul Grosch (Fount, 1999)