

Nature as the Basis of Moral Actions

Traditionally many philosophers and theologians have seen a narrow connection between our human nature and the morality of our actions in this sense that actions performed against the natural structure, properties or inclinations of our human nature, and even against the nature of things in the world around us, were seen as sinful, while those in agreement with nature were considered morally good. As we shall see, the issue is far from easy and has given rise to fierce dispute especially among students of law and theologians. Moreover, the present day spiritual climate exercised a noticeable influence on the thought of several moral theologians turning them away from the traditional doctrine. As John Paul II writes, interest in empirical observation, technical progress and certain forms of liberalism have led people to see an opposition between freedom and nature¹. Freedom is contrasted with man's physical and biological nature, which man should make subservient to his needs and wishes. In this view, our human nature is no more than a substratum of our actions to be left behind or at least to be transformed. We hardly have a definite nature, but must continuously make ourselves. However, three centuries of moral philosophy according to the liberal and individualistic point of view have not succeeded in giving a coherent account of the basis of morality. A renewed study, in the light of contemporary thought, of this not quite novel issue, may perhaps be helpful to clarify some of its aspects.

In the following I propose to consider successively:

- (1) the idea of nature in the past and present;
- (2) nature and the natural law;
- (3) Aquinas on applying the natural law arguments and some dissenting views;
- (4) arguments against recourse to nature;
- (5) some conclusions.

¹ This position is the central argument of *Veritatis splendor*.

1. A Concise History of the Concept of Nature

When examining the history of the concept of nature, we see that the Ionian philosophers used the term «nature» to denote the proper nature of things, their behavior and especially the material out of which they are made. Furthermore, they also used the word to denote coming-into-being, that is the generation of things with a particular nature. In this way «nature» came to mean the continuous process of coming into being and perishing as well as the result reached in change, sc. the things which have a particular nature. Finally, to the Pre-Socratics the term also meant the whole of reality, just as we speak of «nature» as the order of things imbued with reason. The first philosophical treatises were entitled *On nature*.

In the second half of the fifth century B. C., the term began to be used to denote *human* nature. Philosophers now spoke of an opposition between «nature» and «law». Those living in Greece in this age of enlightenment were reluctant to let themselves be bound by rules or custom and preferred to give free rein to their natural urges². Plato criticized this line of arguing defended by the Sophists. He also rejected determinism. Design and art are at work in the world and this requires a mind. Moreover the nature of the different species of things depends in each of them on an idea³.

According to Aristotle nature is the essence of the things which have in themselves a principle of movement. For this reason nature is related to activity and movement. As against Plato Aristotle returned to the ancient tradition of the Pre-Socratics with regard to the original meaning of the term. However, he did accept the best of Plato's insights: *physis* is in the first place the form which gives things their intelligibility. As a matter of fact Aristotle ascribed to nature the attributes which Plato assigned to the soul, sc. regularity and purposiveness⁴. He distinguishes nature from chance and artefacts. His account is placed in the context of causality: where do things come from and how is process in nature possible? The answer is: «owing to the nature of these things». Nature is not an outside cause, but the principle of movement and rest in things themselves. It is the essence or substance of those things which have the origin of change within themselves. Among the Pre-Socratics the tendency had prevailed to reduce nature to matter, but Aristotle considers the form as its main constituent. The nature of the elements is the principle of their movements⁵. But he also uses the

² Cf. F. HEINIMANN, *Nomos und Physis: Herkunft und Bedeutung einer Antithese im griechischen Denken des 5. Jahrhunderts* (Basel, 1945); M. POHLENZ, «Nomos and Physis»: *Hermes* 81 (1953) 418-438.

³ See D. MANUSPERGER, *Physis bei Platon* (Berlin, 1969).

⁴ Cf. *Physics* II, ch. 1; *Metaphysics* V (Δ), ch. 4.

⁵ In *In II Phys.*, lect. 1, n. 145, Thomas explains that «principle» means both the formal and material as well as the efficient cause.

term *physis* in the sense of the whole of physical reality and the teleological order of the universe.

In the monism of the Stoa nature is a combination of matter, force and mind. The force, active in the universe, imposes form on matter. Zeno considered this principle the same as the *physis*, which is tied to and identified with fire. It accomplished the tasks Plato had assigned to the World Soul and is comparable to the artist who shapes material objects. Therefore, it is man's duty to live consistently with nature. Nature is the same as the Logos which is the innermost core of reality and man's intellect is part of it. For this reason Chrysippus could explain Zeno's *dictum* to act consistently as meaning that one must act in conformity with nature (ὁμολογουμένως ζῆν τῇ φύσει). Marcus Aurelius invites his readers to «follow straight your path, guided by your own nature and the universal Power»⁶. In a remarkable passage Cicero writes that neither the laws of the various nations or the decrees of governments nor the sentences of judges and the opinion of the majority determine what is right, if not based on the norm of nature (*naturae norma*), which is the only criterium to allow us to distinguish what is good and honest from what is bad and illicit⁷. According to Cicero, nature as a norm is present in our mind and we know this norm spontaneously⁸.

In the Neo-Platonism of Plotinus, on the other hand, a new view is proposed: nature is a hypostasis, a mediated manifestation of the One, derived from Soul, sc. a soul of lower rank, placed between the World Soul and material things. Its function is to direct cosmic process.

The early Christian authors were influenced by Stoicism and its impressive moral doctrine of a life in harmony with nature and reason. Despite the fact that they borrowed heavily from the Stoa, their moral teaching was profoundly religious and based on the Old and the New Testament. When writing about daily life, nourishment, clothes and make-up Clement of Alexandria strongly insists on the lessons nature teaches us: all ostentatious luxury must be avoided, and we should follow nature. In his *Paidagogos* II, 1, 4ff. he insists that we should use such things as our body, food, sexual faculties and material possessions according to their nature, that is, according to what they are meant to be for man. As to human sexual life Clement states the principle that one should never force our faculties to something contrary to their

⁶ *Meditations*, V.

⁷ *De legibus*, I xvi,43: «Quodsi populorum iussis, si principum decretis, si sententiis iudicum iura constituerentur, ius esset latrocinari, ius adulterare, ius testamenta falsa supponere si haec suffragiis aut scitis multitudinis probarentur [...] Atqui nos legem bonam a mala nulla alia nisi naturae norma dividere possumus, nec simul ius et iniuria natura diiudicatur, sed omnino omnia honesta et turpia».

⁸ *Pro Milone*, 4,11: «Est igitur haec [...] non scripta sed nata lex, quam non didicimus, accepimus, legimus, verum ex natura ipsa arripimus».

natural purpose⁹. He and the Fathers explicitly condemn the attempt to render nature, which God has made, sterile.

The moral theology of Origen is profoundly biblical. In his Fifth Homily on the *Book of Joshua* he insists on the place of Christ in the life of Christians: even the commandments of natural law must be understood in the light of Christ; they come to us from God. Another early Christian author for whom «nature» was a key concept in our moral life is Tertullian. Whatever nature teaches us has also been transmitted to us by God, and he writes: «Listen to nature [...] she is our teacher»¹⁰. Nature has received the its rules from God. Obeying nature is obeying God. Speaking about *luxu* Tertullian goes so far as to say that God finds no pleasure in what he did not make himself, such as gaudy colors of vestments. The use people make of certain things often has not much to do with their origin in God¹¹. He even writes that what comes to us from nature is the work of God, but what is a human product is the work of the devil¹². A similar argument is used by St. Cyprian in his condemnation of the exaggerated luxury in the Carthago of his days. God has made things quite simple, and for that reason women should not change the color of their hair and the outward aspect of their ears or skin, but leave them in the state in which they received them¹³. Michel Spanneut sees a strong Stoic influence in this exhortation to preserve the simplicity of nature¹⁴.

However, the Fathers of the Golden Age go much beyond this position and point out that sanctity makes us lead a life above nature¹⁵. As a matter of fact they insist a great deal on a life according to the demands of the Gospel, and frequently refer to biblical texts. Nevertheless the theme of nature as a source of moral knowledge remains present. In his treatise *On Providence*, VIII, St. John Chrysostome writes that having shaped man God placed an inborn law (τὸν ἐμφυτον νόμον) in him which is as a pilot to guide him and which is above our reasoning. Abel and Cain knew this law without ever having studied. Unfortunately most people neglect these lessons nature dispenses. Therefore, God opened another road to teach man. Nature is not changed by grace, but our will and our insight are¹⁶. In his homilies on

⁹ *Paidagogos*, II 10,95.

¹⁰ *De testimonio anime*, V 1-2: «Magistra natura, anima discipula est. Quidquid aut illa edocuit aut ista perdidit, a Deo traditum est, magistro scilicet ipsius magistrae [...] Senti illam, quae ut sentias efficit».

¹¹ *De cultu feminarum*, I 8,2. Cf. M. SPANNEUT, *Tertullien et les premiers moralistes chrétiens* (Gembloux & Paris, 1969).

¹² *Op. cit.*, II 5,4: «Quod nascitur opus Dei est. Ergo quod infingitur, diaboli negotium est».

¹³ *De habitu virginum*, 11.

¹⁴ Cf. M. SPANNEUT, *Le stoïcisme des Pères de l'Église: De Clément de Rome à Clément d'Alexandrie* (Paris, 1957), pp. 257-266.

¹⁵ ST. GREGORY OF NYSSA, *Vita sanctae Macrinae*, I 5: μεθόριος ἔνω γενομένην τῆς φύσεως.

¹⁶ *V Catech. Bapt.*, 11 (Wenger).

the *Letter to the Romans*, c. 6, St. John Chrysostom insists on this in-born, god-given knowledge of one's moral obligations, but he does not develop a systematic theory of the contents of natural law¹⁷.

The value of St. Ambrose's moral teachings is sometimes downgraded by some authors who argue that he borrowed heavily from Philo, Cicero and Plotinus. To this we say that, although the terms he uses are indeed the same as those used by his non-Christian predecessors, Ambrose gives a wholly new meaning to their sentences. We have to do with a process of substitution—a Christian content replaces pagan ideas, not of a synthesis of Christian and pagan thought¹⁸. Given his familiarity with Cicero it is remarkable that he does not make more of the latter's stand in favor of natural law. For him a basic pagan doctrine, such as taking revenge, must give way before the Gospel, which prohibits it. We find an occasional reference to nature as a source of moral law, for instance, where he writes that nature has established a right to property common to all¹⁹.

Passing now to St. Augustine we notice that the Bishop of Hippo Regius holds that, comparable to the intellectual illumination of the human mind by God, there is also a moral illumination: man receives from God moral insight, his conscience, which is a participation in the eternal law of God²⁰. In several texts Augustine mentions this law. God, our Creator, wrote with his own hand a law in our hearts: what we do not want that one does to us, we should not do to others²¹. In order to see this divine law man only has to turn to his innermost²². However, the overall impression we get when studying the works of the great Doctor is that moral teachings have been absorbed into the doctrine of the faith²³. His moral theology is drawn from Holy Scripture²⁴. It is very difficult to grasp without divine grace the full extent of the precepts God placed in our heart²⁵. One could say that the

¹⁷ *Homil.* 6.

¹⁸ Cf. G. MADEC, *Saint Ambroise et la philosophie* (Paris, 1974), p. 175: «Ambroise semble avoir été doué d'une aptitude extraordinaire et déconcertante à vider les formules de leur substance, pour se les approprier dans le sens qui lui convenait ou qu'il estimait vrai. Or, il s'agit là d'un processus de substitution et non pas de synthèse».

¹⁹ *De officiis ministrorum*, I 28.

²⁰ See E. GILSON, *Introduction à l'étude de saint Augustin* (Paris, 1969), p. 167. Cf. *Contra Faustum Manich.* XXII 27.

²¹ *Enarr. in Ps.* 51, 1; *Enarr. in Ps.* 118, 25,4; *Enarr. in Ps.* 145, 5: «Consilium sibi ex luce Dei dat ipsa anima per rationalem mentem, unde concipit consilium fixum in aeternitate auctoris sui [...] Legit ibi quiddam tremendum, laudandum, amandum, desiderandum et appetendum».

²² *De libero arbitrio* II 16,41: «[...] et in te ipsum redeas atque intelligas te id quod attingis sensibus corporis, probare aut improbare non posse, nisi apud te habeas quasdam pulchritudinis leges, ad quas referas quaeque pulchra sentis exterius».

²³ Cf. TH. DEMAN, *Le traitement scientifique de la morale chrétienne selon saint Augustin* (Montréal, 1957), p. 21.

²⁴ *De bono viduitatis*, 1,2: «Quid ego amplius te doceam quam id quod apud Apostolum legitimus? Sancta enim Scriptura nostrae doctrinae regulam figit».

²⁵ *De spiritu et littera*, XXVII 47.

doctrine of natural law, as apparent to man, is somewhat pushed to the background by Augustine. Nevertheless, with regard to certain questions Augustine resorts to a careful examination by reason and argument²⁶. The goal to be attained in human life is happiness, better, beatitude, which is the authentic accomplishment of our nature.

Although St. Augustine uses «nature» in its ordinary meaning, sc. the essential nature of things—in this sense even God is a nature²⁷—, when he is using the term, his point of view is decidedly historical and theological. He sees human nature against the background of man's relation to God. Human nature is man's being such as God created Adam: «[...] nature as it has been created originally without defect is properly called human nature»²⁸. Man's nature has been corrupted by the Fall, a position not shared by Aquinas²⁹. The reduction of nature to God's will is so prominent in Augustine that he even argues that miracles are not against nature, because of the fact that «God's will is the nature of all things»³⁰. In conformity with this position Augustine stressed that we should devoutly use the resemblance natural things, such as physical bodies and animals, possess, to signify a higher reality. He introduced the expression «the Book of Nature» which, he writes, is a source of knowledge of a higher reality, as the Bible is in its own way³¹. In the Middle Ages the expression «the Book of Nature» was frequently used.

In the Christian Platonism of Dionysius the sensible world manifests the divine mysteries³². According to Peter Damian we can draw examples for our moral life from the nature of the entire animal world which, as he thinks, is just one sacred allegory³³. But references to natural law are scarce in his works. Peter Abelard, as one might expect, stresses over and against the Augustinian tradition man's reason as being able to formulate the basic laws of human life. Justice is derived from the natural law, which is prior to the Gospel, both in time as by its nature³⁴. According to Peter Lombard the true sense of the concept of nature is «that state of rectitude in which we have been created, and that manifests itself as a spark of reason—the *synderesis*— and the movement of the will toward the good». This nature which before the

²⁶ *Op. cit.*, 15,19.

²⁷ *De trinitate*, XV, c. 1: «Deus est natura, scilicet non creata sed creatrix».

²⁸ *Retract.*, I 10,3: «Naturam qualis sine vitio primitus condita erat —ipsa enim vere et proprie natura hominis dicitur».

²⁹ Cf. *Summ. theol.* I-II q. 85 a. 1c: «Primum bonum naturae nec tollitur nec diminuitur per peccatum».

³⁰ *De civ. Dei*, XXI 8,2: «[...] cum voluntas tanti utique Conditoris conditae rei cuiusque natura sit».

³¹ See *De Genesi ad litt.*: PL 32,219; *Enarr. in Ps.* 45, 7.

³² *De divinis nominibus*, PG 3,700c. Cf. also ISIDORE OF SEVILLA, *De natura rerum*. See TULLIO GREGORY, *L'idea di natura nella filosofia medievale* (Firenze, 1964).

³³ *De bonop religiosi status*: PL 145,785.

³⁴ *Dialogus inter Philosophum, Iudaeum et Christianum*: PL 178,1614.

Fall was shining in all its splendor, now shows itself only as a spark, as what is left in us of human nature³⁵. In conclusion we could say that at the end of the 12th century most theologians consider human nature as a source of moral doctrine, inasmuch as reason distinguishes what is right and what is wrong. God has written a norm in the heart of man³⁶.

Above we have drawn attention to the medieval view of nature as reflecting the spiritual world. Not only human nature but also natural things in general show a great deal of wisdom and purposiveness as well as regularity. Where there is purposiveness and regularity there is a cause which produces them³⁷. In this connection the saying was coined «opus naturae est opus intelligentiae»³⁸. Some authors such as William of Conches and Theoderic of Chartres went so far as to place a central power in nature and to neglect nature's ties with the Creator³⁹. However, for the majority of theologians in the West nature remained a mirror of a higher reality and an instrument of God.

Turning now to Aquinas's concept of nature he makes his own Aristotle's definition and division of the senses of the term:

«According to Aristotle in *Metaph. V* the name *nature* has first been given to signify the generation of living beings, which is called "being begotten". Since this kind of generation is from an intrinsic principle, the meaning of the term has been extended to denote the intrinsic principle of any movement. In this way nature is defined in *Physics II*. Since this principle is a formal or a material principle, both matter and form are commonly called nature. Now, since the essence of each thing is brought to completion by its form, the essence of each thing, expressed by its definition, is commonly called nature»⁴⁰.

This is the sense in which Aquinas uses it in the treatise of Holy Trinity, from which we quoted. Thus there is an extension of the meaning of the term from an intrinsic principle of growth to an intrinsic principle of any movement whatever⁴¹.

Thomas had to face the difficulty of distinguishing between natural and enforced movements. Natural things are liable to be moved by outside agents. Water when heated by the sun, changes. Natural bodies have a natural potency to the forms proper to them and a sort of natural desire to acquire these, even if they must do so with the help

³⁵ *I Sententiarum*, d. 39, 3: PL 192,747.

³⁶ See O. LOTTIN, *Psychologie et morale aux XII^{ème} et XIII^{ème} siècles* (Louvain & Gembloux, 1942-1960), 8 volumes.

³⁷ Cf. E. GILSON, *The Spirit of Mediaeval Philosophy* (New York, 1940), p. 365.

³⁸ In His *Scriptum super libros Sententiarum* Thomas attributes the saying to Aristotle, in later works to the «philosophers». See *De veritate* q. 5 a. 2, etc. The expression may have been coined early in the 13th century.

³⁹ Cf. St. Thomas's critique of Theoderic of Chartres, in his *In II Physicorum*, lect. 1.

⁴⁰ Cf. *Summ. theol.* I q. 29 a. 1 ad 4um; *In II Phys.*, lect. 1.

⁴¹ Cf. *Summ. theol.* III q. 2 a. 1c.

of a causal influence from outside. On the other hand, things made by art do not have a *natural* potency to the forms given them by man. The distinction Aquinas makes seems razor-thin. It makes sense if we accept a preset plan of the Creator for natural beings in their mutual relationships, e.g. of water and warmth. Here we have an example which illustrates how the concept of nature Aquinas is using has a richer content, since it implicitly assumes the mutual relationship of things made by God. Thus he writes: «The work of nature presupposes the creative activity of God»⁴².

The term nature occurs almost 4800 times in the *Summa theologiae* alone, quite apart from the occurrence of the adjective *naturalis*. Very frequent is the complex term *natura humana*. The term *natura* usually has the sense of the essential being of things. The specific nature of things comes from God by whom they have been created. The nature of things is a continuous participation in the divine ideas, and this explains how it is a source of the rules for our behavior according to God's will. We shall come back to this in the next section.

With regard to the further history of the term important shifts in its meaning took place in the modern age. Scientists began to approach physical things from a mathematical point of view and paid less attention to finality as it manifests itself in the activity of natural things. The theory of the substantial forms and that of the four elements was abandoned. They were replaced by measurable physical forces and chemical properties. For Aquinas it was obvious that nature depends on God and is governed by Him, but in the modern age nature itself became the ultimate reality to many. In the 18th century nature was even the object of a quasi religious veneration. Among theologians the trend prevailed of seeing the supernatural order as an addition which leaves human nature as it is and allows man to live in his natural environment without reference to the order of grace. Nature consists of observable facts and we must follow nature, for whatever nature has made is good⁴³.

With Descartes the human mind places itself outside and above nature. The dualism «mind-body» leads to that of «mind-nature»⁴⁴. Kant, for his part, let human reason take over the role of God, the supreme legislator. Nature is now surrendered to the practical intellect of man. Hegel borrows from Aristotle the concept of nature as a process which has its end in itself, sc. the identity of the starting point and the final term. Nature as becoming is moving toward nature as

⁴² *Summ. c. Gent.*, III, c. 65: «Opus naturae praesupponit opus Dei creatis».

⁴³ See J. CHEVALIER, *Histoire de la pensée* (Paris, 1956), vol. II, p. 584.

⁴⁴ Using the term nature in a restricted sense is possible. Even Thomas says that «voluntas dividitur contra naturam sicut una causa contra aliam» (*Summ. theol.* I-II q. 10 a. 1 ad 1um), but this does not prevent him from predicating nature, in a more basic and universal sense, also of spiritual beings.

being, and vice versa. According to Marx the grandeur of Hegel's *Phenomenology* lies in the understanding that the production of man by man is the result of man's own work.

In the wake of nominalism and empiricism the doctrine of things having a fixed and immutable nature was abandoned by many naturalists, especially after Darwin's theory of evolution as proposed in his *The Origin of Species* had found widespread acceptance. A group or class of apparently related and similar animals have no set nature. Instead of «the great chain of beings» Darwin believed that there is an endless multitude of variations⁴⁵. Quite a number of physicists tend to consider the nature of things the sum of relations which they bear to the rest of the world⁴⁶. According to the phenomenologists human nature is continuously affected by man's existence and so exposed to constant change. Human nature received an even less sympathetic treatment from the analytical philosophers who argued that a priori statements about human nature are not verifiable and therefore meaningless⁴⁷.

II. Nature and Natural Law

A very outspoken denial of the traditional view of human nature is proposed in the works of Jean-Paul Sartre. Man is nothing else than that into which he makes himself⁴⁸. Sartre needs this postulate Sartre to secure man's total freedom. According to this French existentialist philosopher a truly free decision is a *project*, that is, an act which arises spontaneously without having been influenced or determined by anything else⁴⁹. In each free choice breaking with the past must be total. Human nature as a sort of compass to guide man simply does not exist or one might say that it means projecting ourselves forward all the time. Sartre's theory exercised a considerable influence on the postwar generation and expressed what a good number of people in our Western societies came to think about man's actions⁵⁰. There are also authors who reject nature as a source of moral behavior since this borrowing rules from nature would bring us down to the animal level.

⁴⁵ In the past fifty years the animal species have made a remarkable come-back. Individuals belonging to a species have their own gene pool; and must be considered forms of life in their own right. They form an ecological unity and are discontinuous with other groups of living beings. See E. MAYR, *Animal Species and Evolution* (Cambridge, Mass., 1963), p. 29.

⁴⁶ Cf. M. MERLEAU-PONTY, *La structure du comportement* (Paris, 1949), p. 1. See also L. WITTGENSTEIN, *Tractatus logico-philosophicus*, 1-2 (London, 1922): the world is made up of facts, and not of objects or substances.

⁴⁷ A. AYER, *Language, Truth and Logic* (London, 1936), ch. 1.

⁴⁸ *L'existentialisme est un humanisme* (Paris, 1946), p. 22.

⁴⁹ *L'être et le néant*, 23th ed. (Paris, 1949), p. 577ff.

⁵⁰ In his Encyclical *Veritatis splendor*, nn. 84-87, John Paul II writes that a characteristic of modern man is the desire of total freedom, a freedom which has lost its contact with truth.

Did not Ulpianus say that «natural law is what nature has taught all animals»!⁵¹. But man stands far above this level. Just as he imposes his will on the course of rivers, reclaims land, builds artificial islands and tames animals, he can also give to his own life and sexuality the expression which suits him best.

Several authors argue that there is no natural law since the foundation on which it was built has now been demolished: there is no set nature to impose its rules on us, but we freely decide how to act. Norms, they assume, depend on the cultural situation. Moral relativism is the best approach to moral life. An anthropologist can point out different forms of behavior in different cultural areas, some of which may be abhorrent to peoples in another cultural area. John Locke, they claim, was a forerunner of this way of thinking. In his *Essay in Human Understanding* he observes that there is scarcely a principle of morality that has not been at some time slighted or condemned by the prevalent opinion of some society⁵². Lawmakers and judges notice considerable disagreement among the citizens and leave what they consider private morality out of their proceedings, so long as no damage results to others. The distinction between the wrong in itself and the wrong because forbidden has become blurred. So they propose to tolerate the maximum amount of individual freedom consistent with the integrity of society.

This brings us to a final and most decisive factor in the rejection of human nature as a basis for moral behavior, sc. the sharply increased awareness of one's personal freedom. A good number of our contemporaries cherish the desire to be totally free from what human nature tells us. Now this position leads to serious consequences:

1. In the first place, it produces a certain disorder in the way man organizes his life and leads to a lack of consistency in what one does. Instinct governs instead of reason.
2. Our personal life has no other goal than the preoccupation to act without any inhibitions. The unity of our mental and moral life is lost. The virtues, natural law, tradition and customs are no longer held to be positive values, since they impose restrictions on the will and so reduce freedom.
3. Choosing a certain action with no other motivation than the feeling prevalent at a certain moment kills the mind. People no longer know what they are talking about or what they want to do. They want to go somewhere but do not know where this somewhere is⁵³.
4. This notion of freedom causes the collapse of faithfulness. One wants constant change. The fact that the results of technology are in-

⁵¹ *Liber I Institutionum. Corpus iuris civilis*, Inst. I, 1; Dig. 1,1,3.

⁵² *Op. cit.*, I, ch. 3.

⁵³ This condition found among certain youths in California has been described by Bret Easton Ellis in his novel *The Informers*.

cessantly yielding their place to new products enhances this way of thinking. Even families are no longer the rock of stability they were once. Conflicts between parents and their grown up children, promiscuity, partner swapping, divorce, refusal of stable unions, once frowned upon, are no longer the exception but a tolerated way of life.

5. Behind many of these changes modern individualism and subjectivism are at work. The sense of the common good and of one's duties consequent upon being citizens of a certain state is weakened. Litigation is rampant as is criticism of government and institutions. It looks as if people are becoming egoists.

6. Many reject natural law in order to claim greater freedom. When doing so they frequently appeal to their own conscience, but often the term «conscience», as used by modern man in the West does not mean more than listening to his own desires and form opinions in accordance with the latter. Many of our contemporaries want full autonomy in their moral life and refuse to be bound by rules or commands proposed by the Bible, the Church or tradition and custom.

The abandoning of criteria of our acts drawn from human nature has gone so far that some of the intelligentsia use the expression of a procedural democracy to suggest that the government should systematically refuse to prefer religion to non-religion, marriage to free union, protection of the unborn life to abortion, etc. Other areas where natural law norms disappear from the scene or are relegated to pockets of private groups are those of terminal patients and of human embryos, which researchers and scientists want to dispose of freely in view of their potential for providing material for medicaments able to cure certain diseases, which in this way, they hope, will yield important financial benefits..

3. Aquinas on the Natural Law: Dissenting Views

Natural things are good or bad depending on whether they have or do not have what agrees with and belongs to their nature. However, human nature is specified by reason. Thus St. Thomas concludes with Dionysius that «it is the good of man to be in agreement with reason, and his evil to be in conflict with it»⁵⁴. In this view the moral quality of an act is its accordance (or lack of it) with what right reason sees and establishes as useful or necessary for man. The relation of certain actions with the good of man is an objective fact. According to Aquinas reason discovers this agreement rather than constructing it. In the last analysis this relation has been placed in things by the Creator⁵⁵.

⁵⁴ *Summ. theol.* I-II q. 94 a. 3c.

⁵⁵ *Summ. theol.* I q. 47 a. 2c.

Man discovers what God wanted our actions to be and to mean; he makes his own what God intended to put in his creatures⁵⁶. Contrary to a widespread view in his time Aquinas points out that the natural law is not something inborn, unless in this sense that its foundation is given with human nature. The natural law is natural in so far as the intellect formulates spontaneously its first principles on the basis of our fundamental inclinations. It comprises more than the precepts formulated without further reflection by the intellect. For it extends to all moral obligations which we can deduce from these first principles⁵⁷. Since the natural law is rooted in human nature, it is universal and eternal. However, the natural inclinations are not the natural law, but the obligations which flow forth from it. Certain acts are becoming for man, Thomas writes, since they agree with his nature⁵⁸.

However, it is an error to think that in most cases a simple analysis of isolated objects allows us to establish a rule of conduct. The relationship between things is very complex. St. Thomas introduces the distinction between the particular nature and universal nature, and applies it to the relation between parts of the human body and the body in its entirety. The same is pertinent for human individuals and the society of which they are members. It may happen that what is against the particular nature is in agreement with universal nature. An example is the amputation of a diseased organ or member of the human body to save the life of a particular person. The death of plants and animals, which is obviously against the good of their particular nature, may benefit nature as such⁵⁹.

St. Thomas avoids the expressions «against nature» or «in agreement with nature». In most cases he uses «according to reason» or «against reason» (*Summ. theol.* I-II q. 18 a. 5 ad 1um). It is reason which knows the good of man and which formulates what agrees with it or what is opposed to it⁶⁰. Thomas adds the following consideration: the rational soul is the substantial form of man. Therefore man has a natural inclination to act in conformity to reason⁶¹. What is against the order of reason is against human nature⁶². Thomas reserves the expression «against nature» mainly to signify acts against the animal nature of man⁶³. Human nature becomes the source of morality of

⁵⁶ In man, Thomas says, the natural law is nothing else but a participation in the eternal law of God. Cf. *Summ. theol.* I-II q. 91 a. 2c: «Et talis participatio legis æternæ in rationali creatura lex naturalis dicitur».

⁵⁷ See PH. DELHAYE, *Permanence du droit naturel*. *Analecta Namurensia* 10 (Louvain, Lille & Montréal, 1960).

⁵⁸ *Summ. c. Gent.*, III, ch. 129.

⁵⁹ *Summ. theol.* II-II q. 65 a. 1c. The principle also applies to the execution of a dangerous criminal (*ibid.*, II-II q. 64 a. 2c).

⁶⁰ *Summ. theol.* I-II q. 19 a. 3c; and q. 94 a. 2c.

⁶¹ *Summ. theol.* I-II q. 94 a. 3c.

⁶² *Ibid.*, ad 2um.

⁶³ *Summ. theol.* II-II q. 154 a. 9c.

certain acts through the intermediary of man's fundamental natural inclinations:

«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 to be avoided. Therefore, the order of the precepts of natural law is according to the order of natural inclinations»⁶⁴.

These inclinations concern the basic needs and demands of human beings. The actions to which we have an inclination resulting from our nature come in under the natural law. There is in all of us an inclination to act in agreement with reason, which is acting virtuously. Therefore, acting according to the virtues in general comes in under the natural law. However, individual virtuous actions do not, since there are many virtuous act people perform because of insights they gained in later life and to which human nature does not immediately invite. An example is the founding of a particular welfare organization.

In this way Thomas distinguishes between fundamental precepts and rules of conduct which are formulated later in life⁶⁵, sometimes called secondary precepts. The former are immediately evident insights of reason about our basic duties and tasks, comparable to the first principles of the speculative intellect. From these immediately evident first principles—roughly corresponding to the Ten Commandments—other rules of conduct are derived by further reflection, reasoning and recourse to experience⁶⁶. This opens up a wide field and leads to further developments, in particular in the field of social life. The distinction Thomas makes had been anticipated to a certain extent by some medieval theologians of the first half of the 13th century⁶⁷.

As to actions which go beyond man's immediate needs reason must determine what should be done. In this respect reason has a certain margin, and one may have to evaluate the expected results of certain actions. There are acts with a dual effect, and others are to a certain extent determined by circumstances⁶⁸. However, with regard to acts of which the finality has been determined by nature and which are directly connected with our fundamental inclinations, man cannot invert their finality, not even to attain an honest end. He would place a contradiction in his own being and oppose himself to the intention of

⁶⁴ *Summ. theol.* I-II q. 94 a. 2c.

⁶⁵ *Summ. theol.* I-II q. 94 a. 3c.

⁶⁶ *Summ. theol.* I-II q. 94 a. 2c: «Omnia illa ad quae homo habet naturalem inclinationem ratio naturaliter apprehendit ut bona et per consequens ut opere prosequenda, et contraria eorum ut mala et vitanda. Secundum igitur ordinem inclinationum naturalium est ordo praeceptorum legis naturae».

⁶⁷ William of Auxerre and Roland of Cremona. See O. LOTTIN, *Le droit naturel chez saint Thomas d'Aquin et ses prédécesseurs* (Bruges, 1931), pp. 37ff.

⁶⁸ *Summ. theol.* II-II q. 154 a. 4c.

the Creator. As this reference to the Creator intimates, there is an interaction of Christian philosophical ethics and the faith. Man receives his nature from God. Reflecting on this gift he understands and decides what he must do and as being helped by divine revelation⁶⁹. However, while the so-called primary precepts of natural law are known to all, some of the secondary rules may escape man's knowledge because of their complexity. Here reason and arguments intervene, and certain insights may be obscured. This loss of knowledge of part of the natural law can be caused by particular situations, the influence of man's environment and cannot always be avoided by individual person. The development of social-political life brings with it a growth of inter-human relations and an ever more complex use of natural things and artefacts. One may think of industrialized agriculture, genetically transformed grains, etc. Views about the rights of working people have evolved considerably, as they have about the use of natural resources. The principle *nullus peccat in hoc quod utitur aliqua re ad hoc quod est*⁷⁰ finds an application in the growing complexities of our daily life. The right to private property is often said to be part of natural law. Aquinas, however, thinks that for the sake of usefulness and a more ordered community life land, buildings and goods, which basically are the common possession of all, came to belong to individuals⁷¹. While in its principles the natural law is the same for all men, the conclusions drawn from them can vary. Progress in the understanding of our fundamental obligations is also possible as can be seen in the development of the theory of human rights, of the way in which the strong and the weak are treated in our societies, etc.⁷². An enormous field opens up for ethical considerations centered on human nature and the human person.

To illustrate the importance the natural law doctrine has for Thomas one may quote several arguments. Lying is said to be sinful because speech is a sign of thought: it is unnatural and wrong to say by words something different of what one has in mind⁷³. Injustice is sinful, since one wants to have more than one is entitled to and inflicts damage on others⁷⁴. Committing suicide is totally illicit, since it is against the natural inclination to love oneself and to keep oneself alive; moreover man is part of society and cannot arbitrarily withdraw oneself from it⁷⁵. To get drunk is immoral, because one deprives oneself knowingly and willingly of the use of reason⁷⁶. Pride is sinful for one

⁶⁹ Cf. *Summ. c. Gent.* I, 7; *Summ. theol.* I q. 44 a. 3c.

⁷⁰ *Summ. theol.* II-II q. 64 a. 1c.

⁷¹ *Summ. theol.* I-II q. 95 a. 5 ad 4um.

⁷² Cf. Jacques MARITAIN, *On the Philosophy of History* (New York, 1957), pp. 82-83.

⁷³ *Summ. theol.* II-II q. 110 a. 3c.

⁷⁴ *Summ. theol.* II-II q. 59 a. 4c.

⁷⁵ *Summ. theol.* II-II q. 64 a. 5c.

⁷⁶ *Summ. theol.* II-II q. 150 a. 2c.

raises oneself above what one really is and is not satisfied with what is proportionate to what one is⁷⁷. On the positive side, religious prayer is demanded from us, since we depend on God.

Can parts of the natural law be suspended or can they change? It is impossible that the first principles be annulled, but it happens that precepts derived from them cannot be applied. A classical difficulty are some commands by God recounted in the Old Testament: Abraham had to sacrifice his son; the Jews were told to steal silver and golden vessels from the Egyptians and the prophet Osiah had to have intercourse with a prostitute. In the *Summa theologiae* St. Thomas proposes the following solution. The natural law consists of precepts formulated by the human mind. God, the Creator of nature, can let someone know that a certain act no longer comes in under the precept as formulated, and that what holds true for man does not oblige God. To illustrate his remarks Aquinas points out that to kill an innocent person is a crime. Yet daily thousands of people die in events in which divine causality is involved. Instead of natural causes God can also use a human person to bring about the death of someone. Likewise all human possessions belong in the first place to God. Finally, God can also assign a woman to a man outside marriage⁷⁸. At a first sight this solution seems arbitrary and unsatisfactory. On the one hand God imposes certain rules of conduct anchored in human nature, but on the other nullifies them. The answer is that, in a sense, what God does makes up the nature of things. Thomas give the example of water which according to its nature spreads itself out equally, but is raised to the height of a tidal wave under the influence of the gravitational force of the moon. This is not against the nature of water. Likewise an action caused or willed by God, on whom depends the natural activity of things, is not against their nature⁷⁹. This solution is interesting in so far as it shows that for Aquinas physical or biological structures are not the dominant factor, but the insight which makes us see and formulated the basic moral precepts.

The ethics of St. Thomas is far removed from wanting to restrict man to blind submission to biological facts. It places human life in the light of reason and the divine ideas, inviting us to live in accordance with our true being and authentic vocation. The human person formulates his natural law, for in the changing circumstances of our existence we must determine the moral meaning of our various acts and of the use we make of things. As John-Paul II writes,

⁷⁷ *Summ. theol.* II-II q. 162 a. 1c.

⁷⁸ *Summ. theol.* I-II q. 194 a. 5c.

⁷⁹ *Summ. theol.* I q. 105 a. 6 ad 1um: «Cum igitur naturalis ordo sit a Deo rebus inditus, si quid praeter hunc ordinem faciat, non est contra naturam. Unde Augustinus dicit, XXVI *Contra Faustum*, c. 3, quod "id est cuique rei naturalis, quod ille fecerit a quo est omni modus, numerus et ordo naturae"». Cf. *Q. d. De potentia*, q. 1 a. 3 ad 1um.

«[...] the natural law expresses and prescribes the finalities, rights and duties, based on the corporeal and spiritual nature of the human person [...] It is the rational order according to which man is called by his Creator to direct and order his life and to use and dispose of his body»⁸⁰.

Shortly after St. Thomas Scotus and, above all, William Ockham made morality depend exclusively on the will of God. However, the natural law as based on reason made a comeback in the sixteenth century. Its study flourished in Spain but it found staunch defenders also in the Low Countries and Germany. Important authors are Vitoria, Suarez, Hugo Grotius, Samuel Pufendorf and John Locke. Suárez's view of the natural law tended to separate man's reason from nature surrounding us. This disjunction developed into a confrontation between human freedom and human nature: «The break between man's individual liberty and human nature as common to all has exercised a major influence in contemporary thought»⁸¹. The rise of positivism, historicism and individualism undermined interest in the topic, but the appearance of totalitarian regimes led to a renewed study of ethics as based on always valid rules given with human nature.

However, many authors of the positivist and analytical schools argued that there is no passing from «is» to «ought». Even a well-known and widely acclaimed moralist as Germain Grisez subscribes to this statement. Now, if the sentence is meant to say that the moral order differs from the realm of physical nature, it is quite correct. But when used to deny that the main precepts of man's moral life have their basis in their conformity with what human nature demands it is wrong. Grisez writes that «human persons are unlike other natural entities; it is not human nature as a given, but possible human fulfilment which must provide the intelligible norms for free choice». He quotes an example of what he thinks is a flaw in scholastic natural law theory, sc. the argument against contraception: contraception is said to pervert the generative faculty by frustrating its natural power to initiate new life, but then using earplugs against noise would be equally wrong, while it frustrates hearing⁸². According to Grisez the domination of the scholastic natural law theory helps to explain the negativism and minimalism of classical moral theology and its static character⁸³. Surprisingly, Grisez does not offer any better arguments than this comparison. Ac-

⁸⁰ *Donum vite*, n. 3.

⁸¹ *Veritatis splendor*, n. 51.

⁸² *The Way of the Lord Jesus* (Chicago, 1983), Volume I: «Christian Moral Principles», p. 105.

⁸³ Father S. Pinchaers has a different and historically much better explanation: as from the sixteenth century moralists neglected to develop their explanations in the light of man's last end, happiness; instead of insisting on the virtues they reduced moral theology to a careful weighing the extent of the rights of the individual person over and against the obligations of the law. Cf. S.-Th. PINCKAERS, *Les sources de la morale chrétienne: Sa méthode, son contenu, sa histoire* (Paris: 1990).

According to him the scholastic natural law theory holds that moral principles are laws of human nature. «Moral goodness and badness, Grisez writes, can be discerned by comparing possible actions with human nature, to see whether or not they conform to the requirements nature sets». Grisez is willing to accept that nature has a certain normativity, from which a certain number of requirements follow (e.g., dietary rules), but the theory proceeds by a logically illicit step from human nature as a given reality to what ought and ought not to be chosen, from what is in fact to what morally should be⁸⁴. In a note he adds that for St. Thomas the first principles of the practical intellect are irreducible to those of the speculative intellect. Therefore, we should replace the «based on human nature» by «helpful to human fulfilment»⁸⁵.

A theologian will be reluctant to set aside the theory that somehow moral norms are dependent on human nature, because this doctrine has an extremely solid basis in tradition and seems to offer an excellent foundation for binding norms, while its replacement by Grisez's criterium of human fulfilment appears extensible according to people's concerns and wishes. In a country where Muslims make up the majority of the population, they may consider forceful imposition of the *chariah* on non-Muslims a way to human fulfilment, just as in the past others may have thought that the extermination of Indian tribes or recourse to slave labor would facilitate reaching fulfilment. It appears that we must look for a deeper, universal and objective basis for moral laws. It is obvious that moral law cannot be a biological structure⁸⁶. On his point St. Albert the Great has shown the way by stressing the rational character of the natural law which is exclusively proper to man⁸⁷. Aquinas argues that the natural law is not just inborn, but that its basis or starting point is given with human nature. This means that our intellect formulates spontaneously the basic principles of the moral order. These principles constitute the core of the natural law and correspond to the first principles of being in the speculative intellect. Obviously they presuppose the latter and only make sense in the context of a correct philosophical anthropology. The natural inclinations to self-preservation, intellectual development, association with others, etc. are not themselves the natural law, but the oblations which flow forth from them, as they are formulated by the intellect in view of the end of human life⁸⁸.

⁸⁴ *Op. cit.*, p. 108.

⁸⁵ *Op. cit.*, p. 105.

⁸⁶ Some have read this in Ulpianus' definition of natural law as «that what nature teaches all living beings».

⁸⁷ *De bono*, V, q. 1 a. 2: «Ius naturale est lumen morum impressum nobis secundum naturam rationis».

⁸⁸ *Summ. theol.* I-II q. 94 a. 2c.

An objection often raised against this position argues that in this view the natural law is static, immutable, not capable of development and adaptation to changing circumstances. Is the natural law indeed immutable? In our answer we point to the distinction between the basic precepts of moral law and further rules of conduct elaborated by human reason, which indeed show progress. With regard to the question whether regress and oblivion of the natural law are possible, Aquinas denies this with regard to its primary precepts, although it happens, he writes, that blinded by passions a certain person does not apply a general precept⁸⁹. However, secondary precepts can be effaced by erroneous opinions or pervert customs prevalent in a society⁹⁰. In Western countries there are erroneous opinions which, to a certain extent, obscure moral thinking, as is obvious with regard to the status of unborn human life, contraception, terminal patients, homosexual praxis. Opinions as to what is licit differ radically from views which prevailed a century ago. Nevertheless I do think that with regard to these forms of behavior those who practice them are aware that they transgress the natural order, since these acts concern the primary precepts.

The doctrine of the natural law as arising out of our basic natural inclinations as formulated by the intellect, is complemented by that of the virtues having their roots in natural dispositions. Commenting a text of Aristotle⁹¹ Aquinas explains that virtues are natural for man in a dual sense: they agree with his rational nature and may also be in accord with the particular character of some persons. The virtues are present as in their buds⁹². However, the disposition of certain persons may interfere and be the cause that the one has a disposition to certain virtuous acts, such as courageous behavior, the other to self-control or study.

4. Contraception and the Natural Law

It is perhaps useful to consider the application of natural law doctrine with regard to contraception, a sort of acid test to see whether it has any value in this fields. When more than 30 years ago Paul VI had set up a special commission to study the morality of contraception, the majority of its members said that they could not convincingly demonstrate the intrinsic moral evil of contraception on the basis of natural law. It is worthwhile to look into the question because of its exemplary value for the understanding of the natural law.

⁸⁹ *Summ. theol.* I-II q. 77 a. 2c.

⁹⁰ *Summ. theol.* I-II q. 94 a. 6c.

⁹¹ *Ethica Nicomachea* 1114 b 6-28.

⁹² *Summ. theol.* I-II q. 63 a. 1c: «[...] secundum quamdam inchoationem».

Certain moralists as J. Fuchs argue that the marital act as such is a pre-moral action and the intention makes it moral or immoral. However, when speaking about the marital act we mean the act as one conceives it and knows what one is doing. The act has a content related to our human nature, to the obligation one has and the ends one pursues. When resorting to the marital act while using contraceptives one knows exactly what one is doing. There is a difference between using a tool and engaging oneself in such acts as eating, drinking, thinking, loving, intercourse. The first is an open act and its morality depends on the purpose one pursues. But acts like eating, drinking, having intercourse have a moral value by themselves. As such and when performed in conformity with right reason they are good. But in order to be morally good these acts must preserve their nature. This nature is not just their plain biological structure of such activities. We are dealing with acts as they are known and willed by the human agent. If this agent thwarts the natural purpose of such act, one places a certain contradiction in them. Two partners want to unite but at the same time they prohibit what this union implies.

A source of misunderstanding in this respect is a false view of human nature. How unbelievable it may seem to be, there are many who subscribe to a dualistic approach in anthropology. They distinguish between two layers in man, the biological and animal part on the one hand and the sphere of man's self awareness on the other. They give total priority to man as a person, to his wishes and needs, rather than to biological mechanisms and processes which in themselves, they say, never have the value of an absolute⁹³. In their view we must attribute to man a greater power over his own body so that he can further determine the precise meaning of his sexual life, not unlike the way he shapes and further determines the physical world in which he lives. According to these authors it is even less natural to submit oneself to the biological structure of one's being than to intervene with one's reason in order to mold these functions and make them more suitable for specific goods one is pursuing.

To this we answer that there is no question of a blind submission to biological structures, but to *human law*. The natural law is not a set of biological principles. It consists in the insight and command of our reason telling us that in a particular field we must act in this way or refrain from performing a particular action. Certain actions do not come in under natural law, such as—at least ordinarily—the choice of a job, but natural law is definitely concerned with the field of sexual acts, because of their essential importance in human life as well as of their biological and psychological significance. This means that people understand and formulate some of their basic duties with regard to the

⁹³ A. VALSECCHI, *Régulation des naissances* (Gembloux, 1970).

use of their sexual functions. For instance, they know that their sexual faculties are given them in view of securing the continued existence of mankind as well as for cementing their union; they know that they are responsible for their progeny and must take care of it. They also know that they must form a stable bond with a partner in mutual trust and esteem.

By their very nature freely chosen sexual acts are never incidental or casual nor purely biological. Because of what they are they tend to engage the entire person with his psyche and his moral responsibility. Precisely because coital union is not a mere instrument nor something irrelevant, but intrinsically human, it has its own meaning. Who thwarts or neutralizes one or the other of its essential functions, places a contradiction in his conduct. If it is wrong to tell a lie because this contradicts the purpose of speech and the mutual trust which must reign between men, contradicting the very structure of the coital union is much worse because a more important matter is involved, sc. profoundly human acts which concern man as a rational being as well as the survival of mankind. One cannot set aside the natural end of these acts without contradicting oneself⁹⁴.

5. Some Conclusions

The discussion about the existence and meaning of natural law is far from ended. Our societies are confronted with formidable difficulties when decisions have to be reached as to whether to accept or reject certain forms of behavior such as abortion, euthanasia, overt homosexuality, refusal of military service, experiments on human embryos, death penalty, sterilization, globalization and sometimes apparently harmless issues as mendicity. Is it true that private behavior, as long as it does not overtly interfere with community life, should be of no concern to the legislator?

1) Until quite recently most of the commonly accepted moral judgments were survivals from Christian ethics, but now people may differ on basic tenets, at least a clamorous group of the intelligentsia and representatives of the media try to swing public opinion toward the acceptance of a totally neutral public life which condones any form of sexual behavior as long as no violence is done to others and even denies the right to publicly qualify such behavior as homosexual practice as unsound or as harmful to society. Behind their attitude there is a different view of human life and the human person. As long as the

⁹⁴ The Minority Report of Pope Paul's Commission argued that the sinfulness of contraception must not be derived from the fact that sexual acts are being deprived of their natural end (since this sometimes happens in nature). A reference is made to *Q. d. De malo*, q. 2 a. 1, but this reference to Aquinas is not very fortunate for the text does not concern those acts where the rules of reason is intimately connected with their natural end.

external shape and form of developing life is not that of a recognizable human being, the embryo/foetus is considered valuable biological material which may be used for such «noble» purposes as helping others. The idea that human life is a gift from God, to be respected and which has not been delivered to our own or other people's decisions for free disposal, has very much weakened. But that applies also to the whole of nature which in our technological age appears to have lost, in the eyes of many, its reference to the Creator.

However, the consequences of this liberalism concerning human life and the value of the human person begin to show: increasing difficulties in the field of education, the aging of the population, the disappearance of respect and of certain standards in decency, trends among certain groups to denigrate the Christian faith and Christian morals. Surprisingly, in other fields, such as that of justice, the trend goes toward a stricter application of norms of public honesty. Striking examples of applying natural law ethics are the recognition of human rights, the protection of minorities, the total condemnation of genocide.

2) Pluralism as it prevails in most Western countries implies different views in the field of religion, ideology, culture and economy as well as the pursuit of different goals. However, it is not so certain that on the long run a strongly pluralistic state can survive⁹⁵. Ideally natural law ethics, agreed upon by a fair majority of the citizens, can provide a basis for the necessary spiritual unity in a country. Related to this is the question of the appointment of justices to the supreme or constitutional courts. Often nominations are politically biased since the ruling party attempts to impose its candidates. To ensure morally right judgments of the courts it is of paramount importance that the judges are in agreement with the basic principles of the natural law, even if in difficult issues they may understandably differ in the conclusions they are drawing from these principles.

3) The importance of natural law ethics for society is clearly demonstrated also by the human rights issue. Human rights are nowadays very much in the limelight, but theorizing about man's basic rights is not so new. Certain rights were recognized in the Roman Empire and, above all, in the Christian era. However, when in the 17th and 18th centuries the function of the Church as the guarantee of such rights was not perceived any more, concern with human rights as an autonomous body of rights developed⁹⁶. It is precisely this aspect of the natural law theories of that period of history which appeals most to

⁹⁵ Cf. A. SCHWAN, «Pluralismus und Wahrheit», in *Ethos der Demokratie: Normative Grundlagen des freiheitlichen Pluralismus* (Paderborn, München & Wien, 1992), pp. 105 ff.

⁹⁶ See J. PUNT, *Die Idee der Menschenrechte: Ihre geschichtliche Entwicklung und ihre Rezeption durch die moderne katholische Sozialverkündigung* (Paderborn, München & Wien, 1987).

our contemporaries. It is perhaps useful to define first the relationship between natural law and natural rights. According to St. Thomas Aquinas law is intrinsically a rule, an obligatory guideline, issued by the one or those in command of the society, in view of the common good. Natural law is such a guideline for man's basic conduct, formulated by man himself in accordance with his natural inclinations.

Justice directs man in his dealing with others. It aims at a certain equality. «Right» (*iustum*) qualifies an action which is related by some kind of equality to someone else. For instance, the payment of the just salary for services rendered. «Just» is the object of the virtue of justice⁹⁷. A thing can be adjusted to a person in two ways. First by its very nature—this is called a natural right. In a second way a thing can be adjusted to some one by agreement of common consent. Such agreement can be either private or public. There is public agreement when the whole community or the government acting in its name decrees something. Rights and duties are derived from man's nature and from positive law⁹⁸ and go together. If children have a right to be nourished and educated by their parents, the latter have the duty to do so.

Nowadays human rights are conceived as claims which individual citizens or groups of people put forward. People insist on their right to be respected, to have suitable work and job security, to shorter working hours, a right to vacation, to protection and social assistance, etc. Human nature is the foundation of the most basic claims, even if in contemporary theories about human rights this foundation is often not apparent. The advocates of human rights rather appeal to Declarations of Human Rights, proclaimed by common consent.

In this connection natural law ethics has the important task to clarify the basis of these rights, to define them more precisely, to distinguish between rights and pseudo-rights and to show which are the duties corresponding to these rights. Implementing the human rights depends also on the state of development and organization of the society people are living in and on the functioning of subordinate organs. Some two hundred years ago it would not have made much sense to claim the right to a job or to adequate education from the US government. This sort of rights were generally honored by the local community.

Apparently the question of who must honor these rights is not always easy to answer. It is, for instance, not so clear whether the state itself must provide education to the young and carry out all those tasks in the social field over which it now claims to have authority. Moreover, the exercise of certain rights, such as the right to express one's

⁹⁷*Summ. theol.* II-II q. 57 aa. 1-2.

⁹⁸ Cf. Locke's *Second Treatise of Civil Government*, in which he derives man's natural rights from the law of nature.

own opinions or to perform certain acts is always subject to the respect of other people's rights and the requirements of the common good. In fact, living in a political society requires that one espouses a good deal of the underlying ideas and values professed by its members.

The basic human rights are characterized by the following properties:

(a) They are universal and apply to all men. This axiom is based on the fact that we all share the same human nature⁹⁹.

(b) They must be immediately evident, because they are derived from the first principles of natural law¹⁰⁰.

(c) They do not change and cannot be totally wiped out from our mind¹⁰¹.

Certain human rights now widely accepted, at least in the Western world were at one time not clearly recognized. For instance, the rights of working people, of women, of ethnic minorities, etc. This raises the question of the mutability of the natural law, treated by Aquinas in articles 3 to 6 of the *Summa theologiae* I-II q. 94. Aquinas was very much aware of the general mutability of human life. It also happens that certain conclusions are drawn from human rights which are clearly absurd or wrong. For instance, from the right to express one's views some conclude to an unhampered freedom of the media to publish whatever they want and to use any means to get access to what—in terms of profit—reporters and editors consider important. Obviously this practice should come under review from natural law principles such as the right of people to their good name and privacy as well as the right not to be offended in their religious beliefs.

4) A further issue where natural law ethics has an important role to play is the relationship of the individual and the state and that between individual countries and umbrella political structures such as the European Union. In this respect natural law ethics establishes the principle that what an individual person or what particular groups or nations can do by themselves should not be regulated by the state or by other comprehensive structures. The state should not appropriate the initiatives of individual citizens, but restrict its interventions to subsidiarity, that is to those cases where help is necessary¹⁰². The individual person is the point of departure and the ultimate reference of social and political reality¹⁰³. The citizen must decide what he can perform himself. The dignity of the human person demands that he conducts his own life and determines his place in society. The principle of subsidiarity protects the good of the individual¹⁰⁴.

⁹⁹ *In V Ethic.*, lect. 12.

¹⁰⁰ *Summ. theol.* I-II q. 100 a. 1c.

¹⁰¹ *Q. d. De malo*, q. 2 a. 4 ad 13um. On this section see Jesús GARCÍA LÓPEZ, *Los derechos humanos en Santo Tomás de Aquino* (Pamplona, 1979), pp. 66 ff.

¹⁰² PIUS XI, *Quadragesimo anno*, n. 96.

¹⁰³ The encyclical speaks of the *singularis persona*.

¹⁰⁴ A.-F. UTZ, in A.-F. UTZ (Ed.), *Das Subsidiaritätsprinzip* (Heidelberg, 1953), p. 10.

5) Natural law ethics has a major role to play in the question of the globalization of the economy and of the difficulties arising from world wide free trade. Utilitarianism pretends to pursue the greater good of the greater number, in a long range vision is quite helpless in defining what this greater good is and does not guarantee sufficient protection of the rights of individuals in respect of their own customs and way of life. Christian natural law ethics does not believe that the ultimate well being of the peoples of the world is to be reached mainly by a totally unhampered freedom to trade and to develop industry. If it is true that national states have become too small for promoting the long term well-being of their citizens, the larger conglomerations and alliances are likely to be too large to secure the good of the individual citizens¹⁰⁵.

6) An important question connected with the human rights issue is that of the extent to which Western nations with a high level of prosperity should admit tens of thousands of the often destitute and hardly educated immigrants of a widely different cultural outlook. Natural law ethics will bring into the discussion considerations not only about the rights of people to improve their status, but also to available means and sufficient space in guest countries to settle these people, their willingness to accept the Western way of life and respect of human rights, etc. It is by no means certain that Muslim immigrants, once they become strong in numbers, will be willing to accept our values or that immigrants from very poor countries can in one or two generations become ordinary citizens, making a contribution to the common good. On the other hand, there is a duty to assist underdeveloped nations so that they can reach a higher level of well being.

7) Finally natural law ethics can also help determine our obligations with regard to our natural environment. While it defends the right of man to use, minerals, plants and animals for his benefit, it pays increasingly more attention to a fair exploitation of natural resources, which respects the rights of the different peoples and of future generations. Economy in the use of non-renewable resources is imperative. Deliberations on the continued use of nuclear energy and the disposal of atomic waste come in also under this topic, as does the pollution of the atmosphere, rivers and oceans.

These examples show the task lying ahead of those who accept natural law ethics as established in its principles by St. Thomas Aquinas.

LEO J. ELDERS S. V. D.

Gustav-Siewerth-Akademie.
Weilheim-Bierbronn.

¹⁰⁵ Cf. A. GIDDENS, *Konsequenzen der Moderne* (Frankfurt am Main, 1995), p. 86.