



Introduction to Natural Law

Natural law theory holds that there is a universal moral law that is *unwritten*, but a law in which everyone can know and should respect as the standard for human behavior.

All are aware that they are bound to a moral law, even if they deny that it is a real law by explaining it away as “instinct” or “feelings” etc. Natural law holds that there are objective common moral truths binding on everyone.

This doesn't mean we know the moral law with perfect clarity. Most every culture in the world has a moral set of precepts similar to the Ten Commandments.

Natural law presupposes the existence of God. Without God, there could not possibly be a moral law binding on all human beings. God is the *ultimate norm* for all morality. This is not necessarily a presupposition of faith, for the existence of God can be established by human reason. There can be no transcendent law (transcendent from human beings) without a transcendent Lawgiver.

Morality is grounded in the kind of thing we are considering. What something is, that is its nature, makes all the difference. Kicking rocks and kicking old ladies for fun are very different moral acts.

This law is “natural” in two senses:

1. **Epistemological Element:** An intuitive awareness of right and wrong. Basic principles are known immediately by a natural inclination. This awareness is “connatural” or intuitive.
2. **Ontological Element:** A law that relates to human nature. The law is natural in that it expresses the normality of functioning of human nature. Standards of conduct based on human nature are natural and apply to all things that have that nature.

Thus with this distinction, there can *be* a natural law even if someone doesn't know it completely

God is responsible both for establishing the natural law *in things* (making their nature) and in making the natural law *known*.

Moral philosophy is an attempt to justify this natural moral knowledge, viz., how we account for our immediate awareness of right and wrong. Moral philosophy is reflective -an “after-knowledge”.

Epistemological Element of Natural Law

The Natural Law is not written by humans. Human beings know it in various degrees and with greater or lesser difficulty. There is always risk of error. Yet errors in the past do not militate against truth. It is true that our moral knowledge is imperfect, some moral decisions are tough, there are true moral dilemmas, and mistakes are made. There are also numerous instances of not just mistakes but flagrant violations and atrocities. But violations and moral mistakes do not militate against moral truth any more than violations and mistakes in addition disprove the truths of mathematics.

Errors and violations prove nothing against the natural law, quite the contrary they presuppose it.

Precisely because the natural law is unwritten, man's knowledge of it has increased over time as his moral conscience has developed. Knowledge of right and wrong in this unwritten law has gone through various stages, and our moral conscience today is still imperfect, and the human understanding of this law will, hopefully, continue to be refined.

Note: *The law itself and the knowledge of it are two different things.* Yet knowledge of this law is important because this is how the law is promulgated to human beings.

Knowledge by inclination or intuition is a kind of knowledge that is not always clear. It is a bit obscure and instinctual, a deep-rooted tendency that leads one to make a moral judgment.

This natural moral knowledge is a genuine consciousness that has developed over time. Human reason has made more explicit over time its regulations, and has cached out the most general truths known by ancient societies. In modern times we have "international human rights organizations" something unknown in times past but a legitimate development of the general principles which they understood.

For example:

- To take a man's life is not the same as taking an animal's life
- The family group has to comply to a standard
- Sexual intercourse has to be contained within given limitations
- Respect your elders
- We are bound to respect or worship a Divine
- Etc.

There is an immense variability when you particularize these general moral rules, but the general standards are there nonetheless.

This general and confused knowledge is clarified over time and this progress in moral conscience is what constitutes progress in humanity.

Justifying Intuitional Knowledge

One can know something instinctively. This is how Aquinas says a virtuous person, who is not a philosopher, knows the right action to take in a certain circumstance.¹ A virtuous person may know more about what to do through his intuitive knowledge than a philosopher.

Since these principles are known through a natural inclination, they are known in an indemonstrable manner. This doesn't mean they are irrational. Intuition is a genuine form of knowledge. Intuition is the immediate or direct awareness of something whether sensory, intellectual, or otherwise.

For example: if A is longer than B, and B is longer than C, then A is longer than C. The conclusion is known immediately from knowing the first two – we do not have to check and see if A is longer than C.

¹ "Wisdom denotes a certain rectitude of judgment according to the Eternal Law. Now rectitude of judgment is twofold: first, on account of perfect use of reason, secondly, on account of a certain connaturality with the matter about which one has to judge. Thus, about matters of chastity, a man after inquiring with his reason forms a right judgment, if he has learnt the science of morals, while he who has the habit of chastity judges of such matters by a kind of connaturality". ST II-II 45.2

Also intuitional knowledge governs which sense experiences are mine, that I am in contact with an external world, etc. How do you know you think? I just know immediately, this is an *underived knowledge*.

In other words, we are rationally entitled to the knowledge of *some* truths without having to give a criterion by which we know them (the denial of this principle leads to an infinite regress – and thus would be self-refuting).

Intuitional knowledge is not infallible, but it is at least *prima facie* justified. If something seems *intuitively true*, then in absence of counterarguments or any good reason to deny them (which themselves would have to rest on an intuition), one is amply justified in believing it. For example, it seems counterintuitive that I am really a brain in a vat having experiences forced upon me by an evil scientist, this without a good reason I am within my “reasonable rights” to reject this view.

With moral intuitions, we are talking about an intuitional notion of right and wrong – an immediate awareness, unmediated by anything else. The immediate knowledge of basic goods and general moral awareness, general notions of friendship, fairness, do not harm others, etc.

Moreover, one can claim they are more certain that things like mercy and charity towards the poor are really good, and that things like child torture for fun and rape are really bad. Thus it is intuitively true that there is a *real moral difference* between:

- Helping an old lady cross the street vs. pushing her into the path of a moving bus
- Feeding a starving little girl vs. kidnapping a little girl and starving her to death
- Nursing an injured animal back to health vs. torturing and injuring an animal to death
- A man who courageously defends his family vs. a man who cowardly runs away

If nihilism is true, then it seems unacceptable conclusions follow. There is no real moral difference in the above actions.

An absolutist can claim to be just as certain that raping little girls is wrong as he or she is that they are really experiencing the external world. *There is no good reason to deny this intuition* – for every argument against the intuition one can give a parallel argument about the intuitively obvious experience we have of the external world.

One can legitimately claim to be *more certain* about certain moral truths than they are about the arguments for moral skepticism. Thus the burden of proof then falls on the moral skeptic.

Natural law is a reasonable alternative and moral absolutes are to be expected to the extent that a world governed by a Creator is also reasonable. The debate over morality can very well be moved to a debate between worldviews such as theism and materialism.

But is this intuition grounded in any thing real? In other words, are there moral facts that have an ontological basis, a basis in a reality outside the mind? If natural law stopped with moral intuition, it would lapse into subjectivism.

Just because something is intuitively true, doesn't mean there cannot be *additional support* for one's intuition. What we seek is an objective norm for morality, a standard by which we can say there are *moral facts*.

Ontological Element of Natural Law

Human nature is the *proximate* norm for morality.

What does it mean to “do good” or to “be good”? What is it that we mean by “good”? The “function argument” of Aristotle stated the simple observation that we call something good when it is conducive to fulfilling a particular function i.e. when it fulfills the particular role for which it is designed and hence functions well. A “good baseball player” functions well according to the rules of the game, a “good car” serves the function for which it was created in transporting one from point A to point B in a safe and reliable manner, Lennox Lewis has a “good jab” because it does what a jab is supposed to do – it smashes his opponents face in. *So, in determining if something is good or bad, we first must know what a thing is for (its purpose or goal) and then see how well it achieves that standard. Something is good insofar as it fulfills, perfects, and completes a given standard.* It is only when we know the goal of a thing that we have a criterion for its appraisal.

Natures have goals: Different kinds of natural things have their “goals” too. In other words, different things have different natures that determine *what kind* of thing they are and the actions they do. They all have ends or goals towards which they develop. Insofar as these natural goals are realized, we call these things “good”. For example, a “good” tomato plant is one that flourishes, has green leaves, produces ripe tasty fruit, etc., and just does what a tomato plant is supposed to do. Ergo, we call a tomato plant “good” when it fulfills its “tomato plant nature”. The more “tomato planty” a tomato plant is, the better it is, the healthier it is, and we know from experience that there are actions we can do to either aid or hinder this development. Water will help the plant flourish while gasoline will kill it. When something does not fulfill its natural goal, we say it is *abnormal* or suffers from a *defect*. In other words, it is not doing a good job of being what it is.

The same is true for humans. All human beings have a *human nature*. For example, human nature grounds certain paths of development; a human does not grow wings and fly, does not grow to be 25-feet tall, etc. There are certain goals to which all humans aim simply in virtue of being human. Based on these natural goals, we know what is good for a human being and what is bad.² When these natural goals are fulfilled, we have a good, thriving, and healthy human being.

There is a human nature, humans are the same kind of thing, and this nature is the same in all men and women. This nature acts for ends or goals and it stems from human nature. Humans have intelligence and free will and can act in accord with these natural ends. That is, human reason can discover natural goods for humans and by the power of will act in accord with them or contrary to these natural ends. One can know and put himself or herself in tune with these ends.

This is the ontological element of natural law – the *normality of functioning* that is grounded in the essence of the thing. The law governs what is suitable or unsuitable, proper or improper regarding the ends or human nature.

² *Important:* It is this sense of the term “nature” to which we mean when we say something is “natural”. Natural inclinations stem from what we are as human beings and not from some changing majority poll or individual concupiscence. In other words, what we mean by natural inclination is not whatever someone may happen to consciously desire. The mere fact that one may want or tend toward something means nothing by itself. We must make a distinction between conscious desires (apparent goods) and natural inclinations (real goods). Natural inclinations are the necessities to which we are inclined based upon our humanity, not merely on a subjective level. One is naturally inclined to a healthy diet, even if they actually only want to eat junk food. I naturally desire fresh air even if I only want to sniff glue. Natural law says one is naturally oriented to a member of the opposite sex, even if they desire one of their own, etc. Mere wants by themselves don’t mean anything. We are talking about an objective inclination not a subjective one. *One must look at the objective inclinations of human nature and not the subjective inclinations of individuals.*

Take for example the notion of a “healthy human”. What is “healthy” for a human being? There is a universal standard that applies to all, when all the human functions are working properly. A strung out addict is not healthy, a sick person is not healthy, etc. The point is there is an assumed “normality of functioning” in the notion of healthy.

Morally good actions respect and aid these functions that pertain to the human good. Treating a human well is to act in accord with human nature. Feeding the hungry is a good action because it aids human flourishing.

Note also that this standard is *universal*; it applies to all human beings. What is good for a nature applies to everything that has this nature.

Note also that this standard is *objective*; it is not true just because someone happens to think so. That drinking water is good for you and drinking arsenic is bad for you has nothing to do with what someone may think about it. Natural law is based on the structure of reality - it is not man made

Because these moral standards are based upon the kind of thing a human is, they are *universal objective moral standards*. They apply to all people everywhere, in spite of what a particular person may think to the contrary. Human nature provides an unchangeable standard, a moral yardstick, by which one may evaluate actions.

To judge rightly of human actions, we need to have some knowledge of what human nature is. Human nature is the standard - right actions perfect our nature, bad actions create deliberate defects in natural goods. When we understand that we ought to do the good, and then we look at human nature and see just what that “good” is, we can derive moral standards. To do evil is to somehow disrespect or stifle a natural good.

Natural Law: A participation in the Eternal Law by which human reason recognizes the goodness of the fulfilled goals of human nature.

Objection: “If I have to follow every “natural” inclination, then it would be evil to say bathe, cut my hair, or brush my teeth!”

Reply: Aquinas considered a similar objection by asking if it was against the natural law for one to walk on their hands or to do with one’s feet what is normally done with the hands. However, examples such as these do not oppose what is natural because they do not violate a human good. Aquinas responds that such actions are not “unnatural” because “man’s good is not much opposed by such inordinate use.” So things like brushing your teeth and bathing do not adversely affect human goods, but on the contrary actually aid the human good of societal living.

Application: Natural law is a wonderful tool for guiding us in moral questions. Let’s apply what we have learned. When we help fulfill a natural goal we do good (i.e. giving food to the poor) and when we stifle a natural good we do evil. What, precisely, is wrong with these actions?

Slavery?
Theft?

Murder?

Based on what we have learned about natural law, we can say slavery is wrong because humans by nature are free creatures, and this natural inclination towards freedom should not be stifled. Likewise, humans by nature are needy people, they need material goods to fulfill their living requirements and hence acquire a right to property. Theft stifles this natural inclination. Murder of course, stifles a human's built in inclination to continue existence.

Changes? Yet our awareness of human nature and what humans are has grown and changed over time. So while human nature has not changed (the ontological element) our knowledge has changed and grown. The epistemological element has developed with a greater awareness and more acute understanding of human nature through reflection. (The development of the notion of human rights is a good example of this)

The medieval thinkers were focused on *obligations*; post XVIIIth century thinkers became concerned with man's *rights*. The attention shifted and we see this in the Declaration of Independence, which citing the Law of Nature, said:

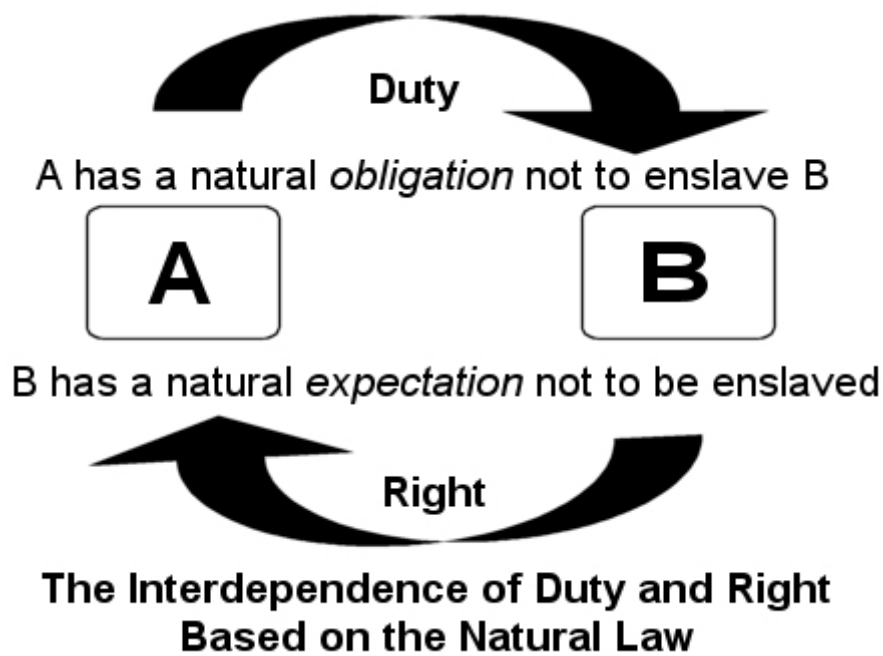
WE hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness -- That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed, that whenever any Form of Government becomes destructive of these Ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its Foundation on such Principles

But it's the same law that gives us rights that also imposes duties.

Natural Rights

Natural law is also the ground for "rights" because it can be considered from two perspectives; one from the "outside" recognizing an *obligation to respect* a natural function, the other from the "inside" – recognizing an *expectation of fulfilling* that natural function. Human nature is the locus that binds moral agents to respect the inherent teleology of the person. The normality of human function serves simultaneously as a source of obligation and expectation, the former a *duty* and the latter a *right*. The Natural Law that obligates us to duties is then the same law that grants us rights.

When rights are viewed this way, as an expectation of natural fulfillment, we have a ground for the flourishing and dignity of humanity that can be applied universally. *Humans thus become more human when their rights are respected* because it is their very essence that is being allowed to blossom.



Rights do not exist independently of obligations and are in fact meaningless without them. The modern individualistic tendency of ignoring obligation while fixating on right is a self-defeating position. An obligation is nothing more than a requirement to observe the right of another. Humans by nature have expectations, these expectations when considered from the perspective of the recipient is a right, while the same expectation considered from the perspective of observer is an obligation. They are in fact two sides of the same natural law coin.

So the ontological aspect and the epistemological aspect of natural law are mutually complementary. There is a universal objective moral standard to which we can apply and evaluate our moral intuitions. The natural law is the same law, whether as known or as in things. If one conflicts with the other there is a problem in the knowledge part – truth cannot contradict truth and the same natural law cannot contradict itself.