

**Chapter 1 : Natural Law - Definition, Meaning, Examples, and Theory**

*Natural moral law theory implies that we discover morality – we do not invent it. Belief in a natural moral law seems to square with the Scriptures themselves. Belief in a natural moral law seems to square with the Scriptures themselves.*

Some writers use the term with such a broad meaning that any moral theory that is a version of moral realism – that is, any moral theory that holds that some positive moral claims are literally true for this conception of moral realism, see Sayre-McCord – counts as a natural law view. Some use it so narrowly that no moral theory that is not grounded in a very specific form of Aristotelian teleology could count as a natural law view. But there is a better way of proceeding, one that takes as its starting point the central role that the moral theorizing of Thomas Aquinas plays in the natural law tradition. Every introductory ethics anthology that includes material on natural law theory includes material by or about Aquinas; every encyclopedia article on natural law thought refers to Aquinas. But we may take as the key features those theses about natural law that structure his overall moral view and which provide the basis for other theses about the natural law that he affirms. For Aquinas, there are two key features of the natural law, features the acknowledgment of which structures his discussion of the natural law at Question 94 of the Prima Secundae of the Summa Theologiae. The fundamental thesis affirmed here by Aquinas is that the natural law is a participation in the eternal law ST IaIIae 91, 2. The precepts of the natural law are binding by nature: This is so because these precepts direct us toward the good as such and various particular goods ST IaIIae 94, 2. The good and goods provide reasons for us rational beings to act, to pursue the good and these particular goods. As good is what is perfective of us given the natures that we have ST Ia 5, 1, the good and these various goods have their status as such naturally. It is sufficient for certain things to be good that we have the natures that we have; it is in virtue of our common human nature that the good for us is what it is. The precepts of the natural law are also knowable by nature. This knowledge is exhibited in our intrinsic directedness toward the various goods that the natural law enjoins us to pursue, and we can make this implicit awareness explicit and propositional through reflection on practice. Aquinas takes it that there is a core of practical knowledge that all human beings have, even if the implications of that knowledge can be hard to work out or the efficacy of that knowledge can be thwarted by strong emotion or evil dispositions ST IaIIae 94, 6. On the side of metaphysics, it is clear that the natural law view is incompatible with atheism: It is also clear that the paradigmatic natural law view rules out a deism on which there is a divine being but that divine being has no interest in human matters. Nor can one be an agnostic while affirming the paradigmatic natural law view: On the side of moral philosophy, it is clear that the natural law view is incompatible with a nihilism about value, that is, the rejection of the existence of values. It is also incompatible with a wholesale skepticism about value, for the natural law view commits one to holding that certain claims about the good are in fact knowable, indeed, knowable by all. Is there anything distinctive about the normative natural law position? Aquinas says that the fundamental principle of the natural law is that good is to be done and evil avoided ST IaIIae 94, 2. This is, one might say, a principle of intelligibility of action cf. But no one can in acting simply pursue good – one has to pursue some particular good. And Aquinas holds that we know immediately, by inclination, that there are a variety of things that count as good and thus to be pursued – life, procreation, knowledge, society, and reasonable conduct ST IaIIae 94, 2; 94, 3 are all mentioned by Aquinas though it is not clear whether the mentioned items are supposed to constitute an exhaustive list. The important task, then, is to identify the ways in which an act can be intrinsically flawed. An act might be flawed through a mismatch of object and end – that is, between the immediate aim of the action and its more distant point. An act might be flawed through the circumstances: An act might be flawed merely through its intention: Aquinas has no illusions that we will be able to state principles of conduct that exhaustively determine right conduct, as if for every situation in which there is a correct choice to be made there will be a rule that covers the situation. But he denies that this means that there are no principles of right conduct that hold everywhere and always, and some even absolutely. These are only examples, not an exhaustive list of absolutely forbidden actions. His natural law view understands principles of right to be grounded in principles of good; on this Aquinas sides with utilitarians, and consequentialists

generally, against Kantians. But Aquinas would deny that the principles of the right enjoin us to maximize the good “ while he allows that considerations of the greater good have a role in practical reasoning, action can be irremediably flawed merely through e. The natural law view rejects wholesale particularism. Further, it holds that 4 the good is prior to the right, that 5 right action is action that responds nondefectively to the good, that 6 there are a variety of ways in which action can be defective with respect to the good, and that 7 some of these ways can be captured and formulated as general rules. Aquinas was not the only historically important paradigmatic natural law theorist. Thomas Hobbes, for example, was also a paradigmatic natural law theorist. There are also a number of contemporary writers that affirm the paradigmatic view. These writers, not surprisingly, trace their views to Aquinas as the major influence, though they do not claim to reproduce his views in detail. Recently there have been nontheistic writers in the natural law tradition, who deny 1: There were a number of post-Thomistic writers in the medieval and modern periods who in some way denied 2 , the natural authority of the natural law, holding that while the content of the natural law is fixed either wholly or in part by human nature, its preceptive power could only come from an additional divine command: Arguably the Stoics were natural law thinkers, but they seem to deny 4 , holding the right to be prior to the good see Striker Hallett have taken up the natural law view with a consequentialist twist, denying 6. For a discussion of the relationship between proportionalism and natural law theory see Kaczor There is of course no clear answer to the question of when a view ceases to be a natural law theory, though a nonparadigmatic one, and becomes no natural law theory at all. Theoretical Options for Natural Law Theorists Even within the constraints set by the theses that constitute the paradigmatic natural law position, there are a number of variations possible in the view. Here we will consider several issues that must be addressed by every particular natural law view, and some difficulties that arise for possible responses to these issues. But how is universal, natural goodness possible? Given the variability of human tastes and desires, how could there be such universal goods? Natural law theorists have at least three answers available to them. The first answer is Hobbesian, and proceeds on the basis of a subjectivist theory of the good. One might think that to affirm a subjectivist theory of the good is to reject natural law theory, given the immense variation in human desire. But this is not so. This is in fact what Hobbes claims. For while on the Hobbesian view what is good is what is desired, Hobbes thinks that humans are similarly constructed so that for each human when he or she is properly biologically functioning his or her central aim is the avoidance of violent death. Thus Hobbes is able to build his entire natural law theory around a single good, the good of self-preservation, which is so important to human life that exceptionlessly binding precepts can be formulated with reference to its achievement. The second answer is Aristotelian. So what is good for an oak is what is completing or perfective of the oak, and this depends on the kind of thing that an oak is by nature; and what is good for a dog is what is completing or perfective of the dog, and this depends on the kind of thing that a dog is by nature; and what is good for a human depends on what is completing or perfective of a human, and this depends on the kind of thing a human is by nature. So the fact of variability of desire is not on its own enough to cast doubt on the natural law universal goods thesis: This is the view affirmed by Aquinas, and the majority of adherents to the natural law tradition. The third answer is Platonic. Like the Aristotelian view, it rejects a subjectivism about the good. But it does not hold that the good is to be understood in terms of human nature. The role of human nature is not to define or set the good, but merely to define what the possibilities of human achievement are. So one might think that some things “ knowledge, beauty, etc. None of these answers is without difficulties. The Platonic version of the view has struck many as both too metaphysically ornate to be defensible, on one hand, and as not fitting very well with a conception of ethics grounded in nature, on the other. While the Aristotelian version of the view has also been charged with some of the metaphysical excesses that the Platonist view allegedly countenances, most contemporary natural law theory is Aristotelian in its orientation, holding that there is still good reason to hold to an understanding of flourishing in nature and that none of the advances of modern science has called this part of the Aristotelian view into question. For defenses of such Aristotelian accounts of the good, see Foot , Thompson , and Thompson How can we come to know these fundamental goods? His account of our knowledge of the fundamental goods has been understood in different ways Murphy , ch. One can imagine a Hobbesian version of this view as well. Hobbes in fact produces such

arguments at EL, I, 7. While a natural law theorist might downplay the importance of derivationist knowledge of the natural law, it is hard to see how a consistent natural law theorist could entirely reject the possibility of such knowledge, given the view that we can provide a substantial account of how the human good is grounded in nature: The most that this can show, though, is that the natural law theorist needs an account of those bridge truths that enable us to move between claims about human nature and claims about human goods. It must be conceded, however, that a consistent natural law theorist could hardly hold that derivationist knowledge of the human good is the only such knowledge possible. For it is part of the paradigm natural law view that the basic principles of the natural law are known by all, and the sort of arguments that would need to be made in order to produce derivationist knowledge of the human good are certainly not had or even have-able by all. So human beings exhibit a tendency to pursue life, and knowledge, and friendship, and so forth; and reflection on this tendency occasions an immediate grasp of the truth that life, and knowledge, and friendship, and so forth are goods. While inclinationism and derivationism are distinct methods, they are by no means exclusive: Indeed, it may well be that one way of knowing can supplement and correct the other. There may be some goods that are easier to recognize when taking the speculative point of view, the point of view of the observer of human nature and its potentialities, and some that are easier to recognize when taking the practical point of view, the point of view of the actively engaged in human life. Indeed, by connecting nature and the human good so tightly, the natural law view requires that an account of the good reconcile these points of view. There are, of course, reasons to be worried about both of these ways of knowing basic goods – worries that go beyond general skeptical doubts about how we could know any normative truths at all. Derivationists have to explain how we come to know what counts as an actualization of a human potency, and have to explain how we connect these via bridge principles with human goods. Inclinationists have their own troubles. In particular, they need to deal with the fact that, even if they are not in the business of deriving goods from inclinations or identifying the goods precisely with what we tend to pursue, they take as their starting point human directedness. And it has been rightly noted that human directedness is not always a lovely thing. While these difficulties persist for inclinationist and derivationist accounts of knowledge of the basic goods, they may well be eased if one affirms both accounts: Suppose that we follow at least the inclinationist line, taking it to be faithful to the natural law idea that knowledge of the basic goods is widely distributed. Our task then is to provide an explicit account of those goods implicit knowledge of which is manifested in human inclination toward certain ends. What are the goods affirmation of which makes intelligible these inclinations? It is clear from this way of putting the question that even if natural law theorists are right that this implicit knowledge is widely distributed, it would be easy for natural law theorists to disagree in their catalogs of basic goods. For the task here is that of formulating propositionally, and in as illuminating a way as possible, what items need be affirmed as intrinsically good in order to make sense out of our inclinations. And there are, unsurprisingly, disagreements in catalogs of basic goods. The goods that Aquinas mentions in his account include life, procreation, social life, knowledge, and rational conduct. Grisez includes self-integration, practical reasonableness, authenticity, justice and friendship, religion, life and health, knowledge of truth, appreciation of beauty, and playful activities pp. Finnis includes life, knowledge, aesthetic appreciation, play, friendship, practical reasonableness, and religion pp. Chappell includes friendship, aesthetic value, pleasure and the avoidance of pain, physical and mental health and harmony, reason, rationality, and reasonableness, truth and the knowledge of it, the natural world, people, fairness, and achievements p.

## Chapter 2 : Morality and Natural Law

*Natural law (Latin: ius naturale, lex naturalis) is a philosophy asserting that certain rights are inherent by virtue of human nature, endowed by nature—traditionally by God or a transcendent source—and that these can be understood universally through human reason.*

The full pdf can be downloaded by following the link below the article. How should a Christian approach moral issues in a pluralistic culture? Should he or she try to work for a Christian state one where the state is under Scripture or should the goal be a just state? Throughout the history of Christianity, most Christian thinkers have acknowledged that there is something called natural moral law sourced in general revelation certain knowable truths revealed by God through creation. Simply put, an advocate of natural moral law believes that there are certain moral laws or norms that are true and can be discerned by all men and women as men and women. These moral norms do, in fact, come from God, and the existence of such objective moral norms provides strong evidence for the existence of a moral, personal God. But one does not need to believe in God or appeal to Holy Scripture to know that certain moral precepts are genuine moral absolutes. What is meant by an absolute here? An absolute is an objectively true moral principle that is unchanging and cross-cultural. It is true whether or not anyone believes it to be true. Natural moral law theory implies that we discover morality — we do not invent it. Belief in a natural moral law seems to square with the Scriptures themselves. For example, one often finds the Old Testament prophets pronouncing judgments on Gentile nations who did not have the Law of Moses. The pronouncements of judgment often appeal to the fact that these nations have violated fundamental principles of morality which they know to be true — breaking promises, lying, murdering, stealing, oppressing the poor and weak e. These nations do not know the God of Israel nor do they possess Holy Scripture, but they are culpable for violating basic moral principles that they should know to be true simply because they are human beings with access to the natural moral law. In the New Testament, texts such as Romans 1:2 indicate that Paul believed in a natural moral law. In this passage, Paul teaches that there is a universal knowledge of God and His moral law that is available to all men and women apart from the special revelation in the Bible. Humans, he tells us, can sin against nature Rom. In other words, Gentiles have a knowledge of right and wrong even though they have no access to Scripture. And we can have confidence that everyone should have access to some basic moral principles which they know deep down are true. Christian Research Institute Our Mission: To provide Christians worldwide with carefully researched information and well-reasoned answers that encourage them in their faith and equip them to intelligently represent it to people influenced by ideas and teachings that assault or undermine orthodox, biblical Christianity. Do you like what you are seeing? Your partnership is essential.

## Chapter 3 : The Difference Between Natural Law And Man Made Law ~

*Natural law is the philosophy that certain rights, moral values, and responsibilities are inherent in human nature, and that those rights can be understood through simple reasoning.*

Judicial Activism Natural Law Natural law is the philosophy that certain rights, moral values, and responsibilities are inherent in human nature, and that those rights can be understood through simple reasoning. In other words, they just make sense when you consider the nature of humanity. The law of nature is universal, meaning that it applies to everyone in the same way. To explore this concept, consider the following natural law definition. Definition of Natural Law Noun The belief that certain laws of morality are inherent by human nature, reason, or religious belief, and that they are ethically binding on humanity. To solve an ethical dilemma using natural law, the basic belief that everyone is naturally entitled to live their own lives must be considered and respected. As has been the case with self-defense claims throughout history, it is often difficult to apply what seems to be a simple concept right vs. Killing another person is forbidden by natural law, no matter the circumstance, as it goes against the human purpose of life. It is in this way that natural law differs from actual law. Natural Law in the American Legal System Natural law in the American legal system is defined as a legal theory that considers law and morality to be so connected to one another that they are practically the same. The simple purpose of legislation is to provide a way to maintain peace, and achieve justice. Natural law theorists believe that a law that fails to meet this goal is not really a law at all. Therefore, if there are any flaws determined to be present with an existing law, natural law dictates it is not a law that is to be followed. This stands in sharp contrast to legal positivism, which is the legal theory that, even if a law is deeply flawed, it is still a valid law that must be followed. When asking the question of natural rights vs. These rights include life, liberty, and property, among others. Human rights, on the other hand, are rights deemed so by society. These include such things as the right to live in a safe, suitable dwelling, the right to healthy food, and the right to receive healthcare. In many modern societies, citizens feel that the government should provide these things to people who have difficulty obtaining them on their own. Natural rights are not granted to people by their government. Governments simply establish the political conditions under which people are permitted to exercise their natural rights, and then the government expects its people to live according to those conditions. Conversely, human rights are those granted to people by the governmental authorities. Natural rights, by their very nature, do not change with time. Natural Law Example in Religious Beliefs An example of natural law being tested in the courts can be found in the case of Gilardi v. The men stood their ground to operate their companies in accordance with their religious beliefs “refusing to compensate employees for birth control options in their health insurance plans. No individuals covered by these insurance plans are required to utilize any of the services. Supreme Court Justice Clarence Thomas has reportedly been known to express his belief that natural law should be referred to when justices are attempting to interpret the Constitution. Thomas was even quoted during his Senate confirmation hearings in as saying: Legislation “A law, or body of laws, enacted by a government. Mandate “An official order to carry out a policy, or to take some action.

**Chapter 4 : Ethics 13 - Natural Law**

*Natural Law. The term "natural law" is ambiguous. It refers to a type of moral theory, as well as to a type of legal theory, but the core claims of the two kinds of theory are logically independent.*

One does not need to be a rocket scientist to see that the increasing secularization of Western culture has led to ethical, theological and behavioral chaos and relativism. Christians must speak clearly and convincingly about the messy issues of our day, but they, especially Protestants, are ill-prepared to engage the world of ideas without citing the Bible. Among other things, this implies that Christians should be laboring for a theocracy, but this is not what is needed and the state must have some sort of guidance to carry out its mission of punishing wrongdoing in Romans 13 without the scriptures. The existence, nature and knowability of natural moral law is what meets these needs. Fulford and Haines have provided an outstanding work that must get a wide readership if Christians are to re-engage the public square thoughtfully and appropriately. They follow a carefully developed order of presentation in this book. Before giving what may be the best recent biblical defense of natural law theory, they rightly are concerned to make very clear exactly what natural law is. This is followed by unpacking the claim that natural moral law is knowable by human beings. Given this treasure-trove of background, the biblical defense of natural moral law is clarified. I am excited about this book! And I thank God for Fulford and Haines who took great effort and much time to serve the church with this resource. The reader is first guided to the philosophical roots of natural law thinking in ancient and scholastic philosophy; then secondly to the Biblical evidence for natural law. The result makes for a first-rate, thought-provoking introduction. This much should be uncontroversial among Christian theologians and philosophers. During the twentieth century, however, it was widely held that the Reformation had done away with this moral side of general revelation which we call natural law. Happily, during the last decade that misreading has been successfully corrected, and we are now moving from retrieval to contemporary reflection. Fulford and Haines join this revival of Protestant consideration of natural law with a solid philosophical and biblical introduction. The authors and the Davenant Institute deserve our deepest thanks for making these issues accessible to a wide readership in such a clear and thoughtful book. It seeks to sponsor historical scholarship at the intersection of the church and academy, build networks of friendship and collaboration within the Reformed and evangelical world, and equip the saints with time-tested resources for faithful public witness. See more at [www.thedavenantinstitute.org](http://www.thedavenantinstitute.org). The Davenant Institute seeks to retrieve the riches of classical Protestantism in order to renew and build up the contemporary church. Our Partners The Davenant Institute is a c 3 nonprofit corporation.

**Chapter 5 : Introduction to Natural Law | Mises Institute**

*A body of moral and ethical principles that are considered to be inherent in nature itself or deducible through reason alone, often contrasted with positive law. a principle or body of laws considered as derived from nature, right reason, or religion and as ethically binding in human society.*

References and Further Reading 1. Two Kinds of Natural Law Theory At the outset, it is important to distinguish two kinds of theory that go by the name of natural law. The first is a theory of morality that is roughly characterized by the following theses. First, moral propositions have what is sometimes called objective standing in the sense that such propositions are the bearers of objective truth-value; that is, moral propositions can be objectively true or false. Though moral objectivism is sometimes equated with moral realism see, e. Strictly speaking, then, natural law moral theory is committed only to the objectivity of moral norms. The second thesis constituting the core of natural law moral theory is the claim that standards of morality are in some sense derived from, or entailed by, the nature of the world and the nature of human beings. Thomas Aquinas, for example, identifies the rational nature of human beings as that which defines moral law: On this common view, since human beings are by nature rational beings, it is morally appropriate that they should behave in a way that conforms to their rational nature. Thus, Aquinas derives the moral law from the nature of human beings thus, "natural law". But there is another kind of natural law theory having to do with the relationship of morality to law. According to natural law theory of law, there is no clean division between the notion of law and the notion of morality. Though there are different versions of natural law theory, all subscribe to the thesis that there are at least some laws that depend for their "authority" not on some pre-existing human convention, but on the logical relationship in which they stand to moral standards. Otherwise put, some norms are authoritative in virtue of their moral content, even when there is no convention that makes moral merit a criterion of legal validity. The idea that the concepts of law and morality intersect in some way is called the Overlap Thesis. As an empirical matter, many natural law moral theorists are also natural law legal theorists, but the two theories, strictly speaking, are logically independent. One can deny natural law theory of law but hold a natural law theory of morality. John Austin, the most influential of the early legal positivists, for example, denied the Overlap Thesis but held something that resembles a natural law ethical theory. Indeed, Austin explicitly endorsed the view that it is not necessarily true that the legal validity of a norm depends on whether its content conforms to morality. But while Austin thus denied the Overlap Thesis, he accepted an objectivist moral theory; indeed, Austin inherited his utilitarianism almost wholesale from J. Mill and Jeremy Bentham. Here it is worth noting that utilitarians sometimes seem to suggest that they derive their utilitarianism from certain facts about human nature; as Bentham once wrote, "nature has placed mankind under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do, as well as to determine what we shall do. On the one hand the standard of right and wrong, on the other the chain of causes and effects, are fastened to their throne" Bentham , 1. Thus, a commitment to natural law theory of morality is consistent with the denial of natural law theory of law. Conversely, one could, though this would be unusual, accept a natural law theory of law without holding a natural law theory of morality. One could, for example, hold that the conceptual point of law is, in part, to reproduce the demands of morality, but also hold a form of ethical subjectivism or relativism. On this peculiar view, the conceptual point of law would be to enforce those standards that are morally valid in virtue of cultural consensus. For this reason, natural law theory of law is logically independent of natural law theory of morality. The remainder of this essay will be exclusively concerned with natural law theories of law. The Project of Conceptual Jurisprudence The principal objective of conceptual or analytic jurisprudence has traditionally been to provide an account of what distinguishes law as a system of norms from other systems of norms, such as ethical norms. As John Austin describes the project, conceptual jurisprudence seeks "the essence or nature which is common to all laws that are properly so called" Austin , Accordingly, the task of conceptual jurisprudence is to provide a set of necessary and sufficient conditions for the existence of law that distinguishes law from non-law in every possible world. While this task is usually interpreted as an attempt to

analyze the concepts of law and legal system, there is some confusion as to both the value and character of conceptual analysis in philosophy of law. As Brian Leiter points out, philosophy of law is one of the few philosophical disciplines that takes conceptual analysis as its principal concern; most other areas in philosophy have taken a naturalistic turn, incorporating the tools and methods of the sciences. To clarify the role of conceptual analysis in law, Brian Bix distinguishes a number of different purposes that can be served by conceptual claims: Bix takes conceptual analysis in law to be primarily concerned with 3 and 4. In any event, conceptual analysis of law remains an important, if controversial, project in contemporary legal theory. Conceptual theories of law have traditionally been characterized in terms of their posture towards the Overlap Thesis. Thus, conceptual theories of law have traditionally been divided into two main categories: Classical Natural Law Theory All forms of natural law theory subscribe to the Overlap Thesis, which asserts that there is some kind of non-conventional relation between law and morality. According to this view, then, the notion of law cannot be fully articulated without some reference to moral notions. Though the Overlap Thesis may seem unambiguous, there are a number of different ways in which it can be interpreted. The strongest construction of the Overlap Thesis forms the foundation for the classical naturalism of Aquinas and Blackstone. Aquinas distinguishes four kinds of law: Eternal law is comprised of those laws that govern the nature of an eternal universe; as Susan Dimock , 22 puts it, one can "think of eternal law as comprising all those scientific physical, chemical, biological, psychological, etc. One cannot discover divine law by natural reason alone; the precepts of divine law are disclosed only through divine revelation. The natural law is comprised of those precepts of the eternal law that govern the behavior of beings possessing reason and free will. The first precept of the natural law, according to Aquinas, is the somewhat vacuous imperative to do good and avoid evil. Here it is worth noting that Aquinas holds a natural law theory of morality: Good and evil are thus both objective and universal. But Aquinas is also a natural law legal theorist. On his view, a human law that is, that which is promulgated by human beings is valid only insofar as its content conforms to the content of the natural law; as Aquinas puts the point: The idea that a norm that does not conform to the natural law cannot be legally valid is the defining thesis of conceptual naturalism. As William Blackstone describes the thesis, "This law of nature, being co-eval with mankind and dictated by God himself, is of course superior in obligation to any other. It is binding over all the globe, in all countries, and at all times: In this passage, Blackstone articulates the two claims that constitute the theoretical core of conceptual naturalism: It should be noted that classical naturalism is consistent with allowing a substantial role to human beings in the manufacture of law. While the classical naturalist seems committed to the claim that the law necessarily incorporates all moral principles, this claim does not imply that the law is exhausted by the set of moral principles. There will still be coordination problems e. Thus, the classical naturalist does not deny that human beings have considerable discretion in creating natural law. Rather she claims only that such discretion is necessarily limited by moral norms: Critics of conceptual naturalism have raised a number of objections to this view. First, it has often been pointed out that, contra Augustine, unjust laws are all-too- frequently enforced against persons. As Austin petulantly put the point: Now, to say that human laws which conflict with the Divine law are not binding, that is to say, are not laws, is to talk stark nonsense. The most pernicious laws, and therefore those which are most opposed to the will of God, have been and are continually enforced as laws by judicial tribunals. Suppose an act innocuous, or positively beneficial, be prohibited by the sovereign under the penalty of death; if I commit this act, I shall be tried and condemned, and if I object to the sentence, that it is contrary to the law of God, who has commanded that human lawgivers shall not prohibit acts which have no evil consequences, the Court of Justice will demonstrate the inconclusiveness of my reasoning by hanging me up, in pursuance of the law of which I have impugned the validity Austin , Another frequently expressed worry is that conceptual naturalism undermines the possibility of moral criticism of the law; inasmuch as conformity with natural law is a necessary condition for legal validity, all valid law is, by definition, morally just. Thus, on this line of reasoning, the legal validity of a norm necessarily entails its moral justice. As Jules Coleman and Jeffrey Murphy , 18 put the point: The important things [conceptual naturalism] supposedly allows us to do e. If we really want to think about the law from the moral point of view, it may obscure the task if we see law and morality as essentially linked in some way. Moral criticism and reform of law may be

aided by an initial moral skepticism about the law. There are a couple of problems with this line of objection. First, conceptual naturalism does not foreclose criticism of those norms that are being enforced by a society as law. Insofar as it can plausibly be claimed that the content of a norm being enforced by society as law does not conform to the natural law, this is a legitimate ground of moral criticism: Thus, the state commits wrong by enforcing that norm against private citizens. Conceptual jurisprudence assumes the existence of a core of social practices constituting law that requires a conceptual explanation. The project motivating conceptual jurisprudence, then, is to articulate the concept of law in a way that accounts for these pre-existing social practices. A conceptual theory of law can legitimately be criticized for its failure to adequately account for the pre-existing data, as it were; but it cannot legitimately be criticized for either its normative quality or its practical implications. A more interesting line of argument has recently been taken up by Brian Bix. Following John Finnis, Bix rejects the interpretation of Aquinas and Blackstone as conceptual naturalists, arguing instead that the claim that an unjust law is not a law should not be taken literally: A more reasonable interpretation of statements like "an unjust law is no law at all" is that unjust laws are not laws "in the fullest sense. Similarly, to say that an unjust law is "not really law" may only be to point out that it does not carry the same moral force or offer the same reasons for action as laws consistent with "higher law" Bix. Like Bix, Finnis believes that the naturalism of Aquinas and Blackstone should not be construed as a conceptual account of the existence conditions for law. According to Finnis, the classical naturalists were not concerned with giving a conceptual account of legal validity; rather they were concerned with explaining the moral force of law: Accordingly, an unjust law can be legally valid, but it cannot provide an adequate justification for use of the state coercive power and is hence not obligatory in the fullest sense; thus, an unjust law fails to realize the moral ideals implicit in the concept of law. An unjust law, on this view, is legally binding, but is not fully law. Finnis distinguishes a number of equally valuable basic goods: Each of these goods, according to Finnis, has intrinsic value in the sense that it should, given human nature, be valued for its own sake and not merely for the sake of some other good it can assist in bringing about. Moreover, each of these goods is universal in the sense that it governs all human cultures at all times. The point of moral principles, on this view, is to give ethical structure to the pursuit of these basic goods; moral principles enable us to select among competing goods and to define what a human being can permissibly do in pursuit of a basic good. Thus, Finnis sums up his theory of law as follows: Again, it bears emphasizing that Finnis takes care to deny that there is any necessary moral test for legal validity: Nevertheless, Finnis believes that to the extent that a norm fails to satisfy these conditions, it likewise fails to fully manifest the nature of law and thereby fails to fully obligate the citizen-subject of the law. The Procedural Naturalism of Lon L. Fuller Like Finnis, Lon Fuller rejects the conceptual naturalist idea that there are necessary substantive moral constraints on the content of law. But Fuller, unlike Finnis, believes that law is necessarily subject to a procedural morality.

**Chapter 6 : The Natural Law Tradition in Ethics (Stanford Encyclopedia of Philosophy)**

*Moral law is natural because it's known by reason "not written in stone or on paper, like the Commandments or the Bible. It's moral because it applies only to moral acts" actions of human beings that involve a free act of the will.*

It prescribes for man the ways, the rules of conduct that lead to the promised beatitude; it proscribes the ways of evil which turn him away from God and his love. It is at once firm in its precepts and, in its promises, worthy of love. The moral law presupposes the rational order, established among creatures for their good and to serve their final end, by the power, wisdom, and goodness of the Creator. All law finds its first and ultimate truth in the eternal law. Law is declared and established by reason as a participation in the providence of the living God, Creator and Redeemer of all. Jesus Christ is in person the way of perfection. He is the end of the law, for only he teaches and bestows the justice of God: The natural law expresses the original moral sense which enables man to discern by reason the good and the evil, the truth and the lie: The natural law is written and engraved in the soul of each and every man, because it is human reason ordaining him to do good and forbidding him to sin. But this command of human reason would not have the force of law if it were not the voice and interpreter of a higher reason to which our spirit and our freedom must be submitted. The natural law states the first and essential precepts which govern the moral life. Its principal precepts are expressed in the Decalogue. This law is called "natural," not in reference to the nature of irrational beings, but because reason which decrees it properly belongs to human nature: Where then are these rules written, if not in the book of that light we call the truth? In it is written every just law; from it the law passes into the heart of the man who does justice, not that it migrates into it, but that it places its imprint on it, like a seal on a ring that passes onto wax, without leaving the ring. God has given this light or law at the creation. It expresses the dignity of the person and determines the basis for his fundamental rights and duties: For there is a true law: It is in conformity with nature, is diffused among all men, and is immutable and eternal; its orders summon to duty; its prohibitions turn away from offense. To replace it with a contrary law is a sacrilege; failure to apply even one of its provisions is forbidden; no one can abrogate it entirely. Nevertheless, in the diversity of cultures, the natural law remains as a rule that binds men among themselves and imposes on them, beyond the inevitable differences, common principles. The rules that express it remain substantially valid. Even when it is rejected in its very principles, it cannot be destroyed or removed from the heart of man. It always rises again in the life of individuals and societies: Theft is surely punished by your law, O Lord, and by the law that is written in the human heart, the law that iniquity itself does not efface. It also provides the indispensable moral foundation for building the human community. Finally, it provides the necessary basis for the civil law with which it is connected, whether by a reflection that draws conclusions from its principles, or by additions of a positive and juridical nature. In the present situation sinful man needs grace and revelation so moral and religious truths may be known "by everyone with facility, with firm certainty and with no admixture of error. The Law of Moses expresses many truths naturally accessible to reason. These are stated and authenticated within the covenant of salvation. Its moral prescriptions are summed up in the Ten Commandments. The precepts of the Decalogue lay the foundations for the vocation of man fashioned in the image of God; they prohibit what is contrary to the love of God and neighbor and prescribe what is essential to it. God wrote on the tables of the Law what men did not read in their hearts. Like a tutor<sup>15</sup> it shows what must be done, but does not of itself give the strength, the grace of the Spirit, to fulfill it. Because of sin, which it cannot remove, it remains a law of bondage. Paul, its special function is to denounce and disclose sin, which constitutes a "law of concupiscence" in the human heart. It prepares and disposes the chosen people and each Christian for conversion and faith in the Savior God. It provides a teaching which endures for ever, like the Word of God. Finally, the Law is completed by the teaching of the sapiential books and the prophets which set its course toward the New Covenant and the Kingdom of heaven. Conversely, there exist carnal men under the New Covenant still distanced from the perfection of the New Law: It is the work of Christ and is expressed particularly in the Sermon on the Mount. It is also the work of the Holy Spirit and through him it becomes the interior law of charity: I will put my laws into their hands, and write them on their hearts, and I will be their

God, and they shall be my people. It works through charity; it uses the Sermon on the Mount to teach us what must be done and makes use of the sacraments to give us the grace to do it: If anyone should meditate with devotion and perspicacity on the sermon our Lord gave on the mount, as we read in the Gospel of Saint Matthew, he will doubtless find there. It does not add new external precepts, but proceeds to reform the heart, the root of human acts, where man chooses between the pure and the impure,<sup>22</sup> where faith, hope, and charity are formed and with them the other virtues. The Gospel thus brings the Law to its fullness through imitation of the perfection of the heavenly Father, through forgiveness of enemies and prayer for persecutors, in emulation of the divine generosity. Love one another with brotherly affection. Rejoice in your hope, be patient in tribulation, be constant in prayer. Contribute to the needs of the saints, practice hospitality. The precepts are intended to remove whatever is incompatible with charity. The aim of the counsels is to remove whatever might hinder the development of charity, even if it is not contrary to it. They attest its vitality and call forth our spiritual readiness. The perfection of the New Law consists essentially in the precepts of love of God and neighbor. The counsels point out the more direct ways, the readier means, and are to be practiced in keeping with the vocation of each: It expresses the dignity of the human person and forms the basis of his fundamental rights and duties. It is a necessary foundation for the erection of moral rules and civil law. God has revealed them because men did not read them in their hearts.

*Moral Law Vs. Natural Law "At the dramatic center of The Scarlet Letter is the idea of the awesomeness and inescapability of the Moral Law, to which all else is finally submitted," (Levy ).*

History[ edit ] The use of natural law, in its various incarnations, has varied widely throughout history. There are a number of theories of natural law, that differ from each other with respect to the role that morality plays in determining the authority of legal norms. This article deals with its usages separately rather than attempt to unify them into a single theory. Abraham even dares to tell the Most High that his plan to destroy the city Genesis In this respect, natural law as described in the interaction between Abraham and God predates the later Greek exposition of it by Plato, Socrates and Aristotle. However, an even earlier set of laws is attributed to the Seven Laws of Noah. The seven Noahide laws as traditionally enumerated are the following: To establish courts of justice. Not to commit murder. Not to commit adultery or sexual immorality. Not to eat flesh torn from a living animal. According to this, all modern humans are descendants of Noah, thus the name Noahide Laws in reference to laws that apply to all of humanity. After the flood, God sealed a covenant with Noah with the following admonitions Genesis 9: Flesh of a living animal: Please improve it by verifying the claims made and adding inline citations. Statements consisting only of original research should be removed. What the law commanded would be expected to vary from place to place, but what was "by nature" should be the same everywhere. A "law of nature" would therefore have the flavor more of a paradox than something that obviously existed. Of these, Aristotle is often said to be the father of natural law. Universal law is the law of Nature. For there really is, as every one to some extent divines, a natural justice and injustice that is binding on all men, even on those who have no association or covenant with each other. Stoic natural law[ edit ] The development of this tradition of natural justice into one of natural law is usually attributed to the Stoics. The rise of natural law as a universal system coincided with the rise of large empires and kingdoms in the Greek world. There is no change in political theory so startling in its completeness as the change from the theory of Aristotle to the later philosophical view represented by Cicero and Seneca We think that this cannot be better exemplified than with regard to the theory of the equality of human nature. McIlwain likewise observes that "the idea of the equality of men is the most profound contribution of the Stoics to political thought" and that "its greatest influence is in the changed conception of law that in part resulted from it. According to this belief, within humans there is a "divine spark" which helps them to live in accordance with nature. The stoics felt that there was a way in which the universe had been designed, and that natural law helped us to harmonise with this. Marcus Tullius Cicero Cicero wrote in his De Legibus that both justice and law originate from what nature has given to humanity, from what the human mind embraces, from the function of humanity, and from what serves to unite humanity. Commanding us to do what is right, forbidding us to do what is wrong. It has dominion over good men, but possesses no influence over bad ones. No other law can be substituted for it, no part of it can be taken away, nor can it be abrogated altogether. Neither the people or the senate can absolve from it. It is not one thing at Rome, and another thing at Athens: The jurisprudence of the Roman Empire was rooted in Cicero, who held "an extraordinary grip Which shew the work of the law written in their hearts, their conscience also bearing witness, and their thoughts the meanwhile accusing or else excusing one another. In the twelfth century, Gratian equated the natural law with divine law. Albertus Magnus would address the subject a century later, and his pupil, St. See also Biblical law in Christianity. Meanwhile, Aquinas taught that all human or positive laws were to be judged by their conformity to the natural law. An unjust law is not a law, in the full sense of the word. This principle laid the seed for possible societal tension with reference to tyrants. For Christians, natural law is how human beings manifest the divine image in their life. Thus, whereas deontological systems merely require certain duties be performed, Christianity explicitly states that no one can, in fact, perform any duties if grace is lacking. Living the natural law is how humanity displays the gifts of life and grace, the gifts of all that is good. The apparent good or evil consequence resulting from the moral act is not relevant to the act itself. Insofar as one lives the natural law, temporal satisfaction may or may not be attained, but salvation will be attained. The state , in being bound by the natural law, is conceived as an

institution whose purpose is to assist in bringing its subjects to true happiness. True happiness derives from living in harmony with the mind of God as an image of the living God. After the Protestant Reformation, some Protestant denominations maintained parts of the Catholic concept of natural law. The English theologian Richard Hooker from the Church of England adapted Thomistic notions of natural law to Anglicanism five principles: He argued that the antagonism between human beings can only be overcome through a divine law, which he believed to have been sent through prophets. This is also the position of the Ashari school, the largest school of Sunni theology. The concept of natural law entered the mainstream of Western culture through his Aristotelian commentaries, influencing the subsequent Averroist movement and the writings of Thomas Aquinas. The concept of Istislah in Islamic law bears some similarities to the natural law tradition in the West, as exemplified by Thomas Aquinas. However, whereas natural law deems good what is self-evidently good, according as it tends towards the fulfilment of the person, istislah calls good whatever is connected to one of five "basic goods". Some add also "honour". This is a concept predating European legal theory, and reflects a type of law that is universal and may be determined by reason and observation of natural action. Neil McLeod identifies concepts that law must accord with: These two terms occur frequently, though Irish law never strictly defines them. These were two very real concepts to the jurists and the value of a given judgment with respect to them was apparently ascertainable. Although under the law any third person could fulfill the duty if both parties agreed, and both were sane.

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*He called this natural moral law - the rational understanding and following of God's final law is available to all, since everyone with some reasoning capacity can see that the universe works, according to certain patterns and rules that do not change. The Summa Theologica Aquinas maintains that there is a natural moral.*

Audio versions of these chapters, read by Jeff Rigenbach, are now available for podcast or download. Natural Law and Reason Listen to MP3 Among intellectuals who consider themselves "scientific," the phrase "the nature of man" is apt to have the effect of a red flag on a bull. As a result, many champions of natural law, in scientific or philosophic circles, have gravely weakened their case by implying that rational, philosophical methods alone cannot establish such law: On the other hand, the opponents of natural law have gleefully agreed; since faith in the supernatural is deemed necessary to belief in natural law, the latter concept must be tossed out of scientific, secular discourse, and be consigned to the arcane sphere of the divine studies. In consequence, the idea of a natural law founded on reason and rational inquiry has been virtually lost. In short, in this fideist tradition, theology had completely displaced philosophy. Thomas and the later Scholastics, as well as the devout Protestant jurist Hugo Grotius. The assertion of an order of natural laws discoverable by reason is, by itself, neither pro- nor anti-religious. The statement of absolute independence of natural law from the question of the existence of God was implicit rather than flatly asserted in St. Thomas himself; but like so many implications of Thomism, it was brought forth by Suarez and the other brilliant Spanish Scholastics of the late sixteenth century. Indeed, some of the Scholastics had gone so far as to say that: Hence, taken in itself, there is nothing religious or theological in the "Natural Law" of Aquinas. What we have been saying would have a degree of validity even if we should concede that which cannot be conceded without the utmost wickedness, that there is no God. Measureless as is the power of God, nevertheless it can be said that there are certain things over which that power does not extend. Just as even God cannot cause that two times two should not make four, so He cannot cause that which is intrinsically evil be not evil. When he maintains that natural law is that body of rules which Man is able to discover by the use of his reason, he does nothing but restate the Scholastic notion of a rational foundation of ethics. Indeed, his aim is rather to restore that notion which had been shaken by the extreme Augustinianism of certain Protestant currents of thought. When he declares that these rules are valid in themselves, independently of the fact that God willed them, he repeats an assertion which had already been made by some of the schoolmen. Thomas Aquinas, in the words of the eminent historian of philosophy Father Copleston, "emphasized the place and function of reason in moral conduct. He [Aquinas] shared with Aristotle the view that it is the possession of reason which distinguished man from the animals" and which "enables him to act deliberately in view of the consciously apprehended end and raises him above the level of purely instinctive behavior. For the ends themselves are selected by the use of reason; and "right reason" dictates to man his proper ends as well as the means for their attainment. For the Thomist or natural-law theorist, the general law of morality for man is a special case of the system of natural law governing all entities of the world, each with its own nature and its own ends. For, in contrast to natural law, positivistic social science is characterized by the abandonment of reason or the flight from reason. According to the positivistic interpretation of relativism which prevails in present-day social science reason can tell us which means are conducive to which ends; it cannot tell us which attainable ends are to be preferred to other attainable ends. If rational conduct consists in choosing the right means for the right end, relativism teaches in effect that rational conduct is impossible. Toohey defined sound philosophy as follows: Natural Law as "Science" Listen to MP3 It is indeed puzzling that so many modern philosophers should sniff at the very term "nature" as an injection of mysticism and the supernatural. An apple, let fall, will drop to the ground; this we all observe and acknowledge to be in the nature of the apple as well as the world in general. Two atoms of hydrogen combined with one of oxygen will yield one molecule of water behavior that is uniquely in the nature of hydrogen, oxygen, and water. There is nothing arcane or mystical about such observations. Why then cavil at the concept of "nature"? The world, in fact, consists of a myriad number of

observable things, or entities. This is surely an observable fact. Since the world does not consist of one homogenous thing or entity alone, it follows that each one of these different things possesses differing attributes, otherwise they would all be the same thing. But if A, B, C, etc. In short, specific, delimitable causes will have specific delimitable effects. The complex that we may build up of these laws may be termed the structure of natural law. What is "mystical" about that? And yet, if apples and stones and roses each have their specific natures, is man the only entity, the only being, that cannot have one? And if man does have a nature, why cannot it too be open to rational observation and reflection? One common, flip criticism by opponents of natural law is: The answer is not who but what: Go thou and study and find out! It is as if one man were to assert that the nature of copper were open to rational investigation and a critic were to challenge him to "prove" this immediately by setting forth on the spot all the laws that have been discovered about copper. Another common charge is that natural-law theorists differ among themselves, and that therefore all natural-law theories must be discarded. This charge comes with peculiar ill grace when it comes, as it often does, from utilitarian economists. For economics has been a notoriously contentious science "and yet few people advocate tossing all economics therefore into the discard. Furthermore, difference of opinion is no excuse for discarding all sides to a dispute; the responsible person is the one who uses his reason to examine the various contentions and make up his own mind. Even such "hard" sciences as physics and chemistry have had their errors and their fervent disputes. The natural law ethic decrees that for all living things, "goodness" is the fulfillment of what is best for that type of creature; "goodness" is therefore relative to the nature of the creature concerned. Thus, Professor Cropsey writes: The classical [natural law] doctrine is that each thing is excellent in the degree to which it can do the things for which its species is naturally equipped "Why is the natural good? We do not judge elephants to be good because they are natural; or because nature is morally good" whatever that would mean. We judge a particular elephant to be good by the light of what elephant nature makes it possible for elephants to do and to be. In a significant sense, then, natural law provides man with a "science of happiness," with the paths which will lead to his real happiness. In contrast praxeology or economics as well as the utilitarian philosophy with which this science has been closely allied, treat "happiness" in the purely formal sense as the fulfillment of those ends which people happen "for whatever reason" to place high on their scales of value. Satisfaction of those ends yields to man his "utility" or "satisfaction" or "happiness. This procedure is perfectly proper for the formal science of praxeology, or economic theory, but not necessarily elsewhere. As Father Kenealy put it: This philosophy maintains that there is in fact an objective moral order within the range of human intelligence, to which human societies are bound in conscience to conform and upon which the peace and happiness of personal, national and international life depend. Is there any reason to suggest that these values, once identified and tested, may not be thought of as essentially fixed and unchanging? For example, the wanton murder of one adult by another for the purely personal amusement of the person committing the murder, once it is recognized as a general wrong, is likely always to be so recognized. Such a murder has disadvantageous individual and social effects. Or to take a milder example from esthetics, man is always likely to recognize in a special way the balance of two complementary colors because he is born with specially constituted human eyes. In answer we may point out that their [natural law] view identifies value not with existence but rather with the fulfillment of tendencies determined by the structure of the existent entity. Furthermore, it identifies evil not with non-existence but rather with a mode of existence in which natural tendencies are thwarted and deprived of realization". The young plant whose leaves are withering for lack of light is not nonexistent. It exists, but in an unhealthy or privative mode. The lame man is not nonexistent. He exists, but with a natural power partially unrealized. Because the factual needs which underlie the whole procedure are common to man. The values founded on them are universal. Hence, if I made no mistake in my tendential analysis of human nature, and if I understand myself, I must exemplify the tendency and must feel it subjectively as an imperative urge to action. Here Hume has been followed by modern social scientists since Max Weber. Professor Hesselberg has shown, however, that Hume, in the course of his own discussions, was compelled to reintroduce a natural-law conception into his social philosophy and particularly into his theory of justice, thus illustrating the gibe of Etienne Gilson: If this is so, the norms of justice must control and regulate the passions, and not vice versa.

These are the fideists who believe that ethics can only be given to man by supernatural revelation, and the skeptics who believe that man must take his ethics from arbitrary whim or emotion. It is only necessary to study the thought of Ockham to see how ancient this strange alliance is. For in Ockham can be seen how philosophic nominalism, unable to face the question of practical certainty, solves it by the arbitrary hypothesis of revelation. The will detached from the intellect as it must be in a nominalism can seek certainty only through such arbitrary hypotheses. The interesting fact historically is that these two anti-rationalist traditions – that of the liberal skeptic and the Protestant revelationist – should originally have come from two opposite views of man. The Protestant dependence upon revelation arose from a great pessimism about human nature. The immediately apprehended values of the liberal originate in a great optimism. Yet – after all, is not the dominating tradition in North America a Protestantism which has been transformed by pragmatic technology and liberal aspirations? Natural Law versus Positive Law Listen to MP3 If, then, the natural law is discovered by reason from "the basic inclinations of human nature – absolute, immutable, and of universal validity for all times and places," it follows that the natural law provides an objective set of ethical norms by which to gauge human actions at any time or place. In the realm of politics or State action, the natural law presents man with a set of norms which may well be radically critical of existing positive law imposed by the State. At this point, we need only stress that the very existence of a natural law discoverable by reason is a potentially powerful threat to the status quo and a standing reproach to the reign of blindly traditional custom or the arbitrary will of the State apparatus. These are essentially the only possible ways for establishing positive law. This even holds for those who try to hew to a policy of individual liberty. Thus, there are those libertarians who would simply and uncritically adopt the common law, despite its many anti-libertarian flaws. Others, like Henry Hazlitt, would scrap all constitutional limitations on government to rely solely on the majority will as expressed by the legislature. Neither group seems to understand the concept of a structure of rational natural law to be used as a guidepost for shaping and reshaping whatever positive law may be in existence. To Acton, such an irrepressible conflict was an essential attribute of classical liberalism: To take seriously this Liberal theory of history, to give precedence to "what ought to be" over "what is" was, he admitted, virtually to install a "revolution in permanence. Even the far less politically oriented John Wild has trenchantly described the inherently radical nature of natural-law theory: Professor Parthemos considers natural law to be "conservative" because its principles are universal, fixed, and immutable, and hence are "absolute" principles of justice. On the contrary, the fact that natural-law theorists derive from the very nature of man a fixed structure of law independent of time and place, or of habit or authority or group norms, makes that law a mighty force for radical change. The only exception would be the surely rare case where the positive law happens to coincide in every aspect with the natural law as discerned by human reason. Natural Law and Natural Rights Listen to MP3 As we have indicated, the great failing of natural-law theory – from Plato and Aristotle to the Thomists and down to Leo Strauss and his followers in the present day – is to have been profoundly statist rather than individualist. This "classical" natural-law theory placed the locus of the good and of virtuous action in the State, with individuals strictly subordinated to State action. From the Lockean emphasis on the individual as the unit of action, as the entity who thinks, feels, chooses, and acts, stemmed his conception of natural law in politics as establishing the natural rights of each individual.

**Chapter 9 : Catechism of the Catholic Church - The moral law**

*Natural Law is a moral theory of jurisprudence, which maintains that law should be based on morality and ethics. Therefore, Natural Law finds its power in discovering certain universal standards in morality and ethics.*

Its essence In English this term is frequently employed as equivalent to the laws of nature , meaning the order which governs the activities of the material universe. Among the Roman jurists natural law designated those instincts and emotions common to man and the lower animals, such as the instinct of self-preservation and love of offspring. In its strictly ethical applicationâ€”the sense in which this article treats itâ€”the natural law is the rule of conduct which is prescribed to us by the Creator in the constitution of the nature with which He has endowed us. When God willed to give existence to creatures, He willed to ordain and direct them to an end. In the case of inanimate things, this Divine direction is provided for in the nature which God has given to each; in them determinism reigns. Like all the rest of creation, man is destined by God to an end, and receives from Him a direction towards this end. This ordination is of a character in harmony with his free intelligent nature. In virtue of his intelligence and free will , man is master of his conduct. Unlike the things of the mere material world he can vary his action, act, or abstain from action, as he pleases. Yet he is not a lawless being in an ordered universe. In the very constitution of his nature, he too has a law laid down for him, reflecting that ordination and direction of all things, which is the eternal law. The rule, then, which God has prescribed for our conduct, is found in our nature itself. Those actions which conform with its tendencies, lead to our destined end, and are thereby constituted right and morally good; those at variance with our nature are wrong and immoral. The norm, however, of conduct is not some particular element or aspect of our nature. The standard is our whole human nature with its manifold relationships, considered as a creature destined to a special end. Actions are wrong if, though subserving the satisfaction of some particular need or tendency, they are at the same time incompatible with that rational harmonious subordination of the lower to the higher which reason should maintain among our conflicting tendencies and desires see GOOD. For example, to nourish our bodies is right; but to indulge our appetite for food to the detriment of our corporal or spiritual life is wrong. Self-preservation is right, but to refuse to expose our life when the well-being of society requires it, is wrong. It is wrong to drink to intoxication, for, besides being injurious to health, such indulgence deprives one of the use of reason, which is intended by God to be the guide and dictator of conduct. There is, then, a double reason for calling this law of conduct natural: In both respects it is distinguished from the Divine positive law, which contains precepts not arising from the nature of things as God has constituted them by the creative act, but from the arbitrary will of God. This law we learn not through the unaided operation of reason, but through the light of supernatural revelation. We may now analyse the natural law into three constituents: The discriminating norm is, as we have just seen, human nature itself, objectively considered. It is, so to speak, the book in which is written the text of the law , and the classification of human actions into good and bad. Strictly speaking, our nature is the proximate discriminating norm or standard. The remote and ultimate norm, of which it is the partial reflection and application, is the Divine nature itself, the ultimate groundwork of the created order. The binding or obligatory norm is the Divine authority, imposing upon the rational creature the obligation of living in conformity with his nature, and thus with the universal order established by the Creator. Contrary to the Kantian theory that we must not acknowledge any other lawgiver than conscience , the truth is that reason as conscience is only immediate moral authority which we are called upon to obey, and conscience itself owes its authority to the fact that it is the mouthpiece of the Divine will and imperium. The manifesting norm *norma denuntians* , which determines the moral quality of actions tried by the discriminating norm, is reason. Through this faculty we perceive what is the moral constitution of our nature, what kind of action it calls for, and whether a particular action possesses this requisite character. The contents of the natural law Radically, the natural law consists of one supreme and universal principle, from which are derived all our natural moral obligations or duties. We cannot discuss here the many erroneous opinions regarding the fundamental rule of life. Some of them are utterly false â€”for instance, that of Bentham , who made the pursuit of utility or temporal pleasure the foundation of the moral code, and that of Fichte, who taught that the

supreme obligation is to love self above everything and all others on account of self. Others present the true idea in an imperfect or one-sided fashion. Epicurus, for example, held the supreme principle to be, "Follow nature"; the Stoics inculcated living according to reason. But these philosophers interpreted their principles in a manner less in conformity with our doctrine than the tenor of their words suggests. Catholic moralists, though agreeing upon the underlying conception of the Natural Law, have differed more or less in their expression of its fundamental formula. Among many others we find the following: Thomas is at once the most simple and philosophic. Starting from the premise that good is what primarily falls under the apprehension of the practical reason—that is of reason acting as the dictator of conduct—and that, consequently, the supreme principle of moral action must have the good as its central idea, he holds that the supreme principle, from which all the other principles and precepts are derived, is that good is to be done, and evil avoided I-II, Q, xciv, a. Passing from the primary principle to the subordinate principles and conclusions, moralists divide these into two classes: Such, for instance, are "Adore God"; "Honour your parents"; "Do not steal"; 2 those other conclusions and precepts which are reached only through a more or less complex course of inference. It is this difficulty and uncertainty that requires the natural law to be supplemented by positive law, human and Divine. As regards the vigour and binding force of these precepts and conclusions, theologians divide them into two classes, primary and secondary. To the first class belong those which must, under all circumstances, be observed if the essential moral order is to be maintained. The secondary precepts are those whose observance contributes to the public and private good and is required for the perfection of moral development, but is not so absolutely necessary to the rationality of conduct that it may not be lawfully omitted under some special conditions. For example, under no circumstances is polyandry compatible with the moral order, while polygamy, though inconsistent with human relations in their proper moral and social development, is not absolutely incompatible with them under less civilized conditions. The qualities of the natural law a The natural law is universal, that is to say, it applies to the entire human race, and is in itself the same for all. Every man, because he is a man, is bound, if he will conform to the universal order willed by the Creator, to live conformably to his own rational nature, and to be guided by reason. However, infants and insane persons, who have not the actual use of their reason and cannot therefore know the law, are not responsible for that failure to comply with its demands. Since it is founded in the very nature of man and his destination to his end—two bases which rest upon the immutable ground of the eternal law—it follows that, assuming the continued existence of human nature, it cannot cease to exist. The natural law commands and forbids in the same tenor everywhere and always. We enunciate, for instance, one of the leading precepts in the words: Herein exists no variation in the law; what the law forbids is not all taking of life, but all unjust taking of life. With regard to the possibility of any change by abrogation or dispensation, there can be no question of such being introduced by any authority except that of God Himself. But reason forbids us to think that even He could exercise such power, because, given the hypothesis that He wills man to exist, He wills him necessarily to live conformably to the eternal law, by observing in his conduct the law of reason. The Almighty, then, cannot be conceived as willing this and simultaneously willing the contradictory, that man should be set free from the law entirely through its abrogation, or partially through dispensation from it. It is true that some of the older theologians, followed or copied by some later ones, hold that God can dispense, and, in fact in some instances, has dispensed from the secondary precepts of the natural law, while others maintain that the bearing of the natural law is changed by the operation of positive law. However, an examination of the arguments offered in support of these opinions shows that the alleged examples of dispensation are: But it is not necessary to see in these cases a dispensation from the precepts forbidding theft and murder. The classic instance alleged as an example of b is the legalization of polygamy among the Hebrews. Polygamy, however, is not under all circumstances incompatible with the essential principles of a rationally ordered life, since the chief ends prescribed by nature for the marital union—the propagation of the race and the due care and education of offspring—may, in certain states of society, be attained in a polygamous union. The theory that God can dispense from any part of the law, even from the secondary precepts, is scarcely compatible with the doctrine, which is the common teaching of the School, that the natural law is founded on the eternal law, and, therefore, has for its ultimate ground the immutable essence of God himself. As regards c, when positive law,

human or Divine, imposes obligations which only modify the bearing of the natural law, it cannot correctly be said to change it. Positive law may not ordain anything contrary to the natural law, from which it draws its authority; but it may—and this is one of its functions—determine with more precision the bearing of the natural law, and for good reasons, supplement its conclusions. For example, in the eyes of the natural law mutual verbal agreement to a contract is sufficient; yet, in many kinds of contract, the civil law declares that no agreement shall be valid, unless it be expressed in writing and signed by the parties before witnesses. In establishing this rule the civil authority merely exercises the power which it derives from the natural law to add to the operation of the natural law such conditions as the common good may call for. Contrary to the almost universally received doctrine, a few theologians held erroneously that the natural law depends not on the essential necessary will of God, but upon His arbitrary positive will, and taught consistently with this view, that the natural law may be dispensed from or even abrogated by God. The conception, however, that the moral law is but an arbitrary enactment of the Creator, involves the denial of any absolute distinction between right and wrong—a denial which, of course, sweeps away the very foundation of the entire moral order. Our knowledge of the law Founded in our nature and revealed to us by our reason, the moral law is known to us in the measure that reason brings a knowledge of it home to our understanding. How far can man be ignorant of the natural law, which, as St. Paul says, is written in the human heart Romans 2: The general teaching of theologians is that the supreme and primary principles are necessarily known to every one having the actual use of reason. These principles are really reducible to the primary principle which is expressed by St. Thomas in the form: Wherever we find man we find him with a moral code, which is founded on the first principle that good is to be done and evil avoided. When we pass from the universal to more particular conclusions, the case is different. Some follow immediately from the primary, and are so self-evident that they are reached without any complex course of reasoning. Such are, for example: No person whose reason and moral nature is ever so little developed can remain in ignorance of such precepts except through his own fault. Another class of conclusions comprises those which are reached only by a more or less complex course of reasoning. These may remain unknown to, or be misinterpreted even by persons whose intellectual development is considerable. To reach these more remote precepts, many facts and minor conclusions must be correctly appreciated, and, in estimating their value, a person may easily err, and consequently, without moral fault, come to a false conclusion. A few theologians of the seventeenth and eighteenth centuries, following some older ones, maintained that there cannot exist in anyone practical ignorance of the natural law. This opinion however has no weight for the controversy see Bouquillon, "Theologia Fundamentalis", n. Theoretically speaking, man is capable of acquiring a full knowledge of the moral law, which is, as we have seen, nothing but the dictates of reason properly exercised. Actually, taking into consideration the power of passion, prejudice, and other influences which cloud the understanding or pervert the will, one can safely say that man, unaided by supernatural revelation, would not acquire a full and correct knowledge of the contents of the natural law cf. Vatican Council, Sess. In proof we need but recall that the noblest ethical teaching of pagans, such as the systems of Plato, Aristotle, and the Stoics, was disfigured by its approbation of shockingly immoral actions and practices. As the fundamental and all-embracing obligation imposed upon man by the Creator, the natural law is the one to which all his other obligations are attached. The duties imposed on us in the supernatural law come home to us, because the natural law and its exponent, conscience, tell us that, if God has vouchsafed to us a supernatural revelation with a series of precepts, we are bound to accept and obey it. The natural law is the foundation of all human law inasmuch as it ordains that man shall live in society, and society for its constitution requires the existence of an authority, which shall possess the moral power necessary to control the members and direct them to the common good. Human laws are valid and equitable only in so far as they correspond with, and enforce or supplement the natural law; they are null and void when they conflict with it. Thomas explains the lawfulness of this procedure. Because human actions, which are the subject of laws are individual and innumerable, it is not possible to establish any law that may not sometimes work out unjustly. Legislators, however, in passing laws attend to what commonly happens, though to apply the common rule will sometimes work injustice and defeat the intention of the law itself. In such cases it is bad to follow the law; it is good to set aside its letter and follow the dictates of justice

and the common good II-II. Logically , chronologically, and ontologically antecedent to all human society for which it provides the indispensable basis, the natural or moral law is neither—as Hobbes, in anticipation of the modern positivistic school , taught—a product of social agreement or convention, nor a mere congeries of the actions, customs, and ways of man, as claimed by the ethicists who, refusing to acknowledge the First Cause as a Personality with whom one entertains personal relations, deprive the law of its obligatory basis.