

The Concept of Nature in Natural Law Ethics

1. Natural Law Ethics – both a theological and a philosophical approach to morality
The quest for a moral standard that is universal, objective, and intelligible

F. Russell Hittinger, *The First Grace: Recovering the Natural Law in a Post-Christian World*

Pope John Paul II, *Veritatis Splendor (The Splendor of the Truth)*, esp. Chap. 2

2. The notion of “law” in natural law ethics
The place of obligation within ethics, along with virtue, gifts and graces
Happiness and beatitude as the ultimate goal of human life

* A. P. d’Entreves, *Natural Law: An Introduction to Legal Philosophy*
Jay Budziszewski, *What We Can’t Not Know: A Guide*

3. The controversy about claiming to derive moral obligation from nature.
The logical problems about ethical statements
The epistemological problems about moral knowing

G. E. Moore, *Principia Ethica*

Anthony Lisska, *Aquinas’s Theory of Natural Law: An Analytic Reconstruction*

4. The notion of “nature” as an inner source of action, operation and development
The plurality of natural kinds, the relation of beginning and end, teleology

Aristotle, *Physics*

Heinrich Rommen, *The Natural Law: A Study in Legal and Social History and Philosophy*

5. The notion of “right reason” and of “nature” in natural law ethics
The role of natural inclinations, the need for discernment
The role of grace in perfecting nature

Aquinas, *Summa theologiae*, I-II, 94, 2.

Yves Simon, *The Tradition of Natural Law*

Catechism of the Catholic Church – The Natural Moral Law

- 1954 Man participates in the wisdom and goodness of the Creator who gives him mastery over his acts and the ability to govern himself with a view to the true and the good. 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."

- 1955 The "divine and natural" law shows man the way to follow so as to practice the good and attain his end. the natural law states the first and essential precepts which govern the moral life. It hinges upon the desire for God and submission to him, who is the source and judge of all that is good, as well as upon the sense that the other is one's equal. 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."

- 1956 The natural law, present in the heart of each man and established by reason, is universal in its precepts and its authority extends to all men. It expresses the dignity of the person and determines the basis for his fundamental rights and duties: "For there is a true law: right reason. It is in conformity with nature, is diffused among all men, and is immutable and eternal; it 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."

- 1957 Application of the natural law varies greatly; it can demand reflection that takes account of various conditions of life according to places, times, and circumstances. 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.

- 1958 The natural law is immutable and permanent throughout the variations of history; it subsists under the flux of ideas and customs and supports their progress. 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."

- 1959 The natural law, the Creator's very good work, provides the solid foundation on which man can build the structure of moral rules to guide his choices. 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.

- 1960 The precepts of natural law are not perceived by everyone clearly and immediately. 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."¹² The natural law provides revealed law and grace with a foundation prepared by God and in accordance with the work of the Spirit.

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NATURAL LAW
LECTURE #3
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Veritatis splendor, ch. 2: "Do Not Be Conformed to this World"

The Church's discernment of certain trends in contemporary moral theology that are inconsistent with sound teaching involves exploration of various new ways of understanding human freedom. In *Dignitatis Humanae* (Vatican II's Declaration of Religious Freedom), for instance, the Church insists that there is a right to religious freedom and that respect for conscience on its journey towards the truth is crucial for defending the dignity of the human person.

But (#32) sometimes *freedom* is exalted to the point of being thought an absolute, as if the mere fact of choice gives authentic value to what is chosen. Likewise, *conscience* is sometimes misunderstood as if a supreme tribunal capable of infallible decisions about good and evil. Both these trends are connected with the *crisis of truth*: the sense of doubt that truth about moral goodness can be objectively known. Ironically (#33) this exaltation of freedom often stands side by side with trends in modern society that question or even deny the very existence of this freedom, as if human life were completely conditioned and *determined*. The more authentic understanding of freedom always acknowledges the *dependence* of freedom on truth.

I. Freedom and Law. The genuine sense of human freedom does *not* presume it to be the *power to decide* what is good and what is evil (that belongs to God alone); rather, human freedom is the *power to choose* what to do or not do. Whether the choices we make are morally good or bad depends on whether or not those choices conform to laws of morality that God created in creating our nature as free, rational creatures. The proper use of our freedom requires that we understand and accept God's commands. Properly understood, God's law does *not* do away with human freedom but protects and promotes that freedom by directing us to choose what will make us flourish. Some recent thinkers, however, claim (#40) that freedom and law are in conflict and that human beings are not free unless human reason is regarded as *sovereign* and unless they can *autonomously* lay down a moral law for themselves. By contrast, the Catholic understanding of *natural law* (#43) stresses the way in which reason reflects on our God-given nature so as to discern the end that God has designed for us and the proper ways to reach that end. This design includes a reason that is capable of distinguishing good from evil and developing the virtues by which we regularly choose what is good and avoid what is evil. As Thomas Aquinas (#44) explains, God has also provided the guidance of faith, the Magisterium of the Church, and *divine law* (such as the Decalog and the Great Commandments of the New Covenant) to guide our discernment. For the proper understanding of this matter, it is crucial to understand the moral *norms* that come from our nature *not* as mere *statistical normality* (#46) but as the natural law that was built into our nature by our divine Creator when God designed us as unities of body and soul. God has charged us with discovering and freely accepting His will if we would become truly happy. A sound ethics must come to appreciate the ways in which the body expresses the soul and the ways in which our actions can respect or violate the natural meanings of body and spirit. The natural moral law is universal (#51), but this universality does not ignore the individuality or the uniqueness of human beings. Rather, it commands certain acts and virtues by which human beings flourish, and it forbids certain practices that can never prove compatible with the goodness of a person or with the human vocation to life with God and communion with our neighbors.

II. Conscience and Truth. In their eagerness to repudiate a casuistic ethics in which the role of conscience was reduced to mechanical application of general norms, some theorists have come to misunderstand *conscience* as if it were what creates moral values or justifies actions merely by our degree of sincerity with chosen values. Rather, the authentic understanding of conscience takes it to be the inner witness of our fidelity or infidelity to the divinely given moral law, and hence the witness of God himself within us. Conscience is the judgment we make about whether an action we have done or are about to do is in conformity with the objective and universal moral law that comes from God and that can be known by us as the natural law. Conscience is not an infallible judge (#62); since it is subject to error, we must constantly work to form the conscience truthfully (#64). The Magisterium of the Church is at the service of this formation.

III. Fundamental Choice and Specific Kinds of Behavior. Human beings bear responsibility for any actions that we freely and deliberately choose. In fact, the proper way to make a moral assessment of any such action is by considering the *finis operantis* (*intention of the agent*), the *finis operis* (*the nature of the act*), and the *circumstances* (including the *consequences*). To make the right sort of choices it is important to have a fundamental orientation (#65), and esp. the sort of complete commitment to Christ that comes from taking our baptism and our faith seriously. Some recent theorists, however, have misunderstood this *fundamental option* or *orientation* as if it alone gives a moral coloration to our acts. This is to forget that there is no way to manifest or express such a fundamental orientation other than by all the specific acts that we choose to do. Likewise, it is to forget that *intention* is only one of the factors in a moral analysis, not the only factor. The result of this error has often been (#69) to obscure the concept of *mortal sin* as sin whose object is grave matter when committed with full knowledge and deliberate consent (#70). Particular acts can radically change one's fundamental orientation, for good or for ill.

IV. The Moral Act. The morality of our acts is defined by the relationship of our human freedom and our authentic good, as established by Divine Wisdom. We must be remindful of the end God has intended for us, eternal life. Only actions in conformity with what is authentically good for human beings can be a path that leads to eternal life. For this reason, moral analysis must constantly be concerned with assessing the consequences of our actions as well as with analyzing the nature of our actions and the circumstances within which we perform them (#74). But some recent moral theologians (usually called "consequentialists" or "proportionalists") have adopted views linked to utilitarianism, namely, that the morality of an action is to be assessed simply by the calculation of values, that is, by the weighing of advantages and disadvantages, benefits and burdens. This is to forget that *consequences* are only one of the factors in moral analysis, and not the only factor. In particular it is to forget that the nature of some actions is such that they can never be ordered to the end for which God has intended us. Actions of this sort are *intrinsically evil* (#79), and as St Paul reminds us (*Romans* 3:8), one may not do evil so that good may come. At #80 a list of such intrinsic evils from Vatican II. In situations where the action we are evaluating has not only a good that we foresee and intend but also an evil side-effect that we can foresee but in no way intend, we need to apply the principle of the double effect. Before acting, we must assure ourselves (1) that we in no way intend the evil effect; (2) that the action we are undertaking is not an intrinsic evil; (3) that the evil effect is only a foreseen side-effect and not the means to the good effect (for we are not even permitted to choose evil as a means, let alone as an end); and (4) that the evil effect is not disproportionate to the good effect.