

## Natural Law

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### The Roman Catholic Church bases its moral teachings on both Scripture and tradition.

Natural law developed as part of the Church's tradition, and unlike Scripture, has universal appeal. The Church uses Scripture but not exclusively. Natural law can appeal to anyone who can reason and critically reflect on human experience. The advantage of using natural law is that the Church can "address its discussion and claims for the rightness or wrongness of particular actions to all persons of good will, not just those who share its religious convictions."<sup>1</sup>

The universality of natural law is one of its foremost features as a methodology for moral teaching. The term "natural law" can be confusing. What does "natural" mean? What does "law" mean? One way to define these terms is by defining what they are not. "Natural" here does not refer to the physical, chemical or biological laws of nature (e.g., hydrogen and oxygen molecules react to form water). "Law" does not refer to a written code handed down by legislators (e.g., traffic signs).

The *Encyclopedia of Philosophy* gives some insight into the term "natural law". Its definition of natural law includes the notion that "morality is somehow grounded in human nature,"<sup>2</sup> and it involves "the application of reason in examining human nature."<sup>3</sup> To understand what is meant by "natural law" it is useful to look at how the term developed.

### Greek and Roman Philosophers

Although the Catholic Church has used natural law for centuries, its origins date back to at least the Greek and Roman philosophers. The (Greek) Stoics emphasized nature and the necessity to conform to what is given in nature. They believed that "right moral living came with conforming to the given world

order."<sup>4</sup> The aim of human life was to accept "what is given in nature as it is, cooperating with the inter-connected rhythms of life, and not attempting to control or shape nature."<sup>5</sup> This would lead to right moral conduct, happiness, and well being.

Aristotle was a Greek philosopher whose understanding of natural law influenced Christian thought, especially that of Thomas Aquinas. Aristotle contributed three important concepts to the development of natural law. They are:

1. The notion that all natural objects have an end they are internally driven to fulfill, and to understand a thing, we must understand the end toward which it aims.
2. Human beings aim at some specific highest good, which Aristotle defines as happiness, that is, virtuous, rational, satisfactory activity.
3. Life in a political organization is entirely natural for humans. In fact, nature implants in us a social instinct and we can tell by the fact that humans are not individually self-sufficient that the purpose of society is to produce well-being.<sup>6</sup>

From Aristotle's thought, it can be shown that as human beings our nature is rationally directed towards an end that brings happiness or fulfillment. Put another way, when human beings act in accord with their rational nature, they fulfill their human potential.

Cicero, a Roman philosopher, placed an emphasis on law and connected it with reason. In *The Republic* (also translated as *On the republic*, or *Treatise on the Commonwealth*) Cicero wrote about natural law. He stated that "true law is right reason in agreement with nature, it is of universal application, unchanging and everlasting, it summons to duty by its commands and averts from wrong doing by its prohibitions."<sup>7</sup>

Natural law in Cicero's understanding can be thought of as the "innate power of reason to direct action."<sup>8</sup> Reason directs our actions in accord with our human nature. The concepts of universality and immutability make natural law a persuasive methodology that claims that norms derived from natural law apply to all people and for all time.

### Thomas Aquinas

Thomas Aquinas can be considered as the "father of natural law" in Catholic moral theology. He developed a theory of natural law based on the works of Aristotle, the Greek and Roman philosophers, and Augustine. Aquinas balanced the order of nature and the order of reason in his theory. He defined natural law as the "human person's participation in eternal law through the use of reason."<sup>9</sup> One can come to know what is morally right by the use of reason and through human experience.

When human experience is considered, it should be considered in its totality, not just the physical or biological aspects. Reason needs to include the "totality of the human tendency to want to know the whole of reality and come to truth."<sup>10</sup> Thus reason would include all the ways that help one to understand what it means to be human; that is, the essence of human nature. Aquinas also considered natural law to be immutable and universal.

In his *Summa Theologiae*, Aquinas established that the first precept of natural law is that good is to be done and evil avoided (cf. *ST* I-II, q.94, a. 2). Aquinas, like Aristotle, believed that human beings have certain drives which direct them to an end. Moral norms are derived from natural inclinations. "The practical reason perceives the natural inclinations in human persons in the form of moral imperatives which become the concrete conclusions of natural law."<sup>11</sup>

Aquinas held that human beings have a proclivity to the good on three different levels. First, human beings have an inclination to the good according to the nature which they have in common with all living things; that is the preservation of self.<sup>12</sup> "Preserving and protecting life as a basic value belongs to the natural law on the basis of this inclination."<sup>13</sup> Second, there is a drive to the good according to the nature which human beings have in common with animals; namely sexual reproduction and the upbringing of their offspring.<sup>14</sup> Whatever nature has taught animals (to the degree that human beings are animals) belongs to the natural law. Third, there is an inclination to the good according to the nature of reason which is proper to human beings alone.<sup>15</sup>

Human beings have a desire to know the truth and to live in society cooperating with other people. Whatever pertains to reason is said to belong to natural law. Therefore, for Aquinas, the precepts of natural law are derived from the natural inclinations to the good.

Aquinas taught that a person applied natural law and exercised the virtue of prudence in decision making. Prudence is a virtue which enables a person to judge between a virtuous and non-virtuous act. It is the exercise of sound judgment. A prudent person takes counsel, judges the suitability of the means, and executes the good act. One acquires prudence through the use of practical wisdom and experience. Reason and the virtue of prudence work together so that the decision maker chooses the best way to achieve the good end. For Aquinas, it is not enough to know the good. One needs to be a prudent person who knows the good, chooses it, and executes the good act.

### Contemporary Thought on Natural Law

John Gallagher, in his book, *The Basis for Christian Ethics*, presents Aquinas' thought on inclinations in terms of appetites. He begins by stating that there are two general kinds of conscious acts; cognitive and appetitive.<sup>16</sup> Cognitive acts are acts of knowing, whereas appetitive acts presuppose some cognitive act.<sup>17</sup> An example of a cognitive act would be understanding the law of thermodynamics, and an example of an appetitive act would be loving a person. Gallagher states there are two types of appetitive acts; positive and negative. Positive appetitive acts are those to which one is attracted; something to be preferred. This element of attraction can be seen as a "liking". Negative appetitive acts are those to which one has an aversion; something to be avoided. This element of repulsion can be seen as a "dislike". Human acts involve our appetites and intelligence (the use of reason).

Gallagher describes good as the object of one's "liking" and evil as the object of one's "dislikes". Aquinas stated that the first precept of natural law was that good is to be done and evil avoided. Using Gallagher's terminology, the first precept of human action is: seek the good and avoid the evil. When one must choose between two goods, the greater good is to be chosen. When one must choose between two evils (assuming that an evil is inevitable and that it is not an intrinsic evil) one must choose the lesser evil. When choosing a good, it is not simply a matter of choosing what one likes here and now, but rather one should consider one's likes during the whole time affected by the choice.<sup>18</sup>

Gallagher gives an example of a student who has two summer job offers. The student loves to travel and wants

to go to Europe, but the student also likes the idea of having some time off every summer. The first job requires the student to work with no vacation, but in the second summer the student will work in Europe and have vacation time. The second job will allow the student vacation time during the first summer. By choosing the second job offer the student is choosing an immediate “like” and is not considering the “like” which could bring more satisfaction over the whole time.<sup>19</sup>

How does one choose between goods? Gallagher suggests that one consider appetitive potential as a criterion for determining the good. “Likings” produce some good and Gallagher suggests that the greater the “liking” the greater the good that can be achieved.<sup>20</sup> Some goods are limited in their potential because once they are achieved there is little or no potential for growth. Gallagher gives the example of a child who likes ice cream. The child has some ice cream and his friend comes to visit. He can eat the ice cream himself or he can share it with his friend. There are two “likings” in this scenario: ice cream and friendship. The child chooses not to share the ice cream. He does not choose a “dislike” but he does choose a “liking” which has very limited potential for growth. Friendship, on the other hand, has great potential for growth. The child has not yet developed a full appreciation for friendship and therefore does not choose it.<sup>21</sup>

In choosing between “likings” one should choose the “liking” that offers the greatest potential for growth. One should also consider that the development of a certain “liking” may be detrimental to the development of another. In the example given, if the child develops his “liking” for ice cream and does not develop his “liking” for friendship, he deprives himself of a “liking” that has great potential for growth. The child, of course, does not know this yet. With training and experience, the child will understand that his appreciation for friendship has a greater potential for growth than does his appreciation for ice cream.

Gallagher classifies “likings” into two types; physical and non-physical. Physical “likings” include desires for food, drink, physical sexual pleasure and sensual pleasures.<sup>22</sup> These “likings” develop with physical maturation and do not have much potential for growth. Once a person has developed a “liking” for a certain food or drink its potential has been achieved.

The second type of “likings” (non-physical) have great potential for development. They usually involve some training or learning. They include the “appreciation for friendship, appreciation for the intellectual discovery

and contemplation of truth, and appreciation of what is beautiful.”<sup>23</sup> These “likings” have great potential for growth and in some cases may never fully be achieved. Can anyone claim to have exhausted the appreciation for friendship or truth? In summary, it is important to develop our “likings” and the greater the “liking” the greater the good that can be achieved. One should develop “likings” that have the most potential for growth.

Our appetites give us an appreciation for what is good and what is evil. We can say that something is morally good if we have an appetite towards it and we can say that something is morally evil if we have an appetite against it. We can also learn from others what is morally good and morally evil. This is the role of experience. In the example with the child and the ice cream, his mother can ask him to share his ice cream with his friend because she has a more developed appreciation for friendship than the child. Reason also has a role to play in our appetites. For example, we all have an appetite for food. If this appetite is not controlled in some way, a person may eat too much, or eat the wrong kind of food resulting in health problems. We are not free to satisfy all our appetites unreasonably by not considering their impact on ourselves, others and society.

Can one choose a good that produces a good effect and an evil effect? The first step is to recognize the goods and evils which exist in the present and also the goods and evils that might come into existence.<sup>24</sup> If one chooses a good that also produces evil, then one must consider if the good substantially outweighs the evil. One’s appreciation of the goods and the evils enables one to weigh the particular goods and evils in a given situation.<sup>25</sup> If one does not have this developed appreciation, then one must rely on the judgment of others. When making a decision a person needs to consider not only what is good for that person in the here and now, but also what is good in the long run. By looking at the principle of double effect one can better understand what is involved in choosing a good that may produce an evil effect.

### **The Principle of Double Effect**

In moral decision making one can never use an evil means to achieve a good end. There are situations where a contemplated action has both good and evil effects. How does one know if this action is permissible? The principle of double effect is an application of natural law. The principle developed as a guideline to help determine if it is morally permissible to perform an action that will result in a good end, but will also produce an evil effect. Using this principle will help the

person determine if the action is permissible.

The principle of double effect (PDE) has four conditions. They are:

1. that the action itself is good or morally indifferent,
2. that the good effect is not produced by means of the evil effect,
3. that the evil effect is not directly intended, and
4. that there is a proportionate reason for allowing the evil effect.<sup>26</sup>

The classic example given to demonstrate the PDE is that of a pregnant mother with a cancerous uterus. If nothing is done, then both the mother and the fetus will die. The removal of the uterus will save the life of the mother, but the fetus will die. The PDE allows for the removal of the uterus because:

1. removal of the uterus is a morally indifferent act,
2. saving the life of the mother is a result of removing the cancerous uterus, not by directly killing the fetus,
3. the direct intention is to save the life of the mother, and
4. the proportionate reason is the mother's life is at stake and can be saved.<sup>27</sup>

The first two conditions of the PDE both claim that one cannot do evil to achieve good. A good end cannot justify an evil means. The third condition involves the intent of the person. The person cannot seek evil as an end. In the example above, the direct intention is to save the life of the mother by removal of the uterus. If the direct intention were to kill the fetus, then the action would be morally wrong since the evil would be directly intended. The fourth condition concerns proportion and is often referred to as the principle of proportionality, or proportionate reason.<sup>28</sup>

Proportionate reason refers to "the relation between the specific value at stake and the premoral evils which will inevitably come about in trying to achieve that value."<sup>29</sup> Proportion concerns the relation of the means to the end. The principle of double effect can be helpful in decision making but it cannot address every situation.

### Summary

Natural law is based on human reason and reflected through human experience. To act in accord with natural law is to act in accord with rational human nature. Since human beings have a rational nature, they are able to understand the demands of natural law. The use of reason, which is common to all people, makes natural

law a sound methodology and that is why the Catholic Church bases its teachings on morality in natural law. One does not need to share the Church's religious convictions to understand its teachings on moral issues. When Pope John Paul II wrote his encyclicals, he often included people of good will in his opening address. This gesture reflects the universality of natural law and the fact that the norms derived from natural law can be understood by all people.

### Notes

- <sup>1</sup> Richard Gula, *Reason Informed By Faith* (Mahwah, NJ: Paulist Press, 1989), 220.
- <sup>2</sup> Patrick Hopkins, "Natural Law." *Encyclopedia of Philosophy*. Ed. Donald Borcherdt. Vol. 6 2<sup>nd</sup> ed. (Detroit, MI: Macmillan Reference USA, 2006), 505.
- <sup>3</sup> *Ibid.*, 505.
- <sup>4</sup> Richard Gula, *Reason Informed By Faith*, 222.
- <sup>5</sup> *Ibid.*, 222.
- <sup>6</sup> Patrick Hopkins, "Natural Law." *Encyclopedia of Philosophy*, 506.
- <sup>7</sup> Cicero, *The Republic*. Ed. Clinton Walker Keyes (Cambridge, MA: Harvard University Press, 1928), 211.
- <sup>8</sup> Richard Gula, *Reason Informed By Faith*, 222.
- <sup>9</sup> *Ibid.*, 224.
- <sup>10</sup> *Ibid.*, 225.
- <sup>12</sup> *ST I-II* q. 94, a.2.
- <sup>13</sup> Richard Gula, *Reason Informed By Faith*, 225.
- <sup>14</sup> *ST I-II* q. 94, a. 2.
- <sup>15</sup> *ST I-II* q. 94, a. 2.
- <sup>16</sup> John Gallagher, *The Basis for Christian Ethics* (Mahwah, NJ: Paulist Press, 1985), 19.
- <sup>17</sup> *Ibid.*, 19.
- <sup>18</sup> *Ibid.*, 28.
- <sup>19</sup> *Ibid.*, 28-29.
- <sup>20</sup> *Ibid.*, 33.
- <sup>21</sup> *Ibid.*, 31-32.
- <sup>22</sup> *Ibid.*, 35.
- <sup>23</sup> *Ibid.*, 35.
- <sup>24</sup> *Ibid.*, 138.
- <sup>25</sup> *Ibid.*, 139.
- <sup>26</sup> Richard Gula, *Reason Informed By Faith*, 270.
- <sup>27</sup> *Ibid.*, 270.
- <sup>28</sup> *Ibid.*, 272.
- <sup>29</sup> *Ibid.*, 272.

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