

Edexcel

A Level Religious Studies

Natural Law



Introduction

The ethical theory of Natural Law suggests that there is an order to the universe and that all things are better when they act according to this order or purpose. Although Natural Law does not have to be seen as a religious theory, its key thinker Thomas Aquinas (1224-1274) proposes a Christian theory of Natural Law which has become its most famous version. This has been interpreted by Catholic Christians through the centuries to be an absolute and deontological ethic, although it can be argued that there is some flexibility in Aquinas' own version.



What you need to know:

Topic	Content	Key Knowledge
Natural Law	Aquinas' Natural Law, including: <ul style="list-style-type: none"> • telos 	Origins of the concept of telos in Aristotle and its religious development in the writings of Aquinas.
	<ul style="list-style-type: none"> • the four tiers of law 	<p>What they are and how they are related:</p> <ol style="list-style-type: none"> 1. Eternal Law: the principles by which God made and controls the universe and which are only fully known to God 2. Divine Law: the law of God revealed in the Bible, particularly the Ten Commandments and the Sermon on the Mount 3. Natural Law: the moral law of God within human nature that is discoverable through the use of reason 4. Human Law: the laws of nations

	<ul style="list-style-type: none"> • <i>the precepts</i> 	<p>What they are and how they are related:</p> <ul style="list-style-type: none"> ▢ <i>the key precept (do good, avoid evil)</i> ▢ <i>five primary precepts (preservation of life, ordering of society, worship of God, education of children, reproduction)</i> ▢ <i>secondary precepts</i>
	<p>You need to understand the issues raised by Aquinas' theory of Natural Law, including:</p> <ul style="list-style-type: none"> • <i>whether or not Natural Law provides a helpful method of moral decision-making</i> • <i>whether or not a judgement about something being good, bad, right or wrong can be based on its success or failure in achieving telos</i> • <i>whether or not the universe as a whole is designed with a telos, or human nature has an orientation towards the good</i> • <i>whether or not the doctrine of double effect can be used to justify an action, such as killing someone as an act of self-defence</i> 	

Introduction: The Concepts of Absolutism and legalism

On this course you will encounter a variety of ethical vocabulary: relativism, hedonism, consequentialism, to name but a few. In this section, we will be focusing on two other terms: absolutism and legalism. Both are key to understanding the philosophy you will encounter in this section of the course.

Absolutism: Absolutist theories of ethics state that one version of morality holds in all places, at all times, and for all people; it is universal. If it is a moral law that persons 'should not steal' then they simply should not steal; whether they are starving, avenging some wrong or desperate for a fix, it does not matter. Stealing just is wrong.

It is the opposite of **relativism**, which claims that whether something is good or bad depends on where it takes place, when it happens, and who is involved. Cultural relativism is closely related, it states that rightness and wrongness are determined by the norms of a particular culture (e.g. 'the West', 'Asia'), hence morality is not universal.

Legalism: At the simplest level, legalism can be understood as saying that when it comes to morality, we should make our decisions based on previously established laws. Adherence to the laws of the Torah by Orthodox Jews and Muslim observance of Sharia law constitute a legalistic approach to morality in this sense.

However, in the context of Christian theology, it has a more precise meaning. Often used pejoratively, it refers to an approach to morality where 'not just the spirit but the letter of the law reigns'.⁴¹ In practice, this may mean strictly obeying biblical laws or rules set down by a Church, in the belief that by doing so, one is behaving morally. Some thinkers, among them **Joseph Fletcher**, argue that legalistic ethics do not reflect the true message of Christ's teachings.

The two ideas are intertwined: a legalistic code of ethics is often an absolute one, and vice versa. Natural Moral law theory is both legalistic (it specifies certain rules for moral behaviour) and absolutist (it holds that these rules are universal).

Questions:

1. Define absolutism?

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2. What is Define relativism?

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3. What is legalism'?

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4. Why do some Ethicists like Joseph Fletcher reject legalism?

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The Development of Natural Moral law

Natural Moral law theory is most closely associated with the medieval Catholic theologian Saint Thomas Aquinas. The reason Aquinas is considered such an important figure in the history of ethics is due to his synthesis of the thought of the pre-Christian Aristotle with biblical teaching. After the collapse of the Ancient Greek and Roman civilizations (the 'Classical world'), Aristotle's works had, for a long time, been almost entirely lost to European civilization. Fortunately, some of his writing had been preserved by Arabic scholars in the Middle Ages and, by the twelfth century, these works had gradually begun to spread, in translation, to Western Europe.



Due to his keen interest in these translations, Aquinas became a leading figure in a movement known as scholasticism. This was a particular way of doing theology that developed between 1200 and 1500, motivated by the perceived need to systematise all Christian theology and prove that Christian theology and belief were rational. The use of reason was a defining feature of scholasticism and was used to make decisions about

exactly what Church doctrine should be. Natural moral law, then, is built upon the twin pillars of Aristotle and the Bible.

Aristotle's idea of *telos*

Key Words:

Telos – 'End' or 'purpose'. The idea that everything has a purpose or aim.

Eudaimonia – Flourishing and living well, the ultimate end that all actions should lead towards.



Classical Foundations: Aristotle

Aquinas develops a number of his ideas from his reading of Aristotle. Aristotle believed that the universe and everything within it had a **telos** (a purpose or aim). He arrives at this from his theory of the four causes. The telos is the final cause. This is easy for us to accept when it comes to everyday objects – for example, the material cause of the chair is 'wood' and its final cause is to provide a comfortable place for us to sit on. Yet as far as Aristotle is concerned, humans, and even actions, have a telos.

In the sense of end or 'that for the sake of which' a thing is done, e.g. health is the cause of walking about. ('Why is he walking about?' we say. 'To be healthy', and having said that, we think we have assigned the cause.)
Aristotle, Physics II,3

The concept of telos has its origins in Aristotle's metaphysics, the arm of philosophy devoted to understanding the ultimate nature of reality. One of Aristotle's most significant insights is that, for anything to exist, it must have four causes:



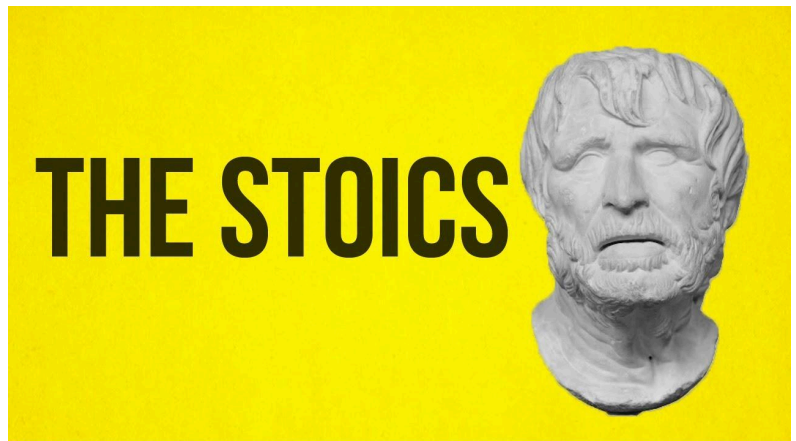
1. a material cause, e.g. the bronze of a statue
2. a formal cause, e.g. the shape of a statue
3. an efficient cause, e.g. the artist who makes the statue
4. a final cause, e.g. for the statue to be beautiful

It is the 'final cause' -the telos -which is of the most importance. This is the purpose for which a thing was created and the purpose which it should rightly fulfil.

Aristotle sees the telos of human beings as **Eudaimonia**. This is a notoriously difficult word to translate in English. Its main meaning is happiness but not in the sense of pleasure but rather in fulfilment and human flourishing. Hence, revision for an exam does not lead to happiness in this sense, even if it doesn't bring pleasure. For Aristotle, Eudaimonia required a full human life where we not only experience pleasure but we also take part in society and develop academically as philosopher. This is how we achieve our telos.

Other Classical Influences - The Stoics

Another source of Natural Law thinking came from the Stoics. Stoicism viewed the world as an ordered place, arranged by nature or by the gods in the best way possible. The stoics believed that we had a divine spark within us that enabled us to reason and understand the universe. The path to human happiness and leading a good life was to accept the natural order of things and live according to nature's rules. Stoicism favoured the rational over the emotional. Our modern use of the word 'stoicism' or being 'stoical' is linked to this; we accept what the universe sends our way without complaining.



In addition, although Aquinas is most obviously indebted to Aristotle, he was also well acquainted with, and influenced by, the work of early Christian philosophers from the Classical era such as Boethius and Augustine of Hippo. Most relevant to the present discussion is Augustine's argument that all creation is in fact good, and that what we consider evil is really just a privation (or absence) of good. If you are also studying the

Philosophy of Religion, you will see how this idea is developed by Augustine to resolve the problem of evil.

Aquinas' account of the nature of good and evil is broadly similar: good represents 'actuality' (i.e. actually existing), while evil is merely the privation of good. An evil person then is someone who lacks goodness; they have the potential to be good, but they are not fulfilling it. Evil is not a real quality people have, it does not exist as a 'thing' at all, instead it is just an absence of good, much like how darkness is just an absence of light.

What does Aquinas draw from these ancient philosophers?

Aquinas draws several key lessons from these ancient thinkers in producing his own theory of Natural Law.

- Telos – the idea that humans have a purpose or end
- Reason – the world is ordered and rational, we have the capacity by God to understand it
- Nature – we have a human nature and it is important to do what is 'natural', i.e. what fits in with our nature

These lessons, in addition to Christian ideas taken from the Bible, are key to understanding Aquinas.



Questions:

1. What is 'telos'?
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2. What is 'eudaimonia'?
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3. How does Aristotle arrive at his idea of 'telos'?
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4. What did the Stoics believe?
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5. What three ideas does Aquinas take from ancient philosophy?

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Biblical Foundations: St. Paul

There are numerous biblical passages which support the idea of a moral law instilled by God in nature:

For since the creation of the world God's invisible qualities - his eternal power and divine nature - have been clearly seen, being understood from what has been made, so that people are without excuse. (Romans 1:20)

In this passage St Paul, the author of the Book of Romans, is describing how God made himself known through his creation of the world and therefore people have no excuse not to follow God's will because it is evident all around us.

Indeed, when Gentiles, who do not have the law, do by nature things required by the law, they are a law for themselves, even though they do not have the law. (Romans 2:14-16)

In this passage, St. Paul is describing how Gentiles (non-Jews) know the law from God, not from studying the existing Jewish law, but through their own hearts or conscience. Paul is appealing to the belief that everyone knows the natural moral law because God instilled it in everyone. This latter point is crucial to understanding what Aquinas says about ethics.

The Concept of Purpose (*Telos*)

Aquinas took up Aristotle's idea of a final cause and combined it with Christian teachings about God. He reasoned that all humans have a natural purpose towards which God wants them to aim. This purpose, or *telos*, will bring humans into unity and fellowship with God and enable the reaching of the highest human potential.

There were two sources Aquinas believed that humans could use to understand this purpose God had given humanity:

The Bible and the world. The Bible is considered revelation so it reveals or shows something about God.

1. The world also reveals God's moral law because it was designed by God and therefore has signs of its creator in its design.
2. Reason. Aquinas believed very strongly in the ability of human reason to gain knowledge about God. Aquinas argued that through reason we could know what actions would fulfil our natural purpose.

To disparage the dictate of reason is equivalent to condemning the command of God. (II:ii, 19,4)

Aquinas believed that humanity was given reason and freedom by God so that we would be able to discover and fulfil our natural purpose. All humans had the ability to reason which meant all were able to follow natural moral law if they chose to.

Aquinas believes that everyone has a specific purpose unique to them that could be fulfilled through the skills and talents given to them by God.

In arguing this, Aquinas was something of a revolutionary. Earlier theologians, such as Augustine, stressed that The Fall had corrupted mankind's nature and the inherent order in the world to such an extent that humanity

could not use reason to know anything about God. Humanity had fallen too far away from God and become too corrupted to have the ability to learn about God's will. Aquinas, however, although accepting the radical implications of The Fall, did not interpret it this drastically. He believed that our reason was still intact enough to be used for the purpose of understanding and acting upon natural moral law.

Aquinas' four tiers of law

Aquinas's understanding of Natural Law needs to be understood within his ideas that laws are of a four-fold nature. For Aquinas, there are four tiers or levels of law, each



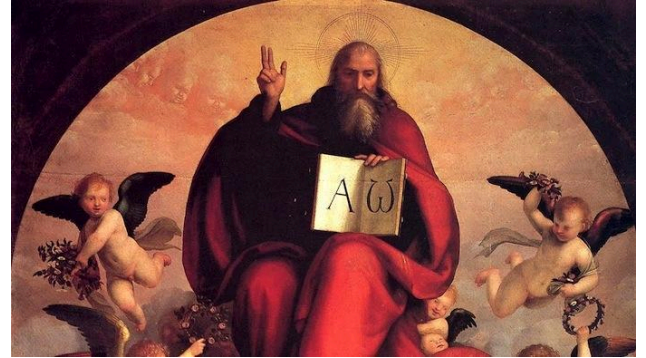
dependent on the one above it. In order of importance, they are: Eternal Law, Divine Law, Natural Law and Human Law.

Eternal Law

The Eternal Law is the law known in the mind of God. In simple terms, it is his knowledge of what is right and wrong. These are moral truths that we at a human level may be unable to understand. However, God has given us the ability to reason so we may be able to imperfectly work out some of its application to human life.

Divine Law

The Divine Law refers to the law revealed by God through the commands and teachings through revelation, for example in scripture.



These include the Ten Commandments and the moral teachings of Jesus in the Sermon on the Mount. It may seem slightly unusual that Aquinas references Divine Law as he primarily believes that law is rational rather than revealed. However, he believes that these laws revealed by God are reasonable; we could work them out.

Natural Law

Natural Law is the moral thinking that we are all able to do whether or not we have had the divine revelation of scripture. All humans have the capacity to consider and work out the moral rules necessary for achieving our purpose. This involves a rational reflection on our human nature and considering how we might 'do good and avoid evil'.

Human Law

Human Laws are the customs and practices of a society. They are devised by governments and by societies. Ideally, it should be based on what we reason from Natural Law. Aquinas argues that laws are only just (fair) if they are based on

"Man is bound to obey secular rules to the extent that the order of justice requires...if they command unjust things, their subjects are not obliged to obey them."

Aquinas, *Summa Theologica*

Divine and Natural law. To break a Human Law that was not based on Divine or Natural Law would be illegal but would not be immoral.

Case Studies

1. Laws that were implemented to prevent peaceful protest by civil rights groups in 1960s America could be broken, argued Martin Luther King, as they were 'unjust' laws.
2. Nazi leaders on trial for war crimes argued that they were just following orders; they were only obeying the law. This was rejected by judges on the grounds that surely 'nature' shows that such laws were morally wrong.



Questions:

1. What are Aquinas' four tiers of law?
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2. What is the Eternal Law?
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3. What is the Divine Law?
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4. What is the Natural Law?
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5. What is the Human Law?
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6. Which case studies show how human law may be broken in pursuit of the just (fair)?

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Aquinas' primary and secondary precepts

At the heart of Natural Law theory is a single, uncontroversial moral principle from which all else is derived: that we should aim to do good and to avoid doing evil.

Primary

Synderesis – the inner principle directing a person towards good and away from evil

The main moral rule or precept according to Aquinas is that we should 'do good and avoid evil'. This is known as the synderesis rule. All other moral rules are taken from this.

The primary precepts

Aquinas believed that, when we reflect on our telos through reason, the Bible and the world, especially in understanding the synderesis rule, there are five primary precepts or rules that emerge: Although Aquinas did not provide a list himself, it is clear that he thought the following five rules were the most significant.

1. **Preservation of life:** Aquinas argues that we are to preserve life. It is evident that life is important, both our own and that of others. It is natural and reasonable for us for a person to be concerned with "*Preserving its own being and...preserving human life.*"
2. **To reproduce:** It is also rational to ensure that life continues and this is the main purpose of sexual intercourse.
3. **To learn:** Particularly education of the young. Humans are intellectual creatures and it is natural for us to learn.
4. **To live in an ordered society:** We are social beings and it is good to live in an ordered society where it is possible to fulfil our purpose.
5. **To worship God:** To recognise God as the source of life and to live in a way that pleases him.

These rules are **absolute** and to disobey them is always to do wrong. Aquinas is suggesting that these are some of the key things that human beings are made for. In fulfilling these precepts, we are fulfilling our telos. If we

Secondary

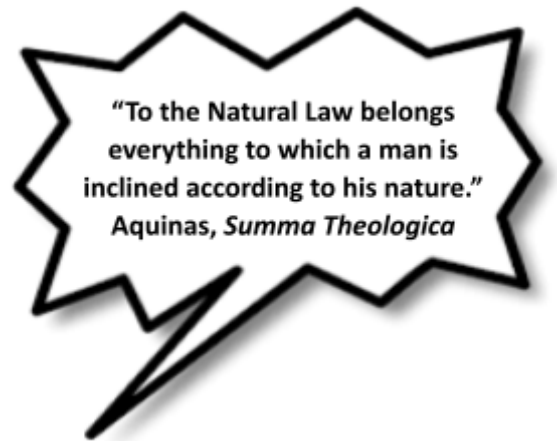
reflect on what it means to be human, these are our key aims in life.

Secondary precepts

The primary precepts are not that specific; they are general statements about what is good for humans. Secondary precepts are more specific rules that can be deduced from the primary precepts. For example, given that preservation of life is a primary precept, we can figure out that killing a fellow human being is wrong. Whereas the primary precepts are fixed, there is some flexibility in the secondary precepts as these are based on how the primary precepts apply in specific circumstances.

While Catholic interpretations of Aquinas have made quite fixed secondary precept – for example, a rejection of contraception given that the primary precept is reproduction – Aquinas himself never goes this far. For Aquinas, the secondary precepts are possible applications rather than hard and fast rules. Also for example, from the primary precept of

'live', the Catholic Church, whose ethic is strongly based on natural moral law, has argued for the immorality of abortion based on the view that it ends a life. It also fits the command in the Ten Commandment 'Do not murder'. Similarly, the Catholic Church argues that homosexual sexual acts are immoral because they cannot lead to reproduction, another primary precept.



Vardy (Vardy, P and Grosche, P, *The Puzzle of Ethics* (London: Harper Collins), p. 38) describes these secondary precepts as 'unpacking' the primary precepts and telling the moral agents what they involve and mean for daily decision making. The secondary precepts also show us the legalistic character of Aquinas' ethics: doing the right thing is a case of deciding which rule to apply to a given situation.

Vardy comments that Aquinas did see some flexibility in how secondary precepts could be applied. Although primary precepts could never be broken, how they were applied could vary according to situational factors.

Questions:

1. What is 'synderesis'?

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2. What is the main moral rule, according to Aquinas?

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3. What are the five precepts?

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4. What is Aquinas suggesting with the five precepts?

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5. What are secondary precepts? Give an example.

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6. How do Catholic interpretations of Aquinas differ?

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Applying Natural Law and the doctrine of double effect

There are a number of key features of Natural Law that become clear when the theory is applied to practical issues or hypothetical scenarios.

1. **Sexual Ethics:** A man is attracted to his friend's wife. He pursues an affair with her despite the promises he made to his own wife. It is as though on some level he does not see the action as wrong.

Key point: Aquinas argues that there are real and apparent goods. When someone does something that is morally wrong, it is because they are pursuing an apparent good (his or her own pleasure) rather than a real good. Aquinas suggests that moral

mistakes are reasoning errors. The adulterer really does think the affair is good but has reasoned badly.

2. **Antigone:** The heroine of the play, Antigone, defied the order of King Creon who forbade the burial of her recently deceased brother. She argues that such an order defies the Natural Law of proper burial.



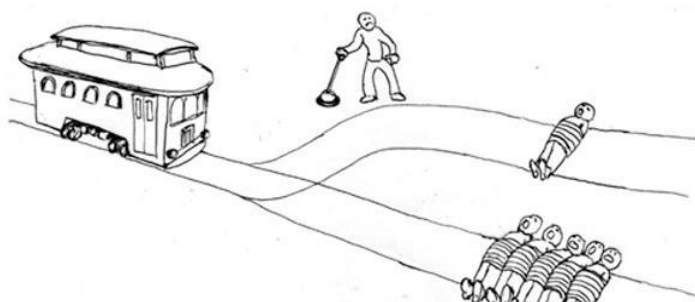
Key point: This shows two other features of Natural Law. It is a rational system of decision making. Aquinas believes, similarly to Aristotle, that there are intellectual virtues such as prudence – the ability to make sound, practical moral decisions. This moral reasoning is something that we can develop and improve. Education really is the answer! Second, it appeals to human nature by claiming that there are certain things which are natural to human beings, regardless of time, place or culture. This natural order that Antigone is respecting is 'built in' to the universe.

3. **Euthanasia:** A doctor attempts to treat a terminally ill patient by giving a dose of painkiller with the intention of relieving pain. Ultimately the pain killer causes the death of the patient. However, this was an unintended, although not unforeseen, consequence of the action, so according to Natural Law, the doctor has done nothing wrong. For Natural Law, this would not be euthanasia as the doctor does not intent to end the patient's life.

Key point: This is the doctrine of double effect. Some actions are complex and produce several effects, some good and some bad. For Aquinas, what matters is which effect is intended. He used the example of self-defence. If you were to fight off an attacker

"Nothing hinders one act from having two effects, only one of which is intended...Accordingly the act of self-defence may have two effects: one the saving of one's life; the other, the slaying of the aggressor...Therefore this act, since one's intention is to save one's life, is not unlawful."

Aquinas, Summa Theologica



and save your own life (good effect) but the attacker was pushed away hits his head and dies (bad effect), then you are not guilty of doing

anything wrong. Your intention is what matters.

4. **Abortion:** As a result of routine tests during pregnancy, a woman discovers that the foetus she is carrying is likely to be severely disabled. Her friends suggest to her that she ought to have an abortion as the child is likely to have a very poor quality of life. However, she is a devout Catholic and following Natural Law thinking. She argues that an abortion would go against the principle of sanctity of life.
Key point: Natural Law ethics prioritises the sanctity of life rather than the quality of life. Whereas utilitarian or situation ethicists weigh up the pros and cons of intervention, Natural Law upholds the value of all life.

Questions:

1. What example could we give to explain the difference between real and apparent goods?

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2. What example could we give to show that Natural Law is a rational system of decision making?

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3. Explain the doctrine of double effect.

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4. How does Natural Law thinking support sanctity of life over quality of life?

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Real and Apparent Goods

Stretch and Challenge

Aquinas distinguished between real and apparent goods.

Real goods are actions which are consistent with natural purposes and are morally good. **Apparent goods** are actions which the moral agent thinks are real goods but they have been mistaken. They have not used their reason correctly and have arrived at a conclusion about how to act that is morally wrong and inconsistent with human purposes. Aquinas held that apparent goods were arrived at by mistake, rather than deliberately.

Assessing the idea of telos

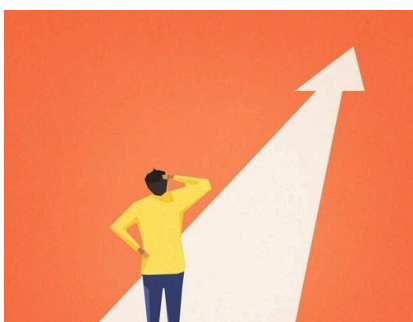
Strengths of Natural Law

- Like other theories which can be seen as absolutist, Natural Law offers clarity and firm moral principles.
- The primary precepts are mostly agreed upon as desirable goods in human life. Reflection on the natural world suggests that these are things that most humans pursue.
- One possible strength of Natural Law is that it is not as rigid and absolutist as it might first appear. The secondary precepts are intended to be reasoned within the context of a society and thus there is some flexibility based on time and place.
- Natural Law values life and values right. The version of Natural Law put forward by Hugo Grotius (a seventeenth-century Dutch thinker) develops the idea that certain 'right' for individuals are evident when looking at nature. Unlike theories of consequentialism, Natural Law holds that life is intrinsically valuable regardless of its usefulness.



Issues with the idea of telos

- Natural Law may be wrong to assume that there is a universal telos for human beings: I may wish to prioritise my career at the expense of reproduction, I may live a solitary life of meditation rather than in 'an ordered society', I may not believe that there is a God let alone desire to worship one.
- Linked to this is the idea that telos is natural. If natural means in accordance with our nature, then a gay person might be right to claim that homosexuality is natural to them (hence no reproduction) and that it is heterosexuality that is unnatural. Yet, if individuals had different telos then there is no reason to suppose that there is just one way of life that is natural.



- Natural Law commits the naturalistic fallacy. It is guilty of observing what commonly happens in nature

and then arguing that this is what must happen. This would be like observing the shame of human teeth, that they are well designed for eating meat, and then claiming that it was morally wrong to just eat vegetables.

- Perhaps the biggest issue with the idea of telos is that there may not be a telos or purpose at all. Proponents of existentialism, such as Jean Paul Sartre (1905-1980), argue that there is no ultimate purpose to human life. Unlike objects which have a maker who plans their purpose before they are made, we exist first and then we are free to choose whatever purpose we see fit, if at all. For Sartre, if atheism is true then there can be no ultimate purpose.
- Hence, linked to the above point, it would seem that the idea of telos is linked to the idea of a creator God. If there is no God, there can be no telos.

No God No Telos

Key Words:

- **Consequentialism** – The idea that right and wrong are based on the outcome or consequences of our actions
- **Naturalistic Fallacy** – The idea that it is a mistake to define moral terms with reference to other non-moral or natural terms.
- **Existentialism** – A school of philosophy that begins with human existence rather than human essence, it argues that humans are free and don't have a fixed nature



Questions:

1. Explain two strengths of Natural Law:

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2. Explain two issues with the idea of telos:

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3. What is the idea of telos linked to?

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4. What is consequentialism?

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5. What is a naturalistic fallacy?

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6. What is existentialism?

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Assessing Natural Law

In addition to the issues surrounding the idea of telos, there are a number of other issues to consider when looking at Natural Law.

Discussing Natural Law

- The focus on 'law' and working out rules that are at the heart of this system is overly legalistic. It means that in some circumstances, humanity and respect for people are lost.
- Natural Law may be seen to be a little outdated. Society has moved on and more legalistic interpretations particularly around homosexuality and contraception, both of which prevent reproduction seem out of step with the modern world.
- Aquinas' view of real and apparent goods could be seen as a little naive. Some humans knowingly commit evil actions, and suggesting they are merely pursuing apparent goods is mistake. A glance at the day's news suggests that not all humans have a natural inclination towards the good.



Developing arguments on Natural Law

In order to access the higher levels of the mark scheme, points need to be discussed rather than just raised or stated. For example:

Possible strengths of Natural Law	Response/counter-argument
Natural law claims to have the best of both worlds in that it offers clear and fixed principles as seen in the primary precepts yet also promises that there is flexibility in how these principles might be applied to different circumstances when secondary precepts are formed.	It is not clear that both these things can be the case. Certainly there is a tension between the idea that Natural Law is 'universal in its precepts' (Catechism 1956) and 'application of the Natural Law varies greatly' (Catechism 1957).
Following on from the issue above is the idea of double effect. This seems to allow the flexibility suggested above by allowing	However, there is a difficulty in judging the intention of a person. It may appear that someone was acting in self-defence and

both good and bad effects, provided the good one is intended.	that their attacker's death was an accident but only they will ever know.
One attraction of Natural Law is its reliance on reasoning. It treats humans as mature people who are able to be rational and reflect on moral problems.	This can be challenged. Some thinkers have worried that relying on reason means that the role of scripture is reduced (although Natural Law thinkers would argue that there isn't' necessarily disagreement between the two). A further challenge to the role of reason comes from the teaching of Augustine that humans are fallen an incapable of reasoning clearly.
Although Natural Law is a religious ethical theory, it is argued by Grotius that belief in Natural Law does not require belief in God. The laws themselves are obvious to reason and can be worked out without God.	It is difficult to accept this for Aquinas' version where one of the precepts is to worship God and there is a reliance on Divine Law. Even Grotius accepts that the answer to why we should follow the law related back to God.

Contemporary Applications and Adaptations of Natural Law Theory

Bernard Hoose's Proportionalism

Proportionalism is an ethical theory most commonly associated with Bernard Hoose. It is often seen as an attractive middle way between the absolutism of natural law and other situational ethics.

Hoose wrote:

'It is never right to go against a principle unless there is a proportionate reason which would justify it.'



This means that we should generally follow natural moral law until there is a significant reason that would mean it was fair to temporarily set aside these rules. Therefore, acts are not inherently or always evil.

Problems however arise in deciding what constitutes a proportionate reason to abandon moral laws. Proportionalists do not provide a method for doing this. It is therefore left up to the judgement of the individual involved. Proportionalists would hold that in a given situation it becomes clear what is a proportionate reason. In certain situations, most people would likely agree this to be the case, such as when a murderer asks where your friend is hiding.

Doctrine of Double Effect

Even before Hoose formally introduced the idea of proportionalism, natural law theorists recognised that absolutism had its limitations. While Aquinas held that the primary precepts were absolute -they are rules which must be followed at all times and in all places - he also recognised that sometimes life throws up situations where it is not possible to do good without also doing bad.

A classic example is the case of killing an attacker in self-defence. Aquinas himself discussed this case and reasoned that it is morally acceptable for an individual to kill in self-defence so long as that individual's intention was to preserve their own life rather than take away another's. This came to be known as the doctrine of double effect, which holds that a bad consequence does not make an act morally wrong so long as that bad consequence is not intended.

Questions:

1. Explain Hosse theory of Proportionalism:

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2. Explain two issues with the idea of Proportionalism:

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3. Think of five ethical situations in which you think there is a proportionate reason to go against natural law. Did you come up with different possible responses to your situations? Why might that be?

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Going further with Natural Law

New Natural Law Theory

Some twentieth-century philosophers working within the Catholic tradition have made attempts to revitalise Aquinas' theory. Thinkers such as John Finnis and Germain Griesz have argued that medieval theologians such as Aquinas, working from the classical foundations of Aristotle, have a moral vision skewed towards the 'big', metaphysical picture, and that this is detrimental to the practicality of Natural Law teaching.

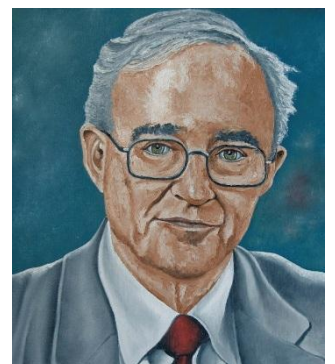
In its place, they have suggested a New Natural Law theory which concentrates on the concrete (as opposed to abstract) qualities which are necessary for moral goodness. Griesz, for instance, divides 'goods' into two kinds: practical and moral. Practical goods are those things which help a person's attempts to do the right thing.

Poverty, for instance, can often hinder a person when it comes to moral decision-making; the mother has no desire to steal the bread to feed the starving family if the family is not starving. Hence, wealth could be considered a practical good - it enables us to more easily do good things like charitable giving. There are also moral goods, which Aquinas, following Aristotle, labels virtues. These include justice, temperance, wisdom and so forth. Griesz' insight is that possession of practical goods has a relationship with possession of moral goods. For example, it is easier to be wise (a moral good) after a university education (a practical good), and much harder if you've received no education at all.

Hugo Grotius (1583 – 1645) was a Dutch legal philosopher who argues that Natural Law would still apply even if there were not a God. In reality though, he did believe in God and thought that because nature was God's creation, Natural Law and Biblical law could not contradict each other. He argued that there should be international law based on Natural law that governed how nations treated each other. He made significant contributions in developing Aquinas' Just War theory, including identifying some of the circumstances where war may be permissible.



John Finnis (1940-), a modern legal philosopher, has an approach to Natural Law that is based more on Aristotle than Aquinas. Finnis believes that things such as life, knowledge, play, work, aesthetic



experience, friendship, practical reasonableness and religion/spirituality are ‘basic forms of human flourishing’. If we assume that these are goods to be pursued, then these aims, especially the use of practical reason, enable us to suggest certain requirements that humans need. These include the pursuit of basic goods for all, a sense of planning or purpose to life, the idea of a common good for a community and acting according to conscience. It is from these requirements that moral principles can be drawn such as obeying the law or not torturing others. This allows for a more modern version of Natural Law that is more flexible than some Catholic interpretations of Aquinas.



Questions:

1. Explain a strength of Natural Law and a response or counter-argument to this strength.
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2. Explain another strength of Natural Law and a response or counter-argument to this strength.
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3. What did Hugo Grotius argue?

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4. What did John Finnis argue?

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Assessment Questions (Choose one):

1. Evaluate the view that "Aquinas' Natural Law suitably explains moral decision-making." (30 marks)
2. Evaluate the view that "The doctrine of double-effect can be used to justify killing." (30 marks)
3. Evaluate the view that "A thing is good if it achieves its telos." (30 marks)

Exam Technique:

S: Support: Write a supporting argument, in detail, using technical terms and demonstrating thorough and accurate knowledge of the topic.

A: Analysis: Explain why your supporting argument could be flawed

N: Negate: Write an opposing argument, in detail, using technical terms and demonstrating thorough and accurate knowledge of the topic. You should also explain why your opposing argument could be flawed.

E: Evaluate: Explain your own judgement based on the arguments you have given to support or negate the quote. Come to a clear, justified, logical conclusion.

Remember, you are marked on two assessment objectives:

AO1: Select and demonstrate clearly relevant knowledge and understanding through the use of evidence, examples and correct language and terminology appropriate to the course of study.

AO2: Sustain a critical line of argument and justify a point of view

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