

Lesson 8

Natural Law

In Lesson 5, we discussed how religion and ethics can intersect. Divine command theory looked at a very skewed and distorted aspect of religion. It created an arbitrary view of those two ideas that cults and extremists have used to cause harm and destruction.

C.S. Lewis said, “There is a universal moral law; if there is a universal moral law, there is a moral law giver; if there is a moral law giver, it must be something beyond the universe; therefore, there is something beyond the universe.” Lewis believed ethics should be applied universally.

According to the natural law, morality is universal and grounded in rational nature. The natural law is unchanging and eternal. It is also universally knowable to humans through reason and is binding on all humans. Morality, therefore, is reason put into action. One role of reason is to keep our emotions or passions in check. Aristotle talks about the Doctrine of the Mean, which we will discuss more in Lesson 9, and says that we function best when we hit the mean between excess and deficiency in our virtues. Reason is the highest and most important of these capacities.

Natural law is what we refer to as teleological, and our morality is grounded in unchanging natural or moral laws that are part of our rational nature and can be accessed through reason. Reason helps keep our emotions and/or passions in check. The teleological view also tells us that it is grounded in a specific view of the purpose or goal of the natural order. As Lewis said, “if there is a moral law, there must be a moral law giver.” This is the foundation of the natural law: that we all understand that at the root of it all there is such a thing as “good” and such a

thing as “evil,” and that “good” is what exists, and is positive and natural and full of life. “Evil” is anything which destroys, distorts, or corrupts the good. On this all people should be able to agree, and this is the foundation of everything else we call natural law. Now there is a presumption that humans possess a common rational human nature and therefore share common goals. Natural law holds that everything has a goal it aims at, and humans' goal is *eudaimonia*, or happiness. According to Aristotle, the four fundamental goods that promote this goal are life, procreation, knowledge, and society. An action is right if it brings about or promotes one of those fundamental goods.

Aquinas wrote in the *Summa Theologica* that human or manmade laws are binding only if they are just and consistent with the natural law. The UN Nuremberg Charter is based on a view of the natural law. According to the charter, rulers and citizens, regardless of their particular religious affiliation or lack thereof, are responsible “under God and (natural) law.” The charter includes prohibitions against “crimes against humanity,” “torture,” and “waging or preparing for an unjust war (Lesson 12). Each person has an individual responsibility not to take refuge in the (human) laws or customs of their culture.

While natural law includes an aspect of belief in God, it is not essential to be a natural law ethicist. Unlike divine command theory, the natural law does not depend on the existence of a personal god. Aristotle and Cicero believed that the natural law exists as part of the natural order. Variations of natural law appear in moral philosophies throughout the world. The Akan tribe in Ghana blends natural law and utilitarianism. They reject the divine command claim that something is good simply because God loves it. They believe that the moral law clearly suggests the Akan conviction that God approves of the good because it is good and eschews the evil because it is evil.

Aristotle profoundly influenced the Catholic theologian and philosopher Thomas Aquinas. Like Aristotle, Aquinas believed we function best as humans when we perfect our human capacities, with reason as the highest and most important of these capacities. Christian morality is based primarily on the Bible and Church tradition rather than reason alone. Aquinas pointed out that God gave humans reason and that it offers a vehicle for discerning natural and moral laws.

Because moral law is embedded in human reason, our actions do not depend on our perception of God's will or commands at any moment. Therefore, to the question "Is morality relative to religion?" Aquinas would answer "No." Natural law is universal and applies to all rational beings. Religious people and atheists alike are all bound by the same moral principles.

Although natural law does not require God, we do have to discuss the arguments for God's existence. Traditionally, there have been four major arguments for God's existence: cosmological argument, teleological argument, ontological argument, and the moral law argument.

1. **Cosmological Argument**-The term cosmological comes from the Greek word "kosmos," which means world. The cosmological argument for God's existence goes like this: The world could not exist on its own, so there must have been a first cause that brought it into being. This first cause is God. The universe could not just exist on its own, so someone must have made it. This cause of the universe is God.
2. **Teleological Argument**-The teleological argument is also known as "the argument from design." The word teleological comes from the word "telos," meaning "purpose or design." The argument goes like this: the universe evidences great complexity or design. So, it must have been designed by a great Designer or God. The teleological argument asserts that the universe shows too much complexity to be the product of

random chance. We know that the celestial bodies move with perfect accuracy in their orbits. Our bodies, too, are incredibly complex. According to the teleological argument, there's just no way all this complexity could "just happen." God must have created it all.

3. **Ontological Argument**-The ontological argument can be stated in this way: "God is the greatest being imaginable. One aspect of perfection or greatness is existence; thus, God exists. The twelfth-century theologian and philosopher Anselm developed this argument for God's existence. It is based on Anselm's declaration that God is "that which nothing greater can be conceived."
4. **Moral Law Argument**-The moral law argument states that, without God, morality would be impossible, so there must be a moral Lawgiver (God) who originates and stands by moral law. A universal moral law cannot exist accidentally. It must have a basis, and that is God. According to this view, every person is born with an inherent understanding of right and wrong.

The arguments and counterarguments for God's existence remain controversial. The cosmological, teleological, and moral law arguments remain popular with Christian apologists today. The ontological argument is less well received, although some still assert its validity. It should be noted that most Christian theologians and philosophers believe that God never intended for his existence to be something that could be proven with 100% certainty. They point out that faith is an important component in understanding God and His existence.

Aquinas wrote, "human law has the aspect of law to the extent to which it is in accord with the correct norm, and from this viewpoint it is evidently derived from the eternal law." Again, the Nuremberg Charter states, "we are responsible under God and [natural] law and includes

prohibitions against ‘crimes against humanity,’ ‘torture,’ and ‘waging and preparing for an unjust war.’ Human laws are only binding if they are just and consistent with natural law. We cannot take refuge in the human laws or customs of their culture. According to Christian and Jewish natural law, look toward a day in the messianic age when human law will be in perfect harmony with natural law. According to Aquinas, God, as the most perfect and rational being, furnishes the end toward which the universe is directed. Aquinas recognized four types of law. Eternal law is the highest law, while human law is the least binding on us. The four types of law are: eternal law, divine law, natural law, and human law.

1. **Eternal law** is the uncreated reason of God that guides the universe as it moves towards a particular goal or end.
2. **Divine law** directs humans and other creatures to their supernatural end, which consists of a vision of God and eternal blessedness.
3. **Natural law**-is the special way that rational creatures participate in eternal law and are thereby directed toward their earthly happiness.
4. **Human law** is the law, legislation, or cultural norms that humans derive from natural law.

Even though we as humans may not have direct access to eternal law, because a rational God created the universe, we can rely on natural law to participate in eternal law. Natural law, however, is not dependent on a belief in God. Natural law is accessible to all rational beings, provides a universal morality for all humans, and is binding on all humans.

One idea that comes with natural law is that human laws are binding only if they align with natural law. It was Henry David Thoreau who stated, “If the law is of such a nature that it requires you to be an agent of injustice to another, then I say, break the law.” Thoreau called for

individuals to resist an unjust government. His writings would go on to influence Gandhi, Martin Luther King, Jr., and countless others.

One The Duty Of Civil Disobedience

By Henry David Thoreau¹

How does it become a man to behave toward this American government to-day? I answer that he cannot without disgrace be associated with it. I cannot for an instant recognize that political organization as *my* government, which is the *slave's* government also.

All men recognize the right of revolution; that is, the right to refuse allegiance to and to resist the government, when its tyranny or its inefficiency are great and unendurable. But almost all say that such is not the case now. But such was the case, they think, in the Revolution of '75. If one were to tell me that this was a bad government because it taxed certain foreign commodities brought to its ports, it is most probable that I should not make an ado about it, for I can do without them: all machines have their friction; and possibly this does enough good to counterbalance the evil. At any rate, it is a great evil to make a stir about it. But when the friction comes to have its machine, and oppression and robbery are organized, I say, let us not have such a machine any longer. In other words, when a sixth of the population of a nation which has undertaken to be the refuge of liberty are slaves, and a whole country is unjustly overrun and conquered by a foreign army, and subjected to military law, I think that it is not too soon for honest men to rebel and revolutionize. What makes this duty more urgent is the fact that the country so overrun is not our own, but the invading army's.

It is not a man's duty, as a matter of course, to devote himself to the eradication of any, even the most enormous wrong; he may still properly have other concerns to engage him; but it is his duty, at least, to wash his hands of it, and, if he gives it no thought longer, not to give it practically his support. If I devote myself to other pursuits and contemplations, I must first see, at least, that I do not pursue them sitting upon another man's shoulders.

Unjust laws exist; shall we be content to obey them, or shall we endeavor to amend them, and obey them until we have succeeded, or shall we transgress them at once? Men generally, under such a government as this, think that they ought to wait until they have persuaded the majority to alter them. They think that, if they should resist, the remedy would be worse than the evil. But it is the fault of the government itself that the remedy *is* worse than the evil. *It* makes it worse.

If the injustice is part of the necessary friction of the machine of government, let it go, let it go; perchance it will wear smooth,— certainly the machine will wear out. If the injustice has a spring, or a pulley, or a rope, or a crank, exclusively for itself, then perhaps you may consider whether the remedy will not be worse than the evil; but if it is of such a nature that it requires you to be the agent of injustice to another, then, I say, break the law. Let your life be a counter

¹ Excerpt taken from "On the Duty of Civil Disobedience." Full text can be found at <https://www.ibiblio.org/ebooks/Thoreau/Civil%20Disobedience.pdf>

friction to stop the machine. What I have to do is to see, at any rate, that I do not lend myself to the wrong which I condemn.

As for adopting the ways which the State has provided for remedying the evil, I know not of such ways. They take too much time, and a man's life will be gone.

I do not hesitate to say that those who call themselves abolitionists should at once effectually withdraw their support, both in person and property, from the government of Massachusetts, and not wait till they constitute a majority of one, before they suffer the right to prevail through them. I think that it is enough if they have God on their side, without waiting for that other one. Moreover, any man more right than his neighbors constitutes a majority of one already.

Under a government which imprisons any unjustly, the true place for a just man is also a prison.

There will never be a really free and enlightened State, until the State comes to recognize the individual as a higher and independent power, from which all its own power and authority are derived, and treats him accordingly. I please myself with imagining a State at last which can afford to be just to all men, and to treat the individual with respect as a neighbor; which even would not think it inconsistent with its own repose, if a few were to live aloof from it, not meddling with it, nor embraced by it, who fulfilled all the duties of neighbors and fellow-men. A State which bore this kind of fruit, and suffered it to drop off as fast as it ripened, would prepare the way for a still more perfect and glorious State, which also I have imagined, but not yet anywhere seen.

Civil disobedience is the refusal on moral grounds to obey certain government laws for the purpose of trying to bring about a change in legislation or government policy. Natural law ethicists would argue that it is okay to break a law on the grounds of a higher moral law if doing so would bring about change. So, when are laws unjust: when they degrade humans, are discriminatory, are enacted by an authority that is truly not representative, or are unjustly applied.

1. **It is degrading to humans**-laws that permit slavery and segregation in the US, or the laws in Afghanistan that allow men to demand sex from their wives, are degrading to humans.

2. **It is discriminatory**-laws that apply to one group of people but not to another. Laws like those of a caste system or the 14th Amendment that gave men the right to vote but not women.
3. **It is enacted by an authority that is truly not representative**-during the American Revolution, the phrase taxation without representation was the cry over being taxed without having a voice.
4. **It is unjustly applied**-search and seizure laws in this and other countries, for example, are intended to protect citizens from dangerous people; however, these laws are sometimes unjustly applied to harass or punish political dissenters or other controversial figures.

In his essay, Thoreau cites four criteria for protesting an unfair law. Thoreau said we must do so in a way consistent with the moral law.

1. **Only moral and nonviolent means are used to achieve its goals**-through methods of boycotting, picketing, blocking traffic, nonviolent resistance.
2. **An effort is first made to bring about a change through legal means**-this is done in conjunction with both legal means.
3. **The actions are open and public**-if no one knows we are breaking the law, then it is unlikely that our actions will have much of an impact.
4. **Dissidents are willing to accept the consequences of their actions**-such as prison, fines, loss of job, or social disapproval.

Critiques

1. **Not all people agree on what is morally required**-because of the principles are general, it is open to divergent interpretations, and our rationale cannot be perfect.

2. **Natural law theory is based on a dualistic worldview**-some believe that reason exists in nonhuman beings such as animals.
3. **Natural law is teleological: the end, or fundamental good, toward which it is aimed can sometimes become more important than respect for individual rights and dignity**; some argue that normative rules that once prohibited things may now need to be rescinded.
4. **There is disagreement on the list of fundamental goods**-while life, procreation, knowledge, and society are important, some suggest that ideas like self-preservation are more important; that is what directs us toward good.