

THE 'IS-UGHT' QUESTION IN RELATION TO THE NATURAL LAW  
ETHICS OF THE PLATONIC-ARISTOTELIAN-THOMISTIC TRADITION

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## INTRODUCTION

For over two thousand years the idea of natural law has played a prominent part in the history of thought. Since the Greeks first began to philosophize it has appeared in every age. Natural law was conceived as the ultimate measure of right and wrong, and as the pattern of the good life. But the natural law theory was never entirely unchallenged. The notion contained ambiguity even in the days it was considered self-evident. The source of this ambiguity is primarily the failure to distinguish clearly between the different meanings of nature. A corresponding difficulty is the general unfamiliarity with the whole body of the doctrine and with its terminology.

What precisely is natural law? Dabin defines it:

Natural law consists in certain principles of right reason, which causes us to know that an action is morally honest or dishonest according to its necessary agreement or disagreement with a rational and social nature. 2

Natural law is normative and at the same time somehow part of the very structure of the universe. It not only says what is the case but it says what ought to be the case. This law is universal and within the reach of all men's knowledge. The basic practical principle is that good should be done and pursued and evil avoided.

For our concern the notion of natural law of the Platonic-Aristotelian-Thomistic type will refer to human behavior as it is related to ethics, and not with physical phenomena in the natural sciences. The problem is, precisely, to discover whether there is any justification for moving from factual description to another mood, the subjunctive or the imperative. This may be stated similarly as an attempt to bridge the gap between facts of human behavior and the values embodied in human conduct. Or put more simply can we derive an ought from an is. This complex conflict involves many arguments or objections to the natural law theory that are very similar. This would seem to necessitate a philosophical approach rather than an all inclusive historical presentation of the controversy. Since the scope of this paper will not allow for a careful chronological criticism of each argument, an attempt will be made to select pertinent objections that are representative of competing philosophies of our time. An attempt will be made to establish the natural law theory as sound and relevant to the conditions of our contemporary society.

A thought from Adams is appropriate as I begin this difficult and extensive task.

This is an area in which it is easy to get lost but very difficult to come up with a convincing argument. Many think it is so hopeless and treacherous a province that it is better to steer clear of it altogether. But the path I have followed has led me to the edge of this wilderness, and it would only display cowardice to stop now. 3

## CHAPTER ONE

Theories of Natural Moral Law have deep roots in our culture. They have emerged again and again in our western tradition. They are more appealing in times of social crisis than in times of social and political stability. According to Nielsen the philosophical and ethical theory operating in these classical natural law theories are basically mistaken. Therefore he does not believe they can serve as adequate theoretical justifications for democracy or for anything else. He directs the majority of his criticisms to the well-articulated and thoroughly developed theory of Aquinas and some contemporary Thomists. It is important to note that he is not contending it is unintelligible to speak in some vague and unanalyzed sense of a natural good or goods that men generally incline toward. He is only contending that the scholastic, philosophical theory about natural law is in some basic respects unsatisfactory, and in the last analysis, unintelligible.<sup>4</sup>

Maritain emphasizes that conceptions of the natural moral law cannot be secularized without cutting into their essence. This theory makes sense only in terms of an acceptance of medieval physics and cosmology. If we give up the view that the universe is purposive and that all motions are just so many attempts to reach the changeless, then we must give up natural law theories. One might say that since medieval physics

is false then it follows that natural moral law theory must be false. While agreeing with this criticism Nielsen believes it is too short and too easy a way out to carry complete conviction.<sup>5</sup>

Aquinas believed that the good is somehow the natural. It is to be found by studying man's inclinations and reflecting on them. As Maritain makes perfectly clear, it is a direct, immediate, non-conceptual knowing through inclination that we come to know the natural moral law.<sup>6</sup> This somewhat obscure doctrine is not like what we ordinarily call knowledge, it seems more like a feeling or an attitude. A quote from Maritain may help to clarify what Aquinas meant:

We discover first that knowledge through inclination is entirely nonrational and nonconceptual, even though it is produced in the intellect. This is important for two reasons: 1) it obliges us to realize in a deeper manner the analogous character of the concept of knowledge and 2) it is important because of the role it plays in our knowledge of human existence. The intellect is at play not alone, but together with affective inclinations and the dispositions of the will, and is guided and directed by them. Moral judgments which express the natural moral law are not known through any conceptual, discursive, rational exercise or reason. Instead, through inclination we grasp that what is in line with pervasive human desires and wants as good, and what conflicts with that as bad. Moral philosophy does not discover the moral law, though it critically analyzes and elucidates moral standards. Objective moral standards, (ultimately the natural moral law) are known immediately through inclination. 7

In this doctrine of knowledge through inclination a good

bit is true but let us now consider the difficulties of this notion that make it false. First, Nielsen wonders how can one sensibly speak of a kind of knowing inexpressive in words and notions. For is it not a truism to say that in philosophical appraisal we must necessarily deal with what is expressible. The second critical point is that Maritain sets forth a naturalistic theory at the foundation of natural moral law: what man strives for is good and what man avoids is bad. While at the same time he claims that only a supernatural sanction will do for morality and will avoid the chaos of our time. Yet, in both his doctrine of inclination and natural law theory, the man in moral perplexity needs only to observe the desires and wishes of his fellow man and by seeing what they generally seek he will know what is good and what he ought to do.<sup>8</sup> Therefore Maritain is setting forth contradictory standards for the evaluation of human behavior.

Another area of concern for Nielsen is Aquinas' claim that the natural moral law is self-evident to us. The uses of this concept are numerous and varied which tends to obscure its meaning. Maritain emphasizes that it is God's reason, not man's reason, that is the source of natural moral law. The cardinal error is to take natural law to be a law of nature as understood by human reason. To do so is to substitute human authority for divine authority and human reason for divine reason as the standard for moral good. Natural moral laws are rationally self-evident, but only to God and not to man. Such

a concept of self-evidence does not help us out as moral agents faced with practical problems, for how do we know which of the many imperatives are the self-evident laws of God.<sup>9</sup> The essential thing is to have something self-evident to man.

Now we shall turn to two standard difficulties for natural moral law theories. The first problem emerges when we compare the natural law theory with some of the things now being said in social psychology. The claim is made that there is no such thing as an essential human nature which makes a man a man. The concept of human nature is rather a vague cultural concept. This raises the problem for natural law theory since it is clear that the statement, "there is an essential human nature," is not the obvious, self-evidently true statement Aquinas and his contemporary followers take it to be.<sup>10</sup>

The second standard criticism is the stronger one. It appeals to the facts of cultural relativity. If we go to actual cultures and study them, we would find that all the natural moral laws listed by Aquinas are broken somewhere by some people.<sup>11</sup> If this charge were answered with the claim that most cultures obey these rules, a reply is necessary. The above claim assumes that what most people find natural and better, is natural and better. To assume this is to presuppose the value of a kind of democracy; we determine what is good by counting noses or by a Gallop Poll. Moral issues become vote issues. Aquinas would not agree that they are vote issues. Furthermore, why must we accept this standard as our standard?



The entire theory of natural law rests according to Nielsen on the confusion between what ought to be and what is. The statement, man ought not to steal, is quite different from the statement, man does steal. Men steal when they ought not.

E. W. Hall states that:

Sentences with an 'ought' in them belong to a different logical type than sentences with an 'is' in them. From factual statements alone, including statements of fact about human nature, we cannot deduce or derive any 'ought' statement whatsoever. Values and facts are distinct, and Aquinas and his followers are not clear about this distinction, precisely because they looked upon nature as purposive, as having some kind of moral end in itself. This conception of a purposive nature is not only false but it also serves to obfuscate the basic distinction between facts and values that is so essential if we are to understand the nature of moral argument and decision. 12

A similar general logical objection by Hume may further the understanding of this argument:

Perhaps the simplest and the most important point about ethics is purely logical. I mean the impossibility to derive non-tautological ethical rules- imperatives; principles of policy; aims; or however we may describe them- from statements of facts. Only if this fundamental logical position is realized can we begin to formulate the real problems of moral philosophy, and to appreciate their difficulty. 13

There are two distinct points at issue here. First it is a logical fallacy to argue to a conclusion which contains terms not present in the premises. Second, descriptive words and value words are meaningful in completely different ways. As a result of these differences it is impossible for any statement

of fact to have a statement of value as a logical consequence.<sup>14</sup>

The Thomists' claim that nature is purposive and God is all-good deserve some consideration now. It is obvious that these metaphysical statements are supported in different ways than scientific ones. But in the mind of Nielsen this position has not been made intelligible, nor established as true.<sup>15</sup>

Suppose that we observe in parts of the universe tremendous adaptation of means to ends or a distinctive ordering. This does not imply in an appropriate sense either a purpose or a Designer. Let us suppose that 'necessary being' and 'final cause' have an intelligible use, and that man and nature have a final end. The crucial point is even if these notions can be use in genuine statements that are in fact true, no normative or moral statements can be derived from them.<sup>16</sup> Philosophers who deny that we can logically derive or base a moral claim on a metaphysical position will say, as William Denes does:

A system of metaphysics, if it were known to be the truth or the probable truth about the order of entities that constitute the universe, would of course be superbly instructive. But there is one thing it could not enable us to do logically or intelligibly, and that is to determine from what really is what really ought to be: to derive from judgements of fact, judgements of value. It could only be by taking the symbol 'good' to mean precisely what is meant by 'real'; that we could say that metaphysics, as a theoretical discipline, determines or demonstrates the nature of value. But then our statement, 'what is metaphysically real, and only that, is good', would mean precisely what is meant by either one or other of the empty truisms: Whatever is metaphysically real, and only that, is metaphysically real, or whatever is good, and only that, is good. 17

Moral problems are problems of choice, and moral reasoning is practical reasoning about how we should act. Moral questions are questions concerning what to do. This is the realm in which a moral judgement is prescriptive, directive, or normative. We are interested in knowing here only as a means to make rational decisions concerning what to do. Nielsen would say that it is not hard to see that no moral or evaluative statements follow from these so-called fact-value statements together with some common empirical statement. If a moral agent discovers that the fact-value is true, and that he, as a being in the universe has a purpose or an end, it still does not follow that he resolved any moral perplexity by noting how it is that he behaves.<sup>18</sup> The discovery that teleological explanations best explain how one behaves does not require any moral conclusion. They tell us how we are living but they do not tell us how to live and die.

Since taking a moral position necessarily involves the making of a decision, we as moral agents must decide and resolve to seek this end that we realize human beings in fact seek. We must make this purpose or end, our purpose or end. But this is something we must choose or decide to do. We cannot simply infer it, observe it or grasp it. We may see or notice purpose in the metaphysical sense; but until we have, by our own free resolution decided we should act on this information, we have not arrived at any moral conclusions.<sup>19</sup> To question the purpose of existence is the same as questioning how we are to act. This

is a practical question concerning human behavior and does not involve any metaphysics at all.

Human existence according to the Thomists would still maintain its original and distinctive purpose, for the natural moral law is something ordained by God, not something made by man. Maritain as is previously stated warns against man measuring the good and evil of behavior and man is not the measure of the essence of man rather, man only merely apprehends the natural moral law and the purpose of his existence. This purpose would exist even if no one thought it existed. But if what is stated before is true, such a view cannot be true.

We will now consider a logical criticism of the theory of natural law that is closely related to the ontological separation of value from facts. This criticism is widely embraced at the present time. The argument is directed against any definition of goodness and as a result applies to the Thomistic definition of the good as the realization of natural tendencies.<sup>20</sup> According to G. E. Moore, who formulated this type of objection in modern times, we can still ask if the realization of such tendencies is good. This shows that the defining formula is not really equivalent to the term supposedly defined. In his opinion any such definition attempts to reduce something which is simple and unique to something that is complex. This is to commit the fallacy of reduction or, as Moore names it in the case of the good, the naturalistic fallacy. As a matter of fact, the good is a simple unanalyzable

property, which must be understood by itself alone or not at all. To define good as the realization of essential tendencies is in fact to commit the naturalistic fallacy of reducing a simple unanalyzable property to a complex reality quite different.<sup>21</sup>

The existential claim against natural law, particularly in the philosophy of Sartre, lies in its dependence upon a God whose divine ideas define the things in the universe. For Sartre there is no God, there is no divine idea which defines human nature, man first exists and then and then only is defined by what he makes of himself.<sup>22</sup> This same paradox, that the nature of man is not to have a nature can be found in other characteristic existential writers. So in addition to the charge of moral irrelevance Sartre would claim another charge of bad faith against anyone appealing to objective norms or standards of justification of his conduct. The Sartrean argument may be summarized as follows:

The spirit of seriousness (i.e., the spirit which seeks to base moral choices and decisions on an objective knowledge of values) consists in pretending that moral values do not depend on a human choice but that they are dictated by a 'natural law' by hazard or by divine commands. Something would be morally good or bad as it were white or black. The man who takes refuge in the spirit of seriousness tries to hide from himself that it is human freedom which decides on moral values. He tries to ignore that if man is not the creator of being, he is at least the inventor of moral values. The man who takes refuge in the spirit of seriousness tries to evade moral responsibility. . 23

In conclusion as O'Connor writes there seems to be a common

origin for many of the difficulties that St. Thomas encounters in his theory. It is the conviction, shown most clearly in his theory of knowledge that no knowledge is of any value unless it is certainly true and known to be so. But if there is one lesson to be learned from the history of philosophy, it is that if we regard knowledge as tentative, experimental, and correctable, we shall gradually acquire some information about what the universe is like and our place in it. But if we regard it as certain, intuitive, and incorrigible, we shall not learn any facts about anything because we have set our standards too high. The pursuit of certainty is the enemy of the pursuit of truth.<sup>24</sup>

## CHAPTER TWO

The previous arguments are general considerations used to illustrate the reasons why the Thomistic theory of natural law is not accepted by certain philosophers. It should be noted that most criticisms were directed toward Thomistic doctrine and not his contemporaries. The twofold effort of this chapter will be to establish first, that some of these criticisms were in error and second, that other areas of the natural law theory have been modified by contemporary Thomists to make them appropriate and relevant to the existing conditions. One difficulty that Thomists cannot resolve is the impossible task of trying to separate Aquinas' philosophy from his theology. This dilemma will not be settled here, it will simply have to be treated with care.

In response to Nielsen's claim that the metaphysics of Aquinas is dependent upon Aristotle's Physics and therefore false, Bourke would state two things. First, if the Physics of Aristotle had a profound influence on the overall thought of Aquinas then his metaphysical position is outmoded and no sound bases for a theory of natural law.<sup>25</sup> But this is not the case. Thomists realize that Thomas reached his metaphysical position quite independently of contemporary physical science. There is an essential distinction between medieval physical and metaphysics which Nielsen failed to make. This is understandable

since both talk about nature. Yet, the Thomist metaphysician understands the judgement that being is not confined to bodily existents.<sup>26</sup> This type of natural law reasoning rests on the metaphysical judgement that certain specific natures can be understood universally. These natures are not regarded as existing individual things, nor are they fictions of the mind. So what are they? These universal notions are learned from our own experience of reality. No Thomist claims to possess an all inclusive knowledge of the essential natures of things. Nor would any Thomist profess to be able to deduce the rules of natural law from his knowledge of the nature of man.<sup>27</sup>

In many borderline cases the individual is confused in trying to determine what is right. It is not our goal to give the impression that natural law thinking provides immediate and infallible judgements on all moral issues. On the contrary, there are some actions that are, under normal circumstances, right for a man to perform and others that are not.<sup>28</sup> A corresponding view can be found in Copleston:

But it does not follow that the good which a man chooses for the attainment of which he takes particular means is necessarily compatible with the objective good for man. There is therefore room for the concept of 'right reason'; reason directing man's acts to the attainment of the objective good for man. 29

In order to combat Nielsen's criticism of Maritain's notion of knowledge of natural law through inclination two kinds of knowledge of natural law notions or attitudes should be distinguished. First, the natural law notions or attitudes which



most men possess are in a vague, non-reflective manner. Second, the method in which a moral expert reflects on and engages in philosophical explanations of natural law are different from common men. Maritain is describing the situation for the moral agent to make his decisions. Now consider the synderesis principle: good should be done; evil should be avoided. To state that this generalized rule is known to all men is not to claim that all men can and will state the rule when asked to justify their behavior. Rather, Maritain's view is that practically all men show concern for right and wrong. Although some classes of men do not show that they can discriminate between right and wrong. These atypical people are: very young children, fools, and certain highly sophisticated ethicicians. The first two classes can be excluded since time will cure the children and the insane are not legally or morally responsible. The professors of ethics are not the normal people that Maritain refers to in his explanation of knowledge of natural law through inclination.<sup>30</sup> This introduces the notion of a purposive nature.

Thomists think that every action and every real thing that exists has an end. This is teleology or Aristotle's old theory of final causality or the notion that nature is purposive. Adams would maintain that mechanisms alone cannot explain the facts of nature, and that purposes have causal powers. The notion of teleology is simply that everything in nature was created to fulfill a plan.<sup>31</sup> A thorough discussion of this argument is too extensive for the scope of this paper. A few

general statements will hopefully clarify some of Nielsen's main objections. The acceptance of the existence of God is necessary for Thomist's teleology but not to Aristotle's final causality. According to Wild the critic of a purposive nature takes it for granted that reality exists in a finished state. They have no capacity for further development rather, they are fully determinate and finished. Thus the concept of universal moral law holding good for all mankind is merely something the individual has conjured himself into believing that his own particular aims and purposes are somehow ingrained in the nature of man and the universe.<sup>32</sup> The assumption underlying all such criticisms according to Wild is that the basic ontological facts concerning the universe are obvious. The only alternatives are either to be content with these given facts or to project something analogous to human purpose into the world in a weak attempt to explain them.<sup>33</sup> The basic issue is a question of empirical fact. Do we find things actually changing in our experience or is reality a succession of determinate things? If we note that things actually change then the basic ontological categories of natural law philosophy will be recognized as descriptions of facts. The notion of essential tendencies will also be recognized as a necessary consequence. When these ontological facts are clearly recognized the notion of goodness as the realization of tendency will no longer seem strange or doubtful. They will be recognized as descriptive categories true of the most basic facts of our experience.<sup>34</sup>

In regard to Nielsen's claim that anthropology does not back up the Thomistic notion of a purposive human nature Bourke replies with the following:

I can hardly think that Nielsen is serious about this. Without quoting chapter and verse, I should like to remind him that there is a strong movement in recent American anthropology in this direction. Some of the leading names in the field (Malinowski, Redfield, Evans-Pritchard) see man as a very distinctive nature. 35

The claim is made by some social psychologists that there is no such thing as an essential human nature which makes a man a man. The response to this criticism according to Crowe is as follows:

The distinction must be made between what is universal and invariable in human nature and what is relative and conditioned by the circumstances of cultural development. Viewed abstractly and universally human nature is univocally the same in all members of the human species--it is what defines individuals as men. But as concretely and individually existing in each member of the species, human nature is subject to bio-cultural evolution. It is simply putting into modern terminology what St. Thomas realized when he said, more than once, that human nature is variable. 36

Another standard criticism appeals to the facts of cultural relativity. For is it not true that some culture somewhere breaks the natural moral law. This is a difficult criticism to respond to convincingly. The natural law is the same for all men in its general principles, but in its detailed applications, it is the same for all men only in the majority of cases. In a few instances both the will to do right and the

awareness of what is right may be distorted by habit, custom, social tradition or temperament.

A point of criticism that is found throughout Nielsen's appraisal of Thomistic natural law theory is that you cannot derive an ought from an is. The fact that things exist or happen in a certain way does not mean that they should do so. According to Bourke difficulty occurs from taking the terms is and ought or fact and value in a narrow, unrealistic sense. The ought implies some sort of obligation or necessity. The necessity implied cannot be absolute in the sense that the agent must do this and nothing else. If God is not considered as the giver of moral absolutes, as many eighteenth and nineteenth century philosophers thought He was, the situation is drastically changed. For without a determinate God in one's moral view how can man find a sufficient source for deriving an absolute ought? He simply cannot, the moral ought can only represent a conditional necessity.<sup>37</sup> It should be noted that contemporary Thomists think that God necessarily commands men to act in a specific manner, but not in the absolute sense of the eighteenth and nineteenth century Thomists. The naturalistic moral ought means that a person must perform certain acts and avoid others or take the consequences of an unfulfilled and imperfect human life.<sup>38</sup> This is the reason for trying to do one's best but it is not an absolute one.

Turning to the other side of the problem: what is the connection between the is and such a conditional oughtness? Once

more the meanings of the terms have been unduely narrowed down. Due primarily to the influence of Hume and writers like Hall reality has been reduced to a sort of atomic theory of unrelated events. As a result what is given is a collection of sense facts with no real interconnections.<sup>39</sup> If this were the true character of the is no oughtness would be derived from it. But this atomic theory is not well established. In Bourke's own words:

What is real may very well be closer to the world of the average man-in-the-street than to the sense data of Bertrand Russel. I am not suggesting that philosophers revert to the simplistic position of the common-sense school. But I would strongly maintain that the average man's world is not an unreality; it merely fails to tell the whole story. He knows that certain things are related to each other, and to himself, in ways that he does not impose by his own thinking. The reality of such relations is very important for the practical thinking. If I am the son of a certain man this relationship provides an experiential basis for oughtness. I obviously owe something to my father that I do not owe other men. 40

So in regard to the charge that no normative or moral statement can be derived from facts Veatch replies:

No fact of nature is ever really separated from its own value aspects. Values are always there in nature if we choose to look for them. Thus to anyone who feels it simply incredible that facts should ever imply 'ought', our reply is that it is far more incredible that these two should ever have been separated in the first place. Moreover, if we mistake not, the reason such a separation has come to be generally accepted nowadays, and even to seem almost self-evident, is that the attempt to associate the two is always made to appear as an exception and an anomaly. 41

At this time something should be said about the notion of value as a degree of being and fulfillment of nature. This will help to explain why at times we use emotive language and why we experience desire and aversion. It is obvious that some value-judgements, such as saying hurrah or boo, are merely expression of emotions or attitudes. We often speak without thinking or thinking sufficiently. But the essential point for Hawkins is:

When we do think, the test of the justification of our emotion or attitudes of mind is to be found in an objective criterion, and that value consists in degree of being and fulfillment of nature while disvalue resides in frustration and privation of being. 42

Since values and goodness are always values and goodness for something men should be concerned with value and goodness for man in general. Although fact and value are by no means the same thing, they are inseparable. So it is a meaningful task to attempt to discover the good for man by investigating the nature of man.<sup>43</sup>

In response to the argument that human behavior does not involve any metaphysics at all we are involved in a controversy over the source of moral obligation. A Thomist would maintain that the primary factor between what is moral good and moral evil is man's nature. So acts good in themselves are those which directly promote man's nature and acts evil in themselves are those which degrade his nature. To achieve destiny, Higgins would claim that man must follow the mandates of his

Creator as observed in the natural law. By his reason man must avoid the acts which defeat his nature, and perform the good things his nature directs to be done. To act in accordance with the above is man's absolute value. In these values the entire structure of morality rests.<sup>44</sup> Higgins writes:

All morality, both in content and obligation, originates in the Eternal Law. This is the prime analogate of the term law. It exists in the mind and will of God consequent upon His determination to create the universe. The natural moral law is man's sharing in the Eternal Law and exists in the upright conscience of man. It is a dim but true reflection of the moral order existing in the Divine Reason and is the immediate source of moral obligation. <sup>45</sup>

In his criticism Moore is trying to build a case that will illustrate the impossibility of Aristotle's equation of fact with value, and of the natural with the good. Moore thinks that this is logically impossible, since Aristotle has violated logical criteria of good definition. The device he uses is this:

if a definition of a thing is a legitimate definition, it must be such that its opposite is simply inconceivable or self-contradictory. <sup>46</sup>

In addition goodness cannot be equated with any natural or supernatural property. Goodness simply cannot be defined at all. To do so is to commit the naturalistic fallacy. Aristotle's definition of good is held to be mistaken, not because it does not fit the facts, but because it violates the logical cannons of good definition. It attempts to define something

not in terms of what it is but in terms of what it is not.<sup>47</sup>

A Thomist would refute Moore's argument in the following way. First if any definition of the good must commit a fallacy, then on the same principles just about any definition of anything must also commit a fallacy. Any definition that meets Moore's criterion must be of a form that makes it quite impossible for it to be a definition at all, at least in the sense of telling us something or conveying any sort of information. So Moore's famed doctrine of the naturalistic fallacy is self-defeating. The simple truth is that it is a logical mess, which will not be cleared up here.<sup>48</sup> So with this clarification the fundamental Aristotelian conviction that value judgements and moral judgements do have a rational basis is sound and respectable again.

Concerning the Sartrean charge of bad faith and moral irresponsibility some clarification is necessary. First let us suppose that the morally virtuous man for Aristotle can be equated with the serious man of existential literature. Sartre's charge is valid if and only if moral values and norms have of objective status in the real world.

The serious man in appealing to objective standards of morality is guilty of bad faith only to the degree to which he pretends that such standards exist when they really do not and he knows they do not, his only reason for so pretending being that he wants to escape the responsibility of having to make or create his own values. <sup>49</sup>

On the other hand, assuming that moral norms and values have an



objective status in fact, then to appeal to them in justification of our conduct could never be a case of bad faith or trying to evade our responsibilities. The other Sartrean charge against belief in God is essentially the same as the one of Nielsen so I will let Higgins response to the latter suffice for both. However, the existentialists bring to our attention one important notion. In the words of D'Entrèves:

The ontological theory of natural law is a great and an impressive construction. But it does not seem to take into sufficient account those aspects of natural law that have become the lasting inheritance of modern man. With its insistence on the objective notion of 'order' and 'law', it tends to disregard or to belittle the importance of the subjective notion of a claim and a right. In one word, it does not adequately stress the idea of 'natural rights' which has become part and parcel of modern civilization. 50

Crowe seemingly agrees with this line of thought when he states:

A judgement about the right and wrongs of human conduct has to do with a situation, a set of circumstances, that is somehow unique and individual and never exactly repeated. The moral principles may be invariable; but their application is conditioned by circumstances---and circumstances do alter cases. 51

In conclusion the philosophy of law to the Thomist regards the understanding of universal relations, meanings, implications, tendencies, and obligations as of primary importance. A law is not a sense fact; rather, it is some sort of universal. It is applicable in a variety of circumstances to many people. Clearly a theory of knowledge that reduces all human experience

to atomized, isolated, unrelated sense impressions cannot give an account of law. Nor can it account for obligation moral or legal.<sup>52</sup>

## CONCLUSION

The intrinsic value for man must lie in the fulfillment of his nature, of his intellectual powers in knowledge and of his affective nature in friendship and love.<sup>53</sup> The natural law is more than the law that ought to be. If it is to mean anything of importance, it must be itself legally effective, in some sense legally authoritative.<sup>54</sup> But if we try to use natural law simply as a-rule-of-thumb we are mistaking its function. However, the law of reason can be stated in such a way as to handle the moral dilemmas of our time or of any time.<sup>55</sup>

We will close with a quote from a distinguished contemporary:

Nor is the natural law in its classical meaning the collection of abstract principles or formulations to which textbook morality has often reduced it, under the influence of the seventeenth and eighteenth century theories of natural right. Historically the appeal to the natural law has arisen precisely from the resistance of personal conscience to the arbitrariness of written laws; it appealed to an unwritten law, an inborn knowledge of what man ought to do and ought not to do in order to be and to become authentically himself. Among the great classical authors that meaning of the natural law has been maintained in all its integrity.

Thus we find, for example, in Thomas Aquinas the following description: 'The rational creature is subject in a more perfect manner than the others to divine providence, insofar namely as it shares this providence and becomes providence for itself and for others. Hence it shares the eternal law and possesses a natural inclination towards its authentic act and finality. it is precisely this sharing of the eternal law in the rational creature which is called natural'.

Hence in its original meaning the natural law is a dynamic existing reality, an ordering of man towards his self-perfection and his self-realization, through all the concrete situations of his life and in intersubjective dialogue with his fellow man and his God. 56

#### FOOTNOTES

<sup>1</sup>A. P. D'Entrèves, Natural Law (New York, 1965), p. 7.

<sup>2</sup>Jean Dabin, "Is There a Juridical Natural Law", in The Nature of Law M. P. Golding, ed., (New York, 1966), p. 26.

<sup>3</sup>E. M. Adams, Ethical Naturalism And The Modern World View, (Durham, N.C., 1960), p. 201.

<sup>4</sup>Kai Nielsen, "An Examination of the Thomistic Natural Moral Law", Natural Law Forum, IV (1959), p. 44.

<sup>5</sup>Ibid., p. 47.

<sup>6</sup>Jacques Maritain, The Range of Reason (New York, 1952), in Nielsen, p. 47.

<sup>7</sup>Ibid., p. 57.

<sup>8</sup>Nielsen, p. 50.

<sup>9</sup>Ibid., p. 51.

<sup>10</sup>Ibid., p. 57.

<sup>11</sup>Ibid.

<sup>12</sup>E. W. Hall, Modern Science and Human Values (Princeton, 1956), in Nielsen, p. 59.

<sup>13</sup>David Hume, A Treatise of Human Nature, III, I, i. in V. J. O'Connor, Aquinas and Natural Law (New York, 1968), p. 69.

<sup>14</sup>O'Connor, p. 69.

<sup>15</sup>Nielsen, p. 61.

<sup>16</sup>Ibid., p. 63.

<sup>17</sup>William Dennes, Knowledge and Values (ed. by Lyman Bryson, New York, 1954), in Nielsen p. 63.

<sup>18</sup>Nielsen, p. 66.

<sup>19</sup>Ibid., p. 67.

<sup>20</sup>G. E. Moore, Principia Ethica, in John Wild, Plato's Modern Enemies and the Theory of Natural Law (Chicago: The University of Chicago Press, 1953), p. 85.

<sup>21</sup>Ibid.

<sup>22</sup>Jean Paul Sartre, Existentialisme est un humanisme (Paris, 1957), as quoted by Rev. Michael Crowe, in "Natural Law Theory Today", in Future of Ethics and Moral Theology Don Brezine, S. J. and James V. McGlynn, (eds.), (Chicago, 1968), p. 79.

<sup>23</sup>Robert Champigny, Stages on Sartre's Way (Bloomington, 1957), as quoted by Henry N. Veatch, in "A Contemporary Interpretation of Aristotle" in Future of Ethics And Moral Theology Don Brezine, S. J. and James V. McGlynn, (eds.), (Chicago, 1968), p. 79.

<sup>24</sup>O'Connor, p. 84.

<sup>25</sup>V. J. Bourke, Ethics in Crisis (Milwaukee, 1966), p. 140.

<sup>26</sup>Ibid.

<sup>27</sup>Ibid., p. 141.

<sup>28</sup>Ibid., p. 142.

<sup>29</sup>F. C. Copleston, Aquinas (Baltimore, 1955), p. 212.

<sup>30</sup>Bourke, p. 143.

<sup>31</sup>Adams, p. 209.

<sup>32</sup>Wild, p. 73.

<sup>33</sup>Ibid., p. 74.

<sup>34</sup>Ibid., p. 75.

- <sup>35</sup>Bourke, p. 144.
- <sup>36</sup>Crowe, Future of Ethics and Moral Theology, p. 94.
- <sup>37</sup>Bourke, p. 146.
- <sup>38</sup>Ibid., p. 147.
- <sup>39</sup>Ibid.
- <sup>40</sup>Ibid., p. 148.
- <sup>41</sup>Henry N. Veatch, Rational Man (Bloomington, 1962), p. 201.
- <sup>42</sup>D. J. B. Hawkins, Being and Becoming (New York, 1954), p. 136.
- <sup>43</sup>Veatch, Rational Man, p. 192.
- <sup>44</sup>Thomas J. Higgins, Ethical Theories in Conflict (Milwaukee, 1967), p. 237.
- <sup>45</sup>Ibid.
- <sup>46</sup>Veatch, Rational Man, p. 192.
- <sup>47</sup>Ibid., p. 193.
- <sup>48</sup>Ibid., p. 195.
- <sup>49</sup>Veatch, Future of Ethics and Moral Theology, p. 132.
- <sup>50</sup>D'Entrèves, in Golding p. 46.
- <sup>51</sup>Crowe, pp. 98-9.
- <sup>52</sup>Bourke, p. 149.
- <sup>53</sup>Hawkins, p. 132.
- <sup>54</sup>D'Entrèves, in Golding p. 53.

<sup>55</sup>Crowe, p. 102.

<sup>56</sup>L. Wonden, in Crowe p. 102.



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