

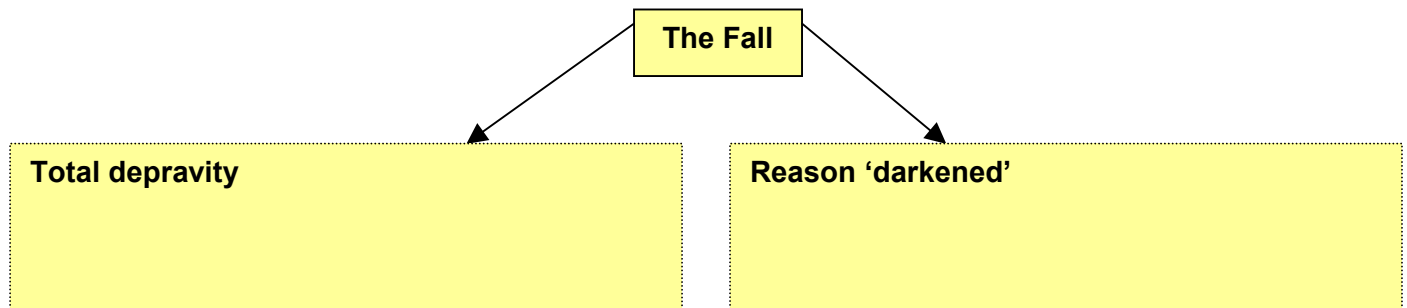
THOMISTIC NATURAL LAW ETHICS

St Thomas Aquinas

- St. Thomas Aquinas (1224-1274) was a Dominican priest, theologian, and philosopher.
- Called the *Doctor Angelicus* (the Angelic Doctor,) Aquinas is considered one of the greatest Christian philosophers to have ever lived.
- Two of his most famous works, the *Summa Theologiae* and the *Summa Contra Gentiles*
- ‘Marriage’ of Aristotelian Philosophy with Christian Revelation



Aquinas makes the assumption that (even fallen) human reason can give insight about how we should live



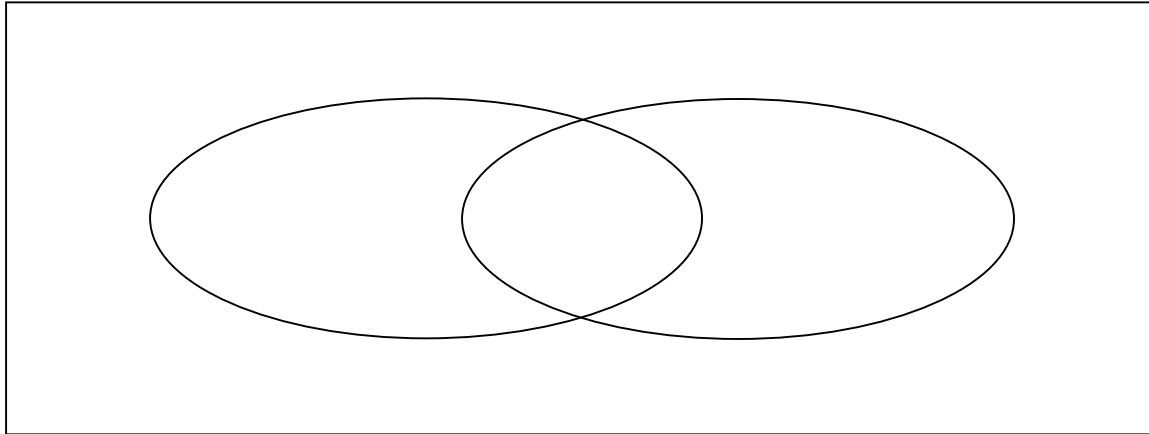
- In principle, Natural Law is discoverable by all humans. It could form a basis for moral discussion between those of different faiths. (contrast: relativism)
- Hence every human is subject to judgement – if only the judgement of their own conscience (cf. St Paul’s Letter to the Romans & cf. war crimes)

Human beings naturally (i.e. with their whole rational nature) want what is good

- According to Aquinas, each person desires ‘their final end’: the ultimate good of beatitude (eternal bliss of the sight of God)
- Morality is rational; sinfulness is irrational
- Evil as ‘privation’ (contrast with ‘absence’)
- Why do people do wrong (real and apparent good)

Aquinas (like Aristotle) adopts a teleological understanding of the cosmos

Eternal Law & Natural Law



Consequently God, who in Himself is perfect in every way, and by His power endows all things with being, must needs be the Ruler of all, Himself ruled by none: nor is any thing to be excepted from His ruling, as neither is there any thing that does not owe its being to Him. Therefore as He is perfect in being and causing, so is He perfect in ruling.

The effect of this ruling is seen to differ in different things, according to the difference of natures. For some things are so produced by God that, being intelligent, they bear a resemblance to Him and reflect His image: wherefore not only are they directed, but they direct themselves to their appointed end by their own actions. And if in thus directing themselves they be subject to the divine ruling, they are admitted by that divine ruling to the attainment of their last end; but are excluded therefrom if they direct themselves otherwise. (Aquinas)

Hence:

- Natural Law is human participation, through reason, in God's plan of creation, the Eternal Law.
- The natural law is based in human nature, i.e. human as the rational animal.

So where does religious commands come in?

- The specific commands of God (say, the Decalogue) clarify and build on natural law (Compare & contrast different moral codes of various cultures)
- Theological Virtues perfect Cardinal Virtues

How does reason follow the Natural Law?

- By reason, a human has the power to apprehend truth intellectually.
 - speculative reason recognises true/false
 - practical reason recognises good/bad
- ‘Good is to be done and pursued and evil avoided’ is the First Principle of Practical Reason / First Precept of Natural Law.

How do we know the ‘good’ that is to be pursued?

- Reason makes particular judgments about what is good by determining what is perfective of a thing’s nature/purpose.
 - For example, a car’s purpose is to provide transport; a good car is one that provides comfortable and reliable transport.
 - The function of a tomato plant is to produce tomatoes, and a good tomato plant is one that produces an abundance of tomatoes of high quality.
- The human good is what contributes to the perfection of human nature and helps it attain its full perfection (beatitude)

How do we see the nature/function/essence of a human being?

- Generally speaking, the more complex the animal, the more varied its behaviour and presumably the less clearly defined is its ‘nature’. The freedom of action possessed by human beings makes it plausible to argue that human beings are characterized precisely by the fact that they have no set nature or function.

- Aquinas found a way out of this problem. Identify ‘natural inclinations’ that human beings have in common. One can discover what human nature is by identifying those goals that human beings generally tend to seek. These values would presumably reflect the structure of our human nature, which natural law directs us to follow.

What did Aquinas identify as fundamental values (derived from observing natural inclinations)?

1. Biological Values

a. **Life.** From the natural inclinations that we and all other animals have to preserve our own existence, we can infer that life is good, that we have an obligation to promote our own health, and that we have the right of self-defence. Negatively, this inclination implies that murder and suicide are wrong.

b. **Procreation.** From the natural inclination that we and all animals have to engage in sexual intercourse and to rear offspring, we can infer that procreation is a value and that we have an obligation to produce and rear children. Negatively, this inclination implies that such practices as sterilization, homosexuality, and artificial contraception are wrong. (*Q: Why wasn't Aquinas married?*)

2. Characteristically Human Values

a. **Knowledge.** From the natural tendency we have to know, including the tendency to seek knowledge of God, we can infer that knowledge is a value and that we have an obligation to pursue knowledge of the world and of God. Negatively, this inclination implies that the stifling of intellectual curiosity and the pursuit of knowledge is wrong. It also implies that a lack of religion is wrong.

b. **Sociability.** From the natural tendency we have to form bonds of affection and love with other human beings and to associate with others in societies, we can infer that friendship and love are good and that the state is a natural institution and therefore good. We thus have an obligation to pursue close relationships with other human beings and to submit to the legitimate authority of the state. We can also infer that war can be justified under certain conditions if it is necessary to defend the state. Negatively, this inclination implies that activities that interfere with proper human relationships, such as spreading slander and lies, are wrong. Actions that destroy the power of the state are also wrong, so natural law finds a basis for argument against revolution and treason, except when the state is radically unjust.

How do we apply such general laws to particular situations?

- The fundamental precepts always apply – and tend to be generally known.
- A person must use **reason** to apply the fundamental precepts in specific cases.
- This can lead to error.

“Although there is necessity in the general principles, the more we descend to matters of detail, the more frequently we encounter defects. ... “ (ST I-II, 94, 4).

- **Casuistry** – the rational working out of how general precepts apply in (difficult) specific cases – is an important part of Natural Law.

What general observations can be made about Natural Law?

- The natural law applies to all people, at all times. (ABSOLUTE). But, as C. S. Lewis observed, it is an example of an absolute and universal law that can be disobeyed.
- The natural law provides a standard for judging positive laws (i.e. the laws of State). (OBJECTIVE)
- The Natural Law promotes the ‘education of the passions’ to order them to the good. Hence, Aquinas (like Aristotle) focuses on virtues and vices.
 - **Cardinal Virtues** (Justice, Fortitude, Prudence, Temperance) to be developed in the life of any person.
 - **Theological Virtues** (Faith, Hope, Charity) directly infused by the Holy Spirit, but then requiring development in the life of a believer.

What happens when a situation throws the basic values above into conflict?

- You must *not* do evil (intrinsic evil) even to bring about a good end. (contrast: Situation Ethics)

Suppose you were on a military convoy from the United States to England during World War II. Your ship was attacked and sunk. Your life raft was carrying 24 persons, although it was designed to carry only 20. You had good reason to believe that the raft would sink unless four people were eliminated, and four people on board were so seriously injured in the catastrophe that they were probably going to die anyhow. Because no one volunteered to jump overboard, you, as the ranking officer on the boat, decided to have them pushed overboard. Were you morally justified in doing so? Many of us would say that under the circumstances you were, but natural-law theorists would say that you were not justified, even if everyone on the raft would have died otherwise.

Consider another wartime example. Suppose you know that some prisoners have information that will save a large number of lives. The only way to obtain the information is to threaten to kill the prisoners, but you know that they will not reveal what they know unless your threat is absolutely serious. To show them how serious you are, you have another prisoner shot before their eyes. As a result of your action, the information is revealed and many lives are saved. Is this action justified? Many people would say that under these extreme circumstances it is justified, but natural-law theorists would say that it is not.

So Natural Law allows no resolution when there is conflict of basic values?

- There are two principles that help us out: the *Principle of Forfeiture* and the *Principle of Double Effect*.
 - According to the Principle of Forfeiture, a person who threatens the life of an innocent person forfeits his or her own right to life. Killing is taking the life of a non-innocent person, whereas murder is taking the life of an innocent person. The Principle of Forfeiture can be used to justify not only acts of individual self-defence, but also war and capital punishment. A defensive war may be justified under certain conditions, even though it involves killing other people, because the aggressors have forfeited their right to life. Similarly, murderers may justly be put to death because they have forfeited their right to life by killing others.
 - According to the Principle of Double Effect, it is morally permissible to perform an action that has two effects, one good and the other bad, if (1) the bad effect is unavoidable if the good effect is to be achieved, (2) the bad effect is unintended—that is, not a direct means to the good effect, and (3) a proportionally serious reason exists for performing the action.

Apply the PDE to these cases.

1. A pregnant woman who has tuberculosis wants to take a drug that will cure her disease, but the drug has the side effect of aborting the pregnancy. Is taking the drug morally permissible?
2. Suppose I want to turn on a light so that I can read a book on ethics, but I know that turning on the light will electrocute a worker on the floor below. If I cannot get the reading done except by electrocuting the worker, should I still turn on the light?
3. A woman's egg is fertilized in the fallopian tube; as the fertilized egg developed it will rupture the tube, killing both the mother and the foetus. Is an abortion justified by the principle of double effect?