

Acton University
Natural Law and Human Flourishing
Introduction

In 1946, much of the surviving leadership of National Socialist Germany was put on trial in Nuremberg, Germany. The primary defense of the accused was that all they had done was legal under German law. This represented a type of legal positivism: the idea that reason can know only scientific and social facts and must leave philosophy and religion to the realm of the subjective.

The response of the prosecution was to invoke, indirectly and with circumlocution, natural law.

Some people have a quite deep knowledge of what natural law is, something know about natural law, others unfamiliar with natural law.

Today some do not accept that there is a natural law, most of the academy is hostile to natural law, some mistake natural law for other things, while most people know little about it.

Yet the idea of natural law lies at the very heart of the beginnings of what might be broadly called the Western tradition: that unique integration between Jewish Biblical Wisdom, Greek rationality, and Roman law.

We could spend the next three days of Acton University discussing natural law.

Four basic objectives: (1) what natural law is; (2) what human flourishing is; (3) some common objections to natural law and answers; (4) why natural law matters for societies that aspire to be free and virtuous and its relation to Revelation.

Caveats: (1) I will assume little knowledge of the topic; (2) I'm not going to enter into some of the disputes between natural law thinkers; and (3) this is essentially a lecture about philosophy. It's not about theology.

Part One - What is Natural Law?

The single most confusing thing for most people are the very words "natural" and "law."

- Natural is a way of saying "human," and what's distinctive about "humans" is that we have reason.

- The "law" part of natural law is simply what is right: right in the sense of what is good for humans, and right in the sense of what is just, what is just for humans and human society. The "law part" of natural law is the judgement about what I need to do in order to be reasonable not only in my dealings with others, but also in the conduct of my own life.

- Natural law is therefore what reason requires of us in our choices and actions. The study of natural law is identifying and applying the principles of rational thought about how we know and choose the good, the right, and the just.

- Good and evil, in natural law thinking, have concrete content, which does not change.

- Natural law begins with the premise that knowing the good is the object of our reason and doing the good is the object of our will. From this we conclude the supreme principle of natural law: that good is to be done, and evil avoided.

- The first set of subordinate principles are those conclusions which flow very directly from the primary principle. Examples of this are positive principles such as "Adore God" or "Honor your parents," as well as negative principles such as "Do not steal", or "Do not Murder."

- The second set of subordinate principles are those other conclusions which we can reach through a more complicated course of reasoning. How, for example, do you honor your parents?

- It's entirely possible for people working on the basis of natural law to come to conclusions that, while they may differ with each other, are compatible with natural law. Traffic regulation exemplifies this.

- It's very easy for us to make mistakes at these points of reasoning.

Part Two - What is Human Flourishing?

The term came into use in 1975 as a way of giving contemporary expression to the Aristotelian notion of "Eudaimonia", or more simply "happiness."

Natural law provides us with a very concrete sense of the content of human flourishing and how it occurs for both individuals and as communities.

Natural law holds that human freedom and human flourishing are intimately connected with doing good and avoiding evil.

Natural law vision of the good life, of human flourishing, isn't therefore about doing whatever we "happen" to will or just feel like. It involves, first, consistently choosing *not* to do evil, and then just as consistently choosing the good.

How does a human being flourish? The argument of figures ranging from Augustine to Aquinas is that we do so *in the process of free choice*. When we freely choose goods such as life and health, friendship, knowledge, integrity, beauty, and work, we literally integrate them into our identity through our deliberation, choices, and actions.

This flourishing is knowable by all, and thus choose-able by all.

All of us are individual but also social. We need others to flourish.

The conditions that help people to flourish under their own volition are known as “the common good:” the sum of those conditions of the social life whereby individuals, families and associations may attain their own perfection.”

Part Three - Some Objections to Natural Law—And Responses

First: the fact of disagreement. People disagree, even radically, not just about things like size and role of the state, but any number of questions. If natural law was real, we would have very little disagreement.

Answer: (1) it downplays just how much agreement there has been across time about right and wrong across time and throughout cultures; (2) the fact of disagreement doesn’t actually prove that natural law is false.

Second: many people who regard natural law as oppressive. Doesn’t natural law, because it is concerned with the flourishing of individuals and societies, lend itself towards the repression of those who disagree with it?

Answer: (1) a sound theory of natural law is one that seeks to develop a theory of proper relationship between the private and the public, or the personal and the legal and the political; (2) natural law has developed principled ways of thinking through these questions that take into account (a) the need for individuals and communities to make free choices, and (b) the responsibility for the state to act in ways that promote but do not impede human flourishing. That’s the whole point of the principle of subsidiarity.

Third: natural law encourages the type of rationalism that denies a place for, or the expression of feelings and emotions and passions in moral decision-making and other ways of knowing truth.

Answer: it’s possible for natural law reasoning to collapse into a type of hyper-rationalism. But (1) natural law doesn’t by definition deny the truths revealed by other sources of knowledge, like revelation; (2) natural law doesn’t deny that there is knowledge in, for instance, experience. It simply says that experience in itself is not a sufficient basis for making moral and political choices; (3) there is one form of rationalism that natural law positively discourages us from embracing: that’s called empiricism.

Part Four - The Free and Virtuous Society and Revelation

Why should we care about natural law?

First: natural law is very important for assessing, critically assessing, the moral, political, legal, and economic structures and institutions within which we live.

Second: natural law provides a basis for everyone, regardless of their religious beliefs, to discuss on controversial issues on an equal basis – a framework and set of principles that all can accept if you accept that all people have reason. And that is much better than having no agreed upon framework whatsoever.

Third: natural law generates develops a sophisticated theory of what properly belongs to the public sphere and what properly belongs to the private sphere. So: it provides us with a basis for critiquing the state when it act unjustly. Natural law doesn’t guarantee that we won’t make errors. But it does provide a framework for rational reflection.

What about Revelation?

You can take up the whole idea of natural law and follow it through without making any assumption for or against the existence of God.

But what natural law does do, if you follow it through consistently, is inevitably cause us to ask about the order we notice in the world, from where it comes, and where it leads. It also direct us towards some conclusions about ultimate things, including one Ultimate Thing. Natural law presupposes a type of natural causality, because it holds that we can make free choices, and that we are affected by free choices, and that all our free choices can be traced back to something.

The strongest, most radical and earliest affirmations of reason’s ability (natural) to know the fullness of truth and our ability to make choices for the good (law) are not in Greek and Roman thought. Instead, it’s found in the Bible.

In Revelation, we find the Israelites arriving at a settled and superior understanding of the universe’s origins and natural intelligibility centuries earlier than the Greeks reached their arguably inferior understanding. They underscore that we are personally responsible for our choices and the character shaped by these choices.

This clarity about freedom and responsibility is new in history, and characterizes the prophets of Israel, especially when it comes to their teachings about justice, which is the very stuff of natural law. Exodus 21-23, Leviticus 19 and 25. Deuteronomy 4's reflection that the precepts of the law are themselves just, and a matter of intelligence and wisdom. This is further clarified and developed by Christians.

Is natural law enough for salvation? No. Does it provide us with full knowledge of the living God? No. For those things, we need Divine Revelation—and the grace of a Loving God. And the same God - the Logos - has given all people the light of reason.