

## Natural Law and Catholic Moral Teaching

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The Roman Catholic Church bases its moral teaching on two sources: revelation and natural law. Church officials rely more heavily on the second of those standards. They routinely refer to the existence of natural law as the reason that a church teaching is unchangeable. By claiming to be the defender of natural law, church officials invite all men and women to join in the defense of humanity. The paradoxical result is to drive away possible allies who do not accept any set of moral rules called natural law. Perhaps much of the world stubbornly refuses to see the obvious truth. However, the embarrassing fact for church officials is that a very large part of the church's membership cannot make sense of natural law.

The paper prepared for the 2014 synod that summarized responses to a widely circulated questionnaire concluded: "In a vast majority of responses and observations, the concept of natural law today turns out to be, in different cultural contexts, highly problematic, if not completely incomprehensible." Strangely, this devastating conclusion about the church's official teaching seems not to have been discussed at the Synod or any other meeting. When bishops regularly invoke natural law, are they simply repeating formulas learned in the seminary many years ago?

The idea of natural law was not part of the historical inheritance of the Christian movement. The Hebrew Scriptures knew nothing of a natural law; ancient Hebrew did not even have the words nature and natural. "Nature" was coined by ancient Greek philosophers as a useful scientific concept. Hebrew speakers, not being philosophically inclined, found no need for "nature." The ancient Israelites spoke of flesh and blood, earth and water, forests and deserts – not to mention sex – without the aid of "nature" and "natural." The earliest Christian gospel also had no need to speak of nature. The term entered Christian tradition through the writing of St. Paul who used "nature" and "natural" a few times in an unsystematic way. A "natural law" would have been foreign to authors of the Gospels.

The term natural law was coined by Cicero as one of three kinds of law that govern human life. The idea of a natural law was a center piece of the Stoic philosophy in the early Christian era. Christianity borrowed many terms from Stoicism, such as religion, virtue, piety, moral and nature. Sometimes the baptism of those terms clearly changed the Stoic meaning; for example, the word sacrament which had meant a military oath. But sometimes, as with "nature," Christianity was and still is confused with a Stoic outlook.

In Stoicism, the ultimate law controlling humans was nature, the mother of all life. The founder of Stoicism compared man to a dog that is attached to a cart. The dog can trot along next to the cart and all will be well, or the dog can dig in its heels and resist, but then it will be dragged along by the cart. So also man can obey nature or man can resist nature; either way, nature wins as every man's death testifies.

In contrast to Stoicism, Christianity does not posit Mother Nature as ultimate; instead, nature, if the term is used, is the creation of a Father God. Christianity saw a value in the term nature, especially as an element of the human being. The Christian movement in adopting the term

natural law was insisting that the natural world of God's creating should not be violated out of greed, thoughtlessness, or uncontrolled passion. That was and is a good idea. It can lead Christians to be in the forefront of resistance to war, environmental destruction, and violations of human rights. But the danger in invoking "natural law" is a possible rejection of human artistry's attempt to make life better or at least reduce the suffering of people. Human life has always been a combination of the natural and the artificial, never more so than at present. The natural is a gift from the Creator; and so are human artifice and what until the nineteenth century were called practical arts (technology).

### Nature and Person

From early in its history, the Christian Church was confronted with the problem of how to talk about Jesus in relation to God. Controversies abounded as the discussion moved between Greek and Latin vocabularies. What emerged was a distinction between "nature" and "person." It was a brilliant creation of language that proved helpful, not only in speaking of God and Jesus, but as applicable to every human being.

The invention of "nature" by Greek philosophers had provided a useful concept for differentiating one kind of thing from another. Christianity's coining of "person" went further in creating a sense of individuality by recognizing a difference between what I am and who I am. Nature was no longer the ultimate force to which the humans must submit. The person, while preserving his or her nature has the possibility of going beyond what is given by being human in kind.

A new element of the human being implicit in personhood was will, a concept unknown in Greek philosophy. Although the Stoics introduced the idea of human choice, that choice was limited to either challenging nature or submitting to nature. Human choice was illusory because in the end mother nature ruled. With the invention of "person," Christianity transformed the meanings of both nature and choice.

The person who brought together the early strands of Christian thinking in the West was Augustine of Hippo. Augustine was perhaps the first person to see clearly the implications of distinguishing between a person with the capacity for choice and a nature that each person carries from birth. Our choices form a "second nature" that shapes our given nature for good or for ill. Augustine also saw the need for a "supernatural grace" – a gift beyond nature – because the human race has made a mess of its own history.

Augustine is blamed for introducing the doctrine of "original sin" as a burden and limitation on our freedom. What he is not usually credited with is his contribution to the idea of freedom itself, the idea of human will as the ability to choose among several possibilities. Augustine realized that human freedom is very limited. The choice is to say no to all but one possibility to which the self is inclined. Looking back on a human choice it appears that the bodily self with its inclinations and history determined the action. The idea of a "free will," implying that someone can choose whatever he or she wishes, is easily shown to be impossible.

“Original sin” was Augustine’s badly named idea for the initial the limits of human choice. The limits on an individual are extended further by the world into which each person is born. The human race and its members have been failing as far back as we can trace. Human failures are inexplicable if one looks only at an individual and his or her intention to act for what is good. Humans are the tragic animals whose great gift of freedom is consistently used in ways that destroy their own best interests. The regular claim that humans act out of self-interest is patently false. They act out of what they convince themselves is their self-interest but often it is not.

Augustine might be called the first modern psychologist. Many of the great modern thinkers, including Rousseau, Freud, and Wittgenstein, carry on a dialogue with Augustine because they realized that he had insights into the human condition that were hardly known in the ancient world and are rare even today. His *Confessions* is often called the first autobiography, the moment when a human being could stand outside himself and see his life as a spectator. He saw that seemingly minor choices could lead to disaster in one’s life. But he also saw that, if open to help from God, human beings can overcome the distractions that society poses and accomplish great things.

Augustine was an admirer of Cicero and adopted much of his language. He did not intend to contradict Cicero’s natural law. But in fact, Augustine presents a much more complex picture of the person than that of the human being submitting to a law of nature. Unfortunately, Augustine’s great insights were lost for centuries on people who did not start from the rich classical base that Augustine had assimilated. To this day, Augustine is often dismissed as someone obsessed with sin, especially sexual sins. Admittedly, he is not a good guide for sexual enlightenment. But as Garry Wills points out, if one actually reads what Augustine preached, one finds far more concern with the injustices of the social order than with sexual failings.

The philosopher who could appreciate Augustine was the 13<sup>th</sup> century Dominican friar, Thomas Aquinas. Thomas frequently quotes Augustine and tries never to contradict him. But there is no denying that Thomas shifts the perspective of the Christian story to a more positive note. Yes, the story of human history is one of constant failure and the need for redemption, but first it is a story of a glorious creation which is entrusted to human care. Sin is a constant problem but the way to oppose sin is not with scalpel and scissors but with an increase of goodness, mercy and kindness.

Since the time of Plato and Aristotle, the “good” was defined as that which all men aim at. But there were hints in Plato of the need to ask another kind of question: What makes good things good? What characteristic do good things share that makes humans desire good things? The philosophy known as Neo-Platonism picked up on Plato’s reflections in *The Republic* on the source of what is good. Plato said that there has to be something beyond the good that is the source of being, goodness and life. Neo-Platonists called this “the One.” It is not a being because it is the source of being; it is beyond being but is not non-being or nothing. Some Christian writers saw this doctrine of the One as a way to express the Christian doctrine of creation.

Thomas Aquinas was one of the Christian writers strongly influenced by Neo-Platonism. He recognized its potential for speaking about God, or rather, for our inability to speak directly about God. The word god is a placeholder for the One beyond names and beyond description.

Language is pushed to its limits and finally can only point beyond itself with double negatives that affirm and deny at the same time. Thus, the one called god is not-not-being; beyond that is the silence of the mystical.

Thomas Aquinas did not limit the neo-platonic insights to metaphysics and mysticism; He recognized the value of the turn from good things to the meaning and source of goodness. Moral thinking within an Aristotelian framework asks about the rules for achieving a good life. Aristotle presented a panoply of what he called excellences (later translated as virtues) as the tools on the road to achieving the good. Christianity might appear to be a variation within this Aristotelian framework, even adopting Aristotle's virtues. However, there were jarring differences between Aristotle's gentleman leading the good life and Augustine's sinful man in need of divine grace. Thomas Aquinas did not wish to reject either of these intellectual giants whom he relied upon. He attempted to create not so much a synthesis as a larger framework in which Aristotle's virtues were a helpful description of daily life but the Creator God and Jesus's teaching provided the ultimate meaning of a moral life.

The meaning of goodness is not reducible to what humans aim at; instead it is expressed in the principle *omne bonum diffusivum sui est*: the good is that which is diffusive of itself. The good life is one which overflows with a generous influence on other lives. The moral life is not one of keeping rules; it is rather the opening of oneself to love, kindness and grace.

Thomas's moral writing is often described as a "natural law" morality which is to miss the point of a morality of the person. Like Christian thinkers before him, he distinguished between nature and person; in his case he made this distinction the center of his teaching. According to Thomas, there is nothing greater in the universe than the person; thus, sin is a violation of personhood. God is only offended when we act against our own being.

"Self-deception" is a central category of Thomas' thought; he was heir to the brilliant psychological insights of Augustine. We always act for our own good; the question is whether we perceive accurately the self that we strive for. A selfish person is mistaken about the self; the alternative to selfishness is not selflessness but a better understanding of the self. The 19<sup>th</sup> century alternatives of "selfishness" or "altruism" simply opposes self and others. That is a hopeless basis for morality. In Christian terms, a morally good act is one that affirms the mutual relation of one's own self and the neighbor's self in response to the love of God. Knowledge of our good is always obscured by the split in the human psyche that has to be struggled with throughout the whole of life.

Thomas does accept the term "natural law" but he confines most of his discussion of the term to one question of the *Summa Theologiae*. In Thomas' description of natural law he distinguishes laws for all natures, laws for animal natures, and laws for human nature. The humans have some built-in restraints insofar as they participate in an animal nature but they are also persons who can choose to make novel and imaginative uses of natures, including their own.

For Thomas, natural law is not a law in any usual sense of the term law. It is "manifested" only in the human mind as principles of action. For not acting against our own nature, we have to follow the deepest of human inclinations. Only with what Thomas calls "determinations" can the

principles of natural law be a guide to action. Today those determinations would be found in the study of history, conclusions from scientific research, and testimonies by people who have experience of the issue in question. One point of progress for the human race is that groups who in the past could not get their voices heard now have a chance to make their case in worldwide liberation movements.

Thomas Aquinas, like Augustine of Hippo, would be a terrible guide on matters of sexual practice. Some of his opinions are dead wrong. But a principle such as respect for each person is as true as ever and needs to be applied even more widely. Catholic Church officials ought not to cite Thomas' work as a catechism of answers for today's problems. The way to respect the work of Thomas Aquinas is to continue his work by filling out principles that he called natural law with the best of today's knowledge and the deepest inclinations of the human self.

### Human Nature and Human Rights

The Roman Catholic Church under the rubric of "natural law" is trying to defend a code of morality that is not subject to whims, passing fashions, and the seven deadly sins. Throughout history there had seemed to be a stable set of rules for a moral life. At least it had seemed that way before each group's rules became subject to comparison with the rules of other groups. Anthropology led the way in the late 19<sup>th</sup> century toward what is called moral relativism. The modern meaning of "culture" was invented to describe the differences between groups. The modern mantra became one of tolerating differences. We have different moralities so let us celebrate diversity. My people has its morality, your people can have its morality, and no one is in a position to be "judgmental" about what is the right morality.

Moral relativism was a lazy way to avoid the task of sorting out human differences that are tolerable, possibly desirable, from other differences that would be impossible for the human race to sustain. The first half of the 20<sup>th</sup> century should have provided plenty of material for reflection on what is intolerable, but it was only toward the end of the century that environmental destruction posed the problem directly.

There remain many people who are unconvinced by scientific claims about the human destruction of their environment, but even they have to admit that if there are human practices that make the air unbreathable and the water undrinkable, the practices are wrong no matter how common. The revolution in communication is also bringing home that a group of people in one part of the world cannot be tolerated as merely having its own local morality if they can wreak destruction in other parts of the world. That principle applies to the Middle East but it also applies to the United States of America with its capacity to do violence in any place it wishes to do so.

An international ethic is struggling to be born on the basis of human rights. The term was coined in the nineteenth century by abolitionists and women but it remained inchoate into the twentieth century. A human rights movement began only in the last third of the 20<sup>th</sup> century and is nowhere near functioning in much of the world. The term human rights is tossed about indiscriminately as if everyone knows what is meant and as if everyone is committed to the observance of these rights. One big problem is that international law assumes that the nation-

state should enforce human-rights law but the nation-state is often the chief violator. Perhaps a more basic obstacle to the realization of human rights is that trying to build an ethic by starting with rights is an illusion. Where does the idea come from that all people have rights and why would national governments observe such rights?

A common answer given to the question of universal rights is that they are stated in the British American document known as the Declaration of Independence and the much more influential French document, The Declaration of the Rights of Man and of the Citizen. According to these documents, the origin of universal rights is nature. Jefferson claimed that these rights are “self-evident,” an assertion that cannot be defended on the basis of history. Jefferson himself seemed to miss the evident truth that women, American natives, and African slaves are human beings who should be included in any claim of universal rights.

The United Nations published a document in 1948 entitled The Universal Declaration of Human Rights. The word universal is obviously misplaced. It was the product of a small group that could not solve the problem of the origin of such rights. Thirty-nine nation-states (the Soviet bloc abstaining) declared that a long list of rights were universal. How did they know that? They implicitly relied on Jefferson’s claim that human beings have rights from nature even though there is no lawgiver that has established the rights.

The Catholic Church might have been a helpful contributor in discussions since World War II of a morality that must be accepted everywhere if the human race is to continue. Unfortunately, the Catholic Church had lost its way politically and was often seen as a reactionary force in democratic movements and a resisting force to scientific and technological achievements. The Catholic Church could have provided a tradition to support the 18<sup>th</sup> century idea of rights. In fact, the reason that both the French and the British Americans spoke about “natural rights” was because of a centuries-long discussion of natural rights in the Catholic Church.

It should be noted, however, that Catholic morality was not erected on the basis of natural rights; the rights were derived from something more profound and universal. In medieval language, what comes first is natural law; and because there is a law that provides a framework for human action, there are human obligations that each person has. And from those obligations, the notion of rights arises. If I have an obligation to pay a debt then someone has a right to be paid. If I have an obligation not to murder, then other people have a right to live. The English language, like Latin, allowed “right” to be an adjective for describing something objectively good and also to function as a noun possessed by a subject or person.

The sequence of law, obligation and right seems backwards to us, and it could be argued that the obligation already implies a prior right. But obligation was the more directly derived from the idea of a natural law. People have rights because of law and obligation. The Catholic Church’s advocacy of “natural law” could have evolved into a support of human rights.

There would be no point in trying to convince the modern world of the sequence of law/duty/right but there is a valuable idea here that the concept of right only works within a context of other moral categories. The fact that an entire ethic cannot be built upon the idea of rights is half admitted today with the cliché that in addition to rights we need *responsibilities*.

But all that this term usually does is eliminate the idea of duty or obligation and substitute the word responsibility to which everyone gives lip service but which seldom has any practical effect.

If the idea of responsibility were actually taken seriously, it would raise a good question about to whom or to what are human beings responsible. The environmental movement does raise that question but it can only come up with “nature” as the basis for human accountability which is not a compelling idea for changing people’s behavior. Personal responsibility has to be to persons and communities of persons.

#### Conclusion

The Catholic Church today almost gets it right but is tragically wrong in its invocation of natural law, especially as it applies to human sexuality and to end of life issues. In sexual matters, the world is still learning about what fits within human nature; Catholic Church officials need to listen. As noted above, Thomas Aquinas distinguished between laws that apply to animal natures and laws that apply to human nature. The official teaching of the Catholic Church on human sexuality is stuck at the animal level where sexuality is exclusively directed to bearing offspring for continuing the species. The teaching that natural birth control is acceptable but artificial birth control is wrong has no logical basis. The bishops seem unable to even discuss this problem which has profound implications for world health and stability.

The Catholic Church is also in danger of losing its leadership in dealing with issues of human dying. A slogan popular in the anti-abortion movement refers to “the sanctity of life from conception to natural death.” The phrase “natural death” is a flight from the complexity of contemporary medicine. Today’s medical technology can admittedly be misused but it has extended life artificially for millions of people. Much of contemporary medicine is not natural but neither is it unnatural; it is the artificial product of the wonderful capacity of human beings.

The Catholic Church has a valuable perspective on death and some principles for protecting patients’ rights. But bishops have to learn as well as teach what is acceptable and what is not acceptable in the care of the dying. The ideal is not a natural death but a personal death in which choice is respected and artifice is a help to a long life and a peaceful death.