

A STUDY OF THE SIGNIFICANCE OF NATURAL LAW  
FOR MORALITY TODAY

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the University of San Carlos

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In Partial Fulfillment  
of the Requirements for the Degree  
Master of Arts in Philosophy

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by  
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The Thesis attached hereto, entitled  
A STUDY OF THE SIGNIFICANCE OF NATURAL LAW  
FOR MORALITY TODAY

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## CHAPTER I

### THE DEVELOPMENT AND SIGNIFICANCE OF THE CONCEPT OF NATURAL LAW

One of the basic elements of the philosophia perennis is the doctrine known as Natural Law. As an integral part of the continuous stream of thought common to all eastern and western minds, it represents the perpetual effort of reason to find the ideal norm for morality which all people may appeal to as the enduring foundation of all sane laws. It embodies the age-long concern of man for justice and sanity in social living.

This chapter aims to describe the origin, the development and the significance of Natural Law in the history of thought, and to explore its relevance to social and political life.

#### I. WHAT IS LAW?

Since Natural Law is a form of law, it is but proper to begin this study by dealing with the question, What is law? Now, to ask this question is to invite immediately a host of answers.

Some sociologists regard law as a rationally prescribed behaviour growing out of, and necessarily consis-

tent with, the prevailing mores of the society, and is placed under police regulation.<sup>1</sup> The utilitarians, as represented by Austin, speak of law as the command of one who is superior in might, as for example a sovereign, and which entails a punishment when disobeyed.<sup>2</sup> Marxist communism teaches that law is a means of social control based on the economic conditions of the people and serving class interests.<sup>3</sup> To pragmatists, law is not a norm but a technique for predicting what judges in the courts will decide in fact.<sup>4</sup> Classical realism, on the other hand, maintains that law is "the order of social relations in accordance with the existential human ends."<sup>5</sup>

Considering the preceding definitions of law,

<sup>1</sup>William Graham Sumner, Followways (Boston: Ginn and Company, 1906), pp. 55-56.

<sup>2</sup>John Austin, "Law as Command," Perspectives in Social Philosophy: Readings in Philosophic Sources of Social Thought, Robert H. Beck, ed. (New York: Holt, Rinehart and Winston, Inc., 1967), pp. 205-213.

<sup>3</sup>Karl Marx, "Right and Inequality," and Friedrich Engels, "Law and Economic Conditions," Perspectives in Social Philosophy, R. Beck, ed., pp. 306-309.

<sup>4</sup>Oliver Wendell Holmes, "The Path of Law," Perspectives in Social Philosophy, pp. 345-351.

<sup>5</sup>Johannes Messner, Social Ethics: Natural Law in the Modern World (St. Louis: S. Herder Book Co., 1949), p. 152.

at least two intriguing questions are bound to be raised. First, is law a description of the prevailing social behaviour, or is it a prescription of how an ideal social order can be maintained? Second, is law a command of reason, or an act of the will? To answer these questions, three approaches to the study of law are hereby proposed: namely, the metaphysical, the sociological, and the historical. The neglect of any one or two of these means of understanding law has been responsible for the many erroneous and one-sided views on law. Hence, all these three approaches must be taken into account and integrated.

The Metaphysical Answer: Law as Rooted  
in Man's Rational Nature

Much confusion with regards to the meaning of "law" today results from the failure of many writers to note that it is an analogous term, that is, one which is used partly in the same sense and partly in different senses. But, St. Thomas observed that lex, which is the Latin term for "law," refers to something that is binding.<sup>6</sup> He also affirmed that its binding quality applies only to a being which possesses a free will. Hence, the term has primary reference to man and his society. In other words,

<sup>6</sup>Summa Theologica, I-II, q. 90, a. 1, Basic Writings of St. Thomas Aquinas, Anton C. Pegis, ed. (New York: Random House, 1945).

the principal analogate in all the uses of the term "law" is civil law. This law is also called "positive law," because it is enacted by a civil authority, or agreed upon by the members of a political community.

St. Thomas distinguished between two general kinds of laws: the laws of the practical reason and the laws of the speculative reason.<sup>7</sup> These two general kinds of laws differ, first, with regards to their objects: the speculative reason has truth for its object, whereas the practical reason has good for its end. Secondly, they differ with regards to their subject matter: the speculative reason deals with the factual relationships of things such as their causes and their effects, whereas the practical reason deals with values in relation to the ends and means of the human act. It follows from this distinction that the laws of speculative reason (such as the physical laws) contain truths without fail, while the laws of the practical reason include matters of contingent nature because they deal with the actions of free agents. By noting this fact, St. Thomas avoided the errors of dogmatism.

In his treatment of law, St. Thomas assumed that all law is rooted in the rational nature of man. He said: "For it belongs to the reason to direct to the end, which

<sup>7</sup>Sum. Theol., I-II, q. 94, a. 4.

is the first principle in all matters of action, according to the Philosopher."<sup>8</sup> Man is rational by virtue of the fact that, by observing his inherent inclinations, he knows that he is created for an end. By "end" is meant the purpose necessary for the fulfillment of nature. That all things in the universe are created for certain ends is evident from the fact that they are in constant development, a process by which their potentialities are being actualized. Man, who is body and soul in unity, is a creature who is in the process of realizing his ends. He is endowed with a reason which apprehends his ends, and a will which is bound to incline towards what reason apprehends as his last end. Thus, reason directs the will towards man's ultimate goal in life.

Hence, in the light of the metaphysical insight of an Aristotle or of a St. Thomas, law is seen to have its basis in the inherent inclinations of man as apprehended by reason.

The Sociological View: Law as Directed  
to the Common Good

Empirical sociology finds the reason for man's social nature in the social conditioning taking place in

<sup>8</sup>Sum. Theol., I-II, q. 90, a. 1.

the community. The community is necessary for man's survival: for, lacking the strength of a lion, the speed of a deer, the endurance of a beast of burden, the eyesight of an eagle, the hearing ability of a bat, human beings feel the need to band together for self-defense and to pool together their resources in their struggle for livelihood. In turn, the community moulds the character of its constituents by training them to accept and fulfill certain responsibilities for the welfare of all. This training starts from the time of birth, when man appears as the most helpless creature dependent entirely on the adults for his sustenance and protection, and continues until the end of life.<sup>9</sup>

Natural law philosophy finds the root of man's social nature in the union of his body and spirit.<sup>10</sup> Being endowed with reason, man is inclined to a life of sharing, that is, of giving and taking. He is a creature who needs help and is capable of rendering help to his fellow creatures. In short, he is made in such a way as to complement the life of another person in the society.

Man's social nature may be seen in the life of

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<sup>9</sup>Emory S. Bogardus, Sociology (New York: The Macmillan Company, 1949), pp. 1, 12-15.

<sup>10</sup>Messner, op. cit., pp. 101-102.



each individual in the human family, which is the basic unit of the social group. The family, besides satisfying the biological functions of man, serves as the leading institution for the education of the young, and performs the basic economic and juristic functions in the society.

In maintaining family and social life, human beings tend to follow those patterns of behaviour which have been found useful in promoting harmony and successful cooperation among them. Sumner called these accepted habitual ways of behaving by a group "folkways" and "mores." He described the origin of folkways, thus:

. . . ways of doing things were selected, which were expedient. They answered the purpose better than other ways, or with less toil and pain. . . . The struggle to maintain existence was carried on, not individually, but in groups. Each profited by the other's experience; hence there was concurrence towards that which proved to be most expedient. . . .<sup>11</sup>

Likewise, the origin of the mores is as follows:

When the elements of truth and right are developed into doctrines of welfare, the folkways are raised to another plane. . . . The mores are the folkways, including the philosophical and the ethical generalizations as to societal welfare which are suggested by them, and inherent in them, as they grow.<sup>12</sup>

Such standardized ways of behaving in a group are the basic forms of social control for the members of every

<sup>11</sup>Sumner, op. cit., p. 2.      <sup>12</sup>Ibid., p. 30

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society. Thus, the breaking of a folkway leads to the ostracism of the culprit by the society while the breaking of the mores (especially the taboos, which represent the stronger variety of the negative mores) is believed to incur gaba (a Cebuano term for a supernatural curse) on the culprit, **or on both the culprit and the society.**

Thus, as long as the members adopt the same or similar patterns of behaviour, the society enjoys a solidarity which it needs for survival. However, when radically different behaviour patterns exist, such as what happens when certain members become too careless in their behaviour or when a group having different patterns of conduct appears, then the society is heading towards disruption. To avoid the confusion and disorder which are likely to follow, the majority has to impose, by force or threats of punishment, certain rules of conduct on the deviants; or, in the case of military conquests, the victorious minority imposes, by force or threats of punishment, its own rules of conduct on the vanquished party. These enforced rules of conduct are known as laws. The existence of positive law is always occasioned by the presence of elements in the society which tend to disrupt its peace and order. This fact explains the compulsion which accompanies the promulgation of law.

Nevertheless, although force is an integral part

of positive law, it is merely an external character. In a deeper sense, law is the product of conscious thought and deliberate planning. That is, it is the work of reason. This is evident in the following two ways:

First, positive law is the work of logical thinking. Either it represents those principles abstracted by the mind from the prevailing mores of a society, or it is the result of a deductive process from the known universal principles. Thus, for Sumner, in his definition of law referred to above, law is a rule formulated out of the philosophical generalizations of the values experienced by the society, which are called mores. For Holmes, law is a rational calculation, as evident in his words:

. . . So in the broadest sense it is true that law is a logical development like everything else. . . .

This mode of thinking is entirely natural. The training of lawyers is a training in logic. The process of analogy, discrimination, and deduction are those in which they are most at home. The language of judicial decision is mainly the language of logic. . . .<sup>13</sup>

Second, law is calculated to achieve the common good. By common good is meant that social order maintained by the members of a society in cooperation with each other so that everyone enjoys the freedom of

<sup>13</sup>"The Path of Law," Perspectives in Social Philosophy, R. N. Beck, ed., p. 348.

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realizing his inherent inclinations.<sup>14</sup>

That law is deliberately intended for the welfare of the whole society is affirmed by sociologists. Thus:

. . . A law is a rule laid down officially by a group for its members to observe. It is adjudged to contribute to the welfare of the group. By forceful, objective means it brings group standards before the attention of careless or anti-social members. By compelling the individual to live according to regulation, the group is protected and the individual may learn to develop behaviour patterns built upon group welfare.<sup>15</sup>

However, the society does not just exist for its own sake. It exists in order to enable the individual members to realize their potentialities. Says Messner:

The end of society is the help which the individuals obtain from social cooperation as members of society for the fulfillment of their potential ends. Individuals fulfill their ends by their own activity. . . . In other words, the completion of men's powers by society renders them capable of attaining their full self, but does not take their individual responsibility out of their hands.<sup>16</sup>

To recapitulate: law is a rule formulated in accordance with the principles of logic and is enforced by a civil authority for the sake of the common good. The common good is not sought as an end in itself but rather as the means for the realization by every individual of his inherent inclinations.

<sup>14</sup>Messner, op. cit., p. 124.

<sup>15</sup>Bogardus, op. cit., pp. 479-480.

<sup>16</sup>Messner, op. cit., pp. 118-119.

Law in the Historical Context

"Law," says Messner, "is actualized only in historical forms."<sup>17</sup> This implies that law is capable of undergoing change like all other historical existents. Change in law may be due to changes in human conditions as well as to the development of the human mind from imperfection to perfection. One significance to be attached to the fact that law undergoes development is that through law man is ever seeking to promote justice in society, and that justice must always be appropriated to conditions existing in society.

Since primitive peoples possessed no written law, the word of the ruler--who was either a priest or a king--was regarded as law; but, in most cases, the ruler himself was "highly subject to public opinion."<sup>18</sup> Hence, the ancient peoples managed to impose a penalty for any infringement of their customary usages. As might be expected from a pre-literate society, superstitions were allowed to influence the enforcement of the customary usages, such as the use of oracles in ascertaining the guilt of the accused, and blood feuds often resulted from

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<sup>17</sup> Ibid., p. 167.

<sup>18</sup> F. James Davis, "Law in Operation," Society and the Law (New York: The Free Press of Glencoe, 1962), p. 81.

an injury inflicted by a member of one clan on a member of another clan. Nevertheless, the pre-literate peoples not only had a genuine concern for peace and order but also started a truly praiseworthy practice, namely, the restitution to the party injured by a crime.<sup>19</sup>

A major step in the development of law is to be found in the codes of the ancient Near and Middle East. The Code of Hammurabi (ca. 2100 B.C.), the Hittite and Assyrian Codes (ca. 1350) and the Persian Vendidad reflect the legal ideals of the ancient peoples. Their religious coloring is evident in the common belief that these codes, like the Hebrews' Code of the Covenant (ca. 1000 B.C.), were of divine origin.<sup>20</sup>

Systematically arranged, the Hammurabi Code deals with a multitude of subjects designed to regulate life in a flourishing commercial civilization. It covers, among other subjects, the relation of the sexes, age groups, family and social classes; types of immorality, such as abortion, onanism, adultery, rape, and sodomy; crimes against property, such as stealing, willful destruction, carelessness in the use of rented properties,

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<sup>19</sup>Joyce O. Hertzler, The Social Thought of the the Ancient Civilization (New York: McGraw-Hill Book Company, Incorporation, 1936), pp. 265-271.

<sup>20</sup>Ibid., pp. 118-144.

incendiarism; crimes against the person, such as murder, assault, kidnapping; business transactions, such as contracts, wages, payment of interests; etc. The penalties ranged from mere fines through mutilation to death. The principle of "an eye for an eye" was accepted as a rationalized agreement to set limits to the practice of executing revenge which, in primitive society, was allowed to be perpetuated without limits by the injured parties.<sup>21</sup>

Although the Code of the Covenant<sup>22</sup> is in some ways similar to the Code of Hammurabi, it is in a very important respect an advance over all the other ancient codes. For, whereas the Babylonian code was partial to the vested interest, the Hebrew Code stood for a type of justice which was tempered with mercy for the down-trodden and the unfortunates.

Among the early Greeks, an experiment was made along the line of making social reforms by law. Faced with the difficulty of maintaining the country during their struggle with the Spartans for supremacy, the Athenians authorized Solon (ca. 633-560 B.C.) to institute the necessary reforms. Solon's answer to the problem was his pledge to make laws on

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<sup>21</sup>Ibid., pp. 85-103.

<sup>22</sup>Exodus 20:23--23:19.

. . . the holy foundations of Justice, who in silence marks what happens and what has been, and who in course of time comes without fail to exact the penalty. . . .<sup>23</sup>

His reforms were, therefore, directed to improve the conditions of the peasants, such as the abolition of mortgages and debt, setting a limit to the amount of land a noble could hold, and making it possible for an accused to appeal his case to a jury of citizens chosen by lot.

A more advanced step in the evolution of legal thought is the Roman law. In their long contact with diverse cultures, the Romans evolved a theory of law based on the concept of justice, which is a virtue defined in both Plato's Republic and the Institutes of Justinian as "To each his own" or "Render to each his due."<sup>24</sup>

Among the sources of Roman law were customs, plebiscites, decisions of magistrates, imperial decrees, and the interpretations of the jurists. But what characterized Roman law so much was its flexibility due to the concern of its jurists to apply the principle of justice to various situations. The Romans held that the application of justice varies with the changing conditions of

<sup>23</sup>Solon, Athens, 3, tr. Kathleen Freeman, Greek Literature in Translation, W. J. Oates and C. J. Murphy, eds. (New York: Longmans, Green and Co., 1944), p. 976.

<sup>24</sup>Mortimer J. Adler, Great Ideas from the Great Books (New York: Washington Square Press, 1961), pp. 42f.



the people. Since conditions change, law must be constantly re-studied and brought up to date according to the demands of justice in every situation. One eminent social scientist writes:

. . . the Romans concluded that justice is not only a revelation from heaven. . . . Moreover, justice is not a static affair the principles of which may be formulated once and forever. Human nature may be a constant, but the environment changes, times change. And here the Romans made another great contribution to civilization. Like Justice Oliver Wendell Holmes in our day, they regarded law as a progressive thing and the practical application of justice as something which had to be continually restudied.<sup>25</sup>

There are presently three great world-systems of law. The oldest is the Islamic. Derived from the Koran, Mohammed's sayings and conduct, and juristic treatises, it has been proven to be adaptable to various cultures. Although lacking in procedural rules and although it dispenses justice at the discretion of the sultan or his direct subordinates, it has nevertheless removed all caste and color distinctions. Next, came the Romanesque system. A product of a long tradition of systematic scholarship and political reforms, this system is largely the result of the adaptation of the Roman law to the various conditions of the different Germanic communities throughout Western and Northern Europe. In 1804, France produced its

<sup>25</sup> Harry Elmer Barnes, An Intellectual and Cultural History of the Western World (Random House, 1937), p. 228.

version of the Romanesque law, known as the Code Civil, which has been used as a model for many national codes. The third is the Anglican. England had circuit judges who traveled about the country and observed the diverse local customary usages found in various counties. From their observations were derived those general principles which became the basis for the various enforceable rules throughout the land. The result is the great body of the English Common Law.<sup>26</sup>

Thus, as the history of legal thought shows, justice is the minimum condition of the Common Good.

## II. THE DEVELOPMENT OF THE DOCTRINE OF NATURAL LAW

In dealing with the concept of law, one must finally come to grips with the ultimate issue as to whether law is a matter of arbitrary agreement among men, or something that is grounded in the very nature of things. Does law merely represent the will of those who have the power to enforce their demands on others? Or, is it really a rational formulation of the moral imperative which is implanted in the nature of things and dis-

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<sup>26</sup>Davis, "Law in Operation," Society and the Law, pp. 85-84.

coverable by reason? The doctrine of natural law was developed as ~~one~~ answer to this question.

Socrates and the Sophists: Virtue vs. Sophistry

It was a group of wandering young teachers of ancient Greece which was responsible for first raising the question. The sophists, as they have been called, lived at a time when natural science was already beginning to emerge. Opinions about the world were being changed as the result of the thinking of the scientists. Also, religious beliefs started to crumble to pieces. For, if Zeus were dead, of what use then were the religious doctrines? What would happen to justice which he had promulgated? Having traveled widely, the sophists had observed that customs varied greatly from one place to another. Hence, they concluded that morality has the character of, or is based on, nomos (convention), that is, it represents merely what a particular group of people has agreed upon to be their way of life, rather than physis, or something derived from the objective world.<sup>27</sup> Thus, law is conventional, not natural.

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<sup>27</sup>Plato, Gorgias, 482e, tr. W. D. Woodhead, The Collected Dialogues of Plato, Edith Hamilton and Huntington Cairns, eds. (New York: Bollingen Foundation, 1961), p. 266. All citations of Plato's expressed teachings are taken from this volume, hereafter referred to as Collected Dialogues and followed by a page number.

The sophists expressed their views in various ways. The older sophists, Protagoras and Gorgias, were rather conservative in morals, for they held that it is necessary for the people to adopt some rules of conduct in order to maintain peace and order in their society. Nevertheless, their expressed skepticism in the sphere of knowledge led to skepticism in morals. Protagoras is reported to have said: "Man is the measure of all things, and that things are to me as they appear to me, and that they are to you as they appear to you."<sup>28</sup> Also, Gorgias, in his work "On Nature, or the Non-existent," argues that

. . . First, nothing exists; second, if anything did exist, we could never know it; third, if perchance a man should come to know it, it would remain a secret, he would be unable to describe it . . . .<sup>29</sup>

Among the younger sophists who inherited the skepticism of Protagoras and Gorgias were Callicles and Thrasymachus. In Plato's dialogue called the Gorgias, Callicles is said to have argued that what people call "right" is merely a name for what caters to the interests

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<sup>28</sup>Plato, Cratylus, 386a, tr. Benjamin Jowett, Collected Dialogues, p. 424.

<sup>29</sup>Sextus Empiricus, Adversus Mathematicos, VII, 67, tr. Charles Bakewell, Source Book in Ancient Philosophy (New York: Charles Scribner's Sons, 1907), p. 67.

and whims of the masses.<sup>30</sup> Then, in the Republic, Thrasymachus argues that justice is an illusion, for it merely represents the pleasure and profit of the stronger party:

. . . Thus, Socrates, injustice on a sufficiently large scale is a stronger, freer, and more masterful thing than justice, and, as I said in the beginning, it is the advantage of the stronger that is just, while the unjust is what profits a man's self and is for his advantage.<sup>31</sup>

The skepticism of the sophists easily led to a relativism in morals, since they contended that if no one is sure of the truth then it is best to concentrate on worldly success. Hence, the sophists took it as their task to teach men on how to become successful in life. They taught for a fee. Their morality was tantamount to saying, "Whatever succeeds is right." This teaching led many a young man to become unscrupulous in his ways since he was only concerned to follow the tactic of "how to get away with it."

Socrates (ca. 470-399 B.C.) was appalled by the kind of morality which the sophists were propagating. To combat the fallacy of sophistry, he developed a method of inquiry which is known today by his name, the Socratic method; it has been often described as skeptical, conver-

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<sup>30</sup>Gorgias, 483-4, 489, Col. Dialog., pp. 266, 271.

<sup>31</sup>Plato, The Republic, I, 344, tr. Paul Shorey, Collected Dialogues, p. 594.

sational, definitional, empirical and deductive. He compared his task to that of a midwife helping the pregnant woman (the mind) in delivering the baby (the truth). He was convinced that knowledge is possible but only when the proper method is pursued. The method calls for clarifying the terms used, employing the right method of inference, and comparing judgments in order to achieve a perfectly balanced synthesis. Applied to ethics, the method **should** lead the learner to a knowledge of virtue as a natural endowment in man.<sup>32</sup>

It is true, Socrates admitted, that moral standards differ from place to place, but the variations are only superficial. When the various standards of the different groups of people are carefully compared with one another, when the concepts used are well defined, and when inferences are carefully checked, those different standards may be seen to converge towards points of agreement. Indeed, standards of morality only seem to vary from culture to culture, but upon closer examination they reveal principles of right and wrong applicable to all individuals everywhere at any time.

In other words, the difference in the judgments of the individuals as to the concept of "good" or "bad" has

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<sup>32</sup>Plato, Theaetetus, 149a, 150b ff., CDP, pp. 583 f.

arisen from the lack of clarity in thinking. By isolating the essential elements of the concepts presented by the opposing views, the underlying truth of the judgments may be seen as one. Thus, Socrates held that there exist certain eternal principles of right and good underlying all moral judgments and codes, and that these can be known by man's intuitive insight.

#### The Genesis and Basis of Natural Law

The seeds for the doctrine of natural law may be found in the religious beliefs of the ancient peoples. Thus, the Chinese notion of Tao as "the etiquette of the universe, natural and social" which can be known by the study of the classics,<sup>33</sup> the Hindu conception of kharma as the eternal law that dominates the whole cosmos and "prescribes for all creatures the functions and actions they must fulfill,"<sup>34</sup> and the Egyptian word Maat which signifies "an existent social and governmental reality, a moral order of the world, identified with the rule of the Pharaoh,"<sup>35</sup> all these point to an ancient belief of the ancient peoples that the standards of behaviour in society

<sup>33</sup>Howard Becker and Harry Elmer Barnes, Social Thought from Lore to Science, I (Third edition, New York: Dover Publications, Inc., 1961), p. 57.

<sup>34</sup>Ibid., p. 77.

<sup>35</sup>Ibid., p. 102.

were derived from the Cosmic Order.

Among the early Greek naturalistic philosophers, the Pythagoreans held that the universe is an orderly, rather than a chaotic, thing, for they supposed that all parts of it are related to each other mathematically. But, even before the Pythagoreans, the idea of a world order had already been anticipated by Hesiod in the eighth century B.C. In his Theogony, where he presents a mythical account of the origin of the world, he describes the process of generation which brought about the development of a pre-existent substance from ~~the~~ chaotic conditions to some form of order.<sup>36</sup> In his Works and Days he expressed the conviction that man has been divinely endowed with the sense of right (personified by the belief in the goddess Justice), and that man is responsible for all his actions. He wrote:

. . . do thou ponder these things in thine heart, and heed justice in sooth, and forget violence entirely. For this law hath the Son of Cronos ordained for man, for fishes indeed and beasts, and winged fowls to eat each other, since justice is not among them: but to men hath he given justice, which is far best. For if a man choose to know and speak out what is just, to him also wide-seeing Jove gives felicity; but whose in his testimony, wilfully having sworn a false oath, shall have lied, and by it having marred justice,

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<sup>36</sup>The Works of Hesiod, Callimachus and Theognis, tr. the Rev. J. Banks, Born's Classical Library (London: Henry G. Bohn, 1856), pp. 7 ff.



shall have gone astray incurably, of him then the race is left more obscure for the future. Of a man of-true-oath, however, the generation is more excellent thereafter.<sup>37</sup>

Among the early Greek philosophers, Heraclitus played a significant role in laying the foundations of the doctrine of natural law. This statement may sound strange, for this great Ephesian has been thought of primarily in connection with his doctrine that nothing ever is and everything is continually becoming. As the unfortunate result of overemphasizing this side of Heraclitus' teaching, Heraclitus appears relativistic in his theories of knowledge and morals. The contrary is the truth.<sup>38</sup>

To Heraclitus, the cosmic process is not haphazard or arbitrary but is rather governed by the inexorable law, which is referred to as "fixed measures." This law, which underlies all movements and change and opposition, is the law of reason in things, hence the principle of justice. This is called logos. Man, whose soul or life-principle is akin to the divine reasoning, must subject himself in his conduct to the universal Reason called the "Common." The "Common," or the Universal Reason, cannot be grasped simply by the senses, but

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<sup>37</sup> Ibid., pp. 88-89.

<sup>38</sup> R. Singh, "Herakleitos and the Law of Nature," Journal of the History of Ideas, XXIV (October, 1963), pp. 457-472.

is immediately apparent to the mind of man when he uses his reason.

Heraclitus' views are expressed in the following selected fragments of sayings attributed to him:

Eyes and ears are bad witnesses to men if they have souls that understand not their language. Wisdom is one thing. It is to know the thought by which all things are steered through all things. Men who love wisdom must be acquainted with very many things indeed. (Fragments 4, 19, 49.)

This world, which is the same for all, no one of gods or men has made; but it was ever, is now, and ever shall be an ever-living Fire, fixed measures of it kindling and fixed measures going out. The sun will not exceed his measures; if he does, the Erinyes, the avenging handmaids of Justice, will find him out. (Frag. 20 and 29.)

Wisdom is common to all things. Those who speak with intelligence must hold fast to the Common as a city holds fast to its law, and even more strongly. For all human laws are fed by one thing, the divine. It prevails as much as it will, and suffices for all things with something to spare. (Frag. 91a and 91b.)<sup>39</sup>

It was Plato who was responsible for developing the Socratic tradition which stresses the purposive nature of the universe and the supremacy of man's reason. Presuming that man is, essentially, an immortal soul which is imprisoned in a mortal body, Plato contended that knowledge is the result of comparing, dividing and combining

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<sup>39</sup>John Burnet, Early Greek Philosophy (London: Adam and Charles Black, 1930), pp. 132-141; and Dagobert D. Runes, A Treasury of Philosophy, I (New York: Grolier Incorporated, 1955), pp. 459-502.

those ideas with which the mind is endowed at birth and which the mind remembers in the course of sensing the physical world. He wrote:

Thus the soul, since it is immortal and has been born many times, and has seen all things both here and in the other world, has learned everything that is. So we need not be surprised if it can recall the knowledge of virtue or anything else which, as we see, it once possessed. All nature is akin, and the soul has learned everything, so that when a man has recalled a single piece of knowledge--learned it, in ordinary language--there is no reason why he should not find out all the rest, if he keeps a stout heart and does not grow weary of the search, for seeking and learning are in fact nothing but recollection.<sup>40</sup>

In opposition to the sophists, Plato believed that moral principles are grounded in the objective reality of the Good. In his Theory of Ideas (Forms),<sup>41</sup> he argues that the real does not consist in the individual objects which the senses can feel, touch, see, taste, or hear. Sensible objects are only copies of the real. Rather, the real is the "form" of the object, that is, it consists in the general design (or structure) which objects of the same class are patterned after. The "form" is not merely the product of thought, for it has an objective existence apart from thought; it is immutable and

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<sup>40</sup>Meno, 81c-81d, tr. W. K. C. Guthrie, Collected Dialogues, p. 364.

<sup>41</sup>Phaedo 78-79; Republic, V, 476. For Aristotle's comment on this theory: Metaphysics A, 987a30.

more real than the sensible object itself.

To Plato, the highest "form" is the Idea of the Good. The Good is not one in level with all the other ideas, but is rather the general design or structure of all the other ideas. Hence,

. . . in the region of the known the last thing to be seen and hardly seen is the idea of good, and that when seen it must needs point us to the conclusion that this is indeed the cause for all things of all that is right and beautiful, giving birth in the visible world to light, and the author of light and itself in the intelligible world being the authentic source of truth and reason, and that anyone who is to act wisely in private or public must have caught sight of this.<sup>42</sup>

Following the Socratic dictum that knowledge is virtue, Plato held that the only happy life is the life of reason. He wrote:

. . . knowledge is a fine thing quite capable of ruling a man, and that if he can distinguish good from evil, nothing will force him to act otherwise than as knowledge dictates, since wisdom is all the reinforcement he needs.<sup>43</sup>

But what is this life of reason? In Plato's psychology, man consists of three parts: the soul as the pre-existent rational part having its seat in the brain, the passion or the feeling part located in the breast,

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<sup>42</sup>The Republic VII, 517c, tr. Paul Shorey, Collected Dialogues, pp. 749-750.

<sup>43</sup>Protagoras 352c, tr. W. K. C. Guthrie, Collected Dialogues, p. 344.

and the appetite or the desiring part located in the abdomen. The life of reason is a harmony of the various functions of the body when the mind controls the irrational parts. Likewise, the state has three essential parts: the rulers to govern it, the warriors to defend it, and the artisans to nourish it. When the rulers govern with right reason, harmony is achieved in society. For the different parts would perform their functions so well that they are able to attain to their different goals, which are, respectively, wisdom, courage and temperance. The result of such harmony is justice. Thus, the just man

. . . must not suffer the principles in his soul to do each the work of some other and interfere and meddle with one another, . . . and having first attained to self-mastery and beautiful order within himself, and having harmonized these three principles, . . . one man instead of many, . . . self-controlled and in unison, he should<sup>44</sup> them and them only, turn to practice . . . .<sup>44</sup>

The tradition of Socrates and Plato was refined and further developed by Plato's ablest pupil, Aristotle. These two great philosophers, however, differed in their ways of thinking as to how knowledge is acquired. Plato held that knowledge consists of innate ideas while Aristotle maintained that it consists of ideas derived from a series of repeated memories of sense perceptions, called

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<sup>44</sup>The Republic, IV, 443d sq., Collected Dialogues, p. 686.

experience.<sup>45</sup> So, not only are moral principles not in-born, but also, ethical conclusions can never be **certain** and **final**, because ethics deals with values as experienced by man.<sup>46</sup> Nevertheless, he held that moral principles are grounded in the nature of man himself.

The central point of the whole Aristotelian philosophy is the doctrine of entelechy. This doctrine was intended to overcome the problem of the reality of becoming which Plato simply regarded as mere appearance rather than real on the supposition that forms are separate from matter, or the soul from the body. Hence, it is essentially an explanation of growth and development.

To Aristotle, "there is no form without matter and no matter without form." The form is more than shape; it is the purpose or principle of unity that which makes a thing what it is. Matter is the pliable content of the real. Matter and form are two sides of the real, separable only through abstraction but not in actuality.<sup>47</sup>

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<sup>45</sup>Posterior Analytics, 99b20 sqq., tr. G. R. G. Mure, The Basic Works of Aristotle, Richard McKeon, ed. (Random House, 1941), pp. 184-185. The subsequent citations of Aristotle's expressed teachings are taken from this volume, hereafter referred to as Basic Works.

<sup>46</sup>Nicomachean Ethics, 1094b12-1095a11, tr. W. D. Ross, Basic Works, pp. 936-937.

<sup>47</sup>Metaphysics, 1032b30-1034a5, tr. W. D. Ross, Basic Works, pp. 793-795.

Within all living things there is an inner purpose or pattern or design which guides, and acts as the creative force for, their growth and development. This guiding creative force within a thing is called entelechy, which gives the thing its form. Hence, the world presents itself as a unity of a connected system of graded scales of being, in which matter is developing ever higher from form to form towards the final goal, which is the Perfect Form (God). In this scheme, the soul is "a substance in the sense of the form of a natural body having life potentially in it."<sup>48</sup>

Aristotle, in opposition to Plato, affirmed that ethics deals with what is natural. But, then, what did he mean by "natural"? Aristotle would answer as follows:

. . . those things are natural which, by continuous movement originated from an internal principle, arrive at some completion: the same completion is not reached from every principle; nor any chance completion, but always the tendency in each is towards the same end, if there is no impediment. . . .<sup>49</sup>

"Nature" means: (1) that which is immanent in things as a potentiality of development present in the primordial constitution, (2) the development of such potentiality as well as the products of such development, and (3) the goal

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<sup>48</sup>De Anima II, 1, 412a20, 412a1-413a10, tr. J. A. Smith, Basic Works, pp. 554 ff.

<sup>49</sup>Physics II, 8, 199b15, tr. R. P. Hardie and R. K. Gaye, Basic Works, p. 251.

of such potentiality. In short, "nature" is the principle of movement. Applied to man, nature refers to that immanent tendency of certain potentialities in man to develop.

But, what is man's end? Evidently, the end of an ax is to cut; the end of every creature is to make manifest its peculiar essence which distinguishes it from other creatures. So, likewise, the end of man is not to have mere bodily existence but to live a life of reason, for it is reason that makes man superior to plants and animals.

The life of reason produces virtue and acts in accordance with it. By "virtue" is meant "a disposition, or a habit, involving deliberate purpose or choice." It consists in a mean, which is "being determined by reason, as a prudent man would determine it." Virtues, being of different kinds, form a hierarchy of values. Reason dictates that man must follow the higher virtue. So,

. . . if the function of man is an activity of the soul which follows or implies a rational principle . . . , human good turns out to be activity of the soul in accordance with virtue, and if there are more than one virtue, in accordance with the best and most complete.<sup>50</sup>

Aristotle agreed with the hedonists in their contention that man is inclined to seek happiness but disagreed with them in their doctrine that happiness is to be

<sup>50</sup>Nicomachean Ethics I, 7, 1098a5-1098a10, tr. W. D. Ross, Basic Works, pp. 942-943.



sought for its own sake, regardless of the propriety of the means to attain it. For Aristotle, happiness is only attained as the by-product of the development of those capacities with which man is endowed at birth.<sup>51</sup> Hence, the highest good of man is to act in accordance with his highest inclination, that is, to follow the dictate of his reason.

The life of man, Aristotle said, is guided by the laws of the state as well as by the laws of nature. These two kinds of laws differ from each other in that one binds a particular society by being enforced by a government while the other binds all people by virtue of the inclination of their reason. Aristotle put it this way:

Particular law is that which each community lays down and applies to its own members: this is partly written and partly unwritten. Universal law is the law of nature. For there really is, as everyone to some extent divines, a natural justice and injustice that is binding on all men, even on those who have no association or covenant with each other. . . .<sup>52</sup>

The difference between the legal (positive) and the natural law is further clarified in the following passage:

. . . Of political justice part is natural, part legal--natural, that which everywhere has the

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<sup>51</sup>Politics VII, 1, 1323b21, tr. B. Jowett, Basic Works, p. 1278.

<sup>52</sup>Rhetoric I, 13, 1373b4, tr. W. Rhys Roberts, Basic Works, p. 1370.

force and does not exist by people's thinking this or that; legal, that which is originally indifferent, but when it has been laid down is not indifferent. . . .<sup>53</sup>

### III. THE THEORIES OF NATURAL LAW

According to Ernst Troeltsch, a distinction may be made between two types of natural law, namely, the absolute and the relative.<sup>54</sup> Developed by the Stoics, the theory of absolute natural law held a very highly optimistic view of man, that is, by his reason alone man can discover valid norms of morality applicable for all people at any time. The relative natural law theory, defended by Christian theologians, takes into account the sinfulness of man and his need for divine assistance in deriving valid norms of morality from the general principles of nature. In addition to these two general theories, there are two others which deserve to be examined.

#### Stoicism and Natural Law

The first elaboration of the doctrine of natural law was achieved by the Stoics. As a philosophy, stoicism

<sup>53</sup>Nichomachean Ethics 1134b18-21, Works, p. 1014.

<sup>54</sup>Ernst Troeltsch, "The Idea of Natural Law and Humanity in World Politics," Otto Gierke, Natural Law and the Theory of Society (Boston: Beacon Press, 1957), Appendix I, p. 205.

is a personal way of life. Its founder, Zeno, denied the existence of innate ideas, but held that knowledge consists in the generalizations of sense impressions and that there are common notions valid to all people because all minds are similar. He also taught the view of Heraclitus that the universe is pervaded with, and guided by, a rational and unifying principle, the Logos.<sup>55</sup>

The basis of the ethical doctrine of the Stoics is the conviction that man is a little universe (microcosmos) whose mind reflects the character of the great universe (macrocosmos) as an organized rational system, or as a harmonious organic unity, pervaded with a purpose. This conviction is so well expressed by Cleanthes, a devoted disciple of Zeno, in a hymn:

King of all nature, ruling all by law,  
 We mortals thee adore, as duty calls;  
 . . . . .  
 By which the common reason thou dost guide,  
 Pervading all things, filling radiant worlds,  
 The sun, the moon, and the host of stars  
 . . . . .  
 The law of God they will not see nor hear;  
 Which, if they would obey, would lead to life.  
 . . . . .<sup>56</sup>

<sup>55</sup>Diogenes Laertius, "Life of Zeno," Essential Works of Stoicism, Moses Hadas, ed. (New York: Bantam Books, Inc., 1967), pp. 17-18, 26.

<sup>56</sup>Hymn to Zeus, tr. Edward Beecher, A Treasury of Philosophy, D. G. Runes, ed., I, p. 239.

This poem speaks of a world which is ruled by a common rational principle. This principle appears in man as the power to reason, so that man's intelligence is but a small spark of the great divine fire of the universal Wisdom. Since man is a part of nature and nature is pervaded with the guiding universal Reason, it is fitting that man should follow the dictate of the universal Reason.

Being a part of the universe and his reason being a spark of the universal Wisdom, man seems to be bound to the processes of nature. This conclusion would undermine the moral basis of choice, which is freedom. Is man fated, or is he free? The slave Stoic, Epictetus, explained that outwardly man is determined, but that his inner attitude is free. Yes, he cannot escape from his fate, but he can either accept it willingly or be forced by it grudgingly. So, he wrote:

Remember that you are an actor in a play, and the Playwright chooses the manner of it: if he wants it short, it is short; if long, it is long. If he wants you to act a poor man you must act the part with all your powers; and so if your part be a cripple or a magistrate or a plain man. For your business is to act the character that is given you and act it well; the choice of the cast is Another's.<sup>57</sup>

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<sup>57</sup>The Manual of Epictetus, tr. Whitney J. Oates, The Stoic and the Epicurean Philosophers (New York: Random House, 1940), p. 472.

One noteworthy ethical teaching of the Stoics is the emphasis on the essential brotherhood of **all** men. This doctrine is based on the Stoic conviction that all men share by nature the same elemental substance that pervades the whole universe, namely, Reason. As a result, this teaching helped **in** gradually abolishing the undesirable features of slavery in ancient times. It is remarkable that it was no less than an emperor, Marcus Aurelius, who spelled out this doctrine clearly. He wrote:

If our intellectual part is common, the reason also, in respect of which we are rational beings, is common: if this is so, common also is the reason which commands us what to do, and what not to do; if this is so, there is a common law also; if this is so, we are fellow citizens; if this is so, we are members of some political community; if this is so, the world is in a manner a state. . . .<sup>58</sup>

#### Roman Versions of the Stoic Doctrine of Natural Law

From Stoicism, the concept of natural law passed into Roman jurisprudence. But the Roman lawyers did not just receive this doctrine without having it reworked to fit into their legal theories and concepts of justice. At first, the Roman thinkers recognized only one law for all the members of the community, called jus civile ("law for citizens"). This corresponds to what Aristotle had termed

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<sup>58</sup>Marcus Aurelius, Meditations: To Himself, 4, 4, tr. George Long, The Stoic and the Epicurean Philosophers, p. 509.

the "legal" part of political justice. But, in the course of trade, conquests and contacts with other groups of people, the Romans gradually developed another kind of law, called jus gentium ("law in use among the nations"), which revolved around the principle of the contract. Intended as a guide in settling disputes and transactions between citizens and foreigners, it was essentially a kind of composite law common to all peoples of the eastern Mediterranean world.<sup>59</sup>

A third distinction in the Roman law was the jus naturale. This concept was brought into Roman jurisprudence through the works of Cicero and Seneca. Following the Stoics, Cicero understood "nature" to mean "that primal and most ancient of all things," which is pervaded with, and guided by, reason.<sup>60</sup> Seneca accepted this concept of nature, but added a new dimension to its meaning. For him, it meant an uncorrupted (primitive) state of man, that is, the condition when men lived in peace and happiness because of their innocence and also of their practice of sharing all things in common.<sup>61</sup> This conception

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<sup>59</sup>Charles N. R. McCoy, The Structure of Political Thought (New York: McGraw-Hill Book Co., 1963), pp. 88 ff.

<sup>60</sup>Cicero, De Legibus II, v, vii, tr. Clinton W. Keyes, Loeb Classical Library (Cambridge: Harvard University Press, 1928).

of nature was revived by Rousseau in the eighteenth century.

In the second century, A. D., the term "jus gentium" and "jus naturale" were used interchangeably by Gaius, who spoke of them as the common heritage of humanity knowable by reason. By the third century, a distinction between them was urged by Ulpian, the main contributor to the Digest. For him, "the jus gentium (right of nations) falls short of jus naturale (natural right) in this, that the latter is common to animals, while the former is common to men only."<sup>62</sup>

Thus, a three-fold division of law was proposed by Ulpian. Following Aristotle, he first distinguished between two general kinds of law. There is the particular law, the jus civile, which is the law enacted by a government for a particular community. Then, there is the universal law represented by the jus gentium and jus naturale. The jus gentium represents the common heritage of all humanity as known through reason whereas the jus naturale refers to the rule of action common to all animals apart from every rational intervention.

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<sup>61</sup>Becker and Barnes, op. cit., pp. 202-215.

<sup>62</sup>McCoy, loc. cit.

The Catholic Concept of Natural Law

Medieval Christian theology, following the example of the early Church Fathers, held that man is a divine creation who was endowed with reason to enable him to enter into fellowship with his Creator. However, sin has not only destroyed this fellowship with the divine but has also weakened his natural capacities of reason and will, thus making him incapable to attain to his ultimate end without divine assistance. And so, by sheer mercy, God gives man a revelation of the truths for his salvation.

In the light of the teachings of the Church, St. Thomas Aquinas, the great creative synthesizer of thought, classified law into eternal, natural, human and divine. Taking some insights from Aristotle and the Stoics, he defined eternal law as the divine wisdom and will which direct all things in their actions and movements to their ultimate ends. Natural law is the "eternal law as being experienced by rational creatures" and knowable through reason alone. Human law is the law formulated in conformity with the natural law and enforced by the government for the common good. The divine law is the law given by revelation through the Church to supplement human reason with regards to man's ultimate end.<sup>63</sup>

<sup>63</sup>Summa Theologica, I-II, qq. 90-94.



It is to the credit of St. Thomas **that he found** in the divine law the key to understanding the final end of man, which Aristotle and the Stoics failed to grasp because of their dependence on reason alone. His definition of the natural law is based on that of Ulpian as corrected in the light of Aristotle and enriched by Isidore of Seville, Gratian and others. Isidore modified Ulpian's definition by identifying natural law with what is common to all nations by virtue of inclination and instinct of human nature. Gratian identified natural law with what is found in the law and the Gospel of the Holy Scriptures.

#### The Utilitarian Theory of Natural Law

One result of the questioning spirit of the Renaissance is the revival of the doctrines of the ancient sophists and Epicureans in the modern theories of knowledge and morals. Among the modern sophists and epicureans were Hume and Jeremy Bentham, whose works have provided the basis for the positivistic theory of law. Hume denied the claim of the rationalists that there are universal principles of right and wrong which can be discovered by reason alone. Bentham maintained that the highest good is the greatest pleasure for the greatest number of people.

In a treatise on human nature, Hume argued that the content of the mind is wholly derived from sensation and from the effect of sensation on the mind, which is re-

flection. Following Aristotle, he claimed that at birth, the mind is endowed with nothing at all, so that it may be compared to a clean sheet on which sense impressions are to be written. His explanation is as follows:

. . . An impression first strikes upon the senses, and makes us perceive heat or cold, thirst or hunger, pleasure or pain of some kind or other. Of this impression, there is a copy taken by the mind, which remains after the impression ceases; and this we call an idea. This idea of pleasure or pain, when it returns upon the soul, produces new impressions of desire and aversion, hope and fear, which may properly be called impressions of reflection, because derived from it. These again are copied by the memory and imagination, and become ideas, which perhaps in their turn give rise to other impressions and ideas. . . .<sup>64</sup>

Thus, Hume was led to maintain that what people call principles are merely generalizations of many individual instances that have been observed by the senses. Examples of such generalizations are the physical and moral laws. Physical laws are merely descriptions (what is), not norms (what ought to be), of the behaviour of the universe. Physical laws do not prescribe events in the universe but only express the regularity observed by man in nature. Likewise, morality is a mere description (what is), rather than norms (what ought to be), of what people have come to accept as the most satisfying way of living

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<sup>64</sup>David Hume, A Treatise of Human Nature, I, 1, ii, From Descartes to Kant, T. V. Smith and Marjorie Grene, eds. (Chicago: The Univ. of Chicago Press, 1940), p. 634.

together in a community. If there is such a norm of behaviour, it is simply that which is generally accepted as contributing to the welfare of society.

Accepting Hume's theory of knowledge, Jeremy Bentham built on it his theory of morals which **embodies the "pleasure principle"** of the ancient Epicureans. For Bentham, there is no law except that which is commanded by the state with force or threat and that the best law is that which works to give greater happiness for the greater number of people.

In the mind of Bentham, law may be considered natural for two reasons: first, it is based on the native inclination of man, which is to seek happiness; and secondly, it represents what is generally accepted by the people as the best expression of their interests. Thus:

Nature has placed mankind under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do, as well as to determine what we shall do. On the one hand, the standard of right and wrong, on the other the chain of causes and effects, are fastened to their throne. They govern us in all we do, in all we say, in all we think: every effort we can make to throw off our subjection will serve but to demonstrate and confirm it. . . .<sup>65</sup>

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<sup>65</sup>Jeremy Bentham, An Introduction to the Principles of Morals and Legislation, chap. 1, The English Philosophers from Bacon to Mill, Edwin A. Burttt, ed. (New York: Random House, Inc., 1939), p. 791.

Thus, in utilitarianism (Bentham's ethical theory), natural law is no more than positive law based the inclination of the senses. In insisting that laws must be made for the benefit of the greater number of people, Bentham was not only supporting a democratic way of life but also proposing an ideal for making a law.

The Categorical Imperative as a Form of Natural Law

The history of the theory of natural law took another turn with Immanuel Kant.

On reading Hume's theory of knowledge, Kant was convinced that reason alone cannot provide the content for knowledge. Yet, his rationalistic bent would not allow him to give up the conviction that knowledge is made possible by the presence in the mind of certain innate capacities to organize sense impressions into meaningful patterns that make up one's experiences. Hence, instead of regarding the mind as a blank sheet, as if it were a passive thing, he thought of it as an active agent that gives form to what man has experienced through the senses.

In other words, the content of knowledge is derived from sense experience, but its forms are supplied by the mind itself. Such forms are called "a priori."

Kant's prime concern was to give a rational basis for science and morality, which had been undermined

by the skepticism of his age. He wrote in his conclusion to his great work in moral philosophy:

Two things fill the mind with ever new and increasing admiration and awe . . . : the starry heavens above and the moral law within me. . . .<sup>66</sup>

The "starry heavens" meant to Kant the orderly universe which Newton had impressed on his fertile mind. The "moral law within" is the consciousness of a feeling of obligation of a being which possesses dignity and worth as Rousseau conceived man to be. It is the feeling that comes out of the awareness of what man ought to be. For, upon reading Rousseau, Kant came to see behind the deceptive appearance of man something which is permanently genuine, namely, what man may become when he heeds the inclination of his reason which tells him what he ought to be.

To Kant, therefore, morality is as real as the universe of Newton. He wrote:

The legislation of human reason, or philosophy, has two objects--Nature and Freedom, and thus contains not only the laws of nature, but also those of ethics, at first in two separate systems, which, finally, merge into one grand philosophical system of cognition. The philosophy of Nature relates to that which is, that of Ethics

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<sup>66</sup>Immanuel Kant, Critique of Practical Reason, tr. L. W. Beck, Writings in Moral Philosophy, Lewis White Beck, ed. (Chicago: The University Press, 1949), p. 258.

to that which ought to be.<sup>67</sup>

Kant was convinced that man's sense of obligation is grounded in the capacity of the mind to express the sense of duty rather than in the nature of the objective world. He agreed with Hume that the mind is incapable of knowing the nature of the objective reality and, hence also, of the laws governing it. There is no certainty of a natural law inherent in the universe, which remains forever unknowable; but, the mind has in itself the laws governing human conduct. The mind does not discover laws but rather makes them. He wrote:

. . . whatever number of motives nature may present to my will, whatever sensuous impulses--the moral ought it is beyond their power to produce. . . . Reason will not follow the order of things presented by experience, but, with perfect spontaneity, rearranges them according to ideas, with which it compels empirical conditions to agree. It declares, in the name of these ideas, certain actions to be necessary . . . .<sup>68</sup>

The theory of Kant leads to the view that natural law is no other than a law derived from the forms of reason as well as determined and validated by reason itself. It is called the "categorical imperative," and is expressed

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<sup>67</sup>Immanuel Kant, Critique of Pure Reason, A840, tr. J. M. D. Meiklejohn (New York: The Colonial Press, 1900), p. 471.

<sup>68</sup>Critique of Pure Reason, A548-B576, tr. Meiklejohn, op. cit., p. 308.

by Kant in the following three ways: First, the principle of universality: "Act only according to that maxim by which you can at the same time will that it should become a universal law"; second, the principle of impartiality: "Act so that you treat humanity, whether in your own person or in that of another, always as an end and never as a means only"; and, third, the principle of autonomy: "Every rational being must act as if he, by his maxims, were at all times a legislative [Law-making] member in the universal realm of ends."<sup>69</sup>

Evidently, Kant intended these principles to be purely formal in character, and must be understood as such. He did not envisage them to be accepted as rules to govern human behaviour but only as rational criteria for determining or formulating rules of conduct. In other words, they are intended primarily as the basis for ethical reflection. They constitute the form rather than the content of morality. The content, that is, the rule or rules of conduct, is to be determined by every moral agent in the light of a given situation.

Thus, Kant has provided a cogent criticism of the positivistic morality while accommodating its insights.

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<sup>69</sup> Immanuel Kant, Foundations of the Metaphysics of Morals, second section, tr. Lewis White Beck, Writings in Moral Philosophy, pp. 80, 87, 95.

## IV. THE RELEVANCE OF NATURAL LAW

The history of the doctrine of natural law shows the attempts of the various thinkers to apply this doctrine to problems of community living. A few examples will be given below.

Natural Law as the Bulwark of Justice

Although it was the early Greek Stoics who formulated first the doctrine of natural law, credit goes to the Roman thinkers for making this doctrine operative in the Greco-Roman Empire. The best representative of Roman thought was Marcus Tullius Cicero. Strictly speaking, he was an eclectic thinker who only appropriated the Stoic doctrine of natural law but repudiated the strict moralism and absolutism of the Stoics. Instead, he favored proportionate justice rather than the exacting justice espoused by Stoicism, which he thought to be impractical.<sup>70</sup>

Cicero thought of natural law as a check on the abuses of the written law of the state and as a bulwark for the rights and interests of the governed. For him, justice is the foundation of the commonwealth. Hence,

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<sup>70</sup>Cicero, De Finibus, IV, 21-23, 68-73, tr. H. Rackham, Loeb Classical Library (Cambridge: Harvard University Press, 1914).



. . . the function of the magistrate is to govern and give commands which are just and beneficial and in conformity with the law. For as the laws govern the magistrate, so the magistrate is a speaking law, and the law a silent magistrate.<sup>71</sup>

The state exists as a means to an end. Its existence is not due to the weakness of human nature as some philosophers had contended but is rather based on the nature of man as a social being. The state ceases to be what it is when it fails to achieve its end--justice and the common good. He wrote:

A commonwealth is the property of a people. But a people is not any collection of human beings brought together in any sort of way, but an assemblage of people in large numbers associated in an agreement with respect to justice and a partnership for the common good. The first cause of such an association is not so much the weakness of the individual as a certain social spirit which nature has implanted in man. For man is not a solitary or unsocial creature. . . .<sup>72</sup>

Since all men have received reason, Cicero declared that all men have received a sense of justice. Regarding the content of justice, he wrote:

. . . We must always observe two basic principles of justice which I laid down at the beginning, namely, that no man should be injured, and that the common good be served. As these things change according to circumstances, our obli-

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<sup>71</sup>Cicero, Laws, III, 1, 2, tr. C. W. Keyes, Loeb Classical Library.

<sup>72</sup>Cicero, The Republic, I, 25, tr. C. W. Keyes, Loeb Classical Library.

gations cannot always be expected to remain the same. . . .<sup>73</sup>

Thus, the doctrine of natural law, although unchanging and unrelenting in its demands for justice, nevertheless, does not specify the details as to how justice could be worked out and promoted except in the most general terms. Indeed, one must take into account the situation, for it is this that determines the kind of justice to be followed for the sake of persons who constitute the community.

#### Natural law as Norm for Positive Law

In the Middle Ages, the doctrine of natural law was appropriated by Christian theology to be the basis of the Christian social life. It was an age when the Church took over the responsibilities of the Roman Empire which had fallen into the hands of the barbarians. Under the dominion of the Church, the whole society was reorganized and everything was fitted into a harmonious community. In this scheme, much importance was given to law as the regulator of the life of all the inhabitants.

To St. Thomas Aquinas, the state exists for the common good, so that it is bound to enforce only rules

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<sup>73</sup>Cicero, On Moral Obligation, I, 10, tr. John Higginbotham (Berkeley: University of California Press, 1967), p. 49.

that would promote the welfare and happiness of the people. He wrote:

. . . Every law formed by man bears the character of a law exactly to the extent to which it is derived from the law of Nature. But if on any point it is in conflict with the law of Nature, it at once ceases to be a law; it is a mere perversion of a law.<sup>74</sup>

Since the law of Nature needs to be supplemented by the divine law to enable man to attain to the vision of God, the state must look to the Church for guidance in its administration of justice.

#### Natural Law as the Basis of Natural Rights

In modern times, an attempt to base the rights of man on the theory of natural law was made by the English writer John Locke (1632-1704). He developed a political theory which has greatly influenced such great documents as the American Declaration of Independence and the French Declaration of the Rights of Man.

In his second Treatise on Government, Locke describes what is supposedly the condition of human life before any form of government ever existed.<sup>75</sup> He calls it "the state of nature" in contradistinction to a politi-

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<sup>74</sup>Summa Theologica, I-II, q. 95, a. 2.

<sup>75</sup>John Locke, An Essay Concerning the True Original, Extent and End of Civil Government, ch. II, Burt, ed., op. cit., pp. 404-409.

cally organized society. In the state of nature, men are not at war with one another, as Thomas Hobbes had supposed, but only they live independently of each other in a community without a common superior except the dictates of their reason, for everyone is born free and is endowed with inalienable rights as rational creatures. Thus:

. . . The state of nature has a law of nature to govern it, which obliges everyone; and reason, which is that law, teaches all mankind who will but consult it, that, being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions. . . .<sup>76</sup>

John Locke admitted that there is one disadvantage in the state of nature. It is this: although people live independently of each other, mistakes occur by which a man is harmed by another and this event starts a desire for revenge. Since self-love makes men partial to themselves and to their friends, passion and revenge may carry them too far in punishing those who trespass the rights of others. In view of this problem of partialism among individual persons, Locke thought that God must have planned beforehand a government for mankind. He said: "God hath certainly appointed government to restrain the partiality and violence of men."<sup>77</sup>

For Locke, a government is the result of the

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<sup>76</sup>Ibid., II, 6.

<sup>77</sup>Ibid., II, 13.

mutual agreement **of men** to assign to a party, preferably chosen by the majority, the responsibility to protect the natural rights of all by regulating the **interaction** between individuals in the community. Thus, the existence of the government rests on the will of the governed, who may at any time decide to overthrow it if it fails to achieve the end for which it is created. In other words, the government can be resisted or overthrown by the subjects whenever they feel that their natural rights are trampled.

#### Natural Law as the Goal of International Law

The first **systematic** attempt to construct a system of international jurisprudence on the basis of natural law was made by the Dutch scholar, Hugo Grotius (1583-1645). In developing his theory, he was indebted to the scholastic theologians Vittoria, Sotro and Suarez.

Central to the thesis of Grotius is the idea derived from Aristotle and the Stoics that man is both a social and rational animal. As a social animal, men **have** been inclined to form a community. Thus, by free consent, they made a contract in which they agreed to give up their absolute license to do anything they want in favor of order and unity. In living together, they are guided by the law of Nature.

For Grotius, the law of Nature (natural law) is a

Dictate of Right Reason, that is, it is a judgment which sanctions an act if it is in accord with the rational and social nature of man and prohibits an act if it is in disagreement with man's rational and social nature. The existence of such a law can be proved both a priori and a posteriori;

. . . it is proved a priori by showing the agreement or disagreement of anything with the rational and social nature of man. It is proved a posteriori when by certain or very probable accounts we find anything accepted as natural law among all nations, or at least the more civilized. For a universal belief can hardly have any cause except the common sense of mankind.<sup>78</sup>

Generally speaking, then, natural law is made evident in the consent of all nations with regards to what reason d e e m o suitable to the social nature of man.

The Law of Nature, Grotius said, is eternal and immutable, even God could not change it, for He would then be contradicting His own nature. He said that natural law would still be valid even if it were granted that "there is no God, or that He bestows no regard upon human affairs."<sup>79</sup> Nevertheless, he affirmed that it is God Who wrote the principle of natural morality in the minds of

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<sup>78</sup>Hugo Grotius, De Jure Belli et Pacis, ch. 1, Crowned Masterpieces of Literature, David J. Brewer, ed. (St. Louis: Ferd. P. Kaiser, 1902), V, 2025.

<sup>79</sup>Grotius, The Rights of War and Peace, Prologomena, tr. Whewell (1853), Runes, ed., op. cit., I, 445.

all people.

In proposing his system of international jurisprudence, Grotius was expressing his conviction that legal development finds its goal in the establishment of the minimum universal demands based on reason. Thus, he has offered to all mankind a model for all nations to consider in framing up a system of international law. Such a model is the Natural Law.

#### CONCLUSION

This chapter has surveyed the development and significance of the different theories of natural law.

The different theories of natural law which have been briefly considered in this chapter are the Classical (both Stoic and Catholic), the Utilitarian and the Kantian. All these theories agree in regarding reason as the necessary means by which man may arrive at principles of action to guide him in his conduct. They seem to differ, however, in their conception of what reason should aim at or what it consists in. Stoicism regarded reason as being grounded in the fixed patterns and orderly processes of nature to which man must willingly conform his life. The Utilitarians, being rationalists, speak of reason as a process of deliberation to determine what represents the common interests of the people of a particular community. To

Kant and his followers, reason refers to the power of the mind to arrive at norms which are both self-consistent and universally applicable to human experience. The Aristotolian-scholastic view maintains that reason, in its practical aspect, seeks to comprehend the end of man. Perhaps, these views do not necessarily contradict each other but only differ in emphasis. For instance, the Kantian view may be regarded as expressing the most general form of natural law while the Aristotolian-Scholastic view may be seen as providing the most general statement of the content of natural law from which rules may be derived.

Generally speaking, then, natural law is not a set of specific rules of conduct. It is, rather, an act or a process of deliberation (as the rationalists have emphasized) which aims to arrive at principles of conduct which are both self-consistent and universally applicable to human experience (Kantian emphasis) based on the understanding of man as a creature destined for a natural end (Aristotle) and a supernatural end (Christian theology).



## CHAPTER II

### NATURAL LAW IN CATHOLIC MORAL PHILOSOPHY

Any study of Catholic moral philosophy cannot take for granted the lasting contribution of St. Thomas Aquinas. The whole philosophy of the Catholic Church owes much to the genius of this thirteenth-century Dominican theologian who had formulated the noblest and most thorough-going synthesis of the Christian faith and secular thought at the very time when faith and reason were thought by some thinkers to be opposed to each other. Hence, some theologians preferred to speak of two kinds of truth--one derived from reason and the other based on faith. But St. Thomas, following St. Augustine, held that truth is basically one, so that there can be no opposition between faith and reason.

It will be remembered that St. Augustine had adopted and reinterpreted the Platonic doctrines and used them as his media for presenting the Christian message to the intellectual world. But that was a time when Plato dominated the intelligentsia. The world of the thirteenth century, however, was different: Plato was superseded by Aristotle. Hence, there was the need to assimilate the

latter's insights into Christian dogmas. The task was not easy since the Stagirite's doctrines had been identified with the teachings of the adversaries of St. Augustine and, therefore, opposed by the Church.<sup>1</sup> But the genius of St. Thomas proved equal to the task. Although he read Aristotle only in translation, his knowledge of the background and teachings of this great philosopher was amazingly profound and thorough. Moreover, he mastered the thoughts of the past thinkers, including those Byzantine, Arabian, Jewish, and Western writers.<sup>2</sup>

One of the enduring legacies of St. Thomas Aquinas to the world is his systematic treatment of ethics. His moral theory is an extraordinary synthesis of the metaphysics of Aristotle, the natural law concept of the Stoics and of the Roman jurists, and Christian doctrines. On the whole, his theory of ethics may be seen as a systematic attempt to answer three general questions. First, what is the nature of the good? This question leads to the investigation of the nature of being (metaphysics),

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<sup>1</sup>Frederick Coplestone, S.J., A History of Philosophy, II-II (New York: Doubleday and Co., 1950), p.

<sup>2</sup>Joseph Watzlawik, S.V.D., Leo XIII and the New Scholasticism, San Carlos Publications, Series D: Occasional Monographs, No. 1 (Cebu City, Philippines, 1966), pp. 89, 110-120.

which is the underlying assumption of the ethical life. Second, how is the good to be attained? This leads to an analysis of the norm of morality, namely, natural law. Third, how is the norm to be applied to concrete situations? This, in turn, leads to a study of the nature of the human act and of how reasoning leads from moral principles to a particular act. These three questions are so related to each other that it is necessary to treat them together in order to do justice to the thought of the great theologian.

#### I. THE PURPOSE OF HUMAN LIFE

In treating the purpose and nature of human life, St. Thomas follows the lead of Aristotle, whom he fondly calls in his writings "the Philosopher." However, he went beyond his mentor in relating ethics to man's supernatural end, namely, God, because he had access to the divine truth regarding man's salvation and final destiny which God has imparted to the Church, and this Aristotle did not have. St. Thomas formulated his moral theory on the conviction that grace perfects, rather than hinders, nature. Now, according to Aristotle, "nature" is "the principle of movement," that is, it is the internal source of motion, change and rest, and that this exists in material objects for the realization of their certain

ends.<sup>3</sup> To the saintly doctor of the Church, the ultimate end is God Himself. God has created the world in order to impart to it, in varying degrees, His own perfection and, thus, to manifest His grace, glory and power.

### Ethics as a Study in Teleology

Socrates started the tradition in philosophy which emphasizes the purposive character of the universe. This tradition was developed by Plato and deepened by Aristotle. In the thirteenth century, St. Thomas adopted it in translating the Christian message. To him, the purposive character of the universe is evident in the uniformity, regularity and orderly arrangement of all things in the universe. For instance, there is, he said, an increasing complexity of functions corresponding to the gradations of being from the simplest to the highest form, so that everything contributes to the welfare of the whole.<sup>4</sup>

Moreover, he saw in the universe an order in which things are in the process of constant development towards

<sup>3</sup>Aristotle, Metaphysics, V, iv, 1015a, tr. W. D. Ross, The Basic Works of Aristotle, Richard McKeon, ed. (New York: Random House, 1941).

<sup>4</sup>St. Thomas Aquinas, The Summa Theologica, I, q. 103, a. 1; q. 47, arts. 2 and 3, translated by the Fathers of the English Dominican Province and revised by Daniel J. Sullivan, in The Great Books of the Western World, R. M. Hutchinson et al., eds., Vols. XIX and XX (Chicago: Encyclopedia Britannica, Inc., 1952).

the realization of their potentialities. This is due to the fact, St. Thomas explained, that all finite beings are composed of potency and act. Potency, which is neither mere nothing nor imperfection, is the capacity to receive a definite form, and act is the goal of every movement, hence it is the principle of perfection or of the realization of all potentialities inherent in things. Thus, all development occurring in nature is due to the passing from potency to act.<sup>5</sup>

Thus, the universe is pervaded with a finality (purpose), that is, it tends to move towards a certain end. The study of things from this point of view is called teleology. Hence, in this sense, St. Thomas' ethic is teleological.

The End as Final Cause. The term "end" implies more than the point of the termination of an activity; it means, essentially, the goal which is a realization of certain tendencies in things. In this sense, the end may be said to be a final cause.

In general, a cause is that which exerts a positive influence on the production or the becoming and the

<sup>5</sup>The Twenty-Four Thomistic Theses approved by the Sacred Congregation of Studies in 1914; Aristotle, Metaphysics, IX, 1046a40-1052a10.

mood of the existence of a thing. There are four kinds of causes. The formal cause is that active internal principle that determines the internal and external organization of the elements of a thing. The material cause is that passive element of a thing out of which it is made. The efficient cause is the activity external to a thing which results in its production or becoming. The final cause is the object or goal for which an agent acts.

All these causes may be illustrated in the making of a bronze statue: the bronze is the material cause; the shape of the statue is its formal cause; the sculptor and his tools are, respectively, the principal and instrumental causes; and, the gain sought by the agent is the final cause. The whole idea of cause is conceived by the mind as a rational explanation of all movements and events occurring in the universe.<sup>6</sup>

Of the four causes mentioned above, the final cause is the most important because it induces and directs all the processes of nature. St. Thomas writes:

Now in causing, good and the end, which move the agent to act, come first; second, the action of the agent moving to the form; third, the form comes . . . . Although the end is last in the order of execution, yet it is first in the order of intention.<sup>7</sup>

<sup>6</sup>Aristotle. op. cit., V, ii.

<sup>7</sup>Sum. Theol., I, q. 5, a. 4.

The influence of the final cause is indirect, since its action is that of attraction by being instinctively or consciously desired, and, by being so desired, solicits action on the part of the agent.

The Final Cause as Good. The end is able to move the agent because it is suitable for the agent. In other words, the end is desired because it is good. Hence, good and end refer to the same reality. This is brought out forcefully in the following polysyllogism:

That toward which a thing tends while it is without it, and wherein it rests when it has it, is its end;  
 Anything that is without its proper perfection is moved towards it, as far as in it lies, and if it has that perfection, it rests therein;  
 Therefore, the end of a thing is its perfection.  
 But the perfection of a thing is its good.  
 Therefore, everything is directed to good as its end.<sup>8</sup>

Since everything desires perfection, and perfection is achieved only when a thing passes from potentiality to actuality, a thing is perfect in so far as it is in actuality. And, since being is the actuality itself, being is what all desire. But what all desire is goodness. Hence, goodness and being are the same, except that goodness expresses an aspect of desirability and being is

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<sup>8</sup>St. Thomas Aquinas, Summa Contra Gentiles, III, xvi, Basic Writings of St. Thomas Aquinas, II, Anton C. Pegis, ed. (New York: Random House, 1945), p. 26.

prior to goodness in thought. Created being is a participation in the being of God, Who is Himself Being.

Likewise, what is called "evil" is "the privation of what is connatural and due to anyone," and "privation" means "the non-existence of something in a substance."<sup>9</sup> In other words, evil is a deficiency in being. Hence, just as darkness is apprehended as the absence of light, so evil can be understood only in relation to a good which is, in fact, the subject and the accidental cause of evil. As the absence of good, evil is undesirable because it goes against the inclination (tendency) of a thing.

St. Thomas classified natural goods into goods of fortune, goods of the body, and goods of the soul. The goods of fortune (wealth, power and fame) cannot be regarded as the highest good because they only lead people to corruption. The goods of the body (long life, strength, health, physical beauty) are perfections which pertain only to the perishable part of man's whole being; hence, they cannot be made the ultimate end of man. The same is true also of the soul with all its faculties, because it is in itself a potency to many perfections.<sup>10</sup>

God Alone As the Supreme Good. With Aristotle

<sup>9</sup>Sum. Contra Gentiles, III, iv.

<sup>10</sup>Sum. Theol., I-II, q. 2, arts. 1-8.



St. Thomas held that man tends to seek happiness as the goal of all his actions. However, with his mentor and in opposition to Epicureanism, he maintained that happiness cannot be obtained by seeking it for its own sake. This is so because the end has two aspects: subjective and objective. Subjectively, it consists of happiness; objectively, it consists in the exercise of his faculties. Aristotle was right in asserting that the true happiness of man lies in his well-being, that is, the realization of all his powers, primarily the intellect. By using his reason, which is the highest function of the intellect, man regulates the extreme tendencies of his appetites.<sup>11</sup>

St. Thomas noted that there is still something lacking even in Aristotle's view that man is destined but only for temporal happiness which is all that nature can afford. Apparently, Aristotle was not aware that man is still destined for a higher kind of happiness which is more desirable and lasting. This supernatural happiness is beyond the reach of any natural knowledge which is based only on the senses. Quoting Jeremiah 9, 23, "let not the wise man glory in wisdom," the universal doctor argued that the first principles in natural knowledge, because derived from the senses, cannot extend

<sup>11</sup>Sum. Theol., I-II, q. 2, a.

beyond the knowledge of the sensibles. Yet, the intellect is ordained by God to a knowledge beyond what the senses can tell. Thus,

First, man is not perfectly happy, so long as something remains for him to desire and seek. Secondly, that the perfection of any power is determined by the nature of its object. Now, "the object of the intellect is what a thing is, that is, the essence of a thing."<sup>12</sup>

The point of St. Thomas is this: the intellect cannot really come to rest until it contemplates on the essence of the First Cause, Who is God Himself.

God is the ultimate good because He is Being Itself. In Him, essence is at one with existence. He is pure act as well as the ultimate perfection. As the ultimate good, all things tend to be like Him and to imitate His goodness. So also does man. But as a rational creature, he attains his end by the operation of his intellect. By his intellect, he comes to know God as the ultimate end of his life. So,

. . . seeing that all creatures, even those that are denied of reason, are directed to God, as their end: and all reach this end in so far as they have some share of a likeness to Him: the intellectual creature attains to Him in a special way, namely, through its proper operation, by understanding Him. Consequently, this must be the end of the intellectual creature, namely, to understand God.<sup>13</sup>

<sup>12</sup>Sum. Theol., I-II, q. 3, a. 6.

<sup>13</sup>Sum. Contra Gentiles, III, xxv.

But the knowledge of God which results in the true happiness of man is not one derived by rational demonstration nor by the rudimentary knowledge implanted by God in all men nor by the knowledge derived from faith. Instead, it is the knowledge which consists in seeing God and loving Him by direct vision. Thus,

. . . the more our mind is raised to the contemplation of spiritual things, the more is it withdrawn from sensible things. Now, the divine substance is the highest term to which contemplation can reach: hence, the mind that sees the divine substance must be wholly freed from the senses, either by death or by rapture. <sup>14</sup>

#### The Nature of Man

It was Aristotle's teaching, followed by St. Thomas, that natural objects are corporeal, and that form inheres in matter. In plants and animals, the form is called the soul, which is practically the same as the life-giving principle. But, although plants and animals have souls, these souls have no existence apart from matter. In plants, the powers of growth and reproduction are apparent, while in animals there is, in addition, the sensitive function. In man, body and soul form one composite substance so that the soul is incomplete without the body. The human soul, however, has the intellectual function besides those possessed by the lower animals, so that it

<sup>14</sup>Summa Contra Gentiles, III, xlvii-xlviii.

has acquired the power of transcendence over the body by its knowledge of universals. After the dissolution of the body, it remains active although incomplete until the day of resurrection when God shall have given it a spiritual and glorified body.<sup>15</sup>

Human Faculties and Powers. The human soul is in possession of powers and faculties. With the plants, man shares the power of nutrition, growth and reproduction. With the beasts and fowls and fishes, man shares the sensitive power and, in addition to the five exterior senses of the animals, man is able to perceive things not only by instinct but also by an analogical comparison of things. In man, the sensitive powers do not belong to the soul alone, but to both body and soul in union with each other. What enables man to transcend plant and animal nature is the possession of intellectual powers. For their operations, the intellectual faculties are extrinsically dependent on the sensitive powers. Hence, all knowledge is necessarily derived from the senses.<sup>16</sup>

Man's knowledge consists of universals rather than of particular objects, as Plato had ably argued. However, universals cannot exist apart from things, since, as shown

<sup>15</sup>Sum. Theol., I, q. 76, arts. 1-8.

<sup>16</sup>Sum. Theol., I, q. 78, a. 4; q. 76, a. 5.

by Aristotle, they are derived from the senses. Accordingly, the knowing process consists in transforming sense impressions into universals. First, sensation presents to the mind the data by means of phantasms (images of things). Then, by disregarding the material aspects of the objects and noting their common characteristics, the mind in its active mode grasps the essence of the objects. Finally, in reaction to the impression of the abstracted essences on the mind, the intellect forms the universals to represent the essences. The universals form a hierarchy of knowledge: physical, mathematical and metaphysical.<sup>17</sup>

Although man's knowledge consists only of universals, the mind is aware of its own intention to make universals represent the essence of every reality. Thus, universals exist in three ways: first, as causes in the mind of God, *ante rem*; second, as ideas in the mind of man, *post rem*; and, third, as the essence of things, *in re*. In other words, the proper object of the intellect is the quiddity of material things. This is made clear in the following words of St. Thomas:

Now the first thing conceived by the intellect is being, because everything is knowable only in so far as it is in act as it says in the Metaphysics. Hence, being is the proper object of the intellect, and is that which is primarily intel-

<sup>17</sup>Sum. Theol., I, q. 85, arts. 1-3.

ligible, as sound is that which is primarily audible.<sup>18</sup>

Besides his intellectual powers, man possesses a will. This faculty, which is dependent on the intellect for its operation, partakes of the teleological character of the universe. That is, there is a universal tendency or striving of all things in the universe to their proper ends. This tendency or striving manifests itself in various ways. Thus, the tendency of a body to develop its potentiality, such as the growing of a tree from seed to maturity, is called natural appetency; and, the tendency of a sentient creature towards or away from an object, is called sentient appetency. Likewise, the tendency of an intelligent agent to approach to, or shun away from, an object on the basis of a knowledge of the desirability or the undesirability of the object, is called the intellectual appetency, or the will. The will, then, is an inclination which results from a knowledge of a goal.<sup>19</sup>

Since the proper object of the will is the good, that is, that which the intellect apprehends as contributive to the subject's well-being, the will is not free in its choice of the ultimate end. Of course, with res-

<sup>18</sup>Sum. Theol., I, q. 5, a. 2; Aristotle, *Metaphysics*, IX, 9, 1051a31.

<sup>19</sup>Sum. Theol., I-II, q. 3, a. 1.

pect to particular goods, it can choose to act or to abstain from acting, because, particular goods, being finite, lack the fulness of power to captivate the whole tendency of the will. That is, finite things or goods cannot satisfy all of man's highest aspirations. With God, it is different. Since God is all-good, the will finds in Him its final resting place. However, one may speak of free will in terms of the means by which the end is achieved. For, in choosing the means, one may do so blindly, or perversely, or reasonably, because sin has diminished the effectivity of his reason. In other words, man may act for the sake of an "apparent good," that is, evil mistaken for good.<sup>20</sup>

Man's Nature in Relation to God. The universal doctor affirmed the Biblical convictions that God created man in His own image, that man is a sinner, and that Christ has redeemed man from sin. What do these doctrines mean?

St. Thomas' definition of image shows at once his intellectual approach as well as his mystical bent. First, he distinguishes three related words: likeness, image and equality. A likeness is the possession of some common characteristics by generic sense, such as the fact

<sup>20</sup>Sum. Theol., I-II, q. 9, a. 1, 3, 6.

that things do exist, or by accident, such as the fact that some existing things are green. It is a broader concept than image. An image is that quality added to a likeness which makes a thing an imitation or a representation of something else. Equality refers to a perfect image, but this refers only to Christ in relation to God, for Christ is the Second Person of the Trinity who partakes of the same substance as God the Father.

By being endowed with an intellect, man is in possession of the divine image. Since "it exists in man as an alien nature, as the image of the king is in a silver coin," the divine image in man is not perfect as it is in Christ, that is, man does not possess equality with God as Christ does, but he has, nevertheless, the divine image. Says the theologian:

Now it is clear that specific likeness follows the ultimate difference. But some things are like God first and most commonly because they exist; secondly, because they live; and thirdly, because they know or understand; and these last, as St. Augustine says, "approach so near to God in likeness, that among all creatures nothing comes nearer to Him." It is clear, therefore, that intellectual creatures alone, properly speaking, are made to God's image.<sup>21</sup>

Since it is in the intellect or mind that the rational creatures surpass all the other creatures, the image of God is found in mind alone. However, this does

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<sup>21</sup>Sum. Theol., I, q. 93, a. 2.



not mean that it consists of reason alone. In the truest sense, the Image is that capacity as well as the inclination of the reason to seek and understand God. In other words, it is only when reason is used to understand God so that the will is moved to serve Him that the divine Image manifests itself in man. This image abides in the mind,

. . . "whether this image of God be so expunged," as it were clouded, "as almost to amount to nothing," as in those who have not the use of reason, or "obscured and disfigured," as in sinners, or "clear and beautiful," as in the just, as St. Augustine says.<sup>22</sup>

However, the image of God in man is still inadequate to lead man to a full knowledge of God, says the saintly doctor. The reason is that man's knowledge is mediated through the senses so that our knowledge of God is arrived at only by analogy from nature and, hence, it is necessarily incomplete. So, when God created man, he supplemented man's natural faculties by subsequently bestowing on him the supernatural endowments of grace, namely, rectitude and original righteousness (innocence). By possessing rectitude, man's natural powers were able to function properly: reason being subject to God, the lower powers to reason, and the body to the soul. This endowment, though added to man's nature, operated within man's nature. Moreover, by possessing righteousness at the very

<sup>22</sup>Sum. Theol., I, q. 93, a. 8, ad. c.

start, man was entitled to other gifts, namely, bodily immortality and freedom from suffering (impassibility).<sup>23</sup>

But, then, man has disobeyed his Creator and has become a sinner. The immediate result of this fall of man has been the loss by him of the supernatural gifts, namely, bodily immortality with its freedom from suffering, and the divine endowments of grace intended to lead man to a full knowledge of God. Moreover, the natural endowments are wounded, although not really lost, that is, sin has weakened reason but has not really destroyed it, otherwise man "would no longer be capable of sin."<sup>24</sup> Thus, deprived of the divine aid, and reason setting itself as its own god, the powers of the soul are left destitute, so that there is ignorance in the place of prudence, malice instead of justice, weakness in the place of fortitude, and concupiscence instead of temperance. Through sin,

. . . the reason is obscured, especially in practical matters, the will hardened against the good, good actions become more difficult, and concupiscence more inflamed.<sup>24</sup>

The situation, however, is not so desperate, St. Thomas maintained. Man is not so depraved as Protestants were to emphasize later. For,

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<sup>23</sup>Sum. Theol., I, q. 95, a. 1; q. 97, a. 1, 2.

<sup>24</sup>Sum. Theol., I-II, q. 85, a. 2.

<sup>25</sup>Sum. Theol., I-II, q. 68, a. 2.

. . . man's reason is perfected by God in two ways: first, with its natural perfection, that is, the natural light of reason: secondly, with a super-natural perfection, that is, the theological virtues. . . . And, though this latter perfection is greater than the former, yet the former is possessed by man in a more perfect manner in his full possession, while he possesses the latter imperfectly, since we love and know God imperfectly.<sup>26</sup>

This means, in the first place, that man is still capable of acquiring virtues, so that even pagans know and practice them. Virtue is a habit which has good works for its end. It is a disposition which is difficult to change because it is acquired by constant practice to conform to a rule that is productive of good works. In the words of St. Augustine, it is that "by which we live rightly," and "of which no one makes bad use." It owes its "good quality of the mind" to the "rule of reason" which consists in a mean between an "excess" and a "deficiency."<sup>27</sup>

Virtues are of various kinds. Thus, science is that intellectual virtue which aims at the truth, art is the skill in doing things, and prudence is that intellectual as well as moral virtue that enables a person to decide which is the best means to an end, justice is that moral virtue which inclines man to always render everyone his due, temperance restrains passions, and fortitude

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<sup>26</sup> Sum. Theol., I-II, q. 68, a. 2.

<sup>27</sup> Sum. Theol., I-II, q. 55, a. 4; q. 64, a. 1.

prevents one from acting from unreasonable fear of dangers. These virtues can bring to man a certain measure of happiness but cannot lead him to eternal bliss.

Moreover--secondly--the redemption accomplished by Christ on the cross has made it possible for man to receive the grace of God. And, grace is that divine action which moves man to his final destiny for which God has created him. Its true real cause is God alone, so that

. . . grace is taken in two ways: sometimes as a habitual gift of God; sometimes as a help from God. Now taking grace in the first sense, a certain preparation of grace is required for it. . . . But, if we speak of grace as it signifies a help from God moving us to good, no preparation is required on man's part, that, as it were, anticipates the divine help, but rather, every preparation in man must be by the help of God moving the soul to good. And thus even the good movement of free choice, whereby anyone is prepared for receiving the gift of grace is an act of free choice moved by God.<sup>28</sup>

When man receives God's grace, he is simultaneously endowed with the virtues of faith, hope, and love. These virtues are called theological because they have God as their object and source. Faith, which is the assent of the mind to God's saving act in Christ as a fact, justifies the sinners before God. Hope, which consists in "looking to God for future beatitude," is born of faith and nourishes charity. Charity, which is that friendship with God "by which He is loved as the object of beatitude"

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<sup>28</sup>Sum. Theol., I-II, q. 112, a. 2.

and which, as a consequence, leads to the love of man, is the greatest of all virtues, for all virtues are fulfilled in it. These theological virtues, St. Thomas maintained, are intended by God to supplement, rather than suppress or supplant, the moral and intellectual virtues.<sup>29</sup>

## II. THE ANALYSIS OF LAW

To enable man to achieve his end, God has given him two kinds of aid: first, the divine grace which leads man to eternal happiness, and second, the law to guide him to temporal happiness. On the contention that grace does not annul, but rather perfects, nature, St. Thomas proceeds to analyze the different kinds of law. He finds that all laws have their origin in God and that they are given to man to properly guide him on earth.

### Definition and Kinds of Law

In dealing with law in his moral theory, St. Thomas had in mind the laws of practical reason. He distinguished this subject carefully from another type of law, which is that of the speculative reason. This latter type has truth for its object, and deals with the factual relationships of things in terms of causes and effects. The law of the practical reason, on the other hand, has

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<sup>29</sup>Sum. Theol., I-II, q. 65, a. 4, 5; q. 66, a. 6.

the good for its end, and it deals with value judgments with regards to the ends and means of the actions of free agents. This difference means that whereas the universal principles of the speculative reason contain truth without fail, the principles of human action involve matters of relative values. St. Thomas writes:

The practical reason . . . is busied with contingent matters, about which human actions are concerned; and consequently, although there is necessity in the general principles, the more we descend to matters of detail the more frequently we encounter defects.<sup>30</sup>

Thus, St. Thomas was concerned to formulate a moral theory which would avoid the pitfalls of both relativism and dogmatism.

What is Law? St. Thomas starts by noting the etymology of the term. The term for "law" in Latin is lex, which is derived from the Latin ligare, "to bind." Originally, therefore, law has reference to that which binds things to certain ways of behaving or acting. Applied to man, it means the norm or standard which prescribes for man the manner or way of acting and behaving.

St. Thomas recognized four aspects which belong to the essence of law.<sup>31</sup> These are as follows:

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<sup>30</sup>Sum. Theol., I-II, q. 94, a. 4.

<sup>31</sup>Sum. Theol., I-II, q. 90, arts. 1-4.

First, law is an ordinance of reason. Proof: Law is a rule or measure which induces one to act or restrains one from acting. The first principle in all matters of action is the end, according to "the Philosopher." That which directs the agent to his end is the reason. Therefore, "law is something pertaining to reason."

Secondly, law is always directed to the common good. Proof: The object of the practical reason is the end. The end of human life is happiness or beatitude. Hence, law is concerned with the happiness of man, which is the good. Further, man is a part of the community. Hence, law is concerned with the order which is directed to the universal happiness.

Thirdly, law is given by the whole people or by a public personage who has care of, and is responsible to, the whole people. Proof: Law is intended for the common good. The common good can be determined best by the decision or the consent of all the members of the community. Hence, law is given by the people themselves in deciding for ~~the~~ their common good, or by one given the responsibility to give the law in behalf of the members of the community whom he represents. Thus, while every member participates in the making of a law, no one in his private capacity imposes the law to a group of people.

Fourthly, laws are established when they are pro-

mulgated. Proof: A law is a rule or measure that binds to whom it is applied. No free and responsible being can be bound by something he does not know. Hence, a law must be made known to all by an act of promulgation.

To recapitulate: law is "an ordinance of reason for the common good, promulgated by him who has the care of the whole community." It is a rule which directs man to his proper ends, because it emanates from reason. It is a command because it is the norm of human acts.

The Various Kinds of Law. From his definition of law, St. Thomas maintained that there is only one kind of law. But this one law is intended to apply to different realms: the state, the community of people throughout the world, and the universe. Hence, one can speak of the different kinds of law, although it is basically one law applied to the different realms.

The various kinds of law are the following:

First, the eternal law is that decree of the Supreme Reason directing all creation to its ultimate end. It is implied in the doctrine of the Divine Providence, namely, that God governs the whole universe by His rational Will. Thus,

Now it is evident, granted that the world is ruled by Divine Providence . . . that the whole community of the universe is governed by Reason. Therefore the very Idea of the government of



things in God, the Ruler of the universe, has the nature of a law. And since the Divine Reason's conception of things is not subject to time but is eternal according to Prov. 8, 23, hence it is that this kind of law must be called eternal.<sup>32</sup>

All creatures, animate or inanimate, constitute one huge community under the rule of God. Brutes and things act in conformity with the Divine Plan as they tend toward their proper ends without knowing anything. Man, however, is conscious of the rational order through his reason, which commands him to perform certain acts such as honoring the parents and to refrain from other acts such as stealing the property of another. In short, eternal law is that law which is "implanted" in the nature of things so that they are guided towards their proper ends.

Second, natural law is "nothing else than the rational creatures' participation of the eternal law."<sup>33</sup> It is the eternal law implanted in the intellect of man and is apprehended by his reason as an order which demands the obedience of his will that he may attain his true end. It is not innate, for it is formed in the mind as the result of his experience. This law, being universal and immutable, is the norm for all human laws.

Third, human law is a set of enactments of

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<sup>32</sup>Sum. Theol., I-II, q. 91, a. 1.

<sup>33</sup>Sum. Theol., I-II, q. 91, a. 2.

earthly governments. St. Paul in his letter to the Romans, speaks of the government as an authority instituted by God for the good of the people (Rom. 13, 1-6). The government exists to enforce justice, and does so by force.

In like manner, St. Thomas speaks of the state not as a divine punishment for human sins but as the natural outcome of human needs. First, there is the economic need. Unlike other animals, man has to use his hands in order to produce the things needed for his body--shelter, food and clothing. Secondly, there is the need for education. Unlike other animals which are endowed with inborn skills, man has to cultivate knowledge and skills in order to survive. Thirdly, as evidenced by his power of speech, man is a communicative animal desiring companionship. Hence,

. . . it is natural for man to be a social and political animal, to live in a group, even more so than all the other animals, as the very needs of his nature indicates.<sup>34</sup>

The state, however, cannot long endure without certain directive principles enforced by the rulers. For

. . . if it is natural for man to live in the society of many, it is necessary that there exist among men some means by which the group may be governed. For where there are many

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<sup>34</sup>De Regimine Principum, I, 1, tr. G. B. Phelan (London: Sheed and Ward, 1938).

<sup>35</sup>Ibid., I, 6.

men together, and each one looking after his own interest, the group would be broken up and scattered unless there were also someone to take care of what appertains to the common weal.<sup>35</sup>

So, the state exists for the common good, St. Thomas declared. For all practical purposes, he favored a limited form of monarchy in which the king acts as the people's agent. So, if the king tyrannically abuses his royal power, he may be deposed.

The instrument by which the state performs its function of disciplining its constituent members and of enabling them to achieve the virtues is law. It is through law that the ruler truly governs, just as God governs the universe by His eternal law. Such law as the earthly rulers legislate is called human law.

Since human law has no principle of its own to be used as its own standard, the human legislator must depend on natural law for its effectivity. And, since it is natural law that spells out the demand for justice, any human law that deviates from natural law ceases to be a true law. Unjust laws are not laws, properly speaking, because they are not to be observed by conscientious persons who are bound to obey the laws of God, as the apostles had declared, "We ought to obey God rather than men," (Acts 5, 29). Hence, either human law must be derived from natural law, or it must not contradict it. In short, human

law is an application of natural law to specific cases.<sup>36</sup>

Fourth, the divine positive law is the law revealed by God in an expressly formulated way in order to direct man to his ultimate end. Natural law directs man only to **the** relative end of his earthly existence, so that it needs to be supplemented by the divine law which pertains to the supernatural end of man, namely, the beatific vision or the bliss derived from eternal life.

The divine law was revealed by God in its two historic forms: namely, the Old Law of the Jews as contained in the Old Testament and the New Law of the Christians. The Old Law arouses fear and demands outward obedience to its numerous ceremonial precepts as guarantee of good works. The New Law induces love and demands inward holiness by obedience to the law of charity.<sup>37</sup> The Christian way of life is, therefore, absolute in its demands for perfection, but it is possible to obey it because

. . . the New Law consists chiefly in the grace of the Holy Ghost, which is shown forth by faith working through love. . . . The grace of the Holy Ghost is like an interior habit bestowed on us and inclining us to act rightly, it makes us do freely those things that are becoming to grace, and shun what is opposed to it.<sup>38</sup>

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<sup>36</sup>Sum. Theol., I-II, q. 96, a. 4.

<sup>37</sup>Sum. Theol., I-II, q. 107, a. 1.

<sup>38</sup>Sum. Theol., I-II, q. 108, a. 1.

Thus, for St. Thomas, law is basically prescriptive, for it is a decree of a rational will guiding the whole universe. Some scientists may disagree with this judgment on the ground that, as Hume had argued, this decree cannot be observed by the senses. However, as other scientific-minded thinkers such as Aristotle have confirmed, it cannot be denied that the universe exhibits orderliness and development which indicate the action of a wise Creator directing it.

#### The Principles of Natural Law

From what has been said, it is clear that natural law is the norm of moral conduct for all men and the basis of all human laws. But, it may be asked, what is in natural law that makes it a norm? According to Kant, reason has in it certain forms by which it can formulate the standard for judging what is right or wrong. So far, he is right, but thus far he has only formulated a reasonable rule for making a rule (or rules) for judging whether an action of a free agent is right or wrong. As shown above (p. 45), the Categorical Imperative was not intended by Kant to be a norm of conduct, but only as the basis for formulating a true norm of conduct. Thus, to know what a norm of conduct should be, one may turn to Kant and one will be assured that the Categorical Imperative would

point to natural law as that norm; but, to know the norm of human conduct itself, one must turn to St. Thomas Aquinas for instruction.

St. Thomas affirmed that "human reason is not a measure of things, but vice-versa,"<sup>39</sup> He added:

Human reason is not, of itself, the rule of things; but the principles impressed on it by nature are general rules and measures of all things relating to human conduct.<sup>40</sup>

Thus, nature is the basis and source of precepts that determine the goodness of the act. The truth of this statement can be tested by the Categorical Imperative.

But, what is nature? And, what are its precepts?

The Meaning of "Nature." St. Thomas observed that the term "nature" was used in different senses:

According to the Philosopher the word nature was first used to signify the "generation of living things," which is called nativity. And because this kind of generation comes from an intrinsic principle, this term is extended to signify the "intrinsic principle of any kind of movement." In this (latter) sense he defines "nature." . . . And since this kind of principle is either formal or material, both matter and form are commonly called nature. And as the essence of anything is completed by the form, so the essence of anything, signified by the definition, is commonly called nature. . . . Hence, Boethius says that, "nature is the specific difference giving its form to each thing," for the specific difference completes the definition, and

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<sup>39</sup>Sum. Theol., I-II, q. 91, a. 3; <sup>40</sup>a. 4.

is derived from the proper form of a thing.<sup>41</sup>

Having noted the various meanings of "nature," St. Thomas proceeded to point out its basic meaning. Somewhere, he defines nature as "a 'reason' put into things by the divine act so that they be moved to a determinate end."<sup>42</sup> It consists of a hierarchy of inclinations and faculties which are inherent in a thing by virtue of their ordination by God. Hence, whatever is latent by birth is natural and whatever is the object (goal) of an inclination is natural. In other words, "nature," pertains to both the origin and the end of a thing.

Applied to man, "nature" refers to two aspects: First, it includes all those qualities and abilities of man resulting from the unity of body and soul. Thus--

. . . the fulness of human being requires a composite of soul and body, having all the powers and instruments of knowledge and movement. Therefore, if any man be lacking in any of these, he is lacking in something due to the fulness of being.<sup>43</sup>

Man is not body alone or soul alone: he is essentially a unity of body and soul. The soul depends on the body for sensation but the soul is the form of the body. Second,

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<sup>41</sup>Sum. Theol., I, q. 29, a. 1, ad. 4; Aristotle, Metaphysics, V, 4 (1014b16); Physics, II, 1 (192b14).

<sup>42</sup>In II Physics, lec. 14, cited in Charles N. R. McCoy, The Structure of Political Thought (New York: McGraw-Hill Book Company, Inc., 1963), p. 91.

<sup>43</sup>Sum. Theol., I-II, q. 18, a. 1.

it refers to the potentialities immanent in man and forming a hierarchy of inclinations and faculties proper to a rational being in an earthly existence. He wrote:

Therefore the order of the precepts of the natural law is according to the order of natural inclinations. Because in man there is first of all an inclination to good in accordance with the nature which he has in common with all substances; . . . Secondly, there is in man an inclination to things that pertain to him more specially, according to that nature which he has in common with other animals. . . . Thirdly, there is in man an inclination to good, according to the nature of his<sup>44</sup> reason, which nature is proper to him; . . .

Now, since these inclinations and faculties form a ladder of higher and lower, man has the duty to keep this order within himself, that is, to keep the higher faculties and tendencies higher, the lower ones lower. This means that, because man is a rational creature, his higher inclinations take precedence over the lower inclinations. The highest inclination of man is the exercise of his reason. The highest end of reason is to know the truth about God and to have fellowship with other rational creatures in earthly existence. These inclinations of the reason are embodied in the love commandments of Christ: to love God and to love one's fellowmen. Love takes precedence over the other tendencies of man.

Thus far, the meaning of human nature set forth

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<sup>44</sup>Sum. Theol., I-II, q. 94, a. 2.



in the preceding paragraphs does not yet take into account the truth given by divine revelation concerning man. However, St. Thomas never failed to take into account the revealed truth of which the Church is in custody. He said:

The nature of man can be considered in two ways: first, in its integrity, as it was in the first parent before he sinned; second, as it is corrupted in us after the sin of the first parent. In both conditions of nature, human nature needs divine help, as from a Prime Mover, in order to do or wish anything good.<sup>45</sup>

The point of St. Thomas is that any doctrine of natural law must remain incomplete until it incorporates into it the Christian teachings concerning man. Christianity teaches that man, whether in his previously uncorrupted state or in his present condition as a sinner, stands in need of the divine help. Moreover, since man is actually a sinner, he is more in need of the grace of God.

The Precepts of Natural Law. Although there is one natural law, this law contains a self-evident general precept from which a number of less general and more specific precepts may be deduced.

1. The First Precept. The first precept consists of indemonstrable principles which are self-evident truths. It cannot be demonstrated because to demonstrate it is to deduce it from more self-evident truth which it

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<sup>45</sup>Sum. Theol., I-II, 109, 2, c (Pegis).

already is. But, these may be asked: When is truth regarded self-evident? What does the first precept say? What principles constitute the first precept?

According to St. Thomas, a proposition may be regarded self-evident in two ways. First, it is self-evident when the predicate is contained in the subject, as in a **definition**. Secondly, it is self-evident when its denial is self-contradictory, for, as Aristotle said, "The same thing cannot be affirmed and denied at the same time." Now, just as the idea of being is the most comprehensive concept that can be comprehended absolutely, so the idea of **good** is the first concept that falls under the consideration of the practical reason. On the basis of the nature of the good as that which an inherent inclination is directed, practical reason dictates, "Good is to be done, and evil is to be avoided." And, since this precept is founded on the nature of the good, which is the first concept that falls under the consideration of the practical reason, it is self-evident in both ways.<sup>46</sup>

At first glance, the first precept sounds not only too broad but also seems an empty and meaningless generality. Yet, on closer examination, it contains relevant and meaningful ethical demands. For, basic to this pro-

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<sup>46</sup>Sum. Theol., I-II, q. 94, a. 2, ad 3.

position is the notion that the good is rooted in being and that the basic character of being is good. Thus, the first precept is tantamount to saying: "There is a purposive order of being which is the object of all inherent inclinations and which can be apprehended by reason: hence, man is bound to follow such order." This entails two basic ethical truths: first, that man is bound to fulfill the end for which he is created; and, second, man must fulfill his end by following his inherent inclinations according to the dictate of his reason. These demands of the first precept are implied in the following words of St. Thomas:

Since, however, good has the nature of an end, and evil, the nature of the contrary, hence it is that all those things to which man has a natural inclination are naturally apprehended by reason as being good, and consequently as objects of pursuits, and their contraries as evil, and objects of avoidance.<sup>47</sup>

The first precept contains within itself three basic principles of human living. These are put down by St. Thomas according to the order of lower to higher. First, in common with all substances which naturally seek for the preservation of their own being, "Whatever is a means of preserving human life and warding off its obstacles belong to natural law." Secondly, in common with other animals, "those things are said to belong to the

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<sup>47</sup>Sum. Theol., I-II, q. 94, a. 2.

natural law 'which nature has taught to all animals,' such as sexual intercourse, education of offspring and so forth." Thirdly, by virtue of his reason which is peculiar to him, man seeks to "know the truth about God," and to live in society," and that

. . . whatever pertains to this inclination belongs to the natural law; for instance, to shun ignorance, to avoid offending those among whom one has to live, and other such things . . . .<sup>48</sup>

This third principle is the highest principle of the first precept of natural law. It is the basis of the demand for piety ("love God"), and for justice ("love your neighbor as yourself"), which are enshrined in the Decalogue of Moses and in the Love Commandments of Christ.

Natural reason regards justice as the highest principle of natural law next to the command to love God, or in level with it. It says, "Give everyone his due." The importance of this principle is evident in St. Thomas' treatment of the virtue of justice. He wrote:

In this way justice is the most excellent of all the moral virtues, as being most akin to reason. This is clear both from its subject and its object: its subject, because this is the will, and the will is the rational appetite . . . ; its object or matter, because it is about operations, by which man is set in order not only in himself but also in regard to another.<sup>49</sup>

It is notable that the essence of justice is pre-

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<sup>48</sup>loc. cit.

<sup>49</sup>Sum. Theol., I-II, q. 66, a. 4.

sent in the moral precept of most, if not all, religions of the world. Stated affirmatively, it is called the golden rule, which Christ states as follows: "Do unto others what you would have others do unto you." The negative assertion is called the silver rule, which Confucius stated, thus: "Do not do unto others what you would not have others do unto you." Undoubtedly, the affirmative expresses the better way.

2. The Conclusion. Those rules which are deduced from the primary precept are called conclusions. These are of two kinds: the proximate precepts and the tertiary precepts. The proximate (secondary) precepts are less specific but more universally known than the tertiary. In general, the certainty of the precept is diminished the further removed it is from the primary precept.

The secondary precepts are the specifications of the principle, "To each his own." The two best examples are the jus gentium ("law of nations") and the Decalogue.

The jus gentium are the principles which are concerned with the demands of justice in all human relationships throughout the world. These include such commands as "Respect civil authority," "Be fair with your fellow-men," etc.

The precepts of the Decalogue are concerned with individual morality, that is, with one's relation to God

through his treatment of the neighbor. The whole decalogue has been reduced by Christ to two basic principles: "Love God with all your heart, mind, soul and body," and "Love your neighbor as yourself." While the substance of the New Law as expounded by Jesus is contained in the Old Law, the former represents the perfection of the latter just as the tree is the actualization of the seed.<sup>50</sup> The first table of the Decalogue, the first to the third commandments, binds man to God as the source and goal of all goodness. The second table, the fourth to the tenth commandments, says in effect: "One should do no evil to anyone."<sup>51</sup> This stresses the obligation to take care of children, to honor parents, to reverence life; it recognizes the right to life and property; it seeks to promote good neighborliness. The Decalogue contains all the moral precepts of the Bible; hence, it is binding on all Christians.

The tertiary precepts, though less certain, are details of the general principles applied to the different circumstances. Their relation to the general principles is difficult to comprehend except to those who are well informed just as "it is not possible for all to consider the particular conclusions of science." The trained moralists, however, can arrive at a fair degree of certainty

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<sup>50</sup>Sum. Theol., I-II, q. 107, a. 3; <sup>51</sup>q. 100, a. 3.

regarding the tertiary precepts. Thus,

But as to certain matters of detail, which are conclusions, as it were of those common principles, it is the same for all in the majority of cases, both as to rectitude and as to knowledge; and yet in some few cases it may fail, both as to rectitude, by reason of certain obstacles (just as natures subject to generation and corruption fail in some few cases on account of some obstacles), and as to knowledge, since in some the reason is perverted by passion, or evil habit, or an evil disposition of nature. Thus, formerly, theft, although it is expressly contrary to natural law, was not considered wrong among the Germans, as Julius Cesar relates (De Bello Gall. vi).<sup>52</sup>

Personal biases and confusions, faulty reasoning, inability to judge actual situations and the like, contribute to the loss of certainty in deriving particular precepts from the more general principles. Thus, revelation is necessary as a guide for man in making moral decisions.

Closely related to the precepts of natural law are the decisions of magistrates or decrees of legislators called determinations. Properly speaking, they are not precepts of natural law but specifications of how natural law may be carried out and enforced by the rulers of the different communities. For instance, natural law does not specify as to which side of the road must an automobile travel, or what kind of punishment must be administered to a person disobeying a law.

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<sup>52</sup>Sum. Theol., I-II, q. 94, a. 4.

Immutability and Contingency in Natural Law

Ethics involves principles which are basically unchanging and eternal. However, as Aristotle and St. Thomas have shown, it also deals with contingent matters, since it takes into account changing conditions and situations where ethical decisions are made. But, how can the concepts of immutability and contingency be reconciled in ethics? St. Thomas' discussion on this matter is most interesting because it shows his realism.

Immutability and Change in Natural Law. For St. Thomas' practical mind, both immutability and change are conceivable in natural law. His position is that natural law is immutable in its primary precept but that change is possible with regards to the secondary precepts.

First, then, natural law contains a general precept, known as the first precept, which is absolutely true for all time and circumstances.<sup>53</sup>

Since natural law is an aspect of the eternal law of God, which is immutable and eternal, it follows that natural law must contain a principle which is knowable by reason to be immutable and eternal. Such principle has been called the first precept. This is the immutable and unchangeable part of natural law. No one and nothing

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<sup>53</sup>Sum. Theol., I-II, q. 94, a.



can change it except the Author of Nature, if He chooses, but there is no reason that He will change it since it is the expression of His rational Will.

The first precept was not originally written on any document, for it has ever been existing primarily as the moral consciousness in man, that is, man knows that he is created for an end and that he is bound to fulfill this end by following his highest inclination. This consciousness has been stated, thus: "Do good and avoid evil." It can be noted how broad and abstract this precept is.

Thus, natural law is immutable, but only in its most general formulation.

Secondly, however, a change in natural law is perceptibly possible, even necessary, with regards to the secondary precepts. This is due to the fact that, according to St. Thomas, the mind of man is capable of growing from imperfection towards perfection.

In the first place, change in natural law is possible by way of addition. Natural law, it has been said, is intended to guide men to his natural end, which is happiness in the temporal order. But man, as has been pointed out already, was created for a supernatural end, which is happiness in the spiritual order. Since natural law cannot lead man to his supernatural end, God has revealed those virtues of faith, hope and love to enable man

to fulfill his ultimate destiny. In this way, God added something to natural law. Moreover, addition is made also through the culture of the people. Culture includes all of man's inventions and discoveries in the process of living together. An example given by St. Thomas is the use of clothing which is proper because it is not contrary to natural law. He says:

A thing is said to belong to natural law in two ways. First, because nature inclines there; for example, that one should not do harm to another. Secondly, because nature did not bring in the contrary; thus we might say that for man to be naked is of the natural law, because nature did not give him clothes, but art invented them. In this sense, "the possession of all things in common, and uniform freedom" are said to be of the natural law, because, that is, the distinction of possessions and slavery were not brought in by nature, but devised by human reason for the benefit of human life. Accordingly, the law of nature was not changed in this respect, except by addition.<sup>54</sup>

In the second place, change in natural law is effected by way of subtraction. In most cases, the secondary precepts are reliable derivations of the first principles. "But, it may be changed in some particular cases of rare occurrence . . . ." How? Consider a few rules: Do not kill, do not steal (or keep one's property against his wish) but return to the owner what he has lost. Nevertheless, an individual can kill an attacker in

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<sup>54</sup>Sum. Theol., I-II, q. 94, a. 5, ad 3.

self-defense without incurring guilt, and it would be wrong to return to the owner an instrument which he might use for killing persons while he is seized with murderous frenzy. Here, evidently, are cases where the demands of certain precepts of natural law cannot be followed because to do so would be against the dictate of reason. Why? The answer involves an understanding of the circumstances.

The Concept of Circumstances. There is no doubt that circumstances constitute the "contingent matters" in ethics which need serious consideration in the making of moral decisions. St. Thomas confirms this by saying:

The theologian considers human acts according as they are found to be good or evil, better or worse, and this diversity depends on circumstances. . . .<sup>55</sup>

What are circumstances? They are conditions which give moral significance to acts.

Every act of a free and conscious agent is done for the realization of a certain goal: if the goal is in accord with reason, it is good; if it does not conform to reason, it is evil. Now, that which promotes or hinders the realization of a reasonable goal (end) is called a circumstance. Thus, St. Thomas describes a human act in these words:

For the fulness of its goodness does not consist wholly in its species but also in certain

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<sup>55</sup>Sum. Theol., I-II, q. 7, a. 2.

additions which accrue to it by reason of certain accidents. And its due circumstances are of this character.<sup>56</sup>

Quoting from an ancient source, St. Thomas gives seven conditions for consideration in making a moral decision, namely: "Quis, quid, ubi, quibus auxiliis, cur, quomodo, quando" ("who, what, where, by what aids, why, how and when"). Then, he goes on to explain how each of these conditions becomes an ingredient of a moral act:

For a circumstance is described as something outside the substance of the act, and yet in a way touching it. Now this happens in three ways; . . . It touches the act itself either by way of measure, as time and place, or by way of qualifying the act, as the mode of acting. It touches the effect when we consider what is done. It touches the cause of the act, as the final cause, by the circumstance why; as the material cause, or object, in the circumstance about what; as to the principal efficient cause, in the circumstance who; and as to the instrumental agent cause, in the circumstance by what aids.<sup>57</sup>

Again, it may be asked: How do circumstances affect the significance of the morality of an act? As an answer to this, St. Thomas said:

A circumstance, so long as it is but circumstance, does not specify an action, since thus it is a mere accident, but when it becomes a principal condition of the object, then it does specify the action.<sup>58</sup>

Thus: first, circumstances may increase or diminish

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<sup>56</sup>Sum. Theol., I-II, q. 18, a. 3; <sup>57</sup>q. 7, a. 3.

<sup>58</sup>Sum. Theol., I-II, q. 18, a. 10, ad 2.

the good or evil of the object of the act. The truth of this statement will be made apparent by the following illustrations. Upon seeing a beggar, Mr. X immediately takes his wallet, hands money to the beggar although the money belongs to a friend, because he was ashamed to be called unkind to the needy by those who might see him in the situation. Here the act of giving money to the beggar is good, but the means and the purpose of performing the act have lessened its goodness. But, here is a different case: Mr. Y deliberately planned and robbed a store of a rich man in order to be able to pay for the hospitalization of his dying neighbor. Here is an evil act with a good intention, so that one might suppose that the evil act is made less evil by the circumstances surrounding it.

Secondly, circumstances determine the nature of the act. Thus, killing a person because of a grudge and through deliberate planning may be called murder, but killing an attacker in self-defense is not murder. Here is the same act which differs in morality because of the difference in the circumstance: the first is done with an entirely different purpose from that of the latter so that the latter no longer falls under the prohibition which normally applies to the first. Instead, killing an attacker in self-defense falls under the command of the first precept, namely, the preservation of being and giving

the other his due which, in this case, is punishment.

To recapitulate: Circumstances affect and determine the morality of human acts. It is unfortunate that most of the examples used by St. Thomas regarding this doctrine are those which pertain to how a circumstance aggravates an evil act and less, or none at all, on how "it does specify the act." Nevertheless, it is clear from St. Thomas that contingent circumstances always form an integral part of the morality of a human act, because the same act may have different moral significance when judged against the background of different circumstances. Thus, it may be said that the content of the primary precept will always be the same, but the application of the moral principles takes on new forms in various circumstances. Ethics must be situational to be practical.

### III. CASUISTRY: RELATING PRINCIPLES TO CONCRETE SITUATIONS

For St. Thomas, the great problem in ethics is not the problem of the will but of knowledge, as Socrates had contended. The will follows reason. Hence, the problem that every moral agent must face is how to translate the precepts of natural law to concrete moral actions. This is the problem dealt with in that branch of ethics called casuistry. The problem involves two aspects, at least:

When is an act moral? When is a moral act right, and when is it wrong? Casuistry deals with the problem and method of applying moral principles to concrete situations.

### The Nature of Human Acts

Ethics is concerned only with acts that may be considered "moral." Hence, it is proper to ask the question, When does an act have a moral significance?

The Meaning of a Moral Act. By "act" is meant the exercise of bodily or mental power to accomplish an inclination; hence, it is in acts that potentialities are being actualized.

Certain acts, however, have a moral significance, while others have none. Acts have moral significance when the agent, that is, the doer or performer of the acts, is fully conscious of his goal and is in a position to choose the means to achieve his goal. The acts of brutes are without moral significance because animals merely follow their instincts. The acts of man, however, can be moral because man is endowed with the ability to know his end and the power to choose the means to achieve such end. In other words, moral acts are those acts (thoughts, deeds, words, desires, omissions) of agents who fully understand what they are doing and do them with the full consent of their will.

There is a difference between human acts and the acts of man. Acts of man include all those actions which a man does instinctively like other animals. Human acts are those acts of man which are performed when he is conscious, free and responsible. Hence, there are three elements that characterize human acts: a cognitive awareness of the goal being sought by the agent--hence, a person cannot be held responsible for an act done in ignorance; freedom--so that a person is not responsible for an act done under force or threat of force unless he has sought such circumstance; and, voluntariness--so that a person cannot be held responsible for an act which does not proceed from his wish, intention or consent, for which reason habit and unintended passion may lessen the morality of an act.<sup>59</sup>

It is clear that acts are moral if they are the result of willing. In other words, morality refers to the act of the will and is grounded in it. Hence, good and evil pertain to the quality of the will. Thus,

Good and evil are essential differences of the act of the will. Because good and evil pertain to the will, just as truth and falsehood pertain to reason. . . .<sup>60</sup>

So, an act is right if it is in accord with a good will,

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<sup>59</sup>Sum. Theol., I-II, q. 1, a. 1c; <sup>60</sup>q. 19, a. 1.



bad if it is the result of a bad will.

The Nature of a Good Human Act. According to St. Thomas, there are four conditions that determine the goodness of human acts. These include the genus of the act, its species, the circumstances, and the object.

Accordingly, a four-fold goodness may be considered in a human action. First, that which, as an action, it derives from its genus; because as much as it has of action and being so much has it of goodness. . . . Secondly, it has goodness according to its species, which is derived from its object. Thirdly, it has goodness from its circumstances, in respect, as it were, of its accidents. Fourthly, it has goodness from its end, to which it is related as to the cause of its goodness.<sup>61</sup>

The genus and the species refer to the object of the act, that is, the kind of action willed. The genus of the moral act consists in its being a human act, which is an act which man performs freely and voluntarily. The species of the act pertains to whether the human act is either good or bad. (St. Thomas declared that only an act which is not a peculiarly human act can be called indifferent.)<sup>62</sup> An act is good if it is in accord with reason, and evil if it is against reason. In other words, the difference between the good and the bad species of the act is an essential difference between the act which

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<sup>61</sup>Sum. Theol., I-II, q. 18, a. 5.

<sup>62</sup>Sum. Theol., I-II, q. 18, a. 8.

conforms to reason and the act which does not conform to reason. Hence, the species of the act "has a direct relation to reason, that is, according as the object is suitable or unsuitable to reason."<sup>63</sup>

Briefly, then, moral acts are the genus; good and bad acts are the species--depending on whether the moral act is in accord with, or against, reason. Accordingly, such acts as charity and justice, murder and adultery, etc. are not species but classes under species.

While the species of the act depends on its suitability to reason, a circumstance "places a moral act in a species of good or evil."<sup>64</sup> Although they are accidents, they can modify an act in such a way that the goodness or badness of the act is enhanced or lessened, or they can change the significance of the act so they become the "principal condition" that specifies the act. In other words, reason, which determines the species of the act, takes into account the circumstances: it judges the goodness or the badness of an act by reckoning whether and how circumstances promote or hinder the fulfillment of man's highest inclinations.

The object of the act is the intention of the

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<sup>63</sup>Sum. Theol., I-II, q. 18, a. 5.

<sup>64</sup>Sum. Theol., I-II, q. 18, a. 10.

moral agent. Intention is that aspect of the circumstance that affects the quality of the will. A good intention enhances the goodness of a good act and lessens the badness of an evil act, while a bad intention lessens the goodness of a good act and enhances the badness of an evil act.<sup>65</sup>

Thus, there are four determinants of a moral act. These are: the genus--which identifies the act as human; the species--the judgment of reason as to whether an act performed (or to be performed) in a particular circumstance promotes or hinders man's highest inclination; the circumstance--the condition that promotes or hinders the movement of man's highest inclination; and, the object--the intention of the moral agent.

Summarizing, St. Thomas said: "Evil results from each particular defect, but good from the . . . entire cause."<sup>66</sup>

### The Practical Syllogism

Ethics deals not only with the question of what is the nature of the good, but also with the problem of translating moral principles into acts. By the act of understanding, man grasps the precepts of natural law.

<sup>65</sup>Sum. Theol., I-II, q. 19, a. 7. <sup>66</sup>loc. cit.

But, how is such knowledge to be applied to concrete situations? St. Thomas' ready answer is as follows:

We should note that, as the Philosopher says (Eth. Nic., VI, 8), reason uses syllogisms in its acts of choosing or refusing. . . .<sup>67</sup>

There must be a sort of syllogistic deduction in every virtuous or sinful act. However, the temperate man syllogizes in one way, and the intemperate in another; the continent man in his way, and the incontinent in another.<sup>68</sup>

In other words, to bridge the gap between the universal rule and the particular concrete action of the moral agent, discursive reasoning is used. Now the most typical of such reasoning is the syllogism, which relates two unknown ideas through a third idea which is known to be related to both. So,

. . . there is a threefold consideration in the syllogism, according to the three propositions, the third of which is the conclusion from the first two. And the same thing happens in the present matter, when reason, in dealing with operations, develops a judgment about particulars, syllogistically from universal principles. . . .<sup>69</sup>

Thus, by the use of syllogism, the moral agent arrives at

<sup>67</sup>St. Thomas Aquinas, In II Sent., d. 24, q. 2, a. 4, c, a selection in Appendix to Chapter VII in Vernon J. Bourke, Ethics: A Textbook in Moral Philosophy, Christian Wisdom Series (The Macmillan Company, 1959), p. 243

<sup>68</sup>St. Thomas Aquinas, De Malo, q. III, a. 9, ad 7m, a selection in Bourke, Ethics, p. 244.

<sup>69</sup>In II Sent., d. 24, q. 2, a. 4, c. (Bourke)

the conclusions to his two basic questions: First, under what precept does this particular act fall? Secondly, what am I supposed to do?

The Judgment of Synderesis as the Major Premise.

In a syllogism, one of the premises supplies the general truth or general principle; in the practical syllogism, the major premise states the general truth, called the judgment of synderesis. According to St. Thomas, synderesis (which comes from the Greek syn and terein, meaning "to guard or observe") is not a power but a habit of the intellect to be inclined towards the good and to avoid evil.<sup>70</sup>

Man is born without any knowledge actually present in his mind, except some instincts which he shares in common with lower animals. So all his knowledge is acquired from sense experience: he perceives things by his senses, and then the intellect abstracts the essences of the objects from sense perceptions and represent the essences as universals. Man tends to seek good and to shun evil: from this fact, the intellect forms the primary principles of the moral life.

Hence, the synderesis furnishes the mind of the moral agent with the primary self-evident and indemon-

<sup>70</sup>Sum. Theol., I, q. 79, a. 12.

strable principles. Such truths are the primary precepts of natural law. They can never be mistaken by, nor extinguished from, the moral agent.

The Judgment of the Superior, or Inferior, Reason as the Minor Premise. Both Superior and Inferior Reason refer to the same operation of the intellect but differ as to their causes of operation. By "operation of the intellect" is meant the process of deliberation about matters of action, that is, whether the act is good or evil. If the deliberation is based on the ultimate end as revealed in the Divine Law, it is called Superior Reason; if based on the ends of earthly existence according to the standards of natural law, it is called Inferior Reason. Thus, the judgment of the Superior or Inferior Reason asserts whether a certain act is prohibited or not.<sup>71</sup>

It may be noted that the judgment of either the Superior or Inferior Reason is itself the result of deductive reasoning. This is evident in the examples given by St. Thomas. As an example for the judgment of Superior Reason, the following statement is given: "Adultery is evil, because it is prohibited by the Law of God." This

<sup>71</sup>St. Thomas Aquinas, *De Veritate*, q. 15, a. 2, c; q. 15, a. 3, c, selections in Bourke, *Ethics*, pp. 246 f.

is actually a syllogism with a suppressed major premise. The suppressed premise is: "Whatever is prohibited by the law of God is evil." The example for the judgment of Inferior Reason is as follows: "Adultery is evil because it is unjust or dishonest." Here, again, is an enthymeme. Its suppressed major premise is understood to be this: "Whatever is unjust or dishonest is evil." But, it may be asked again--how does the Inferior Reason arrive at such major premise? Evidently, the answer points to an antecedent syllogism, also with a suppressed major premise, but it says in effect: Taking away from another what rightly belongs to him is unjust or dishonest; Adultery is an instance of taking away from another what rightly belongs to him or her; ergo, it is unjust or dishonest. Further reasoning leads back to the principle of the first precept of natural law, "Give everyone his due."

One of the problems connected with the Superior or Inferior Reason, it seems, is how to subsume a specific act under any known precept. Now to subsume an act, one must first identify the nature of the act in order to determine what rule governs the act. This is a crucial problem, because it involves two aspects.

First, the moral agent has to consider the various circumstances, for, as has already been pointed out, circumstances specify the act. The most important circum-

stance to consider is the motive (intention or purpose): Does the act in question promote the realization of the person--as the unity of potentialities--of my neighbor and mind? Also of importance are the external circumstances as the instrument, time, place, etc.: Am I being fair to others in using such and such a person or thing at such and such a time in such and such a place to achieve my goal? While the motive, the inner circumstance, specifies the act, the external factors may enhance or lessen its goodness or badness.

Next, there is the problem of finding the specific rule, if there is any, that governs the act in question. This calls for insight that comes from experience or from the testimony of experts. Through inductive reasoning, the moral agent gathers facts by reflecting on known cases of human acts done in similar circumstances, and interprets his situation in the light of the previous generalizations.

#### The Judgment of Conscience as the Conclusion.

Man's reasoning about practical matters terminates in what is called conscience. Hence, conscience is not "a still small voice" representing man's innate knowledge of right and wrong, not the survival of prohibitions imposed by parental authorities on individuals during childhood years, not an instinct that influence man's behaviour. Rather, it is the culmination of the practical reasoning: it is



the judgment urging persons to act or to restrain from acting. The word "'conscience' may be resolved into sum alio scientia, that is, knowledge applied to an individual case."<sup>72</sup> Hence, it means the application of a known general law or truth to some proposed action, by deduction.

Conscience is binding on man, because it is the dictate of his reason. As a moral agent, man is responsible for his acts, and one is responsible only if he acts knowingly. Hence, it is not wise to go against one's conscience. It is said "to witness, to bind or incite, and also to accuse, torment or rebuke."<sup>73</sup> In other words, conscience is the subjective norm, while law is the objective norm of human behaviour. Yet, it is the subjective norm that really binds the individual because it is felt immediately by him. Thus,

. . . when the will is at variance with erring reason, it is against conscience. . . .

We must therefore conclude that, absolutely speaking, every will at variance with reason, whether right or wrong, is always evil.<sup>74</sup>

Although it is not wise to go against one's conscience, it is possible to have an erring conscience. In fact, one can easily multiply instances where conscience

<sup>72</sup>Sum. Theol., I, q. 79, a. 13.      <sup>73</sup>loc. cit.

<sup>74</sup>Sum. Theol., q. 19, a. 5.

has been proven wrong. The reason for this is that error may occur in the application of knowledge to act in two ways: first, allowing the minor premise to be false, and secondly, failing to avoid formal fallacies. Thus:

Now error does not occur in the universal judgment of synderesis, . . . . But there can be a mistake in the judgment of superior reason, as when anyone thinks something to be in accord with the law, or in discord, which is not. . . .

Likewise, error can happen in conscience from an error existing in the inferior part of reason, as when one errs in regard to civil rules (rations) of the just or the unjust, of the honorable or dishonorable.

Also, error may occur from the fact that the application in conscience is not made in the right way. . . . that the proper form of the argumentation may not be followed, with the result that falsity occurs in the conclusion, . . . .<sup>75</sup>

Right conscience binds absolutely and essentially, while erroneous conscience binds only conditionally and accidentally, says St. Thomas. As a responsible moral agent, man must strive for certainty in the use of his reason. This can be achieved by constant practice. When this practice is perfected into a habit, he becomes a man of prudence. As defined by St. Thomas, prudence is "the intellectual habit enabling the agent to reason to right conclusion to his moral problems."<sup>76</sup>

<sup>75</sup>De Veritate, q. 17, 2,c, a selection in the Appendix to Chapter VI, in Bourke, Ethics, p. 216.

<sup>76</sup>Sum. Theol., I-II, q. 57, a. 4-6.

## CHAPTER III

### DEVELOPMENTS IN CATHOLIC MORAL PHILOSOPHY

St. Thomas Aquinas had achieved a most valuable synthesis in rational thought, particularly in ethics. The Catholic Church has shown its wisdom by making his system a model of all true Christian philosophy. Yet, a mistake has been committed by those who, with more zeal than wisdom, regard the Thomistic system as the absolute and final expression of the truth. But, St. Thomas himself tells his readers of the need to develop every great system of truth and to adapt it to succeeding generations. He wrote:

. . . No one by his own thinking can find out all that pertains to wisdom and therefore, no one is so wise that he cannot learn from another.<sup>1a</sup>

And in this way, additions are made to knowledge (addimenta in artibus). In the beginning a little bit was discovered, then, later through different people it gradually increased into a great quantity; for it is everyone's concern to add what is lacking in the knowledge (consideratione) of the predecessors.<sup>1b</sup>

#### I. SOME EXPONENTS OF ST. THOMAS' THOUGHT

The application of the mind of St. Thomas was done

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<sup>1a, b</sup> In Ps. 43, no. I; In decem libros ethicorum Aristoteles ad Nicom., lect. XI, n. 133, cited by Joseph Watzlawik, S.V.D., Leo XIII and the New Scholasticism, San Carlos Publications (Cebu City, P.I., 1966), pp. 204 f.

with admirable success by such serious thinkers as Francisco Suarez, St. Alphonsus Figuori and Jacques Maritain.

Francisco Suarez

"Doctor eximius" Francisco Suarez was one of the most important figure of the Scholastic Renaissance in the sixteenth century. Widely regarded as one of the greatest Jesuit scholastic philosophers and theologians, this gifted Spaniard had achieved a highly original interpretation of the Aristotelian-Thomistic system for his own and succeeding generations. Such interpretation was demanded by the new spirit of the emerging modern age which was nominalistic in tendencies. His Disputaciones metaphysicae (1657), which he intended to be a systematic and complete treatment of metaphysics as the necessary structure for Christian theology, is influencing contemporary scholasticism. Also, in his book, De legibus ac Deo legislatore (1612)--certainly, an invaluable legacy to the legal world--he succeeded in updating the medieval concept of law.<sup>2</sup>

The Meaning and Kinds of Law. In his treatment of Law, Suarez follows closely St. Thomas Aquinas but makes

<sup>2</sup>John A. Hourant, "Suarez, Francisco," The Encyclopedia of Philosophy (1967), VIII, 30-32.

an important refinement. He makes it clear in his preface to the De legibus that the theologian is concerned with contemplating God as He is in Himself and, also, as man's last end.<sup>3</sup> He affirms that man's last end is achieved when he obeys God's will for his life. And, God's will is revealed in the law.

In his definition of law, Suarez combines the insight of St. Thomas Aquinas and the emphasis of Duns Scotus in his theology on the importance of the will. For St. Thomas, law is "an ordinance of reason enacted for the common good by one who is in charge of the community and duly promulgated." But, Duns Scotus had argued that the will is not completely dependent on the intellect but may even determine what the intellect should know.<sup>4</sup> Hence, Suarez defines law as "a just and permanent precept, applying to a community and sufficiently promulgated."<sup>5</sup>

In his definition of law, two elements stand out. First, there is the concept of obligation: it is "the

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<sup>3</sup>Frederick Copleston, S.J., A History of Philosophy, III (London: Burns and Oates Limited, 1963), p. 380 f.

<sup>4</sup>C. Balic, "Duns Scotus, John," New Catholic Encyclopedia (1967), IV, 1104.

<sup>5</sup>Quoted, John Hermann Randall, Jr., The Career of Philosophy, I (New York: Columbia University Press, 1962), p. 153.

act of a just and righteous will by which a superior wills to oblige his inferior" to the performance of a particular act.<sup>6</sup> Secondly, there is the reminder that a law loses its binding force if it fails to prescribe what is just. This is what he said:

Strictly and absolutely speaking, only that which is a measure of rectitude, viewed absolutely, and consequently, only that which is a right and virtuous rule, can be called a law.<sup>7</sup>

Therefore, a law must meet the requirements of the various kinds of justice--legal, commutative and distributive.

Like St. Thomas, Suarez spoke of various kinds of law: the eternal law--which is identified with the divine positive law, the natural law, and the human law. The eternal law is

. . . a free decree of the will of God, who lays down the order to be observed, either generally, by the separate parts of the universe with respect to the common good . . . or else specifically, by intellectual creatures in their free actions.<sup>8</sup>

It differs from other laws in that it is immutable, and receives its promulgation only through other laws. But

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<sup>6</sup>De legibus, 1, 5, 24, quoted, Copleston, op. cit., p. 381.

<sup>7</sup>De legibus ac Deo legislatore, a selection in Readings in Jurisprudence, Jerome, Hall, ed. (Indianapolis: The Bobbs-Merrill Company, 1938), p. 45.

<sup>8</sup>De legibus, 2, 3, 6, quoted, Copleston, op. cit., p. 383.

all other laws are reflections and effects of the eternal law which is of first importance because of its dignity and excellence. The eternal law has been applied and made known to man through natural law. The divine law, particularly the Mosaic Law, is the revelation of the will of God directing man to live in such a way that he can fulfill his supernatural end. Human law is a rule laid down by the human legislator to promote justice for all.

Natural Law. Following St. Thomas, Suarez rejected the position which ignores reason in favor of the will as the ultimate source of the law. Nevertheless, he hesitated to identify outright natural law with the rational nature of man, although he maintained that the rational nature of man is the foundation of natural law.

Suarez' mediating position identifies natural law with that which dwells within the human mind for the purpose of distinguishing the upright from the base."<sup>9</sup> In other words, it consists in the actual judgment of the mind which presents an immediate and intrinsic rule of human acts based on the inherent inclinations of man.<sup>10</sup> The precepts of natural law are written by God in the hearts

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<sup>9</sup>Ibid., 2, 5, 14, quoted, Copleston, op. cit., p. 384.

<sup>10</sup>Copleston, op. cit., p. 384.

of all men and can be inferred by reason. No human power can change such precepts, but God--He alone--can, if He so decides to withdraw their subject-matter.

Natural law contains various types of precepts. First, there are self-evident precepts, namely, the most general principle that "one must do good and avoid evil," and the less general precepts such as "God must be worshipped" and "fulfill your vows and obligations." From these axiomatic principles, other more specific precepts may be deduced by reflection. These specific precepts are intended to cover only the prohibitions of evil acts; there are no specific precepts with regards to the performance of a specific good. For instance, the act of contracting marriage is a good one, but it is not required by natural law. Thus, the actual performance of a good act is not specifically required.<sup>11</sup>

Although the precepts of natural law can be changed by no one but God, they may have been inadequately stated. For instance, the precept, "Thou shalt not kill," really means "Thou shalt not kill on thine own authority and as an aggression."<sup>12</sup> Again, the introduction of private property does not represent a change in natural

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<sup>11</sup>De legibus, 2, 7, 11.

<sup>12</sup>Ibid., 2, 13, 8, quoted, Copleston, op. cit., p. 388.



law, for although all things were originally given to all men, it did not specify one form of ownership.<sup>13</sup> Hence, it may be necessary at times to re-state the precepts of natural law in order to express their true spirit and intentions in accordance with the demands of the concrete situations.

This analysis of the natural law led Suarez to speak critically of the customs and practices of his time. First, he held that a political society is a natural phenomenon rather than artificial. He said that "man is a social animal whose true nature tends towards life in common."<sup>14</sup> Hence, the creation of the state is grounded in the sociable nature of the rational animal that is man, and the legislative power, being derived from the community, exists for the sake of the common good. He opposed the theory of the divine right of kings as the consequence of original sin. He held that, since man has freedom to determine his destiny in common with other rational beings, rebellion against the government is legitimate either as a self-defense or as a natural right, when justice is trampled on by the powers that be.

Secondly, natural law must be distinguished from

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<sup>13</sup>Ibid., 2, 14, 19.

<sup>14</sup>Ibid., 3, 1, 3, quoted, Copleston, op. cit., p. 393.

jus gentium. St. Thomas had regarded jus gentium as a conclusion of natural law, but Suarez interpreted this to mean "not in absolute sense and by necessary influence, but in comparison with the specific determination of civil and private law."<sup>15</sup> The jus gentium is an unwritten law made up of certain customs common to all nations, hence, it is of purely human origin; it differs from positive human law only in that the latter is written. All those rational principles which have arisen out of the inherent unity of all mankind and which justify the morally expedient belong to the jus gentium.<sup>16</sup>

Thus, the jus gentium testifies that all people are members of one big community--the world. In the light of this, Suarez attacked the Aristotolian theory of natural slavery and the Spanish colonization projects of his time. He regarded war as permissible under certain conditions. Although he held that the spiritual is superior to the temporal, he believed that the papal power and jurisdiction must be exercised only indirectly and only for spiritual needs.

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<sup>15</sup>Ibid., 2, 20, 2, quoted, Copleston, op. cit., p. 392.

<sup>16</sup>Ibid., 2, 17-20; 2, 19, 5; cited in Randall, op. cit., p. 154.

St. Alphonsus Liguori

No serious moral theology can bypass the contribution of the patron saint of confessors and moral theologians. "All the moral opinions by St. Alphonsus Liguori," says a decree of the Sacred Penitentiary in Rome on July 5, 1831, "could safely be followed in the confessional." Beatified in 1816, canonized in 1831, and declared doctor of the Church by Pope Pius IX in 1871, the founder of the Redemptorist Order is the compiler of a moral theology "which saved the Church from the extremes of laxism and rigorism and thus served her well."<sup>17</sup>

Central Concern. The main concern of St. Alphonsus Liguori was to apply the principles laid down by St. Thomas Aquinas in his Summa to the various moral problems of the eighteenth century. He adopted the method and outline set forth in Busenbaum's Medulla Theologiae Moralis. This book contains seven parts:

- . . . (1) The internal rule of morals which is conscience and the external rule which is law; (2) The precepts deriving from the theological virtues of faith, hope, and charity; (3) The precepts of the Decalogue and the Church; (4) The precepts proper to certain states of life; (5) Sin, which is

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<sup>17</sup>Robert H. Dailey, "New Approaches to Moral Theology," Current Trends in Theology, D. J. Wolfe, S.J., and James V. Schell, S.J., eds. (New York: Image Books--Doubleday and Company, 1966), p. 177.

a violation of these precepts; (6) The sacraments of the New Law; (7) Ecclesiastical censures and irregularities. Each chapter begins with a short, incisive explanation of the matter to be treated and its terminology, and then proceeds by topic in the form of an answer to a Dubium, that is, a question.<sup>18</sup>

The Role of Conscience. In the works of St. Alphonsus, a light is thrown on the problem centering on the role of conscience in making ethical decisions. As St. Thomas had said, man naturally seeks happiness which results when man realizes his ends and that the realization of these ends depends on following natural law as explicitly stated and clarified by the divine law. A law, he added, is a norm by which one comes to know whether his actions conform or not with his final destiny. But, unless the law is applied to concrete situations, it remains external and objective. Hence, questions arise: What law may be applied to a particular concrete situation? If there is such a law, does it allow or prohibit one from acting in a certain way? These are problems which one's conscience has to deal with.

Conscience is the subjective norm for realizing one's ends. If it conforms to law, it is correct; otherwise, it is erroneous. Conscience may be vincibly erroneous, that is, vincibly mistaken in judging good for evil

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<sup>18</sup>Ibid., p. 175.

(or vice-versa), if no efforts have been made to ascertain the truth. Or, it may be invincibly erroneous, that is, if it failed to judge good from bad (or vice-versa) even though a diligent and derious effort had been made to reach the objective truth. In the former case, man is held accountable for his action while in the latter he is not. Thus, one has an obligation to make sure whether there is a law applicable to a particular situation and what it commands the moral agento to do. While complete certainty is not possible in such practical matters as morality in comparison with such speculative matters as methematics, still a high degree of probability must be sought.

Now, suppose that it is impossible to ascertain whether a law exists or not at the very moment when the very performance of an act is required, what is the thing to do? Or, supposing that there exists a law but the moral agent is not certain as to what it specifies, what can the agent do?

In Catholic moral theology, three systems of opinions have been set forth to meet the preceding problems. These are probabilism, probabiliorism, and equi-probabilism. which was held by the Jesuits on the basis of the principle that a doubtful law cannot impose a certain obligation, allows an action to be lawful if there is any doubt, however slight, about the existence, inter-

pretation, or application of a law that is supposed to govern it. The tendency of probabilism towards laxism led some Catholic thinkers to criticize and abandon it in favor of probabiliorism. The latter, as defended by the Jansenists and Blaise Pascal, "holds that when in doubt it is lawful to follow the opinion favoring liberty only when it is more probable than the opinion favoring the law." At first, this system grew in popularity, but its rigorism and the almost impossible demand for exactness often led to despair.

Pressed between two extreme moral opinions, the Church needed a middle course. St. Alphonsus Liguori came to the task. He expounded the view that takes into account the truths enshrined in the two extreme opinions while avoiding the weaknesses of both. It is known as equiprobabilism. It teaches the following:

. . . (1) If there is a strict doubt (that is, a doubt in which arguments for both sides are about equal), then freedom is in possession, when the doubt concerns the existence of a law, at least for the individual in doubt. One need not obey.

(2) If there is a strict doubt about the cessation of a law (a doubt whether or not a law that surely bound one still binds), then the law is in possession, and must be fulfilled.

(3) It is not licit to follow an opinion

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<sup>19</sup>R. C. Mortimer, "Probabilism" and "Probabiliorism," Dictionary of Christian Ethics, John Macquarrie, ed. (Philadelphia: Westminster Press, 1967), p. 272.

for liberty, when the opinion for law is certainly more probable. . . .<sup>20</sup>

Jacques Maritain

One of the most influential figures in the contemporary scholastic renaissance is the foremost neo-Thomist, Jacques Maritain. Born and reared in an atmosphere of liberal Protestantism, this avid admirer of the great Henri Bergson turned to the study of the writings of St. Thomas Aquinas upon his conversion to Catholicism through his friendship with the mystical poet Leon Bloy. A layman, he finds in Thomism the principles for his own philosophy of theocentric humanism. He is not, however, satisfied with just being a commentator of the philosophy of St. Thomas or of Aristotle. Rather, he intends to develop further the insights of St. Thomas into a full-blown twentieth century philosophy.<sup>20</sup>

Ethics as Subalternated to Theology. In moral philosophy, Maritain presents a protest against the separation of ethics from theology.<sup>21</sup> This protest is di-

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<sup>20</sup>Francis J. Connel, S.J., "Liguori, St. Alphonsus," Encyclopedia of Morals, Vergilius Ferm, ed. (New York: Philosophical Library, 1956), p. 302.

<sup>21</sup>Joseph W. Evans, "Maritain, Jacques," The Encyclopedia of Philosophy (1967), V, 160-164.

<sup>22</sup>Vernon J. Bourke, Ethics, pp. 8-9.

rected against two tendencies. On the one hand, rationalists would found a moral philosophy without recourse to a higher source of morality--God, Who is the Source of all life. On the other hand, certain moral theologians would found a moral philosophy without regard of theology.

The beginning of the twentieth century saw many manuals on moral theology patterned after the Summa of St. Thomas and the moral theology of St. Alphonsus Liguori. These manuals were indeed of great value in that they provided priests with ready and handy guides in the performance of their duties.

There is, however, one major defect common to all these manuals. This defect is that all ethical living is premised on the stereotyped belief that every situation where moral decision is to be made presents nothing new that demands a new type of response, so that the Christian life is reduced to a mere following of rules which are neatly and systematically "packaged" in the manuals. When an ethical problem arises, all that one needs to do is to consult the manual and, immediately, it presents the answer by pointing to one of the categories of prohibitions. This means the deprivation of the Christian life of the responsibility to see each new situation as a new possibility for an encounter with the living God and to respond to it with new insights derived from the understanding of



what it means to be a Christian. The fault lies in the separation of morality from theology.<sup>23</sup>

There cannot be an autonomous moral philosophy, Maritain maintains. Morality cannot be separated from all other aspects of life, since this life is the creation of God, morality depends on theology for the wisdom of right living. Likewise, all other social sciences cannot be divorced from ethics without sacrificing the whole truth about life. In the words of Maritain:

In the field of practical knowledge, philosophy would not only fail to reach its maturity, but it would even fail to exist as a science, in the precise Aristotelian sense of this word, would fail to exist as (practical) knowledge established in truth in an organic and sufficient manner, unless it recognized the truths of faith.<sup>24</sup>

Natural Law as Real as Human Nature Itself. The demands of man's nature are the principles of natural law. The reality of natural law is guaranteed by human nature itself, as Maritain asserts in what follows:

Belief in human nature and in freedom of the human being, . . . is in itself sufficient to convince us that there is an unwritten law, and to assure us that natural law is something as real in the moral realm as the laws of growth and senescence in the physical.<sup>25</sup>

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<sup>23</sup>Robert H. Dailey, "New Approaches to Moral Theology," Wolfe and Schall, eds., op. cit., pp. 170 ff.

<sup>24</sup>Jacques Maritain, Science and Wisdom (New York: Charles Scribner's Sons, 1940), I, 22.

senescence in the physical.<sup>25</sup>

Man is created with certain ends which are grounded in the very constitution of his being. Such nature is common to all. He writes:

I am taking it for granted that you might admit that there is a human nature, and that this human nature is the same in all men. I am taking it for granted that you also admit that man is a being gifted with intelligence, and who, as such, acts with an understanding of what he is doing, and therefore with power to determine for himself the ends which he pursues.<sup>26a</sup>

. . . Man obviously possesses ends which correspond to his natural constitution and which are the same for all.<sup>26b</sup>

Man's end is the full realization of his potentialities. Since his nature is common to all men, he must achieve his ends in complete regard of the needs of his fellowmen. Moreover, since man's ultimate end is God, morality depends on the grace that God bestows on man. Human nature loses its meaning if it ceases to be seen in the light of the Author of nature. Finally, man's nature is the ground for certain basic rights of man.

How the Knowledge of Natural Law is Attained. In asserting that it is through reason that knowledge of

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<sup>25</sup>J. Maritain, The Rights of Man and Natural Law (New York: Charles Scribner's Sons, 1943), p. 62.

<sup>26a</sup>Ibid., p. 60.

<sup>26b</sup>Ibid., p. 62.

natural law is attained, Maritain stands in the line of Aristotolian-Thomistic tradition. However, he is opposed to the extreme rationalistic versions of natural law which claims that man can easily deduce the rules of conduct from a law implanted in the human mind. Commenting on St. Paul's metaphorical reference to natural law as "a law written in the heart," he writes:

This metaphore itself has been responsible for a great deal of damage, causing natural law to be represented as a ready-made code rolled up within the conscience of each one of us, which each one of us has only to unroll, and of which all men should naturally have an equal knowledge.<sup>27</sup>

The importance of reason in ethics still receives due emphasis in Maritain's thought. Man, he says, is able to pursue his ends through his intelligence. He wrote:

. . . Since man is endowed with intelligence and determines his own ends, it is up to him to put himself in tune with the ends necessarily demanded by his nature.

. . . there is by virtue of human nature, an order or a disposition which human reason can discover and according to which the human will must act in order to attune itself to the necessary ends of the human being.<sup>28</sup>

He declared further:

Natural law deals with the rights and duties which follow from the first principle: 'do good and avoid evil' in a necessary manner, and from the simple fact that man is man,

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<sup>27</sup>Ibid., p. 62.

<sup>28</sup>Ibid., p. 61.

nothing else being taken into account.<sup>29</sup>

However, Maritain does not recoil to show his reservations with regards to the use of reason as a way of knowing morality. He said:

. . . The only reason on which Natural Law depends is Divine Reason . . . .

. . . Human reason does not discover the regulations of Natural Law in an abstract and theoretical manner, as a series of geometrical theorems. Nay more, it does not discover them thru conceptual exercise of the intellect, or by way of rational knowledge.<sup>30</sup>

How, then, does reason attain to know Natural Law? The clue to the answer to this question was suggested by St. Thomas when he concluded that "man has a natural urge to goodness," (De Veritate, 2, 2, 7). Thus, there is, in man, an

. . . obscure, unsystematic, vital knowledge by connaturality or congeniality, in which the intellect, in order to bear judgment, consults and listens to the inner melody that the vibrating strings of abiding tendencies make present in the subject.<sup>31</sup>

This kind of knowledge Maritain calls "the knowledge through inclination."

The knowledge through inclination is a kind of reason, but not the deductive kind. It is "produced in

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<sup>29</sup>J. Maritain, Man and the State (Chicago: The University of Chicago Press, 1951), p. 98, n. 13.

<sup>30</sup>Ibid., p. 89.

<sup>31</sup>Ibid., pp. 91-92.

the intellect but not by virtue of conceptual connection."

For, Uncreated Reason is

. . . at play not only in establishing Natural Law (by the very fact that it creates human nature), but in making Natural Law known, to which human reason listens when it knows Natural Law.

. . . the inclination in question . . . is essentially human, and therefore, reason-permeated inclinations; they are inclinations refracted through the crystal of reason in its unconscious or pre-conscious life.<sup>32</sup>

## II. RENEWAL IN MORAL PHILOSOPHY

### SINCE VATICAN II

One of the achievements of Vatican II (1962-1965) has been the creation of a wholesome climate for a renewal in moral theology in response to the challenge of Pope John XXIII for the up-dating of the Church in the modern world (aggiornamento). No other field needs more attention

In the first place, Vatican II, in its Decree on Priestly Formation (V, 16), has urged the following:

Other theological disciplines should also be renewed by livelier contact with the mystery of Christ and the history of salvation. Special attention needs to be given to the development of moral theology. Its scientific exposition should be more thoroughly nourished by scriptural teaching. It should show the nobility of the Christian voca-

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<sup>32</sup>J. Maritain, "On Knowledge Through Connaturality," The Range of Reason (New York: Charles Scribner's Sons, 1952), pp. 22, 28.

tion of the faithful, and their obligation to bring forth fruit in charity for the life of the world.<sup>33</sup>

Rather than just a judgment of the traditional moral philosophy, this stress given to the need for the development of moral theology is a recognition of the progress which has been made in other scientific disciplines of the Church--biblical, dogmatic and liturgical studies. The need is for a more thorough nourishment by Scriptures of the scientific exposition of moral theology--without necessarily equating moral theology with biblical morality. The purpose is for moral theology to reflect the excellence of the Christian calling as an active response of gratitude to the redeeming grace of God to be expressed in a life of charity for the life of the world.

Secondly, Vatican II has noted that, among the many profound changes in the modern world, there is a transition in contemporary thought from the abstract, static and ahistorical concept of human nature to a concrete, dynamic and historical one. This is pointed out in its Decree on the Pastoral Constitution of the Church in the Modern World (Introductory Statement, 5):

. . . Thus, the human race has passed from a rather static concept of reality to a more dynamic, evolutionary one. In consequence, there has

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<sup>33</sup>The Documents of Vatican II, Walter M. Abbott, S.J., ed. (New York: Association Press, 1966), p. 452.

arisen a new series of problems, a series as important as can be, calling for new efforts of analysis and synthesis.<sup>34</sup>

Renewal in Moral Theology.

Such change in the concept of reality in contemporary thought necessitates a renewal in moral theology. It calls for a dialogue with modern man. Fr. Gorospe has noted that this renewal is now evident in the contemporary treatment of the doctrine of natural law. He writes that the criticism of the traditional natural law doctrine is mounting; however, the "attack is directed not so much against the authentic teaching of St. Thomas or against the rich scholastic thought of the thirteenth or sixteenth centuries as against the eighteenth century rationalistic concept of the natural law."<sup>35</sup>

Change in a Theological Understanding. In other words, there are at least two radically different interpretations of natural law: the static and biologicistic interpretation of the Thomistic doctrine current in the eighteenth century, and the dynamic, evolutionary and personalistic interpretation which is more in accord with the

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

<sup>35</sup>Vitaliano R. Gorospe, S.J., "Humanæ Vitæ and Natural Law," Philippine Studies. XVII (October, 1969), 685.

spirit and intention of St. Thomas because his doctrine has the characteristic flexibility to accommodate modern moral problems.

But why should there be a shift from the static and biologicistic interpretation of natural law to the dynamic and personalistic one? Charles E. Curran has presented two factors responsible for this shift.<sup>36</sup>

The first factor mentioned by Curran is the changing theological and sociological understandings of life in the Church.<sup>37</sup>

As a reaction to the Protestant concept of the Church, Catholic theology, says Curran, was driven to stress the visible aspect of the Church and its authority. This stress is reflected in the emphasis on absolute norms in moral theology.

But, Vatican II has changed such defensive understanding of the Church. In the minds of modern Catholics, the Church is the People of God, rather than a perfect society hierarchically structured and handing down all the answers to all the problems concerning man and his destiny from the top to the bottom. Authority is now spoken of in

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<sup>36</sup>A New Look at Christian Morality (Notre Dame, Indiana: Fides Publishers, Inc., 1968), pp. 99-115.

<sup>37</sup>Ibid., pp. 99-107.



terms of service, and infallibility as something belonging to the Church itself to be exercised by the Roman Pontiff in union with the College of Bishops.

Likewise, law is now regarded as having but only an ancillary function, for the Church looks upon the Holy Spirit, Who dwells in the hearts of the believers, as the primary guiding force in the Christian life. Responsible and creative personal choice is given more importance than conformity. Thus, law is but a means to create the necessary condition within the community so that its constituent members may live under the guidance of the Holy Spirit.

Change in Theological Methodology. The second factor mentioned by Curran is the change in theological methodology from the classicist approach to a more historically conscious approach. Two world views follow from these different methodologies.<sup>38</sup>

A classicist methodology starts with an a priori, abstract, universal concept of human nature and proceeds by deduction to arrive at fixed and unchanging moral principles to be applied to particular concrete situations. As in the Platonic notion of a pre-existing world of ideas, the classicist methodology makes an effort to escape from the accidents of time and spatiality to the

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<sup>38</sup>Ibid., pp. 107-115.

essences of the universal and the immutable, thus making it impossible to accommodate the possibility of change. An excessive rationalism tends to characterize this view; its world-view is a closed system of a pre-arranged structure of relationships. Hence, its morality is rigid, and its natural law concept is biologicistic and static. In short, Christian life is hardly more than a mechanical following of rules.

By contrast, a historical methodology starts with the concrete, the contingent and the personal, and proceeds, on the basis of past experiences and available knowledge, to reflect on the meaning of one's life in a given situation. Meaning gives significance to human life in the world. But, it does not exist like one of the pre-existent immutable forms in some Platonic world; rather, it emerges out of man's advancing knowledge of reality.

According to Fr. Bernard Lonergan, the historical methodology keeps on developing, and, while in this process, it shifts such that it may even go astray but still it is always capable of redemption. It regards rationality as a part of man's life and assigns to it an instrumental role in the interpersonal relationships within the society. Its world-view is an open-system of unlimited possibilities. Its morality is relational, and its concept of natural law is personalistic and dynamic.

On the charge that historical methodology results in a purely subjective ethics, the defenders of the new methodology can immediately point out that their concept of morality is based on reality. Moreover, it maintains a dialogue with scriptures, dogmatics and contemporary philosophy. Hence, it is not purely subjective. Rather, it combines the universal principle of love with human freedom and creativity. Thus, the Christian life is viewed as a life of responsible freedom **that** responds continuously to the demands of the divine love in every situation.

#### Dynamic Theories of Natural Law

Fr. Gorospe, in his article cited above, discerns in the wide spectrum of contemporary ethical views at least three current ethical trends which seek to formulate a dynamic theory of natural law. These are:

. . . the first, towards a more dynamic concept of human nature as the ideal of human existence; the second, towards a personalistic and relational ethics; and third, towards a transcendent ethics.<sup>39</sup>

This statement may serve as an outline followed in the following discussion.

#### Natural Law in Terms of a Dynamic Human Nature.

This view takes into account the views of a number of con-

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<sup>39</sup>Gorospe, op. cit., p. 688.

temporary psychologists who regard the personality of man in terms of the process of becoming. Thus, the noted psychologist Dr. Gordon Allport describes the human personality as an open-system which is always in the process of realizing its potentialities and capabilities, the directions and limits of which are entirely unknown and uncalculable.<sup>40</sup>

In line with this interpretation of the human personality as a constant becoming, a number of Catholic thinkers have evolved a theory of natural law which views human nature as dynamic. One such view, which is described by Fr. Gorospe in his article cited above, is that of Piet Fransen.<sup>41</sup> Fransen points out that whereas in God, nature and person are identical, in man these are distinguishable. By human nature is meant all that is implied in human existence as the framework for the possible realization of all its capabilities as a free rational being with its given fundamental coordinates--self, others, God. It is changeable as it **always** tends to actualize its potentialities. The person, on the other hand, is the source of all human existence which remains the same throughout the

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<sup>40</sup>Gordon G. Allport, Becoming (New York: Yale University Press, 1955)

<sup>41</sup>Piet F. Fransen, "Man and Freedom," Man Before God (New York: P. J. Kennedy and Sons, 1966), pp. 68-89.

development of the human nature. It is defined as the "spontaneous and self-possessing relatedness in love." Thus, to Fransen, natural law refers to the full possibility of every individual person to realize his inherent capabilities within the context of interpersonal relationship which defines the nature of his freedom. Hence, human nature is not a constant in all persons.

A discussion of natural law within the traditional framework is provided by Joseph Fuchs. According to Fuchs, man must be understood in the context of the history of salvation which immediately reveals him to be a creature in God's image, and called to fulfill his supernatural end in history. His being made in God's image is the foundation of his metaphysical nature--that fixed, immutable, absolute aspect of his being which reflects God's wisdom that rules the world which, when participated by man, is called natural law. But, since man's nature is realized only in history with all its varied aspects, natural law is present in the different states of man's historical existence. But, how can the immutable natural law be incarnated in the diverse cultural environments? The answer is that natural law is not a code; rather, it is the basic tendency of one's being to be manifested in the love for God and neighbor as he gropes for the realization of his supernatural end. Consequently, variations in the concrete

historical circumstances lead to changes in the content of the moral obligations of natural law.<sup>42</sup>

Natural Law as the Truth of Interpersonal Relations. Some Catholic writers on natural law emphasize co-existence and intersubjectivity in their treatment of ethics. Using this personalistic approach, they start with the truism, popularized by the poet John Donne, that "no man is an island," and, therefore, man finds the law of his being in the relationship with others. Among those with this emphasis may be mentioned William A. Luijpen, John Macmurray, and others.

Although Luijpen does not hold that phenomenology is the final philosophy, he maintains that it is a complete philosophy in itself since it is a method capable of developing a metaphysics, ethics, and other branches of philosophy.<sup>43</sup> Phenomenologists start with the fact of consciousness and infer from it the existence of an outside world by its doctrine of intention, namely, that consciousness is directed to something other than itself. Through consciousness, one knows that he exists, and from this fact

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<sup>42</sup> Joseph Fuchs, S.J., Natural Law: A Theological Approach (Dublin: Gill and Son, 1969).

<sup>43</sup> William A. Luijpen, Phenomenology of Natural Law (Pittsburgh: Duquesne University Press, 1967), pp. 154-161; 190-193.

he immediately deduces the truth of co-existence. To be human is to exist in relation with others. The truth of living in togetherness is called natural law; its anthropological form is justice. Justice cannot be grasped simply by scientific objectivity of "truth-in-itself-for-somebody," but is implied in the truth of being-with-others. This truth of intersubjectivity is given in behalf of all the members of a given community through the insights of an ethical genius (such as St. Augustine?) who sees what is demanded of human relationships in a given situation. But justice represents only the minor demand arising from human relationship; the maximum demand is that of love. Love is the ideal of justice.

This view that the guiding principle of life is the fact of "being-with-others" finds support in other writings. John Macmurray says that an action which is directed to promote fellowship and human relationship is a morally right action.<sup>44</sup> Enda MacDonagh declares that Christian ethics is essentially designed for the building of a human community characterized by a life of brotherhood based on the Fatherhood of God.<sup>45</sup> Bishop Francis

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<sup>44</sup>John Macmurray, Persons in Relation (London: Faber and Faber, 1961).

<sup>45</sup>Enda MacDonagh, "The Christian Ethic: A Com-

Simons, S.V.D., of India, speaks of natural law in terms of what the consensus (common convictions) of mankind considers to be essential to "the good or welfare of man, in society and individually," and points to love as the essence of it.<sup>46</sup>

In all these attempts at constructing a dynamic theory of ethics, the point of departure is not a set of fixed rules derived from a general and uniform image of man but from the truth that man lives in relation with his fellowman and finds the meaning of his life therein. It emphasizes the need to respond to God's call in every situation and the responsibility to make choices based on the truth of human solidarity.

Natural Law in Transcendent Ethics. One important aspect of the current renewal in moral theology is the attempt to formulate a theory of ethics based on the Transcendental Method. First proposed and utilized by Joseph Maréchal, this method has been further developed by Karl Rahner, Bernard Lonergan, and others.

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munity Ethic," Theology of Renewal, Vol. II (New York: Herder and Herder, 1968), pp. 307-327.

<sup>46</sup>Bishop Francis Simons, "The Catholic Church and the New Morality," Cross Currents, XVI (Fall, 1966), 429-445.



The Transcendental Method was suggested to Maréchal through his critical study of Immanuel Kant and was corrected by him in the light of the synthesis of St. Thomas Aquinas. Said Kant:

. . . I apply the term transcendental to all knowledge which is not so much occupied with objects as with the mode of our cognition of these objects, so far as this mode of cognition is possible a priori.<sup>47</sup>

Kant, however, failed to develop this view to its full implications by the very limits set by him to accommodate Hume's skepticism. But, Maréchal has shown that

. . . the investigation can be pushed further, through the conditioning factors of the sense faculties and of the discursive power to the highest conditioning factor, that of the intellect, viz., being itself.<sup>48</sup>

Taking the suggestion of Maréchal, Rahner developed the method to its logical conclusions. He writes:

. . . We call transcendental that form of knowledge and inquiry which ascertains the metaphysical (apodictic) necessity of a proposition and its content (as contrasted with a proposition which merely affirms a factual situation that could very well exist) by showing that the denial of this proposition explicitly contradicts itself.<sup>49</sup>

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<sup>47</sup>Immanuel Kant, Critique of Pure Reason, A11, tr. J. M. D. Meiklejohn (New York: Colonial Press, 1900), p. 15.

<sup>48</sup>J. B. Lotz, "Transcendental (Kantian)," New Catholic Encyclopedia (1967), XIV, 235-236.

<sup>49</sup>Karl Rahner, S.J., "Transcendence," Concise Theological Dictionary, H. Vorgrimler and K. Rahner, eds.

Likewise, Lonergan, speaking of transcendence to mean a "going beyond," declares that transcendence is the elementary method of raising further questions so as to go beyond the mere reproduction of the content of sensible experience "to its permanent dynamic structure to construct an explicit metaphysics and add the general form of an ethics."<sup>50</sup>

For Lonergan, ethics deals with the three levels of the good--the good as the object of desire, the good of order (such as polity, economy, the family), and the good as value. The good as the object of desire is identified with being through the intelligibility which is intrinsic to it (being), but intelligibility grows with the development of man's knowledge. The good of order is dynamic in the sense that it is a system on the move, that is, it goes along with the progress of human civilization. Value emerges out of one's experience in the process of comprehending by the intellect the good as the object of rational choice, hence it is a matter of understanding, reflecting, deliberating and making choices.

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(New York: Hender-Burns and Oates, 1965), p. 465.

<sup>50</sup>Bernard J. F. Lonergan, S.J., Insight: A Study of Human Understanding (London: Longmans, Green and Company, Limited, 1957), pp. 635-636.

Thus, by finding the root of ethics as well as of metaphysics in the dynamic structures of rational self-consciousness rather than in fixed sentences or in propositions or in judgments, Lonergan succeeds in uniting in ethics the universal--immutable and the concrete--contingent. Speaking of his transcendental method, he writes:

. . . Such a method not only sets forth precepts but also bases them on their real principles, which are not propositions or judgments but existing persons; it not only sets forth correct precepts but also provides a radical criticism for mistaken precepts; it is not content to appeal to logic for the application of precepts, for it can criticize situations as well as subjects and it can invoke dialectical analysis to reveal how situations are to be corrected; finally, because such a method clearly grasps an unchanging dynamic structure immanent in developing subjects that deal with changing situations in correspondingly changing manners, it can steer a sane course between the relativism of mere concreteness and the legalism of remote and static generalities; and it can do so not by good luck nor by vaguely postulating prudence but methodically because it takes its stand on the ever recurrent dynamic generality that is the structure of rational self-consciousness.<sup>51</sup>

By also applying the transcendental method, Rahner affirms the possibility of combining essential ethics with existential ethics. The latter is not to be confused with situation ethics which, as an exaggerated existentialism, denies the necessity of essential norms.

Essential ethics has for its norm the natural moral

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<sup>51</sup>Ibid., p. 604.

law, which is "derived from the recognizable, permanent, metaphysical nature of man which remains the same throughout all historical change and which is presupposed in scripture."<sup>52</sup> By man's metaphysical nature is meant

. . . those structures of his being which he implicitly reaffirms (by setting them in operation) even when he denies them--his true spirituality, his freedom, his orientation to the mystery of God, his historicity, his masculinity or feminity, his social being, etc. . . .<sup>53</sup>

But, "insofar as man's moral behaviour is not merely an 'instance' of a general, essential moral norm but the realization of himself in his unique individuality," existential ethics must exist to complement, but not to substitute essential ethics.<sup>54</sup> Such ethics allows for man's freedom to respond in his own personal way to God's demands in the concrete situation. Thus, natural moral law is not necessarily a set of norms to be followed but the structure of his being which inclines him to act in such a way as to realize God's plan for his being.

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<sup>52</sup>K. Rahner, "Situation Ethics," Concise Theological Dictionary, p. 438.

<sup>53</sup>K. Rahner, "Natural Moral Law," Concise Theological Dictionary, pp. 305-306.

<sup>54</sup>K. Rahner, "Existential Ethics, Personal Ethics," Concise Theological Dictionary, p. 160.

## CONCLUSION

In Catholic moral philosophy, the doctrine of natural law occupies an important place. Thanks to the genius of St. Thomas Aquinas, this doctrine has become a synthesis of the best insights of secular as well as religious thinkers of different temperaments and persuasions, particularly, Aristotle and St. Augustine.

As formulated by St. Thomas Aquinas, this doctrine embodies invaluable insights.

In the first place, it takes into account the metaphysics of Aristotle. This metaphysics is realistic in that it represents the scientific temper of Aristotle and the logical idealism of Plato. It conceives the whole of reality as being pervaded with a purpose, so that being and good are conceived as one. This conception of the universe as purposive has been the backbone of the ever-recurring philosophy and still commands respect as the most logical and scientific view of the world.

In the second place, it incorporates the best elements of the Stoic teachings. The Stoics stressed the importance of reason as a common possession of all men and as a means of arriving at the true norm of morality. Influenced by Stoicism, the Roman thinkers made natural law the basis of their concept of justice the principles of

which must be constantly adapted to the varying conditions of men in various circumstances.

Thirdly, it takes seriously the Christian tradition, especially as it was expounded by St. Augustine. To St. Thomas' mind, the Christian faith does not supplant natural law, but rather perfects nature, so that natural law becomes more effective. The principle of this law, from which reason may deduce more specific precepts, has been stated as follows: "Do good and avoid evil."

There are two insights of St. Thomas which this writer feels have not been adequately recognized in the traditional exposition of the doctrine. First, natural law is basically a hierarchy of inclinations and tendencies in man. Since these inclinations and tendencies are not of the same level, the higher ones must take precedence over the lower. Thus, the inclinations of the reason, being higher because they are peculiar to man as man, are more binding than those inclinations which man has in common with other animals--such as the perpetuation of the species. Reason inclines man to have fellowship with God and man. This means that the Law of Love is the highest norm for morality. The second insight of St. Thomas concerns the concept of circumstance. To St. Thomas, every human act must be understood in the light of the circumstances surrounding it, for "the circumstance does specify the

act." Hence, morality is situational as well as normative.

After St. Thomas Aquinas, the doctrine of natural law received further enrichment. Thus, Francisco Suarez urged Christians to take seriously the importance of the will in the achievement of virtues. St. Alphonsus Liguori affirmed that Christians must always act according to their conscience, but that every Christian has the obligation to ascertain the truth and to clear all doubts to the best of his ability. Finally, Jacques Maritain has pointed out that natural law is best known through instinctive awareness of man's basic inclinations and that man needs the divine assistance in understanding the meaning of natural law and in applying it to concrete situations.

Contemporary Catholic moral philosophers are concerned to carry out the expressed intention of Vatican II to give special attention to the development of Christian ethics. It emphasizes that Christian ethics must be a free and grateful response of the faithful believer to the redeeming activity of the divine love at work in the world.

Far from dismissing the whole concept of natural law, modern Catholic thinkers are concerned to invigorate the doctrine, free it of objectionable interpretations, and integrate it into the dynamic character of the Christian faith. Consequently, the present exposition of natural law emphasizes the developing, changing and historical as-

pect of human nature, the personal and intersubjective understanding of natural law, and the dialectical relation between human freedom and contingent circumstances on the one hand and the basic inherent inclinations common to all men on the other hand.

Thus, in Catholic ethics, "there is an increasing tendency to approach natural law more as a thought structure than as a normative content," and to regard its basic assertion to be: "man's obligation is founded on man's being." It emphasizes rational creativity in human conduct and recognizes formal rather than material norms as universally valid principles of natural law.<sup>55</sup>

Finally, there are three reasons advanced by Bruno Schiller for regarding natural law as important for theology. These are: (1) natural law is a reality recognized in the Scriptures; (2) the moral concepts implied in natural law form the only possible medium through which the law of Christ is revealed to man; and, (3) natural law reasoning is the only basis on which one can determine whether a revealed duty is transtemporal or time-conditioned.<sup>56</sup>

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<sup>55</sup>Robert A. McCormick, S.J., "Notes on Moral Theology," Theological Studies, XXVIII (December, 1967), 768.

<sup>56</sup>ibid., pp. 760-761.



## CHAPTER IV

### PROTESTANT ETHICS AND NATURAL LAW

The revival of natural law thinking in the present century has aroused a profound interest among Protestant thinkers. There are strong reasons for this interest.

First, the universal quest for an order of being as the basis of justice is becoming more urgent these days. This urgency was already evident in the eighth century, B.C. Hesiod, expressing the sentiments of peasants who were deprived of their means of livelihood by corrupt officials, pointed to a universal law ordained by Zeus to punish violence and to reward rectitude. He wrote:

. . . The better path is to go by on the other side towards justice; for Justice beats Outrage when she comes at last to the end of the race. . . .<sup>1</sup>

Likewise, it was to "the unwritten laws, eternal in the heavens" that Antigone, in a play written by Sophocles (442 B.C.), appealed when defying the edict of king Creon in order to give her brother the forbidden proper burial.<sup>2</sup>

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<sup>1</sup>Works and Days, lines 216 ff., tr. Hugh G. Evelyn-White, Greek Literature in Translation, Whitney J. Oates and Charles T. Murphy, eds. (New York: Longmans, Green and Company, 1944), p. 887.

<sup>2</sup>Antigone, lines 450 ff., tr. Sir Richard C. Jebb, *ibid.*, p. 283.

The same appeal has been made in modern times, particularly in connection with the trial of the major war criminals at Nuremberg shortly after the second world war. Here the urgency of the problem was posed in two respects. First, over against the laws and commands of the Nazis enforced during the war (e.g., the massacre of the Jews and the shooting of hostages), the prosecution pointed to a general standard of behaviour, grounded in the order of nature, known through reason and binding upon all men. Second, against those who criticized the trial on the ground that "there can be no punishment where there is no law," the prosecution argued that the basic laws of the cosmos, though unwritten, have always been in force.<sup>3</sup>

Secondly, the ecumenical movement has brought Protestantism and the Catholic Church closer to each other. While the leaders of both communions have always insisted that ecumenism does not mean sacrificing the truth as each side sees it, they agree that there is a need for a serious re-thinking of each other's positions and views.

One of the basic teachings of the Catholic Church concerns natural law. The importance of this doctrine in Catholic ethics is evident in the following words of the

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<sup>33</sup> Helmut Thielicke, Theological Ethics: Foundations, Vol. I, tr. William A. Lazareth (Philadelphia: Fortress Press, 1966), pp. 384-385.

Holy Father:

Before all else, it is certain that the radical and ultimate cause of the evils which We deplore in modern society is the denial and rejection of a universal norm of morality as well as for individual and social life as for international relations; We mean the disregard, so common nowadays, or the forgetfulness, of the natural law itself, which has its foundations in God . . . .<sup>4</sup>

Thus, although many Protestant thinkers are of the opinion that the doctrine of natural law cannot be made central in Protestant ethics, they feel that it may well enrich Christian ethics as conceived by Protestants. Hence, it is important to raise the question: What is the significance of natural law in Protestant ethics? To answer this question, the writer surveys the foundations and character of Protestant ethics in general and the various attempts of Protestant ethicists to incorporate the doctrine of natural law into their systems.

#### I. THE BASIS OF PROTESTANT ETHICS

Protestantism--which, according to its adherents, derives its name from the Latin pro-testari, that is, "to declare publicly"--exults in proclaiming the salvation which God has accomplished for all mankind through Jesus

<sup>4</sup>Pope Pius XII, Humani generis, The Papal Encyclical in the Historical Context, a Mentor Book (New York: New American Library, 1953), p. 264.

Christ. This emphasis on God's saving act in history has led Protestantism to insist consciously or unconsciously that the Christian style of life in the world must grow out of man's relationship with God. Thus, any serious reflection on the rightness or wrongness of an act must start from the nature of the Christian religion itself. As one writer puts it:

. . . Protestantism has typically, in theory at least, founded ethics upon faith rather than upon natural virtues on the one hand, as with secular ethics, or upon love on the other, as with Catholicism.<sup>5</sup>

But what is the nature of the Christian religion, according to Protestantism? The answer may be found in Paul's description of the Christian life in terms of faith, hope and love. For instance, he wrote that Christians are those who bear "one another in love," being "called in one hope of your calling," and having "faith . . . in one God and Father of all, who is above all, and through all, and in you all" (Eph. 4:1-6).<sup>6</sup> These three realities--faith, hope and love--are basic ingredients in the great affirmations of Christianity. In turn, these affirmations

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<sup>5</sup>James Sellers, Theological Ethics (New York: The Macmillan Company, 1966), p. 13.

<sup>6</sup>Revised Standard Version (1946). Underlining supplied. All biblical citations in this chapter are taken from this version.

provide the basis for ethical decisions.

### Faith in the Living God

The most basic affirmation of the Christian religion is an expression of faith in the living God. God is known as the living One because He does not wait to be discovered by man through reasoning but steps right into human history as the great "I am" (Exo. 3:14), calling people to serve Him and empowering everyone who responds by becoming the bearer of His redemptive holy love in history.

Although not all Protestants subscribe to the Apostles' Creed, the majority go with Catholics and members of Eastern Orthodox Churches in reciting the words:

I believe in God the Father Almighty, Maker of heaven and earth. . . . And in Jesus Christ, His Son our Lord, . . . . I believe in the Holy Spirit, in the catholic church, . . . .

In the words, "I believe . . . ," the Creed describes the relation of the Christian to God as that of an active trust in a person, that is, the giving of the total self--heart, mind and will--to the living God.<sup>7</sup> To say, "I believe," does not simply mean that I accept certain propositions to be true, but rather to say to someone, "I yield myself to you." Faith, in other words, means to sur-

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<sup>7</sup>Karl Barth, Dogmatics in Outline, tr. G. T. Thompson (New York: Philosophical Library, 1949), p. 18.

render, or to commit one's self to another. It means a meeting with God, Who alone is the proper object of man's trust.

The creed affirms two important doctrines about God; namely, that He is the Creator of all, and that He has made Himself known in history as the Father Almighty through His Son Jesus Christ in the power of the Holy Spirit.

God the Creator. From the Hebrews, the Christians have learned the unique doctrine of God as the Creator of all. The doctrine of Creation is not intended as answer to the scientific or philosophical question of how the world came into being--concerning which diverse opinions exist among Christians who are experts in the natural sciences.

The doctrine of Creation is rather an affirmation of faith concerning the relation between God and the world. In this doctrine, faith expresses the infinite superiority of God to nature, His complete independence from anything outside of Himself and the eternal dependence of the world on Him for its existence and sustenance, and its suitability or adaptability to God's eternal purpose as revealed in Christ.<sup>8</sup> As someone aptly puts it, "God minus the world

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<sup>8</sup>Walter Marshall Horton, Christian Theology: An Ecumenical Approach (New York: Harper and Brothers, 1958), p. 118.

equals God; the world minus God equals nothing."

God is one, all others are His creation, for they depend on Him: He is the source of order, values and meaning which may be discerned in the universe by faith. He acts. He guides all processes of history to bring good out of evil; he calls all peoples into covenant relationship with Him, judges the wrong-doers and redeems all who put their trust in Him.

The Trinity. There is a Christian consensus that the life and teachings of Jesus Christ have opened up a fresh understanding of God as is now embodied in the doctrine of the Trinity. In theological parlance, it points to the mystery of God in His oneness. It says that God is the One to whom Jesus Christ referred as the Creative Source of all that exists and is, the same One Who communicates Himself and meets man in Jesus Christ, and still the same "One who seizes and possesses man so that he is able to receive and participate in revelation and reconciliation."<sup>9</sup> Thus, this doctrine implies certain distinctions within the Divine Being Itself corresponding to the various modes (ways) of God's existence and operations.

<sup>9</sup>Claude Welch, "The Holy Spirit and the Trinity," Theology Today, VIII (April, 1951), p. 36.

It is certain that much confusion has resulted from the failure of Christians to clarify the language of the doctrine, "One God in three persons." To avoid this confusion, it is necessary to see how such language came to be used. In the third century B.C., Tertullian introduced the term "trinity" (for "tri-unity") to emphasize the unity of God's being; also, he introduced the term "person," which in his time meant the masque worn by an actor in a play to impersonate a character or a role, to represent each of the "three characteristic expressions of the divine in the process of self-explication."<sup>10</sup>

Today, there is a growing concern among theologians to preserve the original meaning of the language used of the trinity. Thus, Protestant theologian Karl Barth, having noted how the meaning of the term "person" has changed from its original designation of a masque to that of an individual consciousness, has proposed to replace the term "person" in favor of the term "mode of being."<sup>11</sup> Likewise, the Roman Catholic theologian Abbé Penido has urged that a distinction be made between two different concepts of personality: the psychological personality which

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<sup>10</sup>Paul Tillich, A History of Christian Thought (London: Student Christian Movement Press, Ltd., 1968), pp. 46-47.

<sup>11</sup>Barth, op. cit., p. 42.



implies "a personal center of consciousness" and the onto-  
logical personality which refers to "a mode of existence."  
It is the latter, he insists, which became the basis of  
the trinitarian analogy in the Thomistic synthesis.<sup>12</sup>

It will be remembered that in his analogy of the  
trinity, St. Thomas affirms the unity of God even while ex-  
plaining the generation of the Son from the Father and the  
procession of the Holy Spirit from the Father and the Son.  
He said that God eternally produces an Image of Himself  
through the activity of His intellect, and then unites Him-  
self with that Image in love through the activity of His  
Will.<sup>13</sup> Using this analogy as the basis, neo-Hegelianism  
re-interprets the trinity in terms of the "movements" of  
Being. (By being is meant, after<sup>the fashion of</sup> the neo-Hegelian Heideg-  
ger, the power to structure, to hold together and to order  
which manifests itself in everything that comes to exist).  
Thus, the Father is God as He is in Himself, the Primordial  
Being in whom Being is not yet differentiated from Nothing,  
the mysterious Source and Ground of all that exists and is  
possible; the Son is God expressing Himself as the intel-  
ligible structure and purpose pervading throughout the

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<sup>12</sup>Claude Welch, In This Name (New York: Charles  
Scribner's Sons, 1952), pp. 110 ff.

<sup>13</sup>St. Thomas Aquinas, Summa Theologica, I, q. 27.

universe, the Logos, flowing out of the Primordial Being; and, the Holy Spirit is the power that unites all beings and transcends diversity, hence, it is Love at work in the whole world.<sup>14</sup>

Of course, no analogy can ever exhaust the inexplicable greatness of God. As St. Augustine said, we speak of "God in three persons" not in order to explain, but in order not to be silent<sup>15</sup> about, the mystery of the divine love. For, the doctrine of the trinity points to the Christian conviction that it is God Himself Who meets man in Jesus Christ and that it is God Himself Who comes to man in the power of the Holy Spirit.

. . . The mystery of God is not a mystery of isolation but of fellowship, creativity, knowledge, love, outpouring and receiving, and that is why we are what we are. Human life is the possibility of cooperating with what God is: Love.<sup>16</sup>

In the final analysis, the doctrine of the Trinity points to the conviction that it is no other than Love Divine that came down at Christmas.

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<sup>14</sup>John Macquarrie, Principles of Christian Theology (New York: Charles Scribner's Sons, 1966), pp. 174-185.

<sup>15</sup>St. Augustine, De Trinitate, V, 9, 10.

<sup>16</sup>The Bishops of the Netherlands, A New Catechism: A Catholic Faith for Adults (New York: Herder and Herder, 1967), p. 501.

Christ as the Revelation of the Divine Love

That which distinguishes the Christian from others who also believe in God is his second great affirmation, namely, that Jesus Christ is the full revelation of the divine love. Although the records of the life of Jesus Christ, the Gospels, are not free from historical uncertainties that characterize anything participated by man, there is more than enough in these human writings to indicate the genuine historicity of the man, his character, his message and his death. Thus, a Jewish scholar has described him as "a man of remarkable insight," who "spoke with authority."<sup>17</sup>

In general, biblical scholarship has shown that what is radical and unique about the teachings of Jesus Christ is that rare combination of an uncompromisingly high ethical demand with the emphasis on the ever-forgiving love of God. He said: "Be ye perfect, even as your Father in heaven is perfect" (Mt. 5:48). Also, he said: "Love your enemies, . . . and ye shall be children of the Highest: for he is kind unto the unthankful and to the evil" (Mt. 5:44). He pictures God as the shepherd who searches out the lost sheep, as the woman who rejoices upon re-

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<sup>17</sup>Hugh J. Schonfield, The Authentic New Testament (New York: The New American Library of World Literature, 1958), p. xvi.

covering her lost coin, and as the father who intensely longs for, and finds joy in forgiving, his wayward, erring son (Lk. 15:11-32).

The genius of Jesus as a teacher is shown in his ability to distinguish the central from the peripheral elements in religion, to discern the essential from the non-essential requirements in morality, and to present profound truths in simple stories about things, events and persons familiar to his listeners. Eventually, he came into conflict with the religious authorities of his country for his insistence that human need precedes the requirements of the law. "The sabbath," he said, "was made for man, and not man for the sabbath" (Mk. 2:27, 28). He denounced the religious leaders of his day as hypocrites for setting aside the weightier matters of the law: justice, mercy and faith (Mt. 23:23). He said that he came to fulfill the law, yet he disregarded outright some of the Jewish commandments which did not express what he knew to be the essence of the divine fatherhood, which is sovereign love, as when he told his disciples to love their enemies rather than to hate them as Moses had commanded them.

The most remarkable thing about Jesus' life which made him the perfect combination that he is of strength and gentleness as well as of the sensitivity to the needs of others and the ability to meet all of the difficulties of

life was his unswerving trust in the God of mercy. Not only did he constantly pray to God in the most intimate relationship, he also taught people to trust God **in** all their problems in life. He said: "If ye who are evil, give good gifts to your children, how much more will your heavenly Father give the Holy Spirit to anyone who asks?" (Lk. 11:13). He was always filled with compassion for everyone he met, and greatly enjoyed the company of the rich as well as the wretched, the old as well as the young, friends as well as strangers and sinners.

Here, then, is genuine humanity--a humanity which, because it knows and willingly accepts its own limitations, because it has learned to struggle to trust God, and because it has opened up and surrendered itself completely to God, it has become for mankind the effective instrument for the manifestation of the redeeming love of God. Here is the true Image of God, the true reflection of the divine righteousness, creativity and holy love. Thus, it is in and through him that God has spoken fully and completely to man of His wonderful pardon and abiding love. In the words of an imminent Catholic theologian:

Anyone who contemplating Jesus, his cross and death, really believes that the living God has spoken to man the final, decisive, irrevocable word that delivers him from all bondage to the existential categories of his imprisoned, sinful, death-doomed existence, believes in the reality of the Jesus of the Christian faith, believes in the incarnation of

God's Word, whether or not he realizes the fact.<sup>18</sup>

The Kingdom of God as the Christian Hope

A life of love which is nourished by faith looks confidently through the unknown future to the ultimate victory of God in Christ. This is the Christian hope implied in the earliest Christian confession quoted by St. Paul, "Jesus Christ is Lord to the glory of God the Father" (Phil. 2:10-11). Christians express and share this hope whenever they pray, "Our Father, who art in heaven, hallowed be thy name. Thy kingdom come, thy will be done on earth, as it is in heaven. . . ."

What is this kingdom of God? As implied in the words of the Lord's Prayer, it is no other than the reign of the Divine Will. Its coming means the restoration of the whole world to

. . . its original state of harmony with the Divine Will and the end of illness, pain, possession by demons, crime, injustice, human selfishness--the whole involvement with the power of sin, Satan, and death.<sup>19</sup>

Whereas John the Baptist dreaded its coming because he

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<sup>18</sup>Karl Rahner, "Jesus Christ," Concise Theological Dictionary, Karl Rahner and Herbert Vorgrimler, eds. (New York: Herder-Burns and Oates, 1965), pp. 238-242.

<sup>19</sup>Frederick C. Grant, "His Familiar and Welcome Message," Life, 57:110-111, December 25, 1964.

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regarded it as a divine judgment upon all kinds of sin which have infected all mankind, Jesus welcomed it not just as a judgment but also, and more, as the good news for man. He knew very well that the kingdom of God is not the rule of a stern monarch but of a loving Father who searches out for, and seeks to restore into fellowship with Him, everyone of His lost children.

That Jesus saw God's rule as already breaking into the world of men by his proclamation of the divine forgiveness and works of healing is evident in the joy and confidence with which he spoke of the kingdom. He said: "If I with the finger of God cast out devils, no doubt the kingdom of God is come upon you" (Lk. 11:20). However, its final consummation is still to be awaited with great expectation, hence Christians are enjoined to pray for its coming. Its coming rests entirely on God's initiative; since, as Jesus said: "It is the Father's good pleasure to give you the kingdom" (Lk. 12:32). Entrance into it requires the human response of a complete change of orientation from self-centeredness to God-centeredness (repentance) through acceptance of God's forgiveness (faith).

Christians of every generation believe that the Church stands in a unique relation to the Kingdom of God. Not because the Church can be identified outright with the Kingdom of God on earth, but because the Church

is in reality "the sign which signifies and realizes God's Lordship as it makes men one with each other."<sup>20</sup> As the sign of the kingdom, the Church experiences the reign of God now while it also awaits for its coming. Since the Church experiences the gift of salvation now, which is already the foretaste of the life of the kingdom of God, it seeks to transform society. It works for peace, fights poverty and disease, seeks to eliminate ignorance and promotes good will among the people. Through all these, the Church proclaims the Reign of God.

## II. LUTHER AND CALVIN ON THE RELATION OF LAW AND GOSPEL

Martin Luther and John Calvin were primarily theologians and students of the Word of God rather than moral philosophers. They were not interested in determining or finding the norms of conduct by the aid of reason alone, as moral philosophers do. Their task, as they conceived it, was to rediscover the meaning of faith for their times and to proclaim the Word of God as they encountered It in the course of their meditations and study of Holy Scriptures.

However, the concern for the application of the Gospel of Christ to daily life led the great Protestant

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<sup>20</sup>A New Catechism: Cath. Faith for Adults, p. 144.



reformers to give considerable thought to what it means to be a true believer of Jesus Christ in the world. As a result, they wrestled with what they considered the two most important topics for ethics, namely, Gospel and Law.<sup>21</sup> At the fore of their mind were such questions as: What has the gospel to do with the conduct of life here and now? What is the place of law in the life of the Christians?

Luther and Calvin differed considerably in their temperaments and ways of expressing their convictions. Luther was impulsive and a man of strong contrasts: "melancholic and jovial; superstitious and critical; humble and proud; charitable and intolerant";<sup>22</sup> whereas, Calvin was sober and consistent. They also differed in their modes of expressing their convictions, for Luther did not care for system and consistency, while Calvin endeavored to write systematically and lucidly even to the extent of becoming dry at times. Yet, in spite of their differences, they agreed on accepting the same authority and methods of pursuing truth.

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<sup>21</sup>Martin Luther, Commentary on Galatians, 2:13-14, tr. T. Graebner (Grand Rapids: Zondervan Publishing House, 1944).

<sup>22</sup>Virgilius Ferm, ed., Classics of Protestantism (New York: Philosophical Library, 1959), p. 39.

The Basis for Theological Thinking

Luther and Calvin set the direction of all subsequent Protestant thinking by their emphasis on two concepts, namely, justification by faith and the authority of the Word of God in the Holy Scriptures. Although in Protestant orthodoxy, they have been treated separately in such a way that the Scriptures has become its real authority, in the minds of the Protestant reformers these two concepts were necessarily inseparable from, and interdependent of, each other.<sup>23</sup> The interlocking of these emphases in the minds of the reformers provided the solid basis for their thought.

Justification by Faith. At the core of all reformation theology and that which makes it distinctive is the doctrine which is represented by the slogan, "justification by faith." For Protestantism, this doctrine stands for a religious experience which is characterized by a profound sense of God's justice and man's total helplessness to make himself appear morally good before a truly just God and by an acknowledgement that in Christ God has forgiven man--not on the basis of any merit on the part of man but simply out of sheer mercy on the part of God. Con-

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<sup>23</sup>Tillich, op. cit., p. 280.

contemplating on the "justice of God," Luther wrote:

My situation was that, although an impeccable monk, I stood before God as a sinner troubled in conscience, and I had no confidence that my merit would assuage him. . . . Night and day I pondered until I saw the connection between the justice of God and the statement "the just shall live by faith" (Rom. 1:16-17). Then I grasped that the justice of God is that righteousness by which through grace and sheer mercy God justifies us through faith.<sup>24</sup>

This conviction of Luther, which also Calvin held, of the total depravity of man has been wrongly interpreted to mean what it was not intended by the reformers to mean, that is, that man is totally incapable of doing anything good.<sup>25</sup> Rather, they meant by it only that all aspects of man's life are subject to corruption and tend to be distorted because his whole being has been enslaved by sin-- or, to use a popular term in psychology, man is estranged from himself. Hence, although man is capable of doing "good works" in the eyes of men, these so-called "good works" still fall short terribly of the requirements of God when measured up against the standard of the divine righteousness. Thus, it seems that he who takes seriously the righteousness of God, as Luther did, would have to speak of the total depravity of man.

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<sup>24</sup>Quoted by Roland H. Bainton in Here I Stand (Nashville: Abingdon-Cokesbury Press, 1953), p. 65.

<sup>25</sup>Tillich, op. cit., p. 245.

Sin, then, is not just what man does but what he is in actuality--a state of alienation from the ground of his being by refusing to acknowledge God as the master of all life and setting up one's self as his own god. To the reformers, it is not just a passive state but an act of rebellion.<sup>26</sup> It manifests itself as self-centeredness and selfishness in man tainting all his achievements. It is a state for which man is wholly responsible, for it is clearly the result of the misuse of his God-given freedom. Although theologians speak of the natural appetites, social evils, and anxiety as occasions for sin, they insist that its origin is a mystery.<sup>27</sup> The only antidote to sin is faith. By faith is meant not simply the acceptance of certain propositions as true. It is rather an active relationship with God which is characterized by a reliance on the promise and trustworthiness of God and by an experience of God's mercy.

The Authority of the Scriptures. The reformers maintained that the Scriptures contains all that man needs

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<sup>26</sup>Thielicke, op. cit., pp. 279-281.

<sup>27</sup>George F. Thomas, Christian Ethics and Moral Philosophy (New York: Charles Scribner's Sons, 1955), p. 175.

to know about God and the way of salvation; hence, it is the Word of God. But, in speaking of the Bible as the Word of God, the reformers did not intend to equate the words of the Bible with the Word of God. They meant instead that the Bible is the locus (place) where God is to be encountered as the One speaking of His holy love to man. The Word of God is the divine reality which the Holy Scriptures proclaim, namely, "the judging, forgiving presence of God in Christ."<sup>28</sup> Christ is Himself the Word of God.

As the living Word of God to man, Jesus Christ is the Christian's only Lord. The Lordship of Christ is the basis of the so-called "Protestant Principle," which embodies the spirit of prophetic criticism and creative protest in the name of Christ the Lord; hence, it "requires the rejection of every human claim to finality and absoluteness"<sup>29</sup>--including such religious claims as the infallibility of the Scriptures or of the Church and the secular claim that man, by the aid of his reason alone, can attain on earth a life of perfect peace, contentment and happiness.

If God in Christ is the absolute authority, what then is the role of the Scriptures? For Luther and Calvin,

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<sup>28</sup>John Dillenberger and Claude Welch, Protestant Christianity (Charles Scribner's Sons, 1955), p. 35.

<sup>29</sup>Ibid., p. 313.

the Scriptures is a witness--the supreme witness--to Jesus Christ. Its authority for Luther lies in its power to present Christ as the embodiment of God's redemptive work. He said that the Bible is the "earthen vessel" and Jesus Christ is the "treasure" in it; or, that the Bible is to Jesus Christ as the cradle is to the baby. For Calvin, the authority of the Bible lies in the fact that through it the Holy Spirit is testifying to the human spirit of the reality and power of the redemptive work of God as witnessed to by the message of the Bible. For him, then, the Bible is the instrument of the Holy Spirit.<sup>30</sup>

#### Luther on the Ethic of Responsible Freedom

In his great treatise on ethics, Luther lays down two principles for the Christian style of life:

A Christian is a perfectly free lord of all, subject to none. A Christian is a perfectly dutiful servant of all, subject to all.<sup>31</sup>

The first axiom is a declaration of the fact that a Christian is one who has attained new freedom through faith in Christ; that is, the freedom from the constraint of the

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<sup>30</sup>William Niesel, Reformed Symbolics, tr. D. Lewis (Edinburgh: Oliver and Boyd, 1962), pp. 225-231.

<sup>31</sup>Martin Luther, The Freedom of a Christian, tr. W. A. Lambert and Harold J. Grimm, Selected Writings, 1520-1525 (Philadelphia: Fortress Press, 1967), p. 20.

law due to the fear of its penalties felt by anyone who seeks to justify himself by the law. The second axiom defines the new freedom not as a license to disobey the law but as the motivation for service; that is, it is responsible freedom because he who trusts in God's mercy is in the position to help his neighbor freely and naturally.

Thus, the emphasis on justification "by faith alone, without works" does not annul the importance of good works for Luther. He was not against good works, but only the idea that salvation can be obtained by good works. He held that good works simply follow from faith as the manifestation of the Christian vocation. The vocation of the Christian is to serve Christ. It consists of any kind of honest and constructive work in the community carried on with confidence in God and constant reliance on God's forgiveness.<sup>32</sup>

In the light of this new understanding of the Christian vocation, Luther abolished the medieval distinction between "sacred" and "secular" vocations--or, between a cloistered life devoted only to fasting, prayer, and meditations on the one hand and a life devoted to raising a family and earning a living through honest

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<sup>32</sup>Martin Luther, Treatise on Good Works, tr. W. A. Lambert and James Atkinson, Selected Writings, 1517-1520 (Philadelphia: Fortress Press, 1967), pp. 106 ff.

manual labor or any kind, such as mending shoes in the shop or doing the usual chores at home.

Luther describes the Christian life in terms of a grateful and free response to the divine love revealed in Christ. This response takes the form of love for the neighbor. Thus,

Behold, from faith thus flow forth love and joy in the Lord, and from love a joyful, willing and free mind that serves one's neighbor willingly and takes no account of gratitude or ingratitude, of praise or blame, or gain or loss. . . .

As our heavenly Father has in Christ freely come to our aid, we also ought freely to help our neighbor through our body and its works, and each one should become as it were a Christ to the other, that we may be Christs to one another and Christ may be the same in all. . . .

We conclude, therefore, that a Christian lives not in himself, but in Christ and his neighbor. He lives in Christ through faith, in his neighbor through love; by faith he is caught up beyond himself into God; by love he sinks down beneath himself into his neighbor.<sup>33</sup>

As Luther has expressed above, the nature of the Christian love is patterned after that of God's love for man. But, the works of the divine love are of two kinds: there is the "proper work" which consists of mercy, helpfulness and forgiveness, and there is the "strange" work which is manifested in the compulsory power of the state

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<sup>33</sup>The Freedom of the Christian, in Selected Writings, 1520-1525, pp. 43-47, 47.



or of the hardness of the law.<sup>34</sup> However, the strange work of love is not really in conflict with, but rather a part of, the mysterious working of the divine love in the world. Did not the Scriptures say, "The Lord reproves him whom he loves, as a father the son in whom he delights, as Proverbs 3:12 says?

Thus, like the divine love, the Christian's love for the neighbor is not self-serving but self-giving.

Luther wrote:

I understand . . . that self-love is not commanded but only love toward the neighbor. . . . It will be a right kind of love when a man forgets all about himself and serves his neighbor. This is proved by the members of the body wherein each one serves the others by his own risk (disregarding the risk). For the hand fights for the head and receives cuts for its trouble. The foot treads in mud and water to serve the body.<sup>35</sup>

Convinced that love is the way God works, Luther came to affirm that love is the directing force in the life of the Christian, for which reason he does not need the law to regulate his behaviour. Love, not the law, is the proper guide of the Christian in his conduct. He said:

When a husband and a wife really love one another, have pleasure in each other, and thoroughly believe in their love, who teaches them how they are

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<sup>34</sup>Tillich, op. cit., p. 255.

<sup>35</sup>Luther's additional comment on Galatians 5:14 in his Commentary on Galatians, cited by Donald Zieske, Love for the Neighbor in Luther's Theology (Minneapolis: Augsburg Publishing House, 1956), p. 51.

to behave one to another, what they are to do or not to do, say or not to say, what they are to think? Confidence alone teaches them all this, and even more than is necessary. . . .<sup>36</sup>

You do not need any book of instruction to teach you how to love your neighbor. All you have to do is to look into your heart, and it will tell you how you ought to love your neighbor.<sup>37</sup>

Love enables the Christian to fulfill the law of God, which is also the law of nature. Natural law, for Luther, is God's purpose for human life implanted in man's whole being as the unity of the rational, desiring and striving powers. Sin has set these various powers in man in opposition to each other, resulting in man's incapability to will the good. However, the divine forgiveness makes man whole again and enables him to fulfill the law of God through the sheer inclination to love the neighbor which is inspired by faith in God through Christ. Thus,

It is natural to honor God, not to steal, not to break up a marriage, not to give false witness, not to kill, and what Moses commanded is not new. . . . I now keep the commandments, not because God commanded them, but because they are implanted in me by nature, and Moses coincides with nature.<sup>38</sup>

The great problem for Luther was: What, then, is the use of the law for Christians? The law was given by

<sup>36</sup>Treatise on Good Works, Selected Writings, p. 109. 1517-1520, p. 109.

<sup>37</sup>Commentary on Galatians, tr. T. Graebner, p. 245.

<sup>38</sup>quoted, Ziemke, op. cit., p. 77.

God to prepare men for Christ, Luther said. The Jews had different kinds of law, because God was preparing them for the coming of Christ. They had the ceremonial laws, such as the prohibition to eat certain kinds of food; the various economic and social legislations, such as that grains must be left in the corners of the fields for the poor to glean; and, the moral laws, such as the Decalogue (which is also Moses' re-statement of natural law). The ceremonial and civil laws were especially designed for the Jews alone, hence they are relative to the time and place they were given; whereas, the moral laws were intended for all people at any time.

But, Luther insisted, law does not represent God's absolute will because, quoting St. Paul, "the law is not given for the righteous but for the unrighteous," (I Tim. 1:9). In other words, the law represents God's will only for this sinful world. Hence, Christians are no longer under the law, although the law continues to operate in this world of sin. As Luther said:

We are not to think that the Law is wiped out. It stays. It continues to operate in the wicked. . . . But the law is abolished as far as I am concerned, when it has driven me into the arms of Christ.<sup>39</sup>

However, the fact that the Christian lives in this

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<sup>39</sup>Comm. on Galatians, 2:19, tr. T. Graebner, p. 84.

world with non-Christians makes him "a Christian-in-relation." He knows that non-Christians need the state with its laws to enforce peace and order. Hence, out of love for them as his neighbors, the Christian is urged to support and obey the secular authority. The government, then, exists as "God's servant and workman to punish the wicked and preserve outward peace." In Luther's own words:

Because the sword [power] is a very great benefit and necessary to the whole world, to preserve peace, to punish sin and to prevent evil, he [the Christian] submits most willingly to the rule of the sword, pays taxes, honors those in authority, serves, helps, and does all he can to further the government, that it may be sustained and held in honor and fear.<sup>40</sup>

Moreover, the Christian must take active part in the government, in whatever capacity or position he is assigned, for the sake of the neighbors. He must discharge his duties according to the laws of the state. So,

. . . when a Christian goes to war or when he sits on judge's bench punishing his neighbor, or when he registers an official complaint, he is not doing this as a Christian, but as a soldier or a judge or a lawyer. At the same time, he keeps a Christian heart.<sup>41</sup>

For Luther, then, the Christian who does his duties well as a government official or worker and as a private

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<sup>40</sup>Secular Authority, tr. J. J. Schindel and W. I. Brandt, Selected Writings, 1520-1523, p. 284.

<sup>41</sup>The Sermon on the Mount, tr. J. Pelican, Luther's Works, XXI (St. Louis: Concordia Publishing, 1956), p. 109.

citizen who performs his profession in accordance with the laws of the state is doing the will of God. In other words, God's will for this fallen world is to be found in the structure of the community or in the way human life is being organized in the community. Out of love for the neighbor, the Christian submits himself to the laws of the state and obeys them with the desire to serve. He differs from the non-Christians in that his actions are always motivated by love, and love always drives him to excellence in performing his tasks.

Luther maintained that no citizen or subject has any right to overthrow the government, for however bad a government may become it is still preferable to chaos or anarchy. That is why God has instituted it. Luther said:

One must not resist the government with force, but only with the knowledge of the truth; if it is influenced by it, <sup>That is, by the preaching of the Word,</sup> well; if not, you are innocent, and suffer wrong for God's sake.<sup>42</sup>

Nevertheless, the Christian need not, and must not obey the government when it makes laws against the law of reason or of nature. There is a natural law which all rulers are bound to abide. As Luther wrote:

But if neither is a Christian, or if either is unwilling to be judged by the law of love, you

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<sup>42</sup> Secular Authority, Selected Writings, 1520-1523, pp. 314 f.

may ask them to call in another judge, and announce to them that they are acting against God and the law of nature. . . . For, nature, like love, teaches that I should do as I would be done by. . . .

. . . . A good and just decision must not and cannot be given out of books, but must come from a free mind. . . . Such a free decision, however, is given by love and by the law of nature, of which the reason is full; but out of the books come rigid and vague judgments.<sup>43</sup>

Thus, the authority of the government is limited by the laws of nature. Its proper authority "extends no further than to life and property and what is external upon earth." Since it exists to preserve peace and order, it cannot be obeyed when it promotes wrong, "for it is no one's duty to do wrong; we ought to obey God, Who desires the right, rather than men." Hence, when the government abuses its power, the Christian is urged to say,

"It does not befit Lucifer to sit by the side of God. Dear Sir, I owe you obedience with earthly life and goods; command me within the limits of your power on earth, and I will obey."<sup>44</sup>

However, although Luther urged both Christians and non-Christians to abide by the Law of Nature, he continued to maintain a sharp dichotomy between Law and Gospel. He held that the law leads to death whereas the Gospel leads to life. And, although in his debate with Erasmus on the subject of "free will," he made it clear that he was

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<sup>43</sup>Ibid., pp. 317 f.

<sup>44</sup>Ibid., p. 302.

far from denying the obvious fact that man ~~can~~ decide for himself and can pursue any course of action to attain his end, he nevertheless strongly argued for his conviction that the sinner is totally incapable to will the good. He concluded his argument, thus:

So, if we believe that original sin has ruined us to such an extent that even in the godly, who are led by the Spirit, it causes abundance of trouble by striving against the good, it is clear that in a man who lacks the Spirit nothing is left that can turn itself to good, but only to evil.<sup>45</sup>

With such argument as the preceding one which shows the inability of the sinner to will the good, of what use then is the law? Luther's answer is that all law serves man in the negative way; that is, it does not make man good but only prevents him from doing evil. Good, for Luther, is a positive trait which cannot be had by any man by simply avoiding evil. Thus, law has these two functions:

. . . One civil: for God hath ordained civil laws, yea all laws to punish transgressions. . . . Another use of the law is theological or spiritual, which is (as Paul saith) 'to increase transgressions'; that is to say, to reveal into a man his sin, his blindness, his misery, his impiety, ignorance, hatred and contempt of God, death,<sup>46</sup> hell, the judgment and deserved wrath of God.

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<sup>45</sup>Martin Luther, The Bondage of the Will, tr. J. I. Packer and A. R. Johnston (London: James Clarke and Company, Limited, 1957), p. 318.

<sup>46</sup>Luther, Commentary on Galatians, 3:19, tr. T. Graebner, op. cit., pp. 145-148.

In other words, the law serves not as a guide that leads man to righteousness, but as a mirror of sin as well as a terror for sinners. Its true function, Luther said, is to drive sinners to Christ.

Calvin on the Ethic of Law Under Grace

John Calvin adhered to Luther's emphasis on justification by faith with a strong insistence that this principle does not, in any way, make good works of no avail at all. He said:

When we exclude the confidence of good works, we only mean that the mind of the Christian should not be directed to any merit of works as a means of salvation; but altogether rely on the gratuitous promise of righteousness. . . . They who are justified by true faith, prove their justification, not by a barren and imaginary resemblance of faith, but by obedience and good works.<sup>47</sup>

Unlike Luther, however, he made the Doctrine of the Divine Sovereignty the central factor in his treatment of Christian ethics. For, he was much impressed in his experience by the divine majesty--that "unapproachable, horrifying, and at the same time fascinating transcendent Presence which can be spoken of only indirectly by means of

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<sup>47</sup>John Calvin, Institutes of the Christian Religion, tr. Henry Beveridge (London: James Clarke and Company, 1949), III, xiv, 18; III, xxvii, 12.



self-negating symbols."<sup>48</sup> Encountered by this Presence, man cannot help but feel utterly miserable and stands in need of the divine mercy in order to live.

This experience of the majesty of God and the feeling of the misery of man led Calvin to combine the principle of justification by faith with the doctrine of the divine sovereignty. God, according to this view, is the sole Creator and Sovereign of the world: all activities and happenings in it are subject to His wisdom and power such that He can use even the worst of His enemies as an instrument to achieve His good ends.<sup>49</sup> In recognition of the absolute majesty of the all-sovereign God, the Christian must submit His will gratefully and joyfully to God by following His commandments in the Scriptures, saying, "Soli Deo gloria" (to God alone be the glory).

Thus, Calvin would portray the life of the Christian in terms of the concept of sanctification or regeneration, that is, it is a life of growth and progress in voluntary obedience to the will of God starting from the fact of justification by faith. He wrote:

Therefore, let us not cease to strive, that we may be incessantly advancing in the way of the Lord; nor let us despair on account of the smallness of our success; for, however, our success may not correspond

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<sup>48</sup>Tillich, op.  
cit., p. 263.

<sup>49</sup>Institutes, I., xvi, 3.

to our wishes, yet our labor is not lost, when this day surpasses the preceding one; provided that, with sincere simplicity, we keep our end in view, . . . till we arrive at a perfection of goodness, which indeed we seek and pursue as long as we live, and shall then attain, when divested of all corporeal infirmity into complete communion with him.<sup>50</sup>

Moreover, since every sphere of human life on this planet is of great concern to God, the Christian looks at society in terms of what God wills it to be. For, although the present world has been cursed by sin, it has been restored by the work of Christ. Hence, in striving after righteousness, the Christian must, in joyous thankfulness to God, labor in this world so that the benefits of this life can be used and enjoyed for the glory of God. For

. . . if it has pleased the Lord that we should be assisted in physics, logic, mathematics and other arts and sciences, by the labor and ministry of the impious, let us make use of them; lest, if we neglect to use the blessings therein fully offered to us by God, we suffer the just punishment of our negligence.<sup>51</sup>

Calvin's ethic, in contradistinction to Luther's, has been called "an ethic of law." In fairness to Calvin, a qualifying phrase must be added to the said designation of his ethics, such as: "under the reign of the divine grace." The suggested addition is necessary in order to do justice to Calvin who started with the fact of justification by faith just as Luther did--a fact often ignored

<sup>50</sup> Ibid., III, vi, 5.

<sup>51</sup> Ibid., II, ii, 16.

by some of Calvin's own followers who would make him a prophet of a new legalism.

In living the Christian life in the world, one needs the law as his guide just as a pilgrim needs the light of the lamp in his journey through the dark. For, the law teaches true piety in relation to God and true justice in relation to man. The Christian who exhibits in his action what is commanded in the law expresses in life the image of God, which consists in the knowledge of God and true holiness.<sup>52</sup> For the stern demands of the law bring about self-denial and the reversal of self-love in the Christian and put him in the right path towards the goal of Christian perfection.<sup>53</sup> Thus, the law has a third and more important function in addition to what Luther had mentioned: namely, to enable the Christian to know with certainty the will of the Lord, by which to regulate and direct his whole life. It is, in short, the rule of perfect righteousness.<sup>54</sup>

Calvin is careful not to fall into legalism in his emphasis of the importance of the law by relating all its authority to Christ: "Whatever the law teaches, whatever it commands, whatever it promises, has always a reference

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<sup>52</sup>Ibid., II, viii, 51.

<sup>53</sup>Ibid., II, viii, 54.

<sup>54</sup>Ibid., II, viii, 5.

to Christ."<sup>55</sup> By thus referring the law to Christ, the Christian knows that there is always more in the requirements and prohibitions of the law than is expressed in words, and that even the negative tone of the commandments must be interpreted as requiring "opposite duties and positive acts."<sup>56</sup>

Hence, like Ireneus before him, Calvin held that there is no opposition between Christ and law, between the Gospel and the Commandments. He maintained that Christ did not come to lay down a "new" law but rather to unfold the true meaning of the laws of the Old Testament. He said that Christ abolished the various ceremonial rules, the detailed economic and social legislations intended for the people of Israel as a nation among many. Moreover, Christ freed the law of its curse, so that the faithful are able to obey the law voluntarily and joyfully. In Calvin, law is regarded as a means of guidance for the saved, and not as a requirement for salvation.

In affirming that this fallen world has been already redeemed by Christ for the use of the Christian in glorifying God, Calvin sees in the order of nature a

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<sup>55</sup> Calvin, *Opera*, Vol. XLIX, p. 196; quoted, Niesel, *op. cit.*, p. 219.

<sup>56</sup> *Institutes*, II, viii, 10.

reflection of the Christian duties. Thus, the Christian is not only a child of the Kingdom of God but also a subject of an earthly government. He must, therefore, obey and support the state: reverence the rulers, pay taxes, discharge public duties, and bear the burdens of the community which relate to the common defense. Unlike Luther, Calvin conceived the task of the civil government to be more than just that of maintaining order. He held that the end of the civil government is also "to cherish and protect the outward worship of God," and that magistrates must exhibit the qualities of benevolence and justice.<sup>57</sup>

Calvin taught that there is a conformity between the law of God and the order of nature. He said that "the law of God, which we call moral, is nothing else than the testimony of natural law, and of that conscience which God has engraven in the minds of men."<sup>58</sup> However, like Luther, he insisted that it is extremely difficult for the sinner who is unredeemed by Christ to know the content of the law of nature. Speaking of "the whole of our nature" as being "opposed to supernatural grace," Calvin wrote:

Now Paul removes every doubt by informing us that the corruption resides not in one part only, but that there is nothing pure and uncontaminated by its mortal infection. For, when arguing respecting corrupt nature, he not only condemns the inordinate

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<sup>57</sup>Ibid., IV, xx, 1-6, 22, 23. <sup>58</sup>Ibid., IV, xx, 16.

motions of the appetites, but principally insists on the blindness of the mind and the depravity of the heart, and the third chapter of his epistle to the Romans is nothing but a description of original sin.<sup>58</sup>

### III. TOWARDS A DYNAMIC THEORY OF NATURAL LAW

The sharp dichotomy between Law and Gospel in Luther's theology and the emphasis on the inability of man to know by reason the order of nature in Calvin's thought led Protestantism until recently to reject completely the doctrine of natural law. At present, however, there is a lively discussion going on among Protestant thinkers concerning the possibility of a natural law ethic. No doubt, neo-Scholastic thinkers such as Jacques Maritain have influenced Protestantism in this regard.

Since the doctrine of natural law rests on the metaphysical assumption that there is a purposive order of nature which the mind of man can discover, Protestant thinkers have to struggle with two basic questions. First, what has become of the Image of God in man as the result of the fall of man through sin? Second, is there natural justice? Third, how is justice related to Christian love?

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<sup>59</sup>Ibid., II, 1.

The Nature of the Imago Dei in Man

What is the imago Dei (image of God)? Has sin completely destroyed it? How much of it really is left unaffected by the fall of man? These questions were left unsettled by the Protestant reformers, Luther and Calvin: they spoke as if sin has destroyed it completely and yet they also referred to a "relic" of the image of God in man. What is this so-called "relic" of the imago Dei in man?

Part of the difficulty, of course, is that an image may be regarded either as an imprinted copy or as a reflection.

Two Influential Theories. Since an image can be interpreted either as an imprint or as a reflection, there have been also two influential theories concerning the meaning of the imago Dei in man. These are: the consubstantial and the relational theories.<sup>60</sup>

The consubstantial theory asserts that the image of God in man consists in some characteristic quality or capacity inherent in man but which is patterned after some attributes of God, thus distinguishing man from the other animals. This said quality or capacity which is peculiar to man as an animal had been identified as intelligence by

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<sup>60</sup>Cf. Paul Ramsay, Basic Christian Ethics (New York: Charles Scribner's Sons, 1950), pp. 249 ff.

Stoicism, as the consciousness of moral obligation by Immanuel Kant, as the dignity and worth of man in personalistic philosophies, and as the reason and capacity for moral choice in Catholic moral philosophy. The point of this doctrine is that there is in man an immanent quality which is analogous to some quality or qualities in the divine nature, which can never be extinguished. Thus, in moral philosophy, the image of God remains unimpaired, though wounded, throughout the fall of man.

The relational theory asserts that the image of God in man is that divine likeness which man receives by virtue of his special relationship with God. This divine likeness has been conceived as the act of worshipping God (Kierkegaard) or as man's being addressed to, called and remembered by God (Barth and Thielicke). The point of this doctrine is that the image of God does not exist in man but, rather, that man exists in the image of God whenever man responds to God in trust and obedience. Using analogy, man is like a mirror which does not really resemble, but only reflect, the image of a man who stands before it. Thus, the image of God in man can be impaired whenever the relationship with God is broken.

In general, Protestantism has adhered to the relational theory, or to a combination of the relational and the consubstantial theories. Its main criticism against the consubstantial theory is that it tends to blur the dis-



inction between God and man. It leads to the deification of man, as in Stoicism. Moreover, it makes us think, as Luther pointed out, that the devil himself, having such natural endowment as reason to an even higher degree than man, has more of the image of God than what man has!<sup>61</sup> On the other hand, adherents of the relational theory often fail to account for the fact that however debased man may become, he is still the creature who rebels at being identified as being a brute on the conviction that he is much higher than any creature and nearest to the divine. They tend to ignore that reason and human freedom have been responsible for every human civilization with its highly developed culture and technology, but civilization is not necessarily evil in itself.

The Synthetic View. Some Protestant writers, convinced that both the consubstantial and relational theories contain some elements of truth in themselves, favor a combination of the insights of both. A convincing example is that of Emil Brunner.<sup>62</sup>

Brunner distinguishes between two aspects of the

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<sup>61</sup>Luther's Works, I, 61, American edition (St. Louis: Concordia Publishing House, 1955).

<sup>62</sup>Emil Brunner, The Christian Doctrine of Creation and Redemption, Appendix to Chapter 2, tr. Olive Wyon (London: Lutterworth Press, 1952), pp. 75-78.

imago Dei, namely, the "formal" aspect which is the one spoken about in the Old Testament and the "material" aspect which is emphasized in the New Testament. The "formal" imago Dei is identified with the "specifically human" in man; that is, it consists of all those productive and creative capacities in man, such as reason, freedom, sense of values, erect posture, etc. which have destined man to have dominion over all the earth. It is something that is indelible in man and accounts for his sense of responsibility. The "material" aspect consists in man's being in union with God, that is, "living in love (in the love of God)." This is "something which sinful man no longer possesses; which, however, is given back to him in the new life he receives from Jesus Christ."

The fall of man, that is, the entrance of sin into his life, has destroyed the "material" imago Dei even though it has left unimpaired the "formal" imago Dei. As a result, man is deprived of the true meaning and direction of his existence as he continues to misuse his freedom. Under this condition, every achievement drives man to anxiety and fears, knowing that his own inventions can become instruments for his own destruction.

Brunner's understanding of the imago Dei has been successfully applied to his treatment of ethics. His moral theory has strong resemblance, in certain respects, with

the classical doctrine of natural law.<sup>63</sup> He says that due to his psychophysical nature, man is designed for community, the essence of which is "union in love." This community includes various forms of human relationship based on different sets of purposes and interests, namely: the family, economics, politics and law, culture, and the ecclesiastical order. These forms of community life, which may also be called the social orders, are immediately recognizable by reason rather than by faith--that is, "by means of the purely natural power of cognition which is given to every man just because, and in so far as, he is a human being" and "before faith comes upon the scene at all." Moreover, these orders form a part of nature, and, in so far as nature is a creation of God, directives which are morally binding may be deduced from them.

However, Brunner's adherence to the dynamic character of the Christian faith forbids him to fall into a static form of the doctrine of natural law. He declared that ethics deals with the good but that the good is simply obedience to God. Echoing Kant's dictum, he said that "nothing is good except obedience to the command of God, and precisely because it is obedience." However, nothing

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<sup>63</sup>Emil Brunner, The Divine Imperative, tr. Olive Wyon (London: Lutterworth Press, 1937), pp. 330-349.

can encompass the will of God, even though we know through Christ that the will of God is love. He wrote:

. . . God wills to do something quite definite and particular through us here and now, something which no other person could do at any other time. . . . The Divine command is made known to us "in the secret place." Therefore, it is impossible for us to know it beforehand; to wish to know it beforehand--legislation--is an infringement of the divine honor. The fact that the holiness of God must be remembered when we dwell on His love means that we cannot have His love at our disposal, that it cannot ever be perceived as a universal principle, but only in the act in which He speaks to us Himself,<sup>64</sup> even in His love He remains our Master and Lord.

Thus, Brunner maintains that while the form of the Divine Command is absolutely universal, namely, love your neighbor just as God claims us for His love, the content of this Command varies with the changing character of the concrete situation.

#### The Relation of Natural Justice to Christian Love

It is evident from the example set by Brunner that Protestantism cannot simply accept the traditional formulation of natural law without relating it to the dynamic character of the Christian faith. Christian faith asserts that God is holy Love who demands absolute obedience without ceasing to shower His mercy and forgiveness on every creature. Hence, ethics must be a constant response of

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<sup>64</sup>Ibid., p. 117.

confident obedience to the commands of God here and now.

The Centrality of Love. In order to be relevant, ethics must relate itself to this changing world--a world where life is lived in the midst of technological and cultural changes. It must consider the claims and needs of the person in the light of the situation. As each situation is unique, so it is likely to present new demands which cannot be dealt with adequately by laws. Therefore, any theory of natural law adequate to the demands of the times must be flexible enough to embody both the absolute character of the moral demands and the relativities of the concrete situation. Such law is bound to find its ultimate norm in the very love with which God loves us. Thus,

Love alone can transform itself according to the concrete demands of every individual and social situation without losing its eternity and dignity and unconditional validity.<sup>65</sup>

Love, in other words, does not allow itself to be limited by pre-conceived moral judgments "packaged" in laws. Hence, it is able to meet the demands of every situation on its own merits and with complete openness to the claims and needs of the neighbor.

Though the ethic of love is essentially revolu-

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<sup>65</sup>Paul Tillich, Morality and Beyond (New York: Harper and Row, 1963), p. 89.

tionary, it is really no new morality. It is the ethic implied in St. Augustine's maxim: "Love, and do what pleases you."<sup>66</sup> It is the same ethic derived from the New Testament. According to the canonical records, Jesus made love central by picking out from the two books of the Law, Deuteronomy and Leviticus, two commandments as the core and essence of all commandments: the command to love God and the command to love the neighbor as one's self.

Jesus did not mean to separate the two above-mentioned commandments nor to fuse them into one, for it is the love for God which is the basis and source of the love for the neighbor, and yet it is by loving one's neighbor that the Christian expresses his love for God. Since God and man are two radically different objects of love, the first commandment takes the form of grateful adoration to God for His enduring goodness by acknowledging His sovereignty and trusting in His love, while the love for the neighbor takes the form of compassion for the neighbor by ministering to his needs as exemplified in the Parable of the Good Samaritan.

The question that has been asked by many a mindful Christian is: What is the essence and purpose of the second commandment? Is loving the neighbor the same as loving

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<sup>66</sup>St. Augustine, Ep. Joan, vii, 5.

oneself properly? Is the Christian commanded to love his neighbor simply for the sake of the neighbor; or, is the neighbor merely an instrument for realizing the goal of the Christian?

This question was brought into focus by the publication of a monumental work of Lutheran Bishop Anders Nygren of Sweden, Eros and Agape.<sup>67</sup> In Nygren's view, Christianity is best understood by determining its fundamental motifs. His studies led him to affirm that the fundamental motif of Christianity is agape, which is in sharp contrast to either that of Judaism which is nomos (law) or that of Hellenism which is eros.

Eros and agape are regarded by Nygren as two radically different kinds of love: the former being essentially the longing of the soul upward toward the world of the ideals with the view of enhancing the quality of one's self; the latter being the spontaneous and sacrificial giving of oneself for the good of the neighbor. Agape is incompatible with eros, Nygren contends, but the history of the Christian idea of love reveals various attempts to synthesize the former with the latter. Thus, St. Augustine fused them into caritas, which is man's love for God for

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<sup>67</sup>Revised, tr. Philip S. Watson (London: Society for Propagating Christian knowledge, 1953).

the sake of oneself. This means that one serves his neighbor not because he cares for the other person but because it is a way to sublimate all self-interests in order to arrive at the proper self-love.

Luther, who was himself an Augustinian, realized that caritas was leading him to unnecessary self-hatred; so, he broke away from St. Augustine at this point, and returned to the motif of agape which is implied in the principle of justification by faith. So Nygren said. For Luther, love of self is natural to man, but trust in God drives away all anxiety about self-concern and enables the Christian to be utterly open to God and to be used by Him as the instrument in pouring out His love to the world.

Nygren's view has been influential in many Protestant circles but not without having been properly criticized. Tillich considers eros and agape as two qualities of love which interpenetrate each other rather than as two forms of love opposed to each other.<sup>68</sup> His analysis, however, must be regarded as a needed corrective not only of Nygren but also of Augustine. Nygren must be corrected for exaggerating the element of self-centeredness in eros and pitting it in complete opposition to agape. But, St. Augustine, too, needs to be corrected for his neo-Platonic

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<sup>68</sup>Morality and Beyond, pp. 40-41.



view that love for the neighbor is merely an instrument for loving oneself properly, so that the neighbor is merely a means to an end while the self is still being imprisoned within itself.<sup>69</sup> Instead, the second commandment must be understood not as the command to love oneself properly, but as the very command Jesus Christ gave to his disciples: "Love one another as I have loved you."

Evidence of Natural Justice. Some influential Protestant writers argue that there is in man an immediate sense of right and wrong in human relationships. This sense "seems to reside within the sensitivities of humanity itself."<sup>70</sup> It is a kind of knowledge which is similar to what Professor Jacques Maritain calls "knowledge through inclination or connaturality," rather than through discursive reasoning.<sup>71</sup> Reinhold Niebuhr refers to this kind of knowledge when he wrote that "all human life is informed with an inchoate sense of responsibility toward the ultimate law of life--the law of love."<sup>72</sup>

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<sup>69</sup>Ransay, op. cit., p. 127.

<sup>70</sup>Edward Leroy Long, Jr., A Survey of Christian Ethics (New York: Oxford University Press, 1967), p. 65.

<sup>71</sup>Jacques Maritain, The Range of Reason (New York: Charles Scribner's Sons, 1952), p. 22.

<sup>72</sup>R. Niebuhr, An Introduction to Christian Ethics (New York: Harper and Brothers, 1935), p. 112.

The view that it is possible to know directly and immediately the demands of human nature seems acceptable to many Protestant thinkers. Emil Brunner grants that it is possible to "know what is due to man as man" and that "it is not necessary to be a Christian to see that a certain order is unjust."<sup>73</sup> Paul Tillich argues that any presupposition of disorder and lawlessness in the world presupposes in turn a presence in man, though in potentiality rather than in actuality, of a sense and capacity for a just and reasonable order. "Man's essential nature cannot be lost as long as man is man," says Tillich.<sup>74</sup> "Man's essential nature" underlies the giving of the law by God as well as the development of all systems of "law" in the sense of jurisprudence--otherwise, laws become entirely useless.

In short, there is natural justice (this term is preferred by Protestant writers to "natural law" which they think is ambiguous). It is justice rooted in the very dignity and worth of man as a rational creature and can be known, in spite of sin, by man's intuitive reason. It is evident, as Reinhold Niebuhr has pointed out, in "the prac-

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<sup>73</sup>Brunner, The Divine Imperative, p. 100.

<sup>74</sup>Tillich, Morality and Beyond, p. 31.

tical universality of the prohibition of murder,"<sup>75</sup> It is enshrined in the various expressions of the Golden Rule in almost all religions of the world. It is found in the loyalty to covenants among individuals and nations, and in the utang na loob of the Filipinos. It is, in short, presented to us as the claims of our fellow-human beings as persons or as rational creatures.

The Relation of Justice to Love. Protestant thinkers on natural law are deeply concerned to relate justice to love. They show great appreciation for, but not contented with, the way St. Thomas Aquinas related justice to love. In the latter, love is merely added to justice "as a superior righteousness hierarchically imposed upon unaltered justice,"<sup>76</sup> or as a "supernatural" virtue imposed on a "natural" one.<sup>77</sup>

In Protestant ethical thinking, in general, the same dualism between justice and love is maintained but there is a vigorous insistence to relate these two concepts—even to the extent of identifying them

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<sup>75</sup>Reinhold Niebuhr, The Nature and Destiny of Man: A Christian Interpretation, Vol. II, Human Destiny, sec. II (New York: Charles Scribner's Sons, 1943), p. 254.

<sup>76</sup>Ramsay, op. cit., p. 190.

<sup>77</sup>Joseph Fletcher, Situation Ethics (Philadelphia: The Westminster Press, 1966), pp. 93-94.

outright.<sup>78</sup> To Brunner, love is justice and more than justice; that is, it is the nature of love to perfect and complete justice. Justice can operate without love, but there can be no love without justice. In this view, justice is strictly impersonal and calculating in its recognition of what is due to, or fitting for, the neighbor; while love is personal and considerate, for it takes into account the person himself--his needs, his capacities and his aspirations. The Christians cannot ignore the demands of justice in the construction of the social order, for it is the principle on which the social order is built.<sup>79</sup>

For Reinhold Niebuhr, justice is related to love as the actual to the ideal. Characterizing love as the "impossible possibility," he regards it as beyond full human attainment but always relevant to the situation as being the motive and goal of social action. He wrote:

In the larger problem of human togetherness in a complex civilization the witness of love requires that love of the neighbor be transmuted into justice or that it requires the instruments of justice--which means a rational calculation of competing interests or conflicting claims.<sup>80</sup>

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<sup>78</sup> Ibid., pp. 87-102.

<sup>79</sup> Emil Brunner, Justice and the Social Order (New York: Harper and Brothers, 1945), pp. 19 ff.

<sup>80</sup> Reinhold Niebuhr, An Interpretation of Christian Ethics, p. 9.

In this scheme, justice is regarded as an instrument of love.

Paul Tillich sees justice, love and power united at the very source of being: Power is the capacity of a thing to exist; love is not merely emotion but the power that unites; and, justice is the form of uniting love. With this ontological analysis, love is seen as the power that seeks to reunite those that have been estranged by separation, and justice as "the form in which and through which love performs its work."<sup>81</sup> Love, then, is "the ground, the power, and the aim of justice," and justice is the form of love. "Love, without justice, is a body without a backbone."<sup>82</sup>

A very fruitful and illuminating side to this lively discussion on the relation between love and natural justice is the concept of "creative justice" introduced by Tillich. In the past, according to Tillich, justice has been thought of primarily in terms of giving to others what is due to them (distributive justice) and of bestowing to others certain rewards for good deeds and punishment

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<sup>81</sup>Paul Tillich, Love, Power and Justice (New York: Oxford University Press, 1954), p. 71.

<sup>82</sup>Paul Tillich, A Theology of Culture, Robert C. Kimball, ed. (New York: Oxford University Press, 1964), pp. 145-146.

for evil deeds (retributive justice). These two types of proportional justice regard justice strictly as a commodity which can be measured in quantitative terms. But, creative, or transforming, justice is one that seeks the well-being of the other person without determining in advance the fixed amount of what is due to him. It expects that every encounter with the neighbor may present new claims arising out of his needs as well as of the demands of the concrete situation. Thus, creative justice goes further in its claims: it seeks to restore the person. It forgives and unites. In the words of Tillich: "Justice in its ultimate meaning is creative justice, and creative justice is the form of reuniting love."<sup>83</sup>

This rather sketchy summary of the discussion going on in Protestantism on the relation between justice and love is made only to point out the awareness of many concerned Christians of the great need to take justice seriously today. There is the growing consensus among Christians to regard all talk about love which does not consider the demands of justice.

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<sup>83</sup> Love, Power and Justice, p. 71.

## IV. A CRITIQUE OF PROTESTANT ETHICS

The attempt of Protestantism to construct a natural law ethics based on the nature of the Christian religion as expressed in its theology and life is in harmony with the concern of Vatican II. However, it is highly questionable whether Protestantism can ever achieve a real dynamic theory of natural law because of the apparent lack in Protestantism of those other important elements necessary in constructing a truly valid dynamic theory of natural law.

In the first place, Protestantism lacks a profound metaphysics. The concept of natural law is basically metaphysical since its primary principles are derived from the analysis of being and the nature of its demands is rooted in the character of being. But, Protestant theology has been distrustful of metaphysics ever since its beginnings in the sixteenth century when nominalism was still dominant. The early Protestant reformers did not merely ignore metaphysics but aligned themselves with nominalism. This attitude has persisted in the writings of Protestant theologians. Dr. Karl Barth, for instance, denies the possibility of a natural theology or the ability of reason to know the existence of God.

In the second place, Protestant theology suffers

In the second place, Protestant theology suffers lack of a deeper understanding of the Church. Being nominalistic, Protestant thinking about the Church dwells so much on its visible aspect as a fellowship of believers of Jesus Christ found in any locality; it disregards its deeper aspect as a mystical body of Christ which comprises all believers in various parts of the world from the time of Jesus Christ until the present day.

The Church, which appears on the surface as a fellowship of believers, is, on a deeper level, the body of Christ, that is, a fellowship of all believers sustained by the real presence of the ever-living Christ. Such real presence is felt only whenever and wherever the Word of God is heard through the right preaching and felt through the sacraments rightly administered. But both right preaching and proper administration of the sacraments are guaranteed only by that body of believers which has the marks of unity, apostolicity, catholicity and holiness.

Certainly, together with the Catholic Church, Protestant communions can claim to have the effect of the redemptive love of Christ, which is the holiness of life, and many Protestant communions show their apostolicity by their adherence to the ancient traditions of the Church, nevertheless, Protestantism in general has still to realize the need for catholicity and unity.



## CONCLUSION

Aware of the need of modern man for a social order built on the solid foundations of justice, many Protestant thinkers have shown a profound interest in natural law.

Protestant thinkers are concerned to base all ethics on the basic Christian convictions concerning God, Jesus Christ and the Christian hope.

For Protestant writers, natural law is an order of community life based on, and which can be discerned not necessarily by deductive reasoning but by a direct and immediate insight of Reason into, the claims of each individual human being as a person, that is, as a being who has needs, aspirations, potentialities and who is the object of God's concern.

The demands of every person vary with the circumstances, but the best guide of the Christian in responding to the demands of the neighbor is self-giving love which was manifested in the life and teachings of Jesus Christ. Christian love transforms justice into creative justice.

However, the attempt of Protestantism to formulate a natural law ethics is hampered not only by a lack of a profound metaphysics but also of a deeper understanding of the Church. A right understanding of the Church is necessary in any fruitful discussion of authority in ethics.

## CHAPTER V

### CONCLUSIONS

The burden of this thesis was to show the relevance of natural law for moral philosophy and Christian ethics. This was done in two ways: First, by showing that the concept of natural law is not only defensible but also necessary for ethical thinking these days when morality has been challenged by skepticism and materialism; and, secondly, by showing that, according to the metaphysical insight of an Aristotle and a St. Thomas Aquinas, a true doctrine of natural law is one that avoids the excesses of a dogmatic absolutism and the uncertainty of a thorough-going relativism.

#### I. GENERAL SUMMARY

The concept of natural law evolved from the universal awareness by man of a purposive order of being as the root of man's sense of right and wrong and as the basis or model for recognizing the norms of a sound character and proper conduct in social and personal life.

Plato, following Heraclitus and Socrates, argued that there is an order of being which is knowable by

reason. Aristotle showed that this order of being is evident, by observation and experience, in the inherent tendencies of things, animals and men to develop and actualize certain potentialities present in them.

The Stoics developed the first complete natural law ethics with their maxim, "Follow nature." They held that the whole of nature is pervaded with, and guided by, reason. Some Roman thinkers modified this doctrine by incorporating into it their practical view that man's actual condition has deviated from his idyllic primitive existence. This view was taken over by the early Christians who further incorporated into it their doctrine of redemption, namely, that, although man has fallen from his original righteousness, he has been redeemed by the holy love of God incarnate in Jesus Christ.

In the modern period, Bentham adopted Hume's skepticism and reverted to the Epicurean teaching which recognizes as natural the fact that man does seek pleasure and avoids pain. In answer to this utilitarian view, Kant showed that reason recognizes as the basis of man's dignity and as the very condition of human freedom the awareness of obligation to do to others what he wills to be done by everyone as an end in himself. For Kant, then, natural law is the sense of obligation which reason knows to be that ~~act~~ which one wills to be universalized.

Starting from the fact of man's redemption by God through Jesus Christ as expounded by the early Church Fathers, St. Thomas formulated a natural law ethics based on the conviction that divine grace perfects, rather than hinders, nature.

For St. Thomas, natural law consists primarily of the most general and unwritten but apparent fact of man's consciousness of obligation to fulfill the inclinations of his nature, "Do good and avoid evil." The good is that which fulfills being, and evil is that which hinders the actualization of potentialities. Those precepts which follow from this principle are called conclusions of natural law, but they lack the certainty of the universality and force of the first precept. Man's inclinations form a hierarchy of higher and lower traits, and reason dictates that man has the obligation to follow the higher inclinations as more binding than the lower. Moreover, the goodness or badness of an act, which is the species of an act, is determined by the circumstance of motive (intention), which is either in accord with, or contrary to, reason, and is modified by such circumstances as the means and possible consequences of the act. In general, man's highest inclination is to love God and to live in harmony with all of God's children.

The subsequent developments in Catholic moral

philosophy may be regarded as genuine attempts to emphasize certain aspects of St. Thomas' thought. Thus, Francisco Suarez formulated a natural law theory which assigns to the will the same importance that reason has. St. Alphonsus Liguori stressed the importance of conscience as the subjective norm of morality while law constitutes the objective norm, and the obligation of the faithful to ascertain the existence and the requirements of those rules of conduct which are supposed to govern human behaviour. Jacques Maritain argued for the inseparability of ethics and theology so that ethics must be grounded in the religious convictions of man. The post-Vatican II theologians are concerned to develop a more Biblically based scientific exposition of natural law which also recognizes the problems raised by the existentialists and profits from the insights of secular thinkers as Kant.

Due to the lack of a profound metaphysics, the contributions of Protestantism to the development of the doctrine of natural law are limited to two: first, the insistence to base natural law ethics on the dynamics of the Christian faith, and, secondly, the concern to regard justice as love at work in the society to create order out of confusion.

To recapitulate: Natural law is an obligation to behave according to reason, and reason dictates that man

should perform only that act which he wills or can will everyone to perform in accordance with his inherent inclinations, such as to seek fellowship with God and to do to others what he wants others to do to him. This is the basis of a sane social life and the requirement for a truly fulfilled life.

## II. RECOMMENDATIONS

The relevance of natural law is best realized in its application to social and personal life. For the application of this doctrine to life, this writer wishes to suggest some courses of action to be followed.

First, to avoid the widespread bewilderment and moral confusion today, men and women must learn to discipline their life to behave in accordance with the dictate of right reason. Often, the evils that people do may be due to the fact that they allow themselves to be subdued by passions without subjecting their passions to reason.

Second, to counteract the feeling of the uncertainty of life so prevalent today, a return to the metaphysical insights of Plato and Aristotle as completed by St. Thomas in his doctrine of potency and act is a necessity for everyone. These insights emphasize that nature is a process of constant development of all potentialities and that the ultimate goal of this process is being. Pure

Being is God, the final cause of all that moves and is. As the final cause, He moves and directs all of nature and life. Hence, life is purposive. Moreover, since Being reveals Its structure in the human mind, the knowledge of being and its goodness is attainable by reason.

Thirdly, in line with the proposal of one of the great interpreters of St. Thomas, Jacques Maritain, ~~ethics~~ must take into account the contributions of theology. This does not mean that moral philosophy cannot exist apart from theology, but it does mean that every moral philosophy remains incomplete apart from theology. For example, Christian theology relates natural law to the rational will of God, and this rational will, the Logos, has been revealed most clearly to man in the life, teachings and death of Jesus Christ. Thus, Christian morality is a grateful response to the love of God, and the life of Christ is the example and inspiration of all Christian living.

Fourthly, natural law moral philosophy must continue to have dialogue with the empirical sciences while maintaining its integrity as a reflective science. It must be willing to learn from the findings of psychology, sociology, anthropology, history and other life sciences about human behaviour.

PROPERLY USED MICROFILM SYSTEM

B I H T I O G R A P H I



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A P P E N D I X

## APPENDIX I

### INTRODUCTORY MATERIALS

This chapter presents the subject of the whole thesis, defines the problem, reviews recent related literature, states the general assumptions, and explains the method used.

#### I. THE SUBJECT

The doctrine known as Natural Law has been a part of the tradition common to the East and the West. Its meaning and significance have been well expressed in the Confucian Classics, the Unvarying Mean:

What is ordained of Heaven is called the essential nature of man; the following of this essential nature is called the Natural Law; the cultivation and refinement of this natural law is called culture.<sup>1</sup>

In all its forms, the doctrine of Natural Law teaches that behind all existing written laws is an unwritten norm of right and justice common to all men and knowable by men through reason. Thus:

. . . The fundamental conception is that of the dignity of the common element of human Reason, as it appears in every individual; and this com-

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<sup>1</sup>Quoted, J. C. H. Wu, "Natural Law: Thomistic Analysis," New Catholic Encyclopedia (1967), X, 256.

ception, in turn, goes back to that of a 'common law,' pervading all nature and the whole universe, and proceeding from a divine principle of Reason which expresses itself increasingly in the successive stages of created beings.<sup>2</sup>

Although considered dead in many intellectual circles in the nineteenth century, it is showing greater vitality at present. "The undying spirit of that law," a pioneer in its revival said at the beginning of the present century, "can never be extinguished."<sup>3</sup> A writer, noting the increasing yield of literature on the subject, has this to say: "Our age is witnessing a revival of natural law thinking, particularly in the field of jurisprudence."<sup>4</sup> Indeed, the doctrine has a way of reappearing such that, as Etienne Gilson is quoted as saying, "The Natural Law buries its undertaker."<sup>5</sup> Some

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<sup>2</sup> Ernst Troeltsch, "The Idea of Natural Law and Humanity in World Politics," in Otto Gierke, Natural Law and the Theory of Society, tr. with an introduction by Ernest Barker (Boston: Beacon Press, 1957), Appendix, p. 226.

<sup>3</sup> Otto Gierke, Natural Law and the Theory of Society, trans. with an introduction by Ernest Barker (Boston: Beacon Press, 1957), p. 205.

<sup>4</sup> Leonard Krieger, "Kant and the Crisis in Natural Law," Journal of the History of Ideas, XXVI (April-June, 1965), 193.

<sup>5</sup> Joaquin Garcia, "Natural Law," Proceedings of the American Catholic Philosophical Association, XXII (1947), 10.

commentators find the reason for its revival in

. . . the turmoils, revolutions, wars, and barbarisms of recent history and their close association in many minds with those technological improvements which seem to have served the purposes of cruel tyranny as much if not more than of advancing human happiness . . . .<sup>6</sup>

It is significant that the present proponents of natural law have taken into account the criticisms offered by the proponents of its rival, the positivistic School of Historical Law. The difference between these two conflicting schools are easily noted: the latter holds that law, which is "a body of external standards for the action of free wills," is the product of history and conditioned by it, whereas the former maintains that all law is ultimately "rooted and grounded in a spiritual force which confronts the will as something independent," and that that "force is reason."<sup>7</sup>

Many Christian thinkers find the seed of the doctrine of Natural Law in the Holy Scriptures. To give just one instance: St. Paul, in his most systematic epistle, speaks of a law established "by nature" and "inscribed in the hearts of men" which gives them a sense of responsibility and an awareness of sin even without knowledge of

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<sup>6</sup>Dennis Lloyd, The Idea of Law (Middlesex, England: Penguin Books, 1964), p. 70.

<sup>7</sup>Gierke, op. cit., pp. 224-225.

the Mosaic Law (Romans 2:11-16).

## II. THE PROBLEM

Background of the problem. Since ancient times, there has been a doubt regarding the existence of norms of behaviour. Today, this doubt has become more persistent and prevalent.

In the first place, the rapid advance of science and technology has led to the delusion that the ultimate reality is what the methods and tools of science alone can disclose. The result is the dehumanization of man which accounts for the confusion, bewilderment and anxiety of the present generation.

In the second place, the modern means of transportation and communication have made people come closer to each other while the populations increase by leaps and bounds. Yet, if ever the last world wars have taught mankind anything, it is this: all human beings need some common and universal principles to guide them in their behaviour and interaction with one another.

Statement of the problem. The purpose of this study was to clear up a problem which may be stated, as follows: What is the significance of Natural Law today?

The purpose had two aspects: first, to elucidate

the meaning of Natural Law for today; and, second, to show the importance of relevance of Natural Law for morality as it is being taught and practiced today.

To achieve the purpose of this study, the problem was resolved into the following questions: (1) Why, and how, did the doctrine of Natural Law come to be an invaluable and an integral part of the perennial philosophy of mankind? (2) How was the doctrine of Natural Law incorporated into Christian theology and developed into Christian ethics by the outstanding Catholic thinkers? (3) What is the place of the doctrine of Natural Law in Protestant ethics?

Hypotheses. The answer to the moral confusion and the loss of the meaning of life in every generation is the doctrine known as Natural Law. As a doctrine which can be appealed to on the basis of reason, of common sense, or of experience, it is not to be conceived as a set of rules. Rather, it is, in the truest sense, the dictate of Reason in the process of deliberation to arrive at rules of conduct on the basis of the end (purpose) of human life. The conviction that human life has a purpose can be known by means of reason, as Aristotle had demonstrated, as well as by the aid of God's special revelation. This doctrine is the true basis of all sane laws

and man's reliable guide in fulfilling his natural destiny.

Delimitations. This study dealt with the development of the doctrine of Natural Law in Western Philosophy only and with its employment in Christian thought. The reference to Eastern Thought was done but in passing, and only some of the outstanding representative secular, Catholic and Protestant thinkers, whose works have been translated into English, were considered. The writer was committed to the conviction that God has revealed His redeeming love for all mankind through the life, teachings and death of Jesus Christ.

Importance of the study. This study represents an effort to make morality meaningful for today in the light of the insights of the great thinkers from ancient times to the present. It was undertaken in response to that appeal voiced by Vatican II, namely, that "special attention . . . be given to the development of moral theology."<sup>3</sup> It was designed to contribute to a better and deeper understanding between Catholics and Protestants as well as between Christians and non-Christians.

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<sup>3</sup>The Documents of Vatican II, 1963-1965, Walter M. Abbott, S.J., general editor (New York: Herder and Herder, 1966), p. 452.

## III. REVIEW OF RECENT RELATED LITERATURE

As has already been noted above, the revival of Natural Law thinking is evident in the increasing yield of the literature on this subject. Much of this literature shows the concern of many brilliant minds to relate Natural Law to the needs and problems of modern society.

One of the pioneering and important efforts to revive Natural Law thinking in the twentieth century is the work of Otto Gierke. This German scholar was led by his studies of the development of society and law to affirm that Positive Law needs Natural Law as its complement. To him, the will is not the source of law, for when the will governs will the result is not necessarily right but might. Rather, law has its roots in the spiritual faculty which is independent of the will, and this faculty is reason. Hence, law is anterior and superior to the state and society.<sup>9</sup>

The revival of Natural Law in secular scholarship was welcomed by some Christian thinkers as a challenge to work out its meaning and implications for modern man. Thus, Maritain presented a vigorous protest against an over-rationalistic interpretation of Natural Law and

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<sup>9</sup>Gierke, op. cit., pp. 223-226.



offered an interpretation of it based on St. Thomas' doctrine of Natural Law as a basic inclination in man which reason knows by connaturality, that is, by intuitive, rather than by deductive reasoning.<sup>10</sup> Likewise, Messner supported Gierke in upholding the relevance of Natural Law, but the former found fault with the latter for viewing the state and society as the result of a social contract. Instead, following Aristotle and St. Thomas, he held that the true basis of the state and of society is to be found in the "existential ends" of man.<sup>11</sup>

A different re-assessment of the meaning and implications of Natural Law was offered by an idealist. Buchanan considered Messner's treatment of Natural Law an extremely illuminating one and supported the latter's fight against the many confusers and detractors of the doctrine. However, he felt that Messner's apologetic approach and restricted humanistic premises prevented the latter to give a valid critique of the natural sciences, which are in reality the source of the various confusions regarding the Natural Law theory. Buchanan went on to

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<sup>10</sup> Jacques Maritain, The Rights of Man and the Natural Law (New York: Charles Scribner's Sons, 1943).

<sup>11</sup> Johannes Messner, Social Ethics: Natural Law in the Modern World, trans. from the German Manuscript by J. J. Doherty (St. Louis: B. Herder Book Company, 1949).

offer an alternative: a short exposition of Natural Law based on Kant's formulation of the "Categorical Imperative." His speculation led him to conclude that Natural Law is regulative in the Kantian sense.<sup>12</sup>

Finally, a reference must be made to three important articles which greatly influenced this writer in his treatment of his subject. First, there was an article by J. P. Garcia, which presented the classical exposition and defense of Natural Law in the light of the Thomistic synthesis. The author pointed out that the various criticisms directed against the doctrine might well be applied to the various misconceptions of it rather than to the real one.<sup>13</sup> Another article, written by Fr. Gregory Baum, noted a growing interest in Natural Law among Protestant writers. His short exposition and defense of the doctrine may well serve as a guide in formulating the doctrine for today.<sup>14</sup> The third article was by Frederick Carney, who proposed a way of understanding Natural Law that would avoid the various objections which had been expressed against the

<sup>12</sup>Scott Buchanan, Rediscovering Natural Law, a Report to the Center for the Study of Democratic Institutions (Santa Barbara, California, January, 1962).

<sup>13</sup>Garcia, op. cit., 1-18.

<sup>14</sup>Gregory Baum, O.S.A., "Protestantism and Natural Law," The Commonweal, (January 20, 1961).

doctrine. His proposal was to conceive Natural Law as a process of arriving at a universal norm of conduct based on an understanding of human nature both in terms of its structural aspects which are rooted in the physical world and of those aspects which transcend man's given structures, namely, freedom and historicity.<sup>15</sup>

### III. DEFINITIONS OF THE BASIC CONCEPTS

The norms of human behaviour, or the science of ethics, is the subject of investigation in this study. The terms "ethics" and "morals" came from words which had originally been descriptive of the general way of life of the people. "Ethics" came from the Greek word ethos which meant habit, custom, character, while "morals" was derived from the Latin mos meaning usage or custom. Further usage led the members of society to speak of ethics or morals as a set of principles by which to judge the conduct of men and women in the community.

The meaning of ethics. With the history of the usage of the term in mind, ethics or moral philosophy may be defined as that aspect of philosophy which is both a

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<sup>15</sup>Frederick S. Carney, "Outline of a Natural Law Procedure for Christian Ethics," The Journal of Religion XLVII (January, 1967), 26-38.

reflection on and a science of those principles used in judging the rightness or the wrongness of the actions of free and rational beings.

Philosophy represents the inherent inclination of the human mind to understand reality in its most general aspect by means of which one interprets and directs his life meaningfully. Hence, it has been defined as "the systematic effort of the human mind to find, by its own light (reason), ultimate truths through ultimate causes."<sup>16</sup> It may rightly be said that philosophy started when the early Greeks insisted on employing reason as a means to know the nature of reality and the meaning of human existence. Philosophy is a reflection on human experience.

Reflection (the word itself was derived from the Latin re for "back" and flectere meaning "to turn" or "to bend") refers to that activity of the mind by which it scrutinizes or examines the impressions brought to it by the activity of the senses. It consists in comparing, contrasting and relating ideas to one another so that knowledge is produced, and in putting "back" this knowledge into practice. Thus, reflection has its root in experience and makes experience an object for its activity.

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<sup>16</sup>Joseph Watzlawik, S.V.D., Leo XIII and the New Scholasticism, San Carlos Publications, Series D: Occasional Monographs, No. 1 (Cebu City, Philippines, 1966), p. vii.

Science, in its most general sense, is the systematized knowledge of things in their causes. In this sense, ethics is a science.<sup>17</sup> Ethics is a system of knowledge resulting from the deliberation of the ends and means of the voluntary acts of men and women.

Thus, unlike the social sciences which are known as descriptive sciences because they aim to describe human behaviour by using the methods of verification or experimentation and mathematical measurement, ethics is a normative science because it sets down norms for right living. Nevertheless, ethics and the social sciences are alike in that all of these disciplines are concerned with the analysis of human behaviour and that all these disciplines assume that man is free and unpredictable in a manner which inanimate objects, plants and brutes are not.

Ethics makes use of the empirical findings of the social sciences concerning human behaviour and situations. Thus, psychology sheds light on the nature of man's various psychic needs as well as on the motivation which underlies his particular behaviour. Sociology gives insights concerning the role of customs in the moulding of the moral consciousness of the constituents of society, of the

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<sup>17</sup>Austin Fagothy, S.J., Right and Reason: Ethics in Theory and Practice (St. Louis: The C.V. Mosby Co., 1963), pp. 17-18.

various institutions which affect the development of one's personality, and of the forces which bring about social changes. Thus, ethics acquires an empirical character by reflecting on the findings of the empirical sciences.

The methods of ethics. As a reflective science, ethics employs reasoning in formulating generalizations out of particular instances, in drawing specific rules from general principles, and in judging and evaluating human acts. It asks and seeks to answer questions regarding the ends and means of the human acts, such as: What is the goal of human life? How is the goal of human life realized in action(s)? In the light of the best knowledge of the purpose of human life, how is one to act in a given particular situation? Ethics employs different methods to fulfill its task.

First, there is the a priori (rational) method. This method starts with certain assumptions which have the characteristics of axioms, definitions and postulates of the mathematical sciences. These principles are said to be self-evident in that the mind is able to grasp them immediately and directly as self-authenticating on the basis of the laws of thought--identity, noncontradiction, and excluded-middle. From these principles, the mind goes on to draw by deductive reasoning the various rules which may be used as the guide for right living. Heraclitus,

Plato, Spinoza and others used this method effectively. The disadvantage of this method is that it may result in a system which is impractical and irrelevant to life.

Secondly, there is the a posteriori (empirical) method. This method starts with what is given in sense experience through observation and experimentation, and proceeds to the formulation of general laws. Aristotle employed this method very effectively in his Nicomachean Ethics. In seeking for an answer to the question, "What is the highest good for human life?," Aristotle set out to examine the life of the people of his time, their ideals and motives for acting in certain ways. His studies led him to affirm that man acts for an end and that every man is motivated by the desire to seek happiness and to avoid pain. His reflection on these facts enabled him to formulate an ethic which emphasizes the realization of one's potentialities. However, the use of this method by the extremists, the modern empiricists, has led to the extreme moral relativism that has resulted in moral confusion.

St. Thomas worked out the most effective method by combining the a priori and the a posteriori methods. In treating such subjects as the finality of the universe, the existence of God, the meaning of law, and the nature of human acts, he depended largely on the a posteriori method as employed by Aristotle. But, he employed the

a priori method when he deduced the following: the truth that man finds true happiness in worshipping and serving God from the truth that God is the Creator and the Supreme Governor of the entire universe; Natural Law from Eternal Law and the human law from Natural Law; and, the judgments of conscience from the judgment of synderesis.

#### IV. THE METHOD

The present work grew out of the writer's reflections of what he had experienced in life and of what he had learned from reading the works of the various thinkers. Although one's experience is personal, the writer was and is aware of the many outside influences that have been shaping his life, such as the family, the neighborhood, and the religious community. Through the school and my library, this writer became acquainted with some of the distilled thoughts of some of the great thinkers.

The gathering of the data. The writer became aware of the importance of Natural Law through his studies of Neo-Scholasticism in the summer of 1968. The brief treatment of it in a book written by his professor, the Very Reverend Father Joseph Watzlawik, entitled Leo XIII and the New Scholasticism, was enough to convince him that here was a doctrine which can really guide people in their



conduct of life and in their relationship with one another.

The writer conducted most of his investigations concerning the doctrine of Natural Law at the spacious library of the University of San Carlos. With the aid of the indices to the various types of periodical literature, he found several respectable journals containing articles which treated the subject in question from different points of view. By using the card catalogues, some of the most recent and important books dealing with the same subject were readily made available. The reference section of the library afforded this writer with invaluable sources for further and serious study of the doctrine of Natural Law. In addition to the dictionaries, the encyclopedias, especially the New Catholic Encyclopedia (1967), contained brief but enlightening explanations of the doctrine under investigation. But, the most enjoyable and instructive readings were the classics.

In gathering the data, this writer employed the historical approach. First, he traced the development of the doctrine of Natural Law from its beginnings up to the present time by going into the writings of the past influential thinkers and noting down how they thought of, and dealt with the doctrine of Natural Law. Then, this writer examined the subject in the light of modern developments. This called for a survey of the recent thinking on the

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subject by the influential secular and religious thinkers. The writings of the legal experts, sociologists and anthropologists were consulted. To enable all these thinkers to speak for themselves, this writer often quoted their succinct statements on the subject.

The organization of the remainder of the Thesis.

The outline for this study was made to correspond to the target questions raised under the sub-topic, "statement of the problem."

The first chapter deals with the development and significance of the concept of Natural Law. First, the meaning of "law" is discussed from its various angles. Then, the development of the concept is traced. Finally, the significance and relevance of the doctrine are presented through the exposition of the views of the various schools of thought.

The second and third chapters are devoted to the exposition of the classical doctrine of Natural Law as preserved in Catholic moral philosophy. The second chapter is concerned with the exposition of the moral theory of St. Thomas Aquinas as found in his Summa Theologica and Summa Contra Gentiles. The third chapter is devoted to the subsequent attempts of some of the able interpreters of St. Thomas in clarifying his moral teachings to their own generations. The influence of Vatican II on the con-

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