

T2 Aquinas' Natural Law – a religious approach to ethics

This section covers AO1 content and skills

Specification content

Natural Law derived from rational thought; based on a belief in a divine creator (the highest good as being the rational understanding of God's final purpose).

Key quote

The idea of Natural Law is sometimes described as the view that there is an unchanging, normative order that is part of the natural world. **(Buckle)**

A: Thomas Aquinas' Natural Law: laws and precepts as the basis of morality

Aquinas' four levels of law (eternal, divine, natural and human)

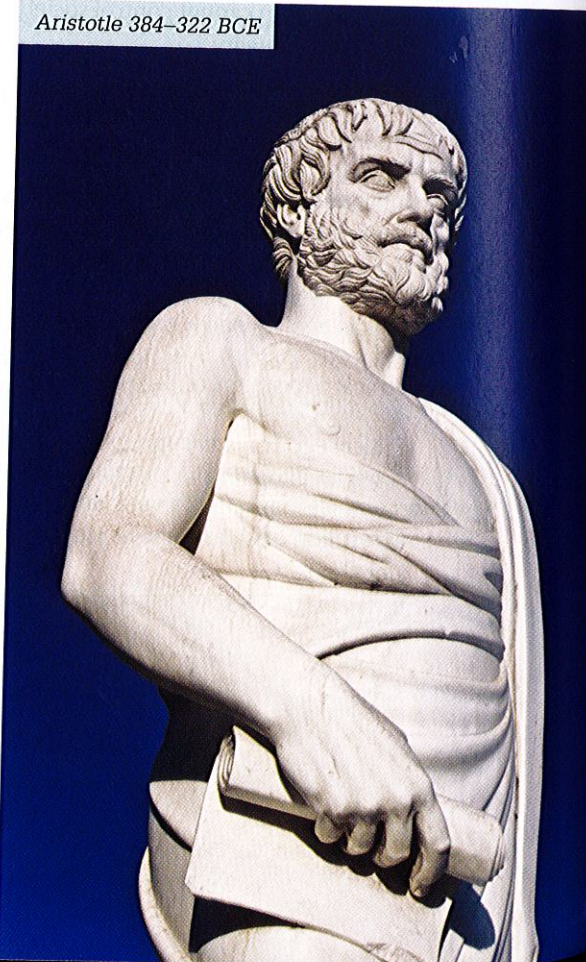
Natural Law is based on a particular view about nature and the universe. That view is that the universe has a natural order that works to achieve an 'end' or 'purpose' (telos). This order, direction and purpose is determined by a supernatural power. Human beings are part of the natural world and so they too have a 'purpose' or 'nature'. It is a nature that is in all human beings. Natural Law is therefore about acting in such ways that we consistently move towards this 'purpose'. Despite its teleological focus, Natural Law is often classed as a normative, deontological theory that identifies principles of duty, that is, how we ought to behave.

Some argue that the ideals behind Natural Law can be traced back to ancient philosophers such as Aristotle. Aristotle thought the teleological goal for man was to live a life of a certain kind, that is, to be reasoning creatures and to use reason to recognise how to behave (i.e. morally). It is when human beings act morally that their purpose of telos is fulfilled. Hence the combination of reason and moral action are in accordance with the natural order of things.

Overall, Aristotle saw the goal (purpose) of human life as 'eudaimonia' (happiness). He argued that we pursue other goals in order ultimately to achieve happiness. Confusion can arise because of modern usage of the word 'happiness'. For Aristotle, 'happiness' was very different from 'pleasure', since he regarded the pursuit of pleasure for its own sake as mere gratification. In contrast, happiness was living well and being fulfilled, since it involved behaving rationally (i.e. consistent with human nature and order of the natural world). Therefore, he thought that making reasoned choices would lead to happiness. In this thinking we can see the germination of classical Natural Law.

It is with the Roman lawyer, Cicero, where the account of a Natural Law made its first systematic appearance: 'True law is right

Aristotle 384–322 BCE



reason in agreement with nature; it is of universal application. Unchanging and everlasting; it summons to duty by its commands, and averts from wrongdoings by its prohibitions.' For Cicero, the 'author' of this law was God. This connection between Natural Law and an eternal or divine law was developed by the medieval theologian and philosopher Thomas Aquinas.

Aquinas was born (1125CE) into a Europe that was emerging from the 'Dark Ages' (a period of intellectual 'darkness' caused by the decline of the Roman Empire). At this time, the Church was coming under increasing threat as more and more people began to question the authority claims of the Church. It was at around this time that the crusaders were bringing back new religious and intellectual ideas from the Holy Land (which included the work of Aristotle translated into Arabic). Aquinas studied Aristotle's works at the University of Naples at the age of 14 and he was greatly influenced by what he read.

In particular Aquinas agreed with Aristotle that rationality (the ability to reason) was a key element of human existence. He also realised that if the truths of teachings of the Bible and Christianity could be shown to be based on reason, and not just faith, then Aquinas could help defend the faith against rising challenges. Aquinas also used many of Aristotle's terms in his Natural Law theory; for example, he supported Aristotle's idea of there being 'efficient' and 'final' causes.

Aquinas agreed with Aristotle that everything in the world had a purpose, but unlike Aristotle he argued that this purpose was given to it by God. Aquinas also incorporated into his Natural Law theory Aristotle's ideas of the importance of cultivating the cardinal virtues; but for Aquinas this was in order to develop as a human being and fulfil one's true nature in relation to God.

For Aquinas, the Natural Law was located in the activity of human reasoning. By applying reason to moral problems, we will find that we act consistently with the Natural Law. Such acts are deemed good acts, or natural good, since they are in line with our true human nature and purpose. For Aquinas, the Natural Law was created by God and designed to achieve the ultimate purpose – to enjoy fellowship with God and to be perfect in the image of God. For Aquinas, obeying Natural Law meant doing actions that develop our image to reflect as closely as possible the image of God; however, true perfection of this was not possible in our lives on earth.

For Aquinas, reason still played a key role in his development of Natural Law, despite its divine origin. God was seen as the source of the Natural Law, which was rooted in the human mind. When reasoning about moral questions takes place, then good reasoning will coincide with the Natural Law. Aquinas saw God as having designed us for the end of perfection. He believed that we were made in God's image and our purpose was to eventually reflect this image perfectly. Unlike earlier philosophers such as Aristotle and the Stoics, Aquinas believed in a personal creator God. He also saw the final purpose of human beings in terms of the eternal rather than the temporal.

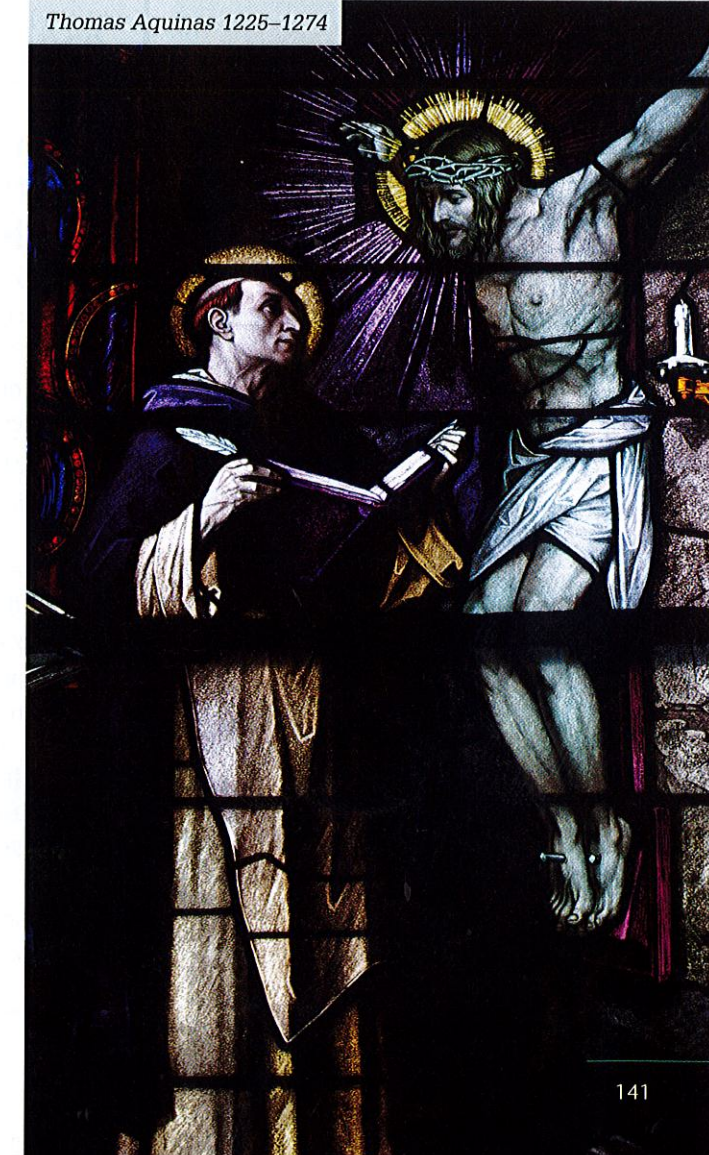
Key quote

Natural Law is the same for all men ... there is a single standard of truth and right for everyone ... which is known by everyone. **(Aquinas)**

Key quote

True law is right reason in agreement with Nature; it is of universal application. Unchanging and everlasting; it summons to duty by its commands and averts from wrongdoing by its prohibitions. **(Cicero)**

Thomas Aquinas 1225–1274

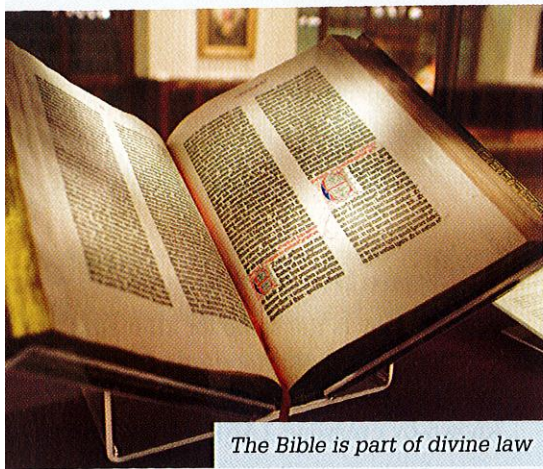


quickfire

2.1 What was the goal of Natural Law for Aristotle?

Key quote

From the beginning Natural Law theories drew on disparate elements, which, waxing and waning at different times, shaped and reshaped the doctrine accordingly. **(Buckle)**



The Bible is part of divine law

Aquinas did not think that this perfection could be discovered by Natural Law alone. He also appealed to 'eternal law' and 'divine law':

- Eternal law we only know in part since it refers to the principles by which God governs the universe.
- Divine law refers to the Bible which guides us in reaching our goal of perfection. However, although such revelation is aimed at correcting that which was impaired by the Fall of human beings, Aquinas believed that such perfection was not achievable in this life, but only after death.
- Natural Law is the part of the eternal law that applies to human choices in identifying the primary precepts and can be known by our natural reason.
- Human law involves a recognition of a need to seek the common good by establishing custom and tradition of rules based in experienced judgements. Aquinas did, however, recognise that this level of law could sometimes involve wrong reasoning and lead to injustice, arguing, 'if in any point it deflects from the law of nature, it is no longer a law but a perversion of law'.

This idea that there is a universal natural standard of good needed to be worked out. Natural Law is within all of us but it is not like a physical law that has to be followed. It derives from reason and reason needs to be applied carefully and coherently in order to avoid an erroneous outcome.

quickfire

2.2 How did Aquinas develop Aristotle's Natural law?

AO1 Activity

Compare Aquinas' Natural Law with that of Aristotle and highlight the ways in which it is different. Then create some flash cards to write down key terms and the different levels of Natural Law.

Natural Law as a form of moral absolutism and a theory which has both deontological and teleological aspects

Natural Law ethics involve using reason to work out the morally correct behaviour that is in accordance with the goal of being human. They are usually regarded as being deontological and absolutist:

1. Deontological because what should be done is seen as being determined by fundamental principles that are not based on consequences.
2. Absolutist because they identify the right action by means of the primary precepts.

The word '**casuistry**' originates from the Latin word *casus* meaning case. Casuistry is when core principles of pre-determined moral behaviour are applied to a 'case', context or situation. Reason is used to apply the rule and determine judgement on the morality of the situation.

For some, this is not, strictly speaking, a teleological approach due to the predetermined absolute principles that are brought to the case. However, others have seen it as teleological because in applying the predetermined absolute principles, the end result is considered. The fact that the term casuistry comes from the word 'case' suggests that a given context and 'end' results are considered and so the teleological aspect of Natural Law is often accepted.

Specification content

Natural Law as a form of moral absolutism and a theory which has both deontological and teleological aspects.

Key term

Casuistry: the art of applying key principles to an ethical case

quickfire

2.3 Why is Natural Law deontological?

Key quote

Casuistry is the science of judging cases of conscience, or moral problems. (Holmes)

quickfire

2.4 Why is Natural Law sometimes seen as teleological?

The five primary precepts

The primary precepts apply to all human beings without exception. They are good acts because they lead us towards the main human purpose or goal. The most fundamental one that underpins them all is 'act in such a way as to achieve good and avoid evil'.

This summary identifies the most basic natural inclination. From this Aquinas then identified more general inclinations or tendencies. In one sense they can be seen as fundamental principles that must be followed in order to achieve the required ends. Although there is debate about how many precepts Aquinas identified, it is usually agreed that there are five. These five principles are:

1. Preserve innocent life ('the preservation of its own being ... whatever is a means of preserving human life')
2. Orderly living in society
3. Worship God
4. Educate children
5. Reproduce to continue the species.

Whether or not acts lead us towards God depends upon whether the action fits the purpose that humans were made for. If the action helps us to fulfil that purpose then it is good. The primary precepts help us to identify what are our God-given purposes in life and therefore they identify which acts are 'good'. If we fulfil these purposes they will bring us closer to God and our ultimate goal of re-establishing a 'right' relationship with God and by doing so, gain eternal life with God in Heaven.

The secondary precepts and the importance of keeping the precepts

From these primary precepts, secondary ones can be deduced. The difference between the primary and secondary is that the primary precepts are always true and held universally, without exception. They are also self-evident. In contrast, the secondary precepts are not strictly universal since they may not hold in certain circumstances. They are also derived from reasoning from the primary precepts.

An example of a secondary precept would be 'do not steal'. This reflects the primary precept of 'orderly living in society.' However it is accepted that sometimes situations occur whereby not following secondary precepts may be supported by another primary precept. For example, if the act of stealing was for the purpose of feeding a hungry child then the primary precept of preserving innocent life takes precedence. In such a case the act is justified. Natural Law always demands that a primary precept is adhered to. It is this sort of 'working out' that is casuistry. Again, its teleological influence can be seen here.

The theologian Ronald Preston thought that the flaw with casuistry was with those who made use of casuistry, that is those that applied it, and not with the discipline of casuistry itself. Indeed, he maintains that casuistry is essential: it involves the careful use of thought in applying general principles to particular circumstances: 'Christian ethics would be an exercise in ignorance without it'.

AO1 Activity

Using the terms that have been used to describe Aquinas' Natural Law, create a mind map which summarises each concept. Make sure that you use examples, where appropriate, from the scriptures or key quotes. This helps with the ability to select and present the key, relevant features of the material you have read.

Specification content

The five primary precepts (preservation of life, ordered society, worship of God, education and reproduction of the human species) as derived from rational thought and based on the premise of 'doing good and avoiding evil'.

Specification content

The secondary precepts which derive from the primary precepts; the importance of keeping the precepts in order to establish a right relationship with God and gain eternal life with God in Heaven.

quickfire

2.5 How does casuistry help Natural Law?

Study tip

There are many examples of specialist language and vocabulary in this topic. Make sure that you don't get confused by the different words which are used to describe the main terms associated with Natural Law. Your ability to use the terms accurately in an examination answer would distinguish a high level answer from one that is simply a general response.

Key skills

Knowledge involves:

Selection of a range of (thorough) accurate and relevant information that is directly related to the specific demands of the question.

This means you choose the correct information relevant to the question set NOT the topic area. You will have to think and focus on selecting key information and NOT writing everything you know about the topic area.

Understanding involves:

Explanation that is extensive, demonstrating depth and/or breadth with excellent use of evidence and examples including (where appropriate) thorough and accurate supporting use of sacred texts, sources of wisdom and specialist language.

This means that you demonstrate that you understand something by being able to illustrate and expand your points through examples/supporting evidence in a personal way and NOT repeat chunks from a text book (known as rote learning).

Further application of skills:

Go through the topic areas in this section and create some bullet lists of key points from key areas. For each one, provide further elaboration and explanation through the use of evidence and examples.

AO1 Developing skills

It is now time to reflect upon the information that has been covered so far. It is also important to consider how what you have learned can be focused and used for examination-style answers by practising the skills associated with AO1.

Assessment objective 1 (AO1) involves demonstrating knowledge and understanding. The terms 'knowledge' and 'understanding' are obvious but it is crucial to be familiar with how certain skills demonstrate these terms, and also, how the performance of these skills is measured (see generic band descriptors Band 5 for AS AO1).

- **Your new task is this:** below is a weak answer that has been written in response to a question requiring an explanation of Aquinas' Natural Law. Using the band level descriptors you need to place this answer in a relevant band that corresponds to the description inside that band. It is obviously a weak answer and so would not be in bands 3–5. In order to do this it will be useful to consider what is missing from the answer and what is inaccurate. The accompanying analysis gives you observations to assist you. In analysing the answer's weaknesses, in a group, think of five ways in which you would improve the answer in order to make it stronger. You may have more than five suggestions but try to negotiate as a group and prioritise the five most important things lacking.

Answer

Aquinas thought that the primary precepts of Natural Law apply to all human beings without exception. They are good acts because they lead us towards the main human purpose or goal which is to worship God. ¹

Aquinas argued that we had to think carefully about what is right and wrong and by reasoning we can work it out. ²

The most fundamental precept is 'act in such a way as to achieve good and avoid evil'. The Roman Catholic Church has used Natural Law as a means of making moral decisions for over seven hundred years and this shows that the theory is still popular. For example, the primary precepts include worship God which is referred to in the 10 commandments. Another precept is 'to reproduce' which is one of God's first commands to humans. ³

Natural Law is an absolutist theory and it is too strict. Some Christians would allow abortion (which breaks the primary precept of reproduction) if it was the most 'loving thing to do' but if a woman had been raped Natural Law would not allow abortion as this would break the primary precept 'to reproduce'. ⁴

Overall, Aquinas' Natural Law has other secondary precepts but they are not as important as the primary ones. ⁵

Analysis of the answer

- ¹ The answer goes straight into the precepts without explaining how they originate. The answer then states an important point but does not expand on it.
- ² This point on reasoning is relevant but it is not explained at all well and suggests that the writer has no idea of why reason is the basis of Natural Law.
- ³ The first sentence is relevant but does not explain how it is not the primary precepts as such. The second sentence goes off at a tangent and does not stay focused. The third sentence comes back to the specific precepts and states two without development.
- ⁴ The point about absolutist is relevant but does not relate to anything else and does not explain why it may be considered an absolutist theory.
- ⁵ The last sentence shows no real evidence of understanding the secondary precepts at all. Overall there is no explanation of how the precepts are derived nor why they are important for Natural Law theory.

Issues for analysis and evaluation

The degree to which human law should be influenced by Natural Law

It could be argued that Natural Law could influence human law in positive ways and that it has much to offer. It gives clear cut, objective and universal guidance, for example the primary precepts tell us what are right and wrong. The purpose of human law is to keep order and indeed one of the primary precepts of Natural Law reflects this.

It also supports specific human laws such as the prohibition of murder. In fact, it could be argued that human law is based in the traditions of Natural Law, such as society has been centred around the principles of the 10 commandments. Experience tells us that 'do not steal' leads to an ordered society, again this reflecting the fact that one key primary precept is 'an ordered society'.

Like human law, Natural Law can be deduced by referring to the natural order of things and does not rely on unpredictable consequences. It also gives due place to reason in making laws and ethical decision making. This could be argued to be a major help to establishing and applying human laws. Indeed, our society's legal system is based upon the principles of casuistry and working out how to apply general principles of law to specific cases, sometimes working our secondary levels of application just like the secondary precepts. Furthermore, Natural Law encourages virtuous behaviour and can create an image of the ideal citizen.

However, an alternative line of argument is that it does have its problems, which would not be acceptable in working out and applying human law. For example, it is based on the assumption that what Aquinas considered to be 'natural' is always right. This is too intolerant today and if it did influence human law then we would not allow homosexuality or same sex marriage on account of the primary precept to reproduce. Indeed, there is no debate allowed within the Natural Law framework to consider the fact that people in same sex relationships might disagree with Aquinas's view and argue that their sexuality is natural to them.

In addition, many people do not believe in a divine creator and therefore would not see a theory which is based on belief in God as an adequate basis for human law as it would not apply to all humans. In this respect some would argue that it is also outdated and that society has changed, even progressed beyond Natural Law ideas. For example, many would argue that allowing abortion is the most loving thing to do now, yet not only does it break the primary precept 'to protect life' it also would deny abortion. Abortion is part of human law and permissible.

In conclusion, while there is much of value that Natural Law may bring to society, it tends to be too absolutist in its application and therefore too intolerant for it to be a basis of human law. This does not, however, mean that it is of no use at all in helping guide some aspects of human law, for example, virtuous behaviour and the creation of an ordered society.

It must be remembered that the theory of Natural Law is based in centuries of philosophical debate and discussion and is very comprehensive in nature. It would therefore be a mistake to reject the whole of Natural Law without serious consideration.

This section covers AO2
content and skills

Specification content

The degree to which human law
should be influenced by Natural Law.

AO2 Activity Possible lines of argument

Listed below are some conclusions that could be drawn from the AO2 reasoning in the accompanying text:

1. Natural law is not an adequate basis for human law as it would not be fair to everyone.
2. Natural law is an adequate basis for human law as they both have much in common.
3. Natural law is not an adequate basis for human law because it is far too dated for the modern world.
4. Natural law should influence human law but it has its limitations.
5. Natural law is not an adequate basis for human law because it tends to be adopted mostly by religious traditions.

Consider each of the conclusions drawn above and collect evidence and examples to support each argument from the AO1 and AO2 material studied in this section. Select one conclusion that you think is most convincing and explain why it is so. Now contrast this with the weakest conclusion in the list, justifying your argument with clear reasoning and evidence.

Specification content

The extent to which the absolutist and/or deontological nature of Natural Law works in contemporary society.

AO2 Activity Possible lines of argument

Listed below are some conclusions that could be drawn from the AO2 reasoning in the accompanying text:

1. Deontological systems such as Natural Law can work in contemporary society because they give clear rules.
2. Deontological systems such as Natural Law cannot work in contemporary society because they are too inflexible.
3. Deontological systems such as Natural Law cannot work in contemporary society because they are too dated and can be accused of being intolerant.
4. Deontological systems such as Natural Law can work in contemporary society as it is clear much of our legal tradition and moral behaviour has its roots in Natural Law.
5. Deontological systems such as Natural Law cannot work in contemporary society as we have progressed beyond such simplistic systems.

Consider each of the conclusions drawn above and collect evidence and examples to support each argument from the AO1 and AO2 material studied in this section. Select one conclusion that you think is most convincing and explain why it is so. Now contrast this with the weakest conclusion in the list, justifying your argument with clear reasoning and evidence.

The extent to which the absolutist and/or deontological nature of Natural Law works in contemporary society

One line of argument in response to this is that Natural Law is too restrictive and does not allow people to act following their conscience. It sets absolute standards that must be adhered to and there is clearly no flexibility. Any absolutist system does not allow for individual expression or individual reasoning that challenges set precepts.

In addition, many people prefer to make decisions based on love or happiness rather than strict rules, and there are more flexible teleological or agent-based systems such as Situation Ethics, Utilitarianism or virtue theory that are perhaps more applicable in our world today. One could even go as far as to say it is too simplistic and does not reflect the complexities of ethics in today's contemporary world.

Indeed, many people have rejected the 'deontological' approach in favour of approaches which allow them more autonomy (freedom of choice). These rules are seen as universal and applicable to all at all times, yet they themselves are hundreds of years old and whilst they may not have changed, society has changed. An obvious example is that divorce is now accepted by law but according to Natural Law this breaks the primary precept of an 'ordered society'. Another example would be to not accept homosexuality as legal and to outlaw abortion. For many this would be a regression and not progress.

Atheists or humanists would not want to follow a deontological religious ethical theory as they do not believe God is the source of morality. They do not believe that a divine being decides what is 'right' or 'wrong' for humans. Whilst not all Natural Law is religious, the principles behind it are still based in ancient thought and culture.

Nonetheless, those who favour a deontological approach to an ethical or legal system would argue that Natural Law's rules are eternal and unchanging so they can apply to all people at all times.

They would argue that Natural Law provides clear rules for people to live by and that there are no 'grey' areas or complicated issues. For example it is quite clear that any sexual act which is not open to the possibility of reproduction is wrong as it challenges one of the primary precepts.

In addition, it has been the basis of some religious moral thinking such as the Roman Catholic Church and has stood the test of time. Millions of people adhere to it today. The fact that sacred texts support such an approach for many religious believers would approve of its use as a guide in today's society.

In conclusion, there is an extent to which Natural Law works in contemporary society but this is only partial. Some would say it is the important things that Natural Law is useful for such as virtuous behaviour and a strict moral code that disapproves of anti-social behaviour such as violence, stealing and murder. In this way it is still valuable. However, in the eyes of the law, there can be no disagreement with the conclusion that its extent of value stops when certain issues of family law, medical ethics and sexuality are considered. Here the proposals put forward by Natural Law would clearly not work today.

AO2 Developing skills

It is now time to reflect upon the information that has been covered so far. It is also important to consider how what you have learned can be focused and used for examination-style answers by practising the skills associated with AO2.

Assessment objective 2 (AO2) involves 'analysis' and 'evaluation'. The terms may be obvious but it is crucial to be familiar with how certain skills demonstrate these terms, and also, how the performance of these skills is measured (see generic band descriptors Band 5 for AS AO2).

Obviously an answer is placed within an appropriate band descriptor depending upon how well the answer performs, ranging from excellent, good, satisfactory, basic/limited to very limited.

► **Your task is this:** below is a weak answer that has been written in response to a question requiring evaluation of whether Natural Law is an excellent system for making moral decisions today. Using the band level descriptors you need to place this answer in a relevant band that corresponds to the description inside that band. It is obviously a weak answer and so would not be in bands 3–5. In order to do this it will be useful to consider what is missing from the answer and what is inaccurate. The accompanying analysis gives you observations to assist you. In analysing the answer's weaknesses, in a group, think of five ways in which you would improve the answer in order to make it stronger. You may have more than five suggestions but try to negotiate as a group and prioritise the five most important things lacking.

Answer

Some disagree with this statement because they say how can we be sure that the 'telos' or purpose of a particular object or action as defined by Natural Law is correct? For example, Natural Law says the main purpose of sex is reproduction, but what if its main purpose is pleasure? ¹

Also, Natural Law is based on the belief that God created a world and everything within it for a purpose, but many people would challenge this idea. ² An atheist would have no reason to follow this theory as they don't believe in God. ³

Aquinas believed that all of mankind has the same universal nature, but is there such a thing as a universal human nature? ⁴ For example, Eskimos think it is acceptable to allow elderly relatives to die in the cold to stop them becoming a burden on their family. This would not be acceptable to people in British society today. ⁵

Therefore it is not that excellent. ⁶

Analysis of the answer

- 1 Whilst the point raised here is valid it could have been explained more clearly. For example, why is the concept of the 'telos' so important within Natural Law? God designed everything with a purpose and therefore fulfilling its intended design is good. This could then be challenged.
- 2 A valid point that is partially supported by reasoning.
- 3 However, the reasoning is simplistic. The challenge is not about whether or not God exists but about whether or not I have a purpose.
- 4 The candidate needs to explain why Aquinas believed there was a 'universal human nature', i.e. we were all created this way by God. Also they could introduce scholars who reject this idea because from the study of the various cultures around the world that there doesn't appear to be a universal human nature.
- 5 The example of the Eskimos is good to use.
- 6 A poor conclusion with no real justification nor link to the above reasoning.

Key skills

Analysis involves identifying issues raised by the materials in the AO1, together with those identified in the AO2 section, and presents sustained and clear views, either of scholars or from a personal perspective ready for evaluation.

This means that it picks out key things to debate and the lines of argument presented by others or a personal point of view.

Evaluation involves considering the various implications of the issues raised based upon the evidence gleaned from analysis and provides an extensive detailed argument with a clear conclusion.

This means that the answer weighs up the various and different lines of argument analysed through individual commentary and response and arrives at a conclusion through a clear process of reasoning.