

NATURE AS THE BASIS OF MORAL ACTIONS

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From the early beginnings of philosophical speculation philosophers have seen a close connection between our human nature and the morality of our actions in this sense that actions performed against the set up, properties or tendencies of our human nature, and even against the nature of things in the world around us, were seen as sinful, while those in agreement with nature were considered morally good. As we shall see, the issue is far from easy and in recent years has given rise to fierce dispute especially among students of law and theologians. Moreover, the present day spiritual climate exercises a noticeable influence on the thought of several moral theologians, turning them away from the traditional doctrine. As John Paul II writes, interest in empirical observation, technical progress and certain forms of liberalism have led people to see an opposition between human freedom and nature. Freedom is contrasted with man's physical and biological nature, which man should make subservient to his needs and wishes. In this view our human nature is no more than the substratum of our actions to be left behind or at least to be transformed. We hardly have a definite nature, but must continuously make ourselves.

However, three centuries of moral philosophy according to the liberal and individualistic point of view have not succeeded in giving a coherent account of the basis of morality. A renewed study, in the light of contemporary thought, of this not quite novel issue can perhaps be helpful to clarify some of its aspects.

.In the following I propose to consider successively:

(1) the idea of nature in the past and present; (2) nature and natural law; (3) Aquinas on applying the natural law precepts and some dissenting views; (4) arguments against recourse to nature; (5) some conclusions.

I

A concise history of the concept of nature

When examining the history of the concept of nature, we see that the Ionian philosophers used the term "nature" to denote the proper nature of things, their behavior and especially the material out of which they are made. Furthermore. They also used the word to denote coming-into-being, that is the generation of things of a particular nature. In this way nature means the continuous process of coming into being and perishing as well as the result of change, sc. things of a particular nature, Finally, to the Presocratics nature meant also the whole of reality, just as nowadays we speak of "nature" as the order of things imbued with reason. The first treatises of philosophy were entitled On nature.

In the second half of the fifth century B.C, the term began to be used to denote also human nature. Philosophers now spoke of an opposition between "nature" and "law". Those living in Greece in this age of enlightenment were reluctant to let themselves be bound by rules or custom and preferred to give free rein to their natural urges(1). Plato criticized this line of arguing defended by the Sophists. He also rejected determinism. In the world design and art

are at work and this means that mind directs process. Moreover the nature of the different species of things is dependent, in each of them, on an idea(2).

According to Aristotle nature is the essence of the things which have in themselves a principle of movement. For this reason nature is related to activity and movement. As against Plato Aristotle returned to the ancient tradition of the Presocratics with regard to the original meaning of the term. However, he did accept the best of Plato's insights: physis is in the first place the form and gives things their intelligibility. As a matter of fact Aristotle ascribed to nature the attributes which Plato assigned to the soul, sc. regularity and purposiveness(3). Nature must be distinguished from chance and artificial production. The Stagirite's account is placed in the context of causality: where do things come from and how is process in nature possible. The answer is: "owing to their nature". Nature is not an outside cause, but the principle of movement and rest within things. It is the essence or substance of those things which have the origin of change within themselves. Among the Presocratics the tendency had prevailed to reduce nature to matter, but Aristotle considers the form as its main constituent. The nature of the elements is the principle of their movements(4). He also uses the term physis in the sense of the whole of physical reality and the teleological order of the universe.

In the monism of the Stoa nature is a combination of matter, force and mind. The force, active in the universe, imposes form on matter. Zeno considered this principle the same as the physis, which in its turn is tied to and identified with fire. It accomplished the tasks assigned by Plato to the World Soul, is comparable to the artist who shapes material objects. It is the same as the Logos, the innermost core of reality, and man's intellect is part of it. For this reason Chrysippus could explain Zeno's dictum to act consistently as meaning that one must act in conformity with nature. In the same line of thought Marcus Aurelius invites his readers to "follow straight your path, guided by your own nature and the universal Power"(5). In a remarkable passage Cicero writes that neither the laws of nations and the decrees of governments nor the sentences of judges and the opinion of the majority constitute what is right, if not based on the norm of nature (*naturæ norma*), which is the only criterium to allow us to distinguish what is good and honest from what is bad and illicit(6). According to Cicero, nature as a norm is present in our mind and we know this norm spontaneously(7).

In the Neo-Platonism of Plotinus, on the other hand, a new view is proposed: nature is a hypostasis, a mediated manifestation of the One, derived from Soul, sc. a soul of lower rank, placed between the World Soul and material things. Its function is to direct cosmic process.

The early Christian authors were influenced by Stoicism and its impressive moral doctrine of a life in harmony with nature and reason. Despite the fact that they borrowed heavily from the Stoa, their moral teaching was profoundly religious and based on the Old and the New Testament. When writing about daily life, nourishment, clothes and make-up Clement of Alexandria strongly insists on the lessons nature teaches us: all ostentatious luxury must be avoided, we should follow nature. In his *Paidagogos* II, 1, 4 ff. he insists that we should use such things as our body, food, the sexual faculties and wealth according to their nature, that is, according to what they are meant to be for man. As to human sexual life Clement states the principle that one should never force nature to something contrary to the natural purpose(8). He and the Fathers explicitly condemn the attempt to render natural intercourse sterile.

The moral theology of Origen is profoundly biblical. In his Fifth Homily on the Book of Joshua he insists on the place of Christ in the life of Christians: even the commandments of

natural law must be understood in the light of Christ, but come to us from God. Tertullian is yet another early Christian author for whom "nature" was a key concept in our moral life. Whatever nature teaches us has also been transmitted to us by God, and he writes: "Listen to nature ... she is our teacher"(9). Nature has received her rules from God. Obeying nature is obeying God. Speaking about luxury Tertullian goes so far as to say that God finds no pleasure in what he did not make himself, such as gaudy colors of vestments. The way some people use certain things often has not much to do with their origin in God(10). He even writes that what comes to us from nature is the work of God, but that what is made by man is the work of the devil(11). A similar argument is used by St. Cyprian in his condemnation of the exaggerated luxe in the Carthago of his days. God has made things quite simple, and for that reason women should not change the color of their hair and the outward aspect of their ears or skin, but leave them in the state in which they received them(12). Michel Spanneut sees a strong Stoic influence in this exhortation to maintain the simplicity of nature(13).

However, the Fathers of the Golden Age go much beyond this position and point out that sanctity makes us lead a life above nature(14). As a matter of fact they insist a great deal on a life according to the demands of the Gospel, and frequently refer to biblical texts. Nevertheless the theme of nature as a source of moral knowledge remains present. In his treatise On Providence, VIII S. John Chrysostome writes that having shaped man God placed an inborn law () in him which is as a pilot to guide him and which is above our reasoning. Abel and Cain knew this law without ever having studied. Unfortunately most people neglect these lessons nature dispenses. Therefore, God opened another road to teach man. Nature is not changed by grace, but our will and our insight are(15). In his homilies on the Letter to the Romans, c. 6, hom. 5, St. John Chrysostom insists on this inborn, god-given knowledge of one's moral obligations, but he does not develop a systematic theory of the contents of natural law.

The value of St. Ambrose's moral teachings is downgraded by some authors who argue that he borrowed heavily from Philo, Cicero and Plotinus. To this we say that, although the terms he uses are indeed the same as those of his non-Christian predecessors, Ambrose gives a wholly new meaning to their sentences. We have to do with a process of substitution,- a Christian content replaces pagan ideas -, not of a synthesis of Christian and pagan thought(16). Given his familiarity with Cicero it is remarkable that he does not make more of the latter's stand in favor of natural law. For him a basic pagan doctrine, such as taking revenge, has to give way before the Gospel, which prohibits it. We find an occasional reference to nature as a source of moral law, for instance, where he writes that nature has established a right to property common to all(17).

Passing now to St. Augustine we notice that the Bishop of Hippo Regius holds that, comparable to the intellectual illumination of the human mind by God, there is also a moral illumination: man receives from God moral insight, his conscience, which is a participation in the eternal law of God(18). In several texts he mentions this law. God, our Creator, wrote with his own hand a law in our hearts: what we do not want that one does to us, we should not do to others(19). In order to see this divine law man only has to turn to his innermost(20). However, the overall impression we get when studying the works of the great Doctor is that moral teachings have been absorbed in the doctrine of the faith(21). His moral theology is drawn from Holy Scripture(22). It is very difficult, he writes, to grasp, without the help of divine grace, the full extent of the precepts God placed in our heart(23). Despite these texts, it would seem that the doctrine of natural law, as apparent to man, is somewhat pushed into the

background. Nevertheless, with regard to certain questions Augustine resorts to a careful examination by reason and argument(24). The goal to be attained in human life is happiness, better, beatitude, which is the authentic accomplishment of our nature..

Although St. Augustine uses "nature" in its ordinary meaning -, sc. the essential nature of things, - in this sense even God is a nature (25)-, his point of view, when he is using the term, is decidedly historical and theological. He sees human nature against the background of man's relation to God. Human nature is man's being such as God created Adam: "...nature as it has been created originally without defect is properly called human nature"(26). He holds that man's nature has been corrupted by the Fall, a position not shared by Aquinas(27). The reduction of nature to God's will is so prominent in Augustine that he even argues that miracles are not against nature, because of the fact that "God's will is the nature of all things"(28). In conformity with this position Augustine stressed that we should devoutly use the resemblance natural things, such as physical bodies and animals, possess, to signify a higher reality. He introduced the expression "the Book of Nature" which, he writes, is a source of knowledge of a higher reality, as the Bible is in its own way(29). In the Middle Ages the expression "the Book of Nature" was frequently used.

In the Christian Platonism of Dionysius the sensible world manifests the divine mysteries(30). According to Peter Damian we can draw examples for our moral life from the nature of the entire animal world which, as he thinks, is just one sacred allegory(31). But references to natural law are scarce in his works. As one might expect, Peter Abelard stresses over and against the Augustinian tradition man's reason as being able to formulate the basic laws of human life. Justice is derived from the natural law, which is prior to the Gospel, both in time and by its nature(32). According to Peter Lombard the true sense of the concept of nature is "that state of rectitude in which we have been created, and which manifests itself as a spark of reason - the synderesis - and the movement of the will toward the good. This nature which before the Fall was shining in all its splendor, now shows itself only as a spark, as what is left in us of human nature(33). In conclusion we could say that at the end of the 12th century most theologians considered human nature as a source of moral doctrine, inasmuch as reason distinguishes what is right and what wrong. God has written a norm in the hearts of man(34).

Above we have drawn attention to the medieval view of nature as reflecting the spiritual world. Besides human nature natural things in general show a great deal of wisdom and purposiveness as well as regularity. Where there is purposiveness and regularity there must be a cause which produces them(35). In this connection the saying was coined "opus naturæ est opus intelligentiæ(36). Some authors such as William of Conches and Theoderic of Chartres went so far as to place a central power in nature and to neglect nature's ties with the Creator(37). However, for the majority of theologians in the West nature remained a mirror of a higher reality and an instrument of God.

Turning now to Aquinas's concept of nature he makes his own Aristotle's definition and division of the senses of the term. "According to Aristotle in *Metaph. V* the name nature has first been given to signify the generation of living beings, which is called "being begotten". Since this kind of generation is from an intrinsic principle, the meaning of the term has been extended to denote the intrinsic principle of any movement. In this way nature is defined in *Physics II*. Since this principle is either formal or material, both matter and form are commonly called nature. Now, since the essence of each thing is brought to completion by its form, the essence of each thing, expressed by its definition, is commonly called nature"(38).

This is the sense in which he uses it in the treatise of the Trinity, from which we quoted. Thus there is an extension of the meaning of the term from that of an intrinsic principle of growth to that of an intrinsic principle of any movement whatever(39).

Thomas had to face the difficulty of distinguishing between natural and enforced movements. Natural things are liable to be moved by outside agents. Water when heated by the sun, changes. Natural bodies have a natural potency to the forms proper to them and a sort of natural desire to acquire these, even if they must do so with the help of a causal influence from outside. On the other hand, things made by art do not have a natural potency to the forms given them by man. The distinction Aquinas introduces seems razor-thin. It makes sense if we accept a preset plan of the Creator for natural beings in their mutual relationships, e.g. of water and warmth. Here we have an example which illustrates how the concept of nature Aquinas is using has a richer content, since it implicitly assumes the mutual relationship of things made by God. Thus he writes in the *Summa contra gentiles*: "The work of nature presupposes the creative activity of God"(40).

The term nature occurs almost 4800 times in the *Summa theologiae* alone, quite apart from the persistent presence of the adjective *naturalis*. Very frequent is the complex *tem natura humana*. The term *natura* usually has the sense of the essential being of things. The specific nature of things comes from God by whom they have been immediately created. Their nature is a continuous participation in the divine ideas., and this explains how it is a source of the rules for our behavior according to God's will. In fact, when Thomas writes that the objects to which we have a natural inclination are perceived as good, he sees our nature as participating in God's being, and as expressing God's plan of government of creation. We shall come back to this in the next section.

With regard to the further history of the term "nature" important shifts in its meaning occurred in the modern age. Scientists began to approach physical things from a mathematical point of view and paid less attention to finality as it manifests itself in the activity of natural things. The theory of the substantial forms and that of the four elements was abandoned. They were replaced by measurable physical forces and chemical properties. For Aquinas it was obvious that nature depends on God and is governed by Him, but in the modern age nature itself became the ultimate reality to many. In the 18th century nature was even the object of a quasi religious veneration. Among theologians the trend prevailed of seeing the supernatural order as an addition which leaves human nature as it is and allows man to live in his natural environment without reference to the order of grace. Nature consists of observable facts and we must follow nature, for whatever nature has made is good(41).

With Descartes the human mind places itself outside and above nature. The dualism "mind - body" leads to that of "mind - nature"(42). Kant, for his part, let human reason take over the role of God, the supreme legislator. Nature is now surrendered to the practical intellect of man. Hegel borrows from Aristotle the concept of nature as a process which has its end in itself, sc. the identity of the starting point and the final term. Nature as becoming is moving toward nature as being, and vice versa. According to Marx the grandeur of Hegel's Phenomenology lies in the understanding that the production of man by man is the result of man's own work.

In the wake of nominalism and empiricism the doctrine that things have a fixed and immutable nature was abandoned by many naturalists, especially after Darwin's theory of

evolution as proposed in his *The Origin of Species* had found widespread acceptance. A group or class of apparently related and similar animals have no set nature. Darwin believed that, instead of "the great chain of beings", there is an endless multitude of variations(43). Quite a number of physicists tend to consider the nature of things the sum of relations which they bear to the rest of the world(44). According to the phenomenologists human nature is continuously affected by man's existence and exposed to constant change. Human nature received an even less sympathetic treatment from the analytical philosophers who argued that a priori statements about human nature are not verifiable and therefore meaningless(45).

II

Nature and natural law

A very outspoken denial of the traditional view of human nature is proposed in the works of Jean-Paul Sartre. Man is nothing else than that into which he makes himself(46). Sartre needs this postulate to secure man's total freedom. According to the French existentialist philosopher a truly free decision is a project, that is, an act which arises spontaneously without having been influenced or determined by anything else(47). In each free choice breaking with the past must be total. Human nature as a sort of compass to guide man simply does not exist, or one might say that it means projecting us forward all the time. Sartre's theory exercised a considerable influence on the postwar generation and expressed what a good number of people in our Western societies came to think about man's actions(48). There are also authors who reject nature as a source of moral behavior since this borrowing rules from nature would bring us down to the animal level. Did not Ulpianus say that "natural law is what nature has taught all animals"!(49). But man stands far above this level. Just like he imposes his will on the course of rivers, reclaims land, builds artificial islands and tames animals, he can also give to his own life and sexuality the expression which suits him best.

Several authors argue that there is no natural law since the foundation on which it was built has now been demolished: there is no set nature to impose its rules on us, but we freely decide how to act. Norms, they assume, depend on the cultural situation. Moral relativism is the best approach to moral life. An anthropologist can point out different forms of behavior in different cultural areas, some of which may be abhorrent to peoples in another cultural area. John Locke, they claim, was a forerunner of this way of thinking. In his *Essay in Human Understanding* he observes that there is scarcely a principle of morality that has not been at some time slighted or condemned by the prevalent opinion of some society(50). Lawmakers and judges notice considerable disagreement among the citizens and leave what they consider private morality outside their proceedings, as long as no damage results to others. The distinction between the wrong in itself and the wrong because forbidden has become blurred. So they propose to tolerate the maximum amount of individual freedom consistent with the integrity of society.

This brings us to a final and most decisive factor in the rejection of human nature as a basis for moral behavior, sc. the sharply increased awareness of one's personal freedom. A good number of our contemporaries cherish a desire to be totally free from what human nature tells us. Now this position leads to serious consequences:

1. In the first place, it produces a certain disorder in the way man organizes his life and leads to a lack of consistency in what one does. Instinct governs instead of reason.

2. Our personal life has no other goal than the preoccupation to act without any inhibitions. The unity of our mental and moral life is lost. The virtues, natural law, tradition and customs are no longer held to be positive values, since they impose restrictions on the will and so reduce freedom.

3. Choosing a certain action with no other motivation than the feeling prevalent at a certain moment kills the mind. People no longer know what they are talking about or what they want to do. They want to go somewhere but do not know where this somewhere is(51).

4. This notion of freedom causes the collapse of faithfulness. One wants constant change. The fact that fruits of technology are incessantly yielding their place to new products enhances this way of thinking. Even families are no longer the rock of stability they were once. Conflicts between parents and their grown up children, promiscuity, partner swapping, divorce, refusal of stable unions, once frowned upon, are no longer the exception but a tolerated way of life.

5. Behind many of these changes modern individualism and subjectivism are at work. The sense of the common good and of one's duties consequent upon being citizens of a certain state is weakened. Litigation is rampant as is criticism of government and institutions. It looks as if many are becoming egoists.

6. Many reject natural law in order to claim greater freedom. When doing so they frequently appeal to their own conscience, but often the term "conscience", as used by modern man in the West does not mean more than listening to his own desires and forming opinions in accordance with the latter. Many of our contemporaries want full autonomy in their moral life and refuse to be bound by rules or commands proposed by the Bible, the Church or tradition and custom.

The abandoning of criteria of our acts drawn from human nature has gone so far that in political philosophy some authors use the expression "procedural democracy" to suggest that a government should systematically refuse to prefer religion to non-religion, marriage to free union, abortion to protection of the unborn life, etc. Other areas where natural law norms disappear from the scene or are relegated to some pockets of private groups are those of terminal patients and of the human embryo, which researchers and scientists want to dispose of freely in view of their potential for providing material for medicaments able to cure certain diseases and which in this way, they hope, will yield important financial benefits..

III

Aquinas on applying the natural law and some dissenting views

Natural things are good or bad depending on whether they have or do not have what agrees with and belongs to their nature. However, human nature is specified by reason. Thus St. Thomas concludes with Dionysius that "it is the good of man to be in agreement with reason, and his evil to be in conflict with it"(52). In this view the moral quality of an act is its accordance (or lack of it) with what right reason sees and establishes as useful or necessary for man. The relation of certain actions with our good is an objective fact. According to Aquinas reason discovers this agreement rather than constructing it. In the last analysis this relation has

been placed in things by the Creator(53). Man discovers what God wanted our actions to be and to mean; he makes his own what God intended to put in his creatures(54). Contrary to a widespread view in his time Aquinas points out that the natural law is not something inborn, unless in this sense that its foundation is given with human nature. The natural law is natural in so far as the intellect formulates spontaneously its first principles on the basis of our fundamental inclinations. It comprises more than the precepts formulated without further reflection by our intellect. For it extends to all moral obligations which we can deduce from these first principles(55). Since the natural law is rooted in human nature, it is universal and eternal. However, the natural inclinations are not the natural law, but the obligations which flow forth from it. Certain acts, Thomas writes, are becoming for man, since they agree with his nature(56)

However, it is an error to think that in most cases a simple analysis of isolated objects allows us to establish a rule of conduct. The relationship between things is very complex. St. Thomas introduces the distinction between the particular nature and universal nature, and applies it to the relation between parts of the human body and the body in its entirety. The same applies to human individuals and the society of which they are members. It may happen that what is against a particular nature is in agreement with universal nature. An example is the amputation of a diseased organ or member of the human body to save the life of this particular person. The death of plants and animals, which is obviously against the good of their particular nature, may benefit nature as such(57).

Aquinas avoids the expressions "against nature" or "in agreement with nature". In most cases he uses "according to reason" or "against reason" to determine what is morally good or evil (I-II 18, 5 ad 1). It is reason which knows the good of man and which formulates what agrees with it or what is opposed to it(58). Thomas adds the following consideration: the rational soul is the substantial form of man. Therefore man has a natural inclination to act in conformity to reason(59). What is against the order of reason is against human nature(60). Thomas reserves the expression "against nature" mainly to signify acts against the animal nature of man(61). Human nature becomes the source of morality of certain acts through the intermediary of man's fundamental natural inclinations(62). "All those things to which man has a natural inclination, are naturally apprehended by reason as being good, and consequently as objects of pursuit, and their contraries as evil, and objects to be avoided. Therefore, the order of the precepts of natural law is according to the order of natural inclinations"(63). These inclinations concern the basic needs and demands of human beings. The actions to which we have an inclination resulting from our nature come in under the natural law. There is in all of us a natural inclination to act in agreement with reason, which is acting virtuously. Therefore, acting according to the virtues in general comes in under the natural law. However, individual virtuous actions do not, since there are many virtuous acts which people perform because of insights they gained later in life, and to which nature does not immediately invite. An example is that of establishing a particular welfare organization.

Therefore, Thomas distinguishes between fundamental precepts, and rules of conduct which are formulated later(64), sometimes called primary and secondary precepts. The former are immediately evident insights of reason about our basic duties and tasks, comparable to the first principles of the speculative intellect.. From these immediately evident first principles, - roughly corresponding to the Ten Commandments -, other rules of conduct are derived by further reflection, reasoning and recourse to experience(65). This opens up a wide field and leads to further developments, such as in social life. The distinction Thomas made had been

anticipated to a certain extent by some medieval theologians of the first half of the thirteenth century(66) .

As to actions which go beyond man's immediate needs reason must determine what should be done. In this respect reason has a certain margin, and one may have to evaluate the expected results of one's actions. There are acts with a dual effect, and others are to a certain extent determined by circumstances(67). However, with regard to acts of which the finality has been determined by nature and which are directly connected with our fundamental inclinations, man cannot invert their finality, not even to attain an honest end. He would place a contradiction in his own being and oppose himself to the intention of the Creator. As this reference to the Creator intimates, there is an interaction of philosophical ethics and the Christian faith. Man receives his nature from God. Reflecting on this gift he understands and deciphers what he must do(68). However, while the so-called primary precepts of natural law are known to all, some of the derived precepts, because of their complexity, may escape people's knowledge.

To illustrate the importance the natural law doctrine has for Thomas one may quote a number of his arguments: Lying is said to be sinful because speech is a sign of thought; it is unnatural and wrong to say by words something different from what one has in mind(69). - Injustice is sinful, since one wants to have more than one is entitled to and inflicts damage on others(70); committing suicide is totally illicit, since it is against the natural inclination to love oneself and to keep alive; moreover, one is part of society and cannot arbitrarily withdraw oneself from it(71); to be drunk is immoral for one deprives oneself knowingly and willingly of the use of reason(72); pride is sinful for one raises oneself above what one really is, and is not satisfied with what is proportionate to what one is(73); on the positive side, religious prayer is demanded from us, since we depend on God.

In order to reach conclusions about our duties reason and arguments intervene, and certain insights may not be reached by some groups of people, or later on be obscured. This may be caused by particular situations, the influence of man's environment and cannot always be avoided by the individual. The development of social and political life brings with it a growth of inter-human relations and an ever more complex use of natural things and artefacts. One may think of industrialized agriculture, genetically transformed grains, etc. Thinking about the condition of working people has evolved considerably, as it has about the use of natural resources. The principle "nullus peccat in hoc quod utitur aliqua re ad hoc quod est"(74) finds an application in the growing complexities of our daily life. The right to private property is often said to be part of natural law. Aquinas, however, thinks that for the sake of usefulness and a more ordered community life, land, buildings and wealth, which basically are the common possession of all, came to belong to individuals(75). The more we descend into details the further removed we are from the basic stipulations of the natural law. While in its principles the natural law is the same for all men, the conclusions drawn can vary. Progress in the understanding of our fundamental obligations is also possible, as can be seen in the development of the theory of human rights, of the way the strong and the weak are treated(76).

Another question is whether certain parts of natural law can change or be suspended. It is impossible that the first principles of natural law change or are annulled. As for precepts derived from them, it happens that they cannot be applied. A classical difficulty in catholic moral theology are God's command that Abraham should sacrifice his son, that the Jews should steal the silver and golden vessels of the Egyptians and that the prophet Osiah should

have intercourse with a prostitute. Thomas's solution of the problem, as presented in the *Summa theologiae*, is as follows: natural law consists of precepts formulated by the human mind. God, the Creator of nature, can signify to a person that a certain act no longer comes in under the precept as he formulated it, and that what holds true for man, does not oblige God. Aquinas points out that to kill innocent persons is a crime. Yet daily thousands of people die, events in which God's causality is involved. God can also use a human person instead of natural causes, so as to bring about the death of someone. Likewise all human possessions belong in the first place to God. Finally, God can also assign a woman to a man outside marriage(77). At first sight this solution seem arbitrary and unsatisfactory. On the one hand, God imposes certain rules of conduct anchored in human nature. On the other, he nullifies them. The answer is, that in a sense what God does makes up the nature of things. Thomas gives the example of water which according to its nature spreads itself out equally, but is raised to the height of a tidal wave under the influence of the moon. This is not against the nature of water. Likewise an action caused or willed by God, on whom depends the natural activity of things, is not against their nature(78). This solution is in so far interesting as it shows that for Aquinas physical or biological structures are not the dominant factor, but the insight which makes us see and formulate the basic moral precepts.

Aquinas's ethics is far removed from wanting to restrict man to blind submission to biological facts. It places human life in the light of reason and divine ideas, inviting us to live in accordance with our true being and authentic vocation. The human person formulates his natural law, for in the changing circumstances of our historic existence we must determine the moral meaning of our various acts and our use of things. As John-Paul II writes, "the natural law expresses and prescribes the finalities, rights and duties, based on the corporeal and spiritual nature of the human person...It is the rational order according to which man is called by his Creator to direct and order his life and his acts and to use and dispose of his body"(79).

After Aquinas Scotus and above all William Ockham made morality depend exclusively on the will of God. In sixteenth century Spain and in Western Europe natural law studies flourished. Important authors are Vitoria, Suarez, Hugo Grotius, Samuel Pufendorf and John Locke. Suarez view of natural law tended to separate man's reason from nature surrounding us. This disjunction developed into a confrontation between our freedom and our human nature. "The break between man's individual liberty and human nature as common to all has exercised a major influence in contemporary thought"(80). The rise of positivism, historicism and individualism undermined the interest in the topic, but the appearance of totalitarian regimes led to a renewed study of ethics as based on always valid rules of human nature.

However, many authors of the postivist and analytical schools argued that there is no passing from "is" to "ought". Even a well-known and widely acclaimed author as Germain Grisez subscribes to this statement. Now, if the sentence is meant to say that the moral order differs from the realm of physical nature it is quite correct. But if it is used to deny that the main precepts of moral life have their basis in their conformity with what human nature demands, it is wrong. Grisez writes that "human persons are unlike other natural entities; it is not human nature as a given, but possible human fulfilment which must provide the intelligible norms for free choice". He quotes an example of what he thinks is a flaw in scholastic natural law theory, sc. the argument against contraception, - contraception perverts the generative faculty by frustrating its natural power to initiate new life, but, then using earplugs against noise would be equally wrong, while it frustrates hearing(81). According to Grisez, the scholastic natural law theory helps to explain the negativism and minimalism of classical moral theology

and its static character(82). Surprisingly Grisez does not offer any better arguments than this comparison. According to him the scholastic natural law theory holds that moral principles are laws of human nature. Moral goodness or badness, Grisez writes, can be discerned by comparing possible actions with human nature to see whether or not they conform to the requirements which nature sets". Grisez is willing to accept that nature has a certain normativity, from which a number of requirements follow (e.g., dietary rules), but the theory proceeds by a logically illicit step - from human nature as a given reality to what ought and ought not to be chosen, from what is in fact to what morally should be(83). In a note on p. 112 he adds that for St. Thomas the first principles of the practical intellect are irreducible to those of the speculative intellect. We should replace the "based on human nature" by "helpful to human fulfilment"(84).

A theologian will be reluctant to set aside the theory that somehow moral norms are dependent on human nature, because this doctrine has an extremely solid basis in tradition and seems to offer an excellent foundation for binding norms, while its replacement by Grisez's criterium of human fulfilment appears extensible according to people's wishes and concerns. In a country where Muslims make up the majority of the population they may consider forceful imposition of the Shariah on non-Muslims as a way to human fulfilment, just as in the past others may have thought that the extermination of certain Indian tribes would facilitate reaching fulfilment. It appears that we must look for a deeper, universal and objective basis for moral laws. It is obvious that moral law cannot be a biological structure(85), but must have a rational character. It is here that St. Albert the Great has shown the way by stressing the rational character of the natural law which is exclusively proper to man(86). Aquinas argues that the natural law is not just inborn, but that its basis or starting point is given with human nature. This means that our intellect formulates spontaneously the basic principles of the moral order. These principles constitute the core of the natural law and correspond to the first principles of being in the speculative intellect.. Obviously they presuppose the latter and only make sense in the context of a correct philosophical anthropology. The natural inclinations to self-preservation, intellectual development, association with others, etc. are not themselves the natural law, but the obligations which flow forth from them, as they are formulated by the intellect in view of the end of human life(87).

An objection often raised against this position points out that in this view natural law is static, immutable, not capable of development and adaptation to changing circumstances. Is the natural law immutable? Speaking about the mutability of the natural law, one may ask the question whether man can lose the knowledge of some of its precepts. Aquinas denies this with regard to the primary precepts, although it happens, he writes, that blinded by passions a certain person does not apply a general precept(88). However, secondary precepts can be effaced by erroneous opinions or pervert customs prevalent in a society(89). In our modern Western countries there are erroneous opinions which, to a certain extent, obscure moral thinking, as is obvious with regard to the status of unborn human life, terminal patients, homosexual practice, views which deviate radically from what a century ago were the prevailing moral views. However, I do think that with regard to these forms of behavior most people are aware that they transgress the natural law, since these acts concern the primary precepts.

IV

Contraception and the natural law

It is perhaps useful to consider the application of natural law doctrine with regard to contraception, a sort of acid test to see whether an appeal to our nature has any value in this field. When more than 30 years ago Paul VI set up a special commission to study the morality of contraception, the majority of its members said that they could not convincingly demonstrate, on the basis of natural law, the intrinsic moral evil of contraception. It is worthwhile to look into this question because of its exemplary value for the understanding of natural law.

Certain moralists as J. Fuchs argue that the marital act as such is pre-moral and that the intention makes it moral or immoral. However, when speaking about the marital act we mean the act as one conceives it and knows what one is doing. The act has a content related to our human nature, to the obligations one has and to the ends one pursues. When performing the marital act while using contraceptives one knows exactly what one is doing. There is a difference between using a tool like a hammer and engaging oneself in such acts as eating, drinking, thinking, loving or intercourse. The first is an open act and its morality depends on the purpose one pursues. But acts like eating, drinking, having intercourse have already a meaning and moral value by themselves. As such and when performed in conformity with right reason they are good. But in order to be morally good these acts must preserve their nature. This nature is not just their plain biological structure. We are dealing with acts as they are known and willed by the human agent. If this agent thwarts the natural purpose of such acts, he puts a certain contradiction in them. Two partners want to unite but at the same time they prevent what this union implies.

A source of misunderstanding in this respect is a false view of human nature. How unbelievable it may seem to be, there are many who subscribe to a dualistic approach in anthropology. They distinguish between two layers in man, the biological and animal part on the one hand and the sphere of man's self awareness on the other. They give total priority to man as a person, to his wishes and desires, rather than to biological mechanisms and processes which in themselves, they say, never have the value of an absolute(90). In their view we must attribute to man a greater power over his own body so that he can further determine the precise meaning of his sexual life, not unlike the way he shapes and further determines the physical world in which he lives. According to these authors it is even less natural to submit oneself to the biological structure of one's being than to intervene with one's reason in order to mold these functions and make them better adapted to the specific goods one is pursuing.

To this we answer that there is no question of a blind submission to biological structures, but to human law. Natural law is not a set of biological principles. It consists in the insight and command of our reason telling us that in a particular field we must act in this way or refrain from performing a particular action. Certain actions do not come in under natural law, such as - at least ordinarily - the choice of a job, but the field of sexual acts definitely comes in under the natural law, because of their essential importance in human life as well as their biological and psychological significance. This means that people understand and formulate some of their basic duties with regard to the use of their sexual functions. For instance, they know that their sexual faculties are given them in view of securing the continued existence of mankind; they know that they are responsible for their progeny and must take care of it. They also know that they must form a stable bond with a partner in mutual trust and esteem..

By their very nature freely chosen sexual acts are never incidental or casual nor purely biological. Because of what they are they tend to engage the entire person with his psyche and his moral responsibility. Precisely because coital union is not a mere instrument nor something irrelevant, but intrinsically human, it has its own meaning. Who thwarts or neutralizes one or the other of its essential functions, places a contradiction in his conduct. If it is wrong to tell a lie because it contradicts the purpose of speech and the mutual trust which must reign between people, contradicting the very structure of the coital union is much worse because a more important matter is involved, sc. profoundly human acts which concern individual man as a rational being as well as the survival of mankind. One cannot set aside the natural end of these acts without contradicting oneself(91).

V

Some conclusions

The discussion about the existence and meaning of natural law is far from ended. Our societies are confronted with formidable difficulties when decisions have to be reached as to whether to accept or reject certain forms of behavior such as abortion, euthanasia, overt homosexuality, refusal of military service, globalization of the economy, disappearance of regional and national structures on behalf of more encompassing political structures, experiments on human embryos, death penalty, sterilization and sometimes apparently harmless issues as mendicity. Is it true that private behavior, as long as it does not overtly interfere with community life, should be of no concern to the legislator?

1) Until quite recently most of the commonly accepted moral judgments were survivals from Christian ethics, but now people may differ on basic tenets, - at least a clamorous group of the intelligentsia and representatives of the media try to swing public opinion toward the acceptance of a totally neutral public life which condones any form of private behavior as long as no violence is done to others.. Behind their attitude stands a different view of human life and the human person, who is considered as totally free to do with his life as he thinks good, provided no harm is done to others. He can also freely dispose of his own body, since there is supposed to be a certain dichotomy between the mind and the body. As long as the external shape and form of developing life is not that of a recognizable human being, the embryo/foetus is considered valuable biological material which may be used for such "noble" purposes as helping others. The idea that human life is a gift from God, to be respected and has not been surrendered to our own or other people's decisions for free disposal, has very much weakened. But that applies also to the whole of nature which in our technological age appears to have lost, in the eyes of many, its reference to the Creator. However, the consequences of this liberalism concerning human life and the value of the human person begin to show : increasing difficulties in the field of education, aging of the population, disappearance of respect and certain standards in decency, trends among certain groups to denigrate the Christian faith and morals. Surprisingly, in other fields, such as that of justice, the trend is toward a stricter application of norms of public honesty. Striking examples of applying natural law ethics are the recognition of human rights, the protection of minorities, the total condemnation of genocide.

2) Pluralism as it prevails in most Western countries implies different views in the field of religion, ideology, culture and economy as well as the pursuit of different goals. It is not so certain that a strongly pluralistic state can survive(92). Ideally natural law ethics, agreed upon

by a fair majority of the citizens could provide a basis for the necessary spiritual unity in a country. A further problem, where the need of natural law ethics is apparent, is the appointment of justices to the supreme court in the USA or to the constitutional courts elsewhere. Often these nominations are politically biased since the ruling party attempts to impose its candidates. To ensure morally right judgments of the courts it is of paramount importance that the judges agree on the basic principles of natural law, even if in difficult issues they may understandably differ sometimes in the conclusions they are drawing from them.

3) The importance of natural law ethics for society is clearly demonstrated also by the human rights issue. Human rights are nowadays very much in the limelight, but theorizing about man's basic rights is not so new. Certain rights were recognized in the Roman Empire and, above all, in the Christian era. However, when in the 17th and 18th centuries the function of the Church as the guarantee of such rights was not perceived any more, concern with human rights as an autonomous body of principles developed(93). It is precisely this aspect of the natural law theories of that period of history which appeals most to our contemporaries. It is perhaps useful to define first the relationship between natural law and natural rights. According to St. Thomas Aquinas a law is essentially a rule, an obligatory guideline, issued by the person or by those in command of the society, in view of the common good. Natural law is such a guideline for man's basic conduct, formulated by man himself in accordance with his natural inclinations.

Justice directs man in his dealing with others. It aims at a certain equality. "Right" (iustum) qualifies an action which is related by some kind of equality to someone else. For instance, the payment of the equitable salary for services rendered. "Just" is the object of the virtue of justice(94). A thing can be adjusted to a person in two ways, first by its very nature - this is called a natural right,- in a second place a thing can be adjusted to someone by agreement or common consent. Such agreement can be either private or public. There is public agreement when the whole community or the government acting in its name decrees something. Rights and duties are derived from man's nature and from positive law(95) and go together. Nowadays human rights are conceived as claims which individual citizens or groups of people put forward. People insist on their right to be respected, to have suitable work and job security, to shorter working hours, to vacation, protection and social assistance, etc. Human nature is the foundation of the most basic claims, even if in contemporary theories about human rights this is not always apparent. The advocates of human rights rather appeal to Declarations of Human Rights, proclaimed by common consent.

In this connection natural law ethics has the important task to clarify the basis of these rights, to define them more precisely, distinguish between rights and pseudo-rights and to show which are the duties corresponding to these rights.. Implementing the human rights depends also on the state of development and organization of the society people are living in and on the functioning of subordinate organs. Some two hundred years ago it would not have made much sense to claim the right to a job or to adequate education from the US government. This sort of rights were generally honored by the local community.

Apparently the question of who must honor these rights is not always easy to answer. It is, for instance, not so clear whether the state itself must provide education to the young and carry out many tasks in the social fields over which it now claims to have authority. Moreover, the exercise of certain rights, such as the right to express one's own opinions or to perform certain

acts is always subject to the respect of other people's rights and the requirements of the common good. In fact living in a political society requires the espousal of a good deal of the underlying ideas and values professed by its members.

The basic human rights are characterized by the following properties:

(1) They are universal and apply to all men. This axiom is based on the fact that we all share the same human nature(96). (2) They must be immediately evident, because they are derived from the first principles of natural law(97). (3) They do not change and cannot be totally wiped out from our conscious life(98).

Certain human rights, now widely acknowledged, at least in the Western world, were at one time not clearly recognized. For instance, the rights of working people, of women, of ethnic minorities, etc. This raises the question of the mutability of natural law, treated by Aquinas in articles 3 to 6 of I-II q. 94. Aquinas was very much aware of the general mutability of human life.. It also happens that conclusions sometimes drawn from certain human rights are absurd or wrong. For instance, from the right to express one's views some conclude to an unhampered freedom of the media to publish whatever they want and to use any means to get access to what - in terms of profit - reporters and editors consider important. Obviously this should come under review from natural law principles, such as the right of people to their good name and privacy as well as the right not to be offended in their religious beliefs.

4) A further issue in need of the assistance of natural law ethics is the relationship between the individual and the state, or that between individual countries and umbrella political structures, such as the European Union. In this respect natural law ethics establishes the principle that what an individual person or what particular groups or nations can do by themselves, should not be regulated by the state or by other comprehensive structures.. The state should not appropriate the initiatives of the individual citizens, but restrict its interventions to subsidiarity, that is to those cases where help is necessary(99). The individual person is the point of departure and the ultimate reference of social and political reality(100). The citizen must decide what he can perform himself. The dignity of the human person demands that he conducts his own life and determines his place in society. The principle of subsidiarity protects the good of the individual(101).

5) Natural law ethics has also a major role in the question of the globalization of the economy and the difficulties arising from world wide free trade. Utilitarianism, which pretends to pursue the greater good of the greater number, in a long range vision, is quite helpless in defining what this greater good is and does not guarantee sufficient protection of the rights of individuals in respect of their own customs and way of life. Christian natural law ethics does not believe that the ultimate well being of the peoples of the world is to be reached mainly by a totally unhampered freedom to trade and to develop industry. If it is true that national states have become too small for promoting the long term well being of its citizens, the larger conglomerations and alliances are likely to be too large to secure the good of the individual citizens(102).

6) A final field where ethical considerations based on human nature and the rights of the human person have an important role is the natural environment of man. While defending the right of man to use natural resources and to subordinate minerals, the realm of plants and the world of the animals to the needs of the citizens of the world, much more attention must be

paid to a fair exploitation of these resources, which respects the rights of the different peoples and looks forward to future generations. People must become very much aware of their duty of economizing the use of non-renewable resources. The continuing recourse to nuclear energy and the disposal of atomic waste come in also under this topic, as does the fight against excessive pollution of the atmosphere and the oceans. Great efforts in educations in this field will be necessary.

-- Leo J. Elders s.v.d.

1. Cf. F. Heinemann, *Nomos and Physis. Herkunft und Bedeutung einer Antithese im griechischen Denken des 5. Jahrhunderts*, Basel 1945; M. Pohlenz, "Nomos and Physis", in *Hermes*, 1953, 418-438.

2. See D. Manusperger, *Physis bei Platon*, Berlin 1969.

3. Cf. *Physics*, II, ch. 1; *Metaphysics V* (), ch. 4

4. In *In II Phys.*, l. 1, n. 145, Thomas explains that "principle" means both the formal and material as well as the efficient cause.

5. *Meditations*, V.

6. *De legibus*, I, xvi, 43: "Quodsi populorum iussis, si principum decretis, si sententiis iudicum iura constituerentur, ius esset latrocinari, ius adulterare, ius testamenta falsa supponere si hæc suffragiis aut scitis multitudinis probarentur...Atqui nos legem bonam a mala nulla alia nisi naturæ norma dividere possumus, nec solum ius et iniuria natura diiudicatur, sed omnino omnia honesta et turpia".

7. *Pro Milone* 4, 11: "Est igitur hæc... non scripta sed nata lex, quam non didicimus, accepimus, legimus, verum ex natura ipsa arripuimus".

8. *Paidagogos*, II, 10, 95.

9. *De testimonio animæ*, V, 1-2.: "Magistra natura, anima discipula est. Quidquid aut illa edocuit aut ista perdidicit. a Deo traditum est, magistro scilicet ipsius magistrae... Senti illam, quae ut sentias efficit".

10. *De cultu feminarum*, I, 8, 2. Cf. M. Spanneut, *Tertullien et les premiers moralistes chrétiens*, Gembloux / Paris 1969.

11. *Op. cit.*, II, 5, 4: "Quod nascitur opus Dei est. Ergo quod infingitur, diaboli negotium est".

12. *De habitu virginum*, 11.

13. *Le stoïcisme des Pères de l'Église*, 257-266.

14. St. Gregory of Nyssa, *Vita sanctæ Macrinæ*, I, 5: .

15. *V Catech. Bapt*, 11 (Wenger)..

16. Cf. G. Madec, *Saint Ambroise et la philosophie*, Paris 1974, p. 175: "Ambroise semble avoir été doué d'une aptitude extra-ordinaire et déconcertante à vider les formules de leur substance, pour se les approprier dans le sens qui lui convenait ou qu'il estimait vrai. Or, il s'agit là d'un processus de substitution et non pas de synthèse".

17. *De officiis ministrorum*, I 28.

18. See E. Gilson, *Introduction à l'étude de saint Augustin*³, p. 167; cf. *Contra Faustum manich.* XXII, 27.

19. *Enarr. in Ps.* 51, 1; *Enarr. in Ps.* 118, 25, 4; *Enarr. in Ps.* 145, 5: "Consilium sibi ex luce Dei dat ipsa anima per rationalem mentem, unde concipit consilium fixum in æternitate auctoris sui... Legit ibi quiddam tremendum, laudandum, amandum, desiderandum et appetendum".

20. *De libero arbitrio* II, 16, 41: "... et in te ipsum redeas atque intelligas te id quod attingis sensibus corp[oris], p[ro]bare aut improbare non posse, nisi apud te habeas quasdam pulchritudinis leges, ad quas referas quæque pulchra sentis exterius".

21. Cf. Th. Deman, *Le traitement scientifique de la morale chrétienne selon saint Augustin*, Montréal 1957, p. 21.

22. *De bono viduitatis*, 1, 2: "Quid ego amplius te doceam quam id quod apud Apostolum legimus? Sancta enim Scriptura nostræ doctrinæ regulam figit".

23. *De spiritu et littera*, XXVII, 47.

24. *O.c.*, XV, 19.

25. *De trinitate*, XV, c. 1: "Deus est natura, scilicet non creata sed creatrix".

26. *Retract.*, I, 10, 3: "Naturam qualis sine vitio primitus condita erat, - ipsa enim ver et proprie natura hominis dicitur".

27. Cf. I-II 85, 1: "Primum bonum naturæ nec tollitur nec diminuitur per peccatum".

28. *De civ. Dei*, XXI, 8, 2: "...cum voluntas tanti utique Conditoris conditæ rei cuiusque natura sit".

29. See *De Genesi ad litt.*: PL 32, 219; *Enarr. in Ps.* 45, 7.

30. *De divinis nominibus*, 700 C. Cf. also Isidore of Sevilla, *De natura rerum*, See Tullio Gregory, *L'idea di natura nella filosofia medievale*, Firenze 1964.

31. *De bonop religiosi status*: PL 145, 785.

32. *Dialogus inter Philosophum, Iudæum et Christianum*: PL 178, 1614.
33. *II Sententiarum*, d. 39, 3: PL 192, 747.
34. See O. Lottin, *Psychologie et morale aux XIIe et XIII siècles*, (8 vols), Louvain/Gembloux 1942-1960.
35. Cf. E. Gilson, *The Spirit of medieval Philosophy*, New York 1940, p. 365.
36. In his *Scriptum super libros Sententiarum* Thomas attributes the saying to Aristotle, in later works to the "philosophers". See *De veritate*, q.5, a.2 etc. The expression may have been coined in the early 13th century.
37. Cf. St. Thomas's critique of Theoderic of Chartres, in his *In II Physicorum*, lectio 1.
38. Cf. *S.Th. I*, 29, 1 ad 4; *In II Phys.*, lectio 1.
39. Cf. *Summa theologiæ III*, 2, 1.
40. *III*, c. 65: "Opus naturæ præsupponit opus Dei creantis".
41. See J. Chevalier, *Histoire de la pensée*, II, Paris 1956, 584.
42. Using the term nature in a restricted sense is possible. Even Thomas says that "voluntas dividitur contra naturam sicut una causa contra aliam" (*I-II 10*, 1 ad 1), but this does not prevent him from predicating nature, in a more basic and universal sense, also of spiritual beings.
43. In the past fifty years the animal species have made a remarkable come-back. Individuals belonging to a species have their own gene pool; and must be considered forms of life in their own right. They form an ecological unity and are discontinuous with other groups of living beings. See E. Mayr, *Animal Species and Evolution*, Cambridge Mass., 1963, 29.
44. Cf. M. Merleau-Ponty, *La structure du comportement*, p. 1. See also L. Wittgenstein, *Tractatus logico-positivus*, 1-2: the world is made up of facts, and not of objects or substances.
45. A. Ayer, *Language, Truth and Logic*, ch. 1.
46. *L'existentialisme est un humanisme*, p. 22.
47. *L'être et le néant*, p. 577 ff.
48. In his Encyclical *Veritatis splendor*, 84 - 87 John Paul II writes that a characteristic of modern man is the desire of total freedom, a freedom which has lost its contact with truth.
49. *Liber I Institutionum. Corpus iuris civilis, Inst. I*, 1; *Dig. 1*, 1, 3.

50. O.c., I, chapter 3.

51. This condition found among certain youths in California has been described by Bret Easton Ellis in his novel *The Informers*.

52. I-II 94, 3.

53. I, 47, 2.

54. In man, says Thomas, the natural law is nothing else but a participation in the eternal law of God. Cf. I-II 91, 2: "Et talis participatio legis æternæ in rationali creatura lex naturalis dicitur".

55. See Ph. Delhaye, *Permanence du droit naturel*, Louvain/Lille/Montréal, 1960 (*Analecta Namurensia*, 10).

56. *Summa contra gentiles*, III, ch. 129.

57. II-II 65, 1. The principle also applies to the execution of a dangerous criminal (II-II 64, 2).

58. I-II 19, 3; 94, 2.

59. I-II, 94, 3.

60. L.c., ad 2.

61. II-II 154, 9.

62. St. Albert was a forerunner of this doctrine, when he established that reason formulates and expresses in the precepts of natural law man's different inclinations. Cf. *De bono*, V, q. 1, a. 3.

63. I-II 94, 2.

64. I-II 94, 3.

65. Cf. I-II, 94, 2: *Omnia illa ad quæ homo habet naturalem inclinationem ratio naturaliter apprehendit ut bona et per consequens ut opere prosequenda, et contraria eorum ut mala et vitanda. Secundum igitur ordinem inclinationum naturalium est ordo præceptorum legis naturæ*".

66. William of Auxerre and Roland of Cremona. See O. Lottin, *Le droit naturel chez saint Thomas d'Aquin et ses prédécesseurs*, p. 37 ff.

67. II-II 154, 4.

68. Cf. S.C.G. I, 7 ; S.Th. I, 44, 3.

69. II-II 110, 3.

70. II-II 59, 4.

71. II-II 64, 5.

72. II-II 150, 2.

73. II-II 162, 1.

74. II-II 64, 1.

75. I-II, 95, 5 ad 4.

76. I-II 94, 4. Cf. J. Maritain, *On the Philosophy of History*, pp. 82-83.

77. I-II 194, 5.

78. I, 105, 6 ad 1: "Cum igitur naturalis ordo sit a Deo rebus inditus, si quid præter hunc ordinem facial, non est contra naturam. Unde Augustinus dicit, XXVI Contra Faustum, c. 3 quod "id est cuique rei naturalis, quod ille fecerit a quo est omnis modus, numerus et ordo naturæ". Cf. Q.d. de potentia, q. 1, a. 3 ad 1.

79. Donum vitae. 3.

80. Veritatis splendor, 51.

81. O.c., p. 105.

82. Father S. Pinckaers has a different and historically much better explanation: as from the sixteenth century moralists neglected to build their theories in the light of man's last purpose, happiness; instead of insisting on the virtues they reduced moral theology to a careful weighing the extent of the rights of the individual's freedom over and against the obligations of the law (*Les sources de la morale chrétienne*).

83. *The Way of the Lord Jesus. Volume I: Christian Moral Principles*, Chicago 1983, p. 108.

84. *Ibid.*, p. 105.

85. Some have read this in Ulianus' definition of natural law as "that what nature teaches all living beings".

86. *De bono*, V, q. 1, a. 2: "Ius naturale est lumen morum impressum nobis secundum naturam rationis"/

87. I-II 94, 2.

88. I-II 77, 2.

89. I-II 194, 6.

90. A. Valsecchi, *Régulation des naissances*, Gembloux 1970.

91. The Minority Report of Pope Paul's Commission argued that the sinfulness of contraception must not be derived from the fact that sexual acts are being deprived of their natural end (since this sometimes happens in nature). A reference is made to Q.d. de malo, q. 2, a. 1, but this reference to Aquinas is not very fortunate for the text does not concern those acts where the rules of reason is intimately connected with their natural end. That because of biological circumstances (infertile periods, old age, etc.) certain marital acts are naturally cannot produce offspring is a wholly different matter. Here there is no willed transformation of a natural structure.

92. Cf. A. Schwan, "Pluralismus und Wahrheit", in *Ethos der Demokratie. Normative Grundlagen des freiheitlichen Pluralismus*, Paderborn/München/Wien 1992, 105 ff.

93. See J. Punt, *Die Idee der Menschenrechte. Ihre geschichtliche Entwicklung und ihre Rezeption durch die moderne katholische Sozialverkündigung*, Paderborn/München/Wien/Zürich 1987.

94. *Summa theologiæ*, II-II, 57, 1 and 2.

95. Cf. Locke's *Second Treatise of Civil Government*, in which he derives man's natural rights from the law of nature.

96. In *V Ethicorum*, lesson 12.

97. S.Th. I-II 100, 1.

98. *Quæstio disputata de malo*, q. 2, art. 4 ad 13. On this section see Jesús García López, *Los derechos humanos en Santo Tomás de Aquino*, Pamplona 1979, pp. 66 ff.

99. *Quadragesimo anno*, n. 96.

100. The encyclical speaks of the singularis persona.

101. A.-F. Utz, in A.-F. Utz (ed.) *Das Subsidiaritätsprinzip*, Heidelberg 1953, p. 10.

102. Cf. A. Giddens, *Konsequenzen der Moderne*, Frankfurt a. Main 1995, 86.